Pitcairn Island: “Where Are We Going, Fletcher?”

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Abstract:

From the Southern Pacific power struggle on the Bounty that produced one of the most famous of all mutinies, to the return of the primal Hobbesian ‘war-of-all-against-all’ that founded the state of Pitcairn Island; and from the paternalism of John Adams and his bible as a puritanical mode of governance as a means of a return to Eden, to the trial of the Pitcairn men and the subsequent appeal for sovereignty, it seems that no generation since the HMAV Bounty mutiny has not been fascinated with the politics of this tiny microstate. This thesis will investigate the dual function of Pitcairn as a functional microstate and as a fantasy space for the Western imagination and seek to determine what this subaltern island and the recent enforced import of Western governmentality reflects back upon the global politics of the past decade. As a supplement to the thesis, a creative work based on the trial in the form of a learning play is a fictional re-telling of the events of the trial.
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Part I: Thesis
I. Prologue

I began this thesis in 2007 as an attempt to understand the manner in which cultural identity shapes nation states through what I will suggest retroactively was a confusion and concern over the key elements that determined the political, governmental and economic discourses at that time.

Having arrived at the end of my journey, I must conclude that whilst my understanding of the relationship between culture and nationality has increased, I have not arrived at any solutions to the problems we face today.

The multiplicity of difficulties that are raised by the existence of Pitcairn Island, the mutiny which brought about the necessity to settle there, the manner in which it was settled and the overcoming of the obstacles arising out of its colonisation, and the ongoing impediments associated with its laws and modes of governance that this thesis addresses reveals a notion that has been a source of comfort for the long hours I’ve spent reading through the vast methodological and literary material.

This notion is perhaps what most educators and philosophers would happily subscribe to as the purpose of a ‘good’ education, which is not to find answers to questions but to diagnose the problem to find the right question or questions to ask. In this way I have been extraordinarily fortunate to be drawn to Pitcairn Island as a topic of contemplation, as it is an example of humanity in all of its rich dynamism and complexity.

However, concepts of dynamism and complexity have limitations too: they are not universal.

In a short passage from political philosopher Susan Buck-Morss, she outlines what is revealed in the study of places external to Euro-centralist thought and the postmodern view of a multiplicity of alternative models of culture:

Universal humanity is visible at the edges. Rather than giving multiple distinct cultures equal due whereby people are recognized as part of humanity indirectly through the mediation of collective cultural identities; human universality emerges in the historical event at the point of rupture. It is into these discontinuities of history that people whose culture has been strained to the breaking point give expression to a humanity that goes beyond cultural limits, and it is our emphatic identification with this raw, free and vulnerable state, that we have a chance of understanding what they say. Common humanity exists in spite of culture and its differences. A person’s ‘non-identity’ with the collective allows for sub-terranean solidarities that have a chance of appealing to universal moral sentiment – the source of today’s enthusiasm and hope.1

This is what has fascinated me throughout this study: the possibility of disclosing or revealing a universal moral sentiment that goes beyond modes of post-modernism and post-structuralism’s obsession with moral pluralisms and cultural

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relativism. Indeed, I do hope that a common universal humanity exists in spite of culture and its differences. This thesis is an attempt to explore and argue for this universal notion of humanity. Its conclusions are not what I desired to uncover, but are all the more interesting for this.

At many moments during my candidature, I have occasionally received bewildered responses at the purpose or point to the research. Marilyn Strathern’s closing sentiments at the end of *Justice, Legality and the Rule of Law: Lessons from the Pitcairn Prosecutions* is an apt description of why I have held-fast to this line of investigation:

> It might be thought that pursuing issues for their interest of curiosity, especially when they involve the fortunes of others, is of only academic, that is, remote, concern. But it is precisely that view that cuts off interest and curiosity, and makes other people seem remote. It is in the spirit of Lord Hope’s remarks to observe that interest and curiosity and to exercise the imagination. And imagination is the first resource any of us have for including others, any others, within our purview.\(^2\)

The choice of the thesis question is, as such, deliberately ambiguous: the signifier *we* implies the possibility of the singular, particular, universal and contingent categories it can and is often deployed as a referent for: *we* the family, *we* the community, *we* the nation state and *we* the species. Indeed the categorical determinant of the *we* is at once imaginary, symbolic and *Real*: it is both inclusive and divisive, implying an absent other which does not belong: the *they*. The question itself frames the illusory notion of this slippery categorical signifier as an ideological one: who is this *we*? Who decides/decided/will decide? Where, indeed, are *we* going? Despite the apparent impossibility to effectively answer this question focusing on such a tiny volcanic fragment of land in the middle of the Pacific Ocean, hopefully it reveals a notion that even on such an isolated island there are affects, assumptions and mechanisms that have been and are being deployed that characterise this idea of the universal *we*. As Matthew wrote in The Bible, “Verily I say unto you, Inasmuch as ye have done unto one of the least of these my brethren, ye have done unto me.” Perhaps if it is impossible to answer this thesis question from the outset, then it is precisely the question that should be being asked, even if *we* only have a notion of what the answer might be.

I hope that you, the reader, find something of this notion in the body of this thesis.

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II. Introduction: Three Frames of Reference

This thesis is fundamentally an interdisciplinary analysis of what has come to be known as the Pitcairn Island Sexual Assault Trial of 2004, based on the case trial that took place on Pitcairn Island between the 30\textsuperscript{th} September 2004, the sentencing on the 29\textsuperscript{th} of October 2004 and the subsequent aftermath of \textit{Steven Raymond Christian and Others v The Queen} (The Pitcairn Islands) [2006] UKPC 47 (30 October 2006).\textsuperscript{3} The unique circumstances of the Island’s geography, history and population are reason enough to embark on such a thesis. Pitcairn Island is considered to be the most isolated inhabited Island in the world, with a current population of 53\textsuperscript{4}, most of whom are descendants of the infamous mutineers of HMAV Bounty. The Island’s unique founding stories and mythologies have been explored at great length for generations, culminating in five feature films, innumerable poetry and prose works along side a great deal of scholarship.

The case itself is also unique in many ways. Charges were initially laid upon seven of the able-bodied men of the Island who were key economic, legislative and administrative members of the community including the Mayor and the Magistrate. The criminal proceedings (ironically code-named “Operation Unique”) included charges of 21 counts of rape, 41 of indecent assault and two of gross indecency with a child under 14. Two Courts\textsuperscript{5} had to be especially established for the purposes of the Trial along with a new prison built accordingly by the accused. The integrity of the Trial was undermined by a challenge to the Privy Council about the constitutional Sovereign Right of the Island to be charged under British Law. An excellent book quoted earlier called \textit{Justice, Legality and the Rule of Law: Lessons from the Pitcairn Prosecutions} explores the variety of judicial and legal problems was published in 2009, and is of much greater depth, knowledge and scope than I can hope to account for in this thesis. Although the book was published quite recently, it leaves a vast amount of scholarship left to be pursued regarding the outcomes of the trial.

Of the possible methodologies available to inform the background of the research, I have selected three frames to act as a topological reference for contemplating the purpose of the methodology. Considering the specificity of the unique circumstances of the trial and the Island, the intention of these frames is to provide comparative and contrasting ‘lenses’ for investigation.


\textsuperscript{4} Accurate at the time the thesis was submitted.

\textsuperscript{5} The Pitcairn Islands Supreme Court and The Pitcairn Court of Appeal.
a) Desert Islands and Utopias: History, Geography, Mythology

Desert Island scenarios and Island utopias have provided political philosophers with a test tube (moreover, a *culture* tube) to test their theories about governmental effectiveness and conceptions of human nature. These scenarios offer the opportunity to hypothesise visions of parallel universes, to explore and isolate which truths count in favour of identifying universal, particular, singular and contingent truths. The history of these epistemological investigations in socio-political philosophy refers to important examples such as Plato’s *Republic*, Thomas More’s *Utopia*, and Marquis de Sade’s *Philosophy in the Bedroom*.

Fictional narratives have been equally productive with desert island scenarios within the realm of imaginative speculations. Examples such as Homer’s *The Odyssey*, various mythologies and Religious folklore and Defoe’s *Robinson Crusoe* serve as influential imaginative explorations of remote and deserted territories. Fictitious desert island scenarios have been at least as influential as their philosophical parallels.

Lastly there have been the documents, accounts and journals of voyagers themselves, which plotted the coasts and chartered the oceans. Again, drawing from the huge pool of explorers and both their writings and writings about their voyages, a few examples relevant to Pitcairn Island will serve to illustrate the influence of their journeys: Ferdinand Magellan, James Cook and William Bligh.

These three categories of philosophical speculation, narrative fiction and recordings of discoveries and travels are powerful instruments of persuasion: history, geography and mythology collide together and form a Lacanian triad of the *imaginary*, *symbolic* and the *Real*.

If there is a text that summarises the history of Pitcairn Island better than any other and is deployed most frequently in describing its symbolic representation in both the minds of the Pitcairners and the rest of the world generally, it is Milton’s *Paradise Lost*.

These utopias and works of the imagination will act as narrative structures to contemplate the reasons why Pitcairn Island has such a powerful effect on the modern psyche – where, when and how does this *desire* for utopias and deserted islands originate?

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6 The differences between Mythology, Religion and Folklore is explored brilliantly in Propp’s *Morphology of the Folk Tale*, Levi-Strauss’ *Myth and Meaning* and Barthes’ *Mythologies*.

7 The ambiguity of Lacan’s notion of the *Real* is well known and revised throughout his career. At various points the *Real* is described as ‘that which cannot be symbolised,’ the ‘state-of-nature before entrance into language,’ a ‘traumatic encounter,’ the ‘impossible’ amongst others. The term is utilised throughout the thesis with this ambiguity in mind to suggest that the *Real* Pitcairn Island is impossible to determine but nevertheless is the thing that holds the Island together.
It is important to state unambiguously the abhorrence towards childhood sexuality in relation to the trial. As Lord Hope noted in his foreword: “The evidence of guilt, assuming that the charges had been properly brought, was overwhelming. It was one of those cases that judges encounter from time to time when the problem was not so much what the result should be as how to get there.” Whilst there is little doubt as to the legislative applicability, the multiple reactions to the charges from the trial leave certain ambiguities about the culture of childhood sexuality in so-called ‘primitive’ societies.

This secondary frame is necessary to evoke the following reverberations for the purposes of introducing the complexity associated with childhood sexuality at three levels: that of family, community, and the particular universality represented by the hegemony of the global media. It is useful to contemplate this frame at the following three levels:

1. Freud’s assertion in *Three Essays on the Theory of Sexuality*, his first study of childhood sexuality, is still a controversial idea that threatens the cohesion of the family unit;

2. The reactions of the island’s community to the charges at large were mixed, or particularised: some expressed that their sexual practices were ‘normal’ given their cultural framework, some expressed it as abnormal, and many actually had children at the age of ten to twelve;

3. The hysteria of the global media’s reaction to the existence and outcome of the case were divided. On the one hand, the abhorrence to childhood sexuality and the necessity of prosecution even at the expense of legal process; and on the other hand the issue was framed as singular: even if the charges were legitimate, by what right did Britain have to prosecute?

Given the preceding framework, the reader shouldn’t forget the current vigilance against childhood sexual abuse which is appropriately represented by the following quote:

*The sole remaining prohibition, the one sacred value in our society that seems to remain, is to do with children… In an age when sexuality is exhibited on every street corner, the image of the innocent child has strangely, returned with a vengeance.*

What is central to the understanding of the functionality of these levels can be described by Freud’s work on the instincts or drives: the pleasure principle and his recognition of the death drive in his work *Beyond The Pleasure Principle*, and Lacan’s development of these ideas in his notions of *jouissance* and the

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Real. What is evoked in this framing of childhood libidinal drives and its relation to the law is the question of sexuality and consent: why does it occur, when should it occur, and who decides and enforces the previous two questions?

c) The Desert of Desire for Utopia: Fear of the Neighbour and the Terror of the State-of-Nature.

The projection of fantasies that have accompanied Pitcairn Island as a far away island paradise has long been associated with Christian foundation mythologies of the Garden of Eden and the fall of Adam and Eve. The possibility of fulfilment of sexual desires has long been associated with desert island scenarios, a phantasmic state of sexual excess. Henry Neville’s 1668 work of fiction *The Isle of Pines* is a complimentary exploration of such a fantasy. The story explores the adventures of George Pine and four female survivors who are shipwrecked on an idyllic and bountiful island where food is abundant, and soon enjoys a leisurely existence, engaging in open sexual activity with the women. They have multiple children by him, who in turn grow into four distinct tribes or factions with Pine as the Patriarch. The tribe of Phillus, born of the Negro slave mother, openly reject the laws imposed and eventually mount an insurrection, the island being saved only by Dutch explorers who intervene and quell the violence with their guns.

The story is an exemplary of the duality of the utopic/dystopic potential of the return to a Hobbesian ‘State-of-Nature’, where the anarchy of a state without an effective sovereign produced a life that was potentially “solitary, poor, nasty, brutish, and short”.

Freud elaborates on this danger of the ‘State of Nature’ in his *Civilisation and its Discontents*:

… men are not gentle creatures, who want to be loved, who at the most can defend themselves if they are attacked; they are, on the contrary, creatures among whose instinctual endowments is to be reckoned a powerful share of aggressiveness. As a result, their neighbor is for them not only a potential helper or sexual object, but also someone who tempts them to satisfy their aggressiveness on him, to exploit his capacity for work without compensation, to use him sexually without his consent, to seize his possessions, to humiliate him, to cause him pain, to torture and to kill him. *Homo*

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10 These concepts are explored throughout Lacan’s seminars and in his *Ecrits*; specific quotes will be noted throughout the thesis where appropriate.

11 Critics have noted the phallic signifiers in the text; Pines being both a phallic signifier and an anagram for penis, whilst the Phillus tribe’s insurrection is due to the other tribes possessing the phallus.

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*homini lupus* [man is wolf to man], Who in the face of all his experience of life and of history, will have the courage to dispute this assertion?\(^\text{13}\)

These broad dialectical themes of good/evil, love/hate, Eros/Thanatos, utopia/dystopia, fact/fiction amongst others will be analysed in relation to the specific case of Pitcairn Island through an interdisciplinary deployment of the various fields in psychoanalysis and the social sciences, in order to reveal something for consideration into how beliefs and ideologies function in relation to sexuality, sovereignty and political hegemony in the present era.

This third and final frame stages human desire as the mysterious excess of the phantasmic void of fear and pleasure: what do we want, why do we want it and why are we so afraid we will lose it?

Whilst these frames are not essential in that they are background to the thesis as such, they are necessary to create a sense of what I have considered necessary to contemplate Pitcairn Island, the trial, its inhabitants, its history and its geographical specificity. I would suggest that without this background, the Island needn’t be studied nor be considered an important study. *We* must discover it again. These frames are designed to be a supplementary support for this rediscovery.

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III. Thesis Question

What does this thesis contend then, given that whilst it will draw upon cultural, anthropological, legal, political, social, psychoanalytic and historical accounts and documents? What does it seek to add to or advance these disciplines?

The most suitable allegory I’ve found within the disciplines has been what has been termed the ‘Perestroika Movement’, a collection of social and political scientists who wish to revitalise the disciplines through a critique of the hegemony of statistical and mathematical modelling and a return to ‘value-rational’ questions relating to the shaping and restructuring of politics and society. What interests me is an attempt to find answers to four questions posed by the Danish social theorist Bent Flyvbjerg in relation to the case study of the restructuring of Pitcairn Island; these four questions were posited by Flyvbjerg in his book *Making Social Science Matter: Why Social Inquiry Fails and How It Can Succeed Again* in an attempt to re-mode the social sciences after the Aristotelian conception of *phronesis*. The phronetic social sciences are approaches to the study of social (political, economic etc.) phenomena, based on contemporary interpretations of the classical Greek termphronesis and its antithesis akrasia, the former variously translated as practical judgment, common sense, or prudence; the latter identified as acting against one’s better judgment. Phronesis is the intellectual virtue used to deliberate about which social and political actions are ‘good’ or ‘bad’ for humans. Phrnetic social scientists study social phenomena with a focus on values and power.

This thesis seeks to ask and answer the following four value-rational questions for specific instances of social action, utilizing Pitcairn Island as a case study:

1. Where are we going?
2. Who gains and who loses, and by which mechanisms of power?
3. Is this development desirable?
4. What, if anything, should we do about it?

The second, third and forth question make up the three successive chapters respectively, with the overarching first question the thesis title.

The First Chapter will focus on the mechanisms of power at play in both the social and legal considerations for the future of Pitcairn; the Second Chapter will focus on Desire and its consequences; and the Third Chapter will focus upon the ideological circumstances and how best to effectively deploy ideological state apparatuses for the ideal social outcomes.

14 Perestroika was the term used by Mikhail Gorbachev for the restructuring of the Soviet Union’s economy leading up to the end of the cold war. Its literal meaning in Russian translates as ‘restructuring’.
The overall aim of the thesis is an attempt to imagine where we might be going. I do believe that focusing on such an *imaginary, symbolic* and *real* space might actually provide us with some complicated answers to these questions.
IV. Method

Many of the methods, modes of analysis and theorists that will be utilised throughout the thesis have been previously mentioned in the introduction. The following descriptions will be the methodological focus for the three successive chapters:

a. Phronesis, Akrasia and the Social Sciences

As mentioned above, Chapter One will focus mainly on the social, which will be a descriptive account of the geography, history, economy, legal, administrative and political apparatuses of Pitcairn Island. Two theorists will be utilised to ‘frame’ the topological description, with the intention of constituting what Fredric Jameson describes as a ‘cognitive mapping’ of the Island and its people. The two frames employed will be Michel Foucault’s conception of the heterotopia, and Jacques Lacan’s conception of the Borromean Knot of the Imaginary, the Symbolic and the Real. Fundamentally, the description will be an account of the phronetic and akrasiatic factors involved in the trial.

b. Unheimliche, Civilisation and its Discontents and the Re-Constitution of the Big Other

Chapter Two will focus primarily on the psychoanalytic readings of the desires of the individuals involved in the case. The key figures drawn upon will be the work of Sigmund Freud, Jacques Lacan and Slavoj Zizek. Elements will be drawn primarily from their work on group psychology, namely Freud’s Totem and Taboo, Lacan’s Seminar XI: Four Fundamental Concepts of Psychoanalysis, and Zizek’s The Plague of Fantasies.

c. Ideology, RealPolitik and the Nomos of the Oikos

Chapter Three will primarily draw from the work of Karl Marx, Louis Althusser and Slavoj Zizek on political ideology, although a number of secondary thinkers on the topic will be referred to.

The purpose of each of the methodologies will be deployed to answer and complicate Flyvbjerg’s qualitative ‘value-rational’ questions through an analysis of the Pitcairn Island sexual assault trial.
V. Literature Review

The data set available on the trial itself is restricted to two books, a dozen or so scholarly articles mostly relating to the legality of the trial and the Pitcairn Supreme court, and an array of journalistic reporting on the case. The two primary texts are Kathy Mark’s *Paradise Lost*, a Sydney based Fairfax journalist who wrote an extensive personal account of the six weeks she spent on the island as a reporter on the trial, and a collection of eight essays edited by Dawn Oliver titled *Justice, Legality and the Rule of Law: Lessons From the Pitcairn Prosecutions*. It is an invaluable collection published in October of 2009, and is the only thorough work of scholarship on the trial. It is an excellent collection of legal scholarship and covers a broad spectrum of ethical, political and legal issues raised by the Pitcairn case, providing test cases for a range of questions in legal and moral philosophy, such as the nature of law and cultural relativism, drawing on material and approaches from interdisciplinary academic fields including law, anthropology, sociology and history. Its timely publication has allowed this thesis’ scope to address concerns other than what has been produced in this collection, as it would be negligent scholarship not to outline the vast array of problems that it raises.

The historical scholarship and literature on the Island, its settlement and its inhabitants in both theoretical and creative works however, is immense. The best piece of ethnographic work of both the fictional and factual accounts I’ve come across is Greg Dening’s *Mr Bligh’s Bad Language: Passion, Power and Theatre on the Bounty* and is a thorough and erudite overall account of the infamous Mutiny on the Bounty, the history of European explorers and Polynesian encounters, the establishment of the Pitcairn settlement and the subsequent fictional and factual representations of those events. There are numerous other valuable and more detailed accounts as singular evaluations of these events; but as this thesis is not a piece of historical scholarship, Dening’s contribution will suffice as the primary historical ethnographic text for the thesis.

I should stipulate before the outset that the thesis is not an ethnographic, interview based nor an archival research project. There is certainly unlimited potential for invaluable research to be garnered from these methods, particularly in this case. Anthropological and ethnographical based research on the victims, defence, families, bureaucratic and juridical councillors as well as commentators on the case would undoubtedly reveal startling accounts and would possibly be an excellent piece of verbatim/documentary theatre and/or literary account. Kathy Mark’s account of the case utilises this journalistic approach and is all the more touching and revealing for this. The Pitcairn trial was also the first case in which the full public record of its proceedings was put on disc. As Stephen Guest footnotes on his chapter in the Oliver collection:

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[The disc] contains an enormous amount of information, much of it providing a detailed documentary history of Pitcairn. The disc contains 1.4 gigabytes of information, translating into many thousands of pages. It is a fascinating read.\textsuperscript{16}

There is also the correspondence between the various governmental administrators, the documents relating to borrowed legal precedence, the transcripts from the trial itself along with the video footage from the testimonies given during the trial. Whilst this thesis does draw from some of these documents, accounts and is critical of the juridical and governmental machinery, it is not a critical archival research project.

In the preface to Oliver’s collection she outlines the possible interdisciplinary scholarship that the Pitcairn case provides:

\begin{quote}
The Pitcairn situation in effect provides an inter- and cross-disciplinary case study on the nature and sources of law which will be of interest to lawyers (including those interested in public and criminal law, and law and culture and feminism) and to philosophers, political scientists, anthropologists, and students of the history and sociology of the Pacific Islands.\textsuperscript{17}
\end{quote}

This multiplicity of dimensions to the Pitcairn case is fundamentally what is of interest in this thesis: the possible interplay of these disciplines reveals something of a weakness of departmental analysis that without a holistic basis to understand the theoretical functionality of the law, politics, anthropology, history and culture of even an island population of 53 people, then the understanding will be limited to an overly simplistic ideological position in which the complexity of the interaction is rendered invisible.

Returning briefly to the title question \textit{where are we going?} implies a larger anxiety that is evident in the crises of economic and political imagination. Increasingly, we are bombarded with paradoxical claims that we should fear immigration, economic meltdown, global warming, terrorism and the rise of social violence; whilst being equally praised for living in a golden era of post-ideological politics with prosperity and security for more people than at any other time during human history. It seems that somewhere beneath these projections, lays the truth of our collective situation.

In Martin Heidegger’s introduction to his masterpiece \textit{Being and Time} he imbues the notion of questioning in that:

\begin{quote}
Every inquiry is a seeking. Every seeking gets guided beforehand by what is sought. Inquiry is an incognizant seeking for an entity both with regard to the fact that it is and with regard to its Being as it is… Any inquiry, as an inquiry about something, \textit{has that which is asked about}.\textsuperscript{18}
\end{quote}


Of course, Heidegger’s point here is to orient through the apparent disorientation of questioning, that the question itself always already contains the answer in its very seeking. Putting it another way, Dorothy from The Wizard of Oz finds that "There's no place like home" in the very act of dreaming that it was lost. The question where are we going intercedes at multiple levels – that Pitcairn was settled in an attempt to find a home, that the threat of the case was the threat of losing home, that the case duly fought over was political as to who the island truly belonged to and was responsible for it, and that the testimonies of the women at the trial were testimonies of having lost their home, their relationship with and to their island home through some traumatic encounter in the past. So the question carries the weight of this feeling of unhomeliness, homelessness, a Freudian unheimliche\textsuperscript{19}, and uneasiness and therefore a search, a seeking for a return to home. Again, Dorothy’s sentiments are pertinent in their moral phronesis: "if you can't find your heart's desire in your own backyard, then you never really lost it to begin with." This desire for home is, fundamentally, what this thesis is all about.

\textsuperscript{19} In its various meanings in the German – ‘not at home’, ‘uncanny’, ‘out of place’ etc…
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**VI. Chapter One: Who gains and who loses; by which mechanisms of power? A Cognitive Mapping of Pitcairn Island.**

In order to clarify the numerous possible meanings of ‘cognitive mapping’ to answer the chapter question ‘Who gains and who loses; by which mechanisms of power?’, I intend it in the sense that Fredric Jameson uses the term to describe an aesthetic politics of utopia, an imaginary political aesthetic that fundamentally must be imagined before it can be realised; a phantasmic architectural blueprint. Despite the fact that Pitcairn Island is a ‘real’ place, it fundamentally operates (in the Western imagination at least) as a place **outside**, unreachable, imagined… **Other.** In the same way that nationality, ethnicity, sexuality and gender is historicized, geographically plotted and **naturalised** as if it were **always** that way, it must be retroactively reconstructed from the present.

So as to select a framework to create a cognitive topology of Pitcairn from the multiple modalities possible, I’ve chosen two differentiating albeit similar analytical frames: Michel Foucault’s *Heterotopia* and Jacques Lacan’s *Borromean Knot*.

**First Frame: Foucault’s ‘Other Spaces’**

Michel Foucault’s dual function of the ‘heterotopia’ as both a textual ‘other’ and a physical ‘other’ space is a useful mechanism to begin to understand the geographical distance as well as the textual distance of Pitcairn Island. He refers to the notion twice in the body of his work, once in the introduction to *The Order of Things* and in a lecture to a group of architects in 1967 which was published posthumously in English as both “Of Other Spaces” and “Different Spaces.” In this lecture, Foucault relays Thomas More’s conception of utopias as:

…sites with no real place. They are sites that have a general relation of direct or inverted analogy with the real space of society. They present society itself in a perfected form, or else society turned upside down, but in any case these utopias are fundamentally unreal spaces.

This he differentiates from the notion of a heterotopia, which he describes as thus:

There are also, probably in every culture, in every civilization, real places – places that do exist and that are formed in the very founding of society – which are something like counter-sites, a kind of effectively enacted utopia in which the real sites, all the other real sites that can be found within the culture, the simultaneously represented, contested

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and inverted. Places of this kind are outside of all places, even though it may be possible to indicate their location in reality. Because these places are absolutely different from all the sites that they reflect and speak about, I shall call them, by way of contrast to utopias, heterotopias. By way of contrasting these two ‘other’ places he utilizes the analogy of the mirror, being both a ‘real’ and ‘unreal’ space at once. In his preface to *The Order of Things*, he marks the binaries of textual utopias and heterotopias through the former offering comfort and consolation, whereas the latter disturbs and disrupts the text. So, to paraphrase, a utopia is imagined and unreal, and a heterotopia is real, all too real.

Without having to reiterate the entirety of Foucault’s lecture, there are a few points of particular interest to us unraveling the politics on Pitcairn Island, which will serve to illustrate the concepts to be addressed in the chapter.

Foucault cites brothels and colonial outposts such as the Jesuits of Paraguay and the Puritan societies of America as spaces of extreme heterotopia, but concludes that it is the boat that has not only been the greatest instrument of economic development from the 16th to the 19th Centuries, but also the greatest reserve of the imagination.

The ship is the heterotopia *par excellence*. In civilizations without boats, dreams dry up, espionage takes the place of adventure and police take the place of pirates.

To summarise, Foucault’s Utopic/Heterotopic dichotomy is mediated through what are termed ‘real’ and ‘imagined’ spaces as well as ‘real’ and ‘imagined’ texts. Without getting sidetracked into a theoretical entanglement, I’d just briefly like to use two quotes about the political functionality of the dual roles of real and imaginary texts, or ‘true’ and ‘false’ texts, from the Nobel Prize acceptance speech from Harold Pinter:

> In 1958 I wrote the following:

> 'There are no hard distinctions between what is real and what is unreal, nor between what is true and what is false. A thing is not necessarily either true or false; it can be both true and false.'

> I believe that these assertions still make sense and do still apply to the exploration of reality through art. So as a writer I stand by them but as a citizen I cannot. As a citizen I must ask: What is true? What is false?

> …When we look into a mirror we think the image that confronts us is accurate. But move a millimeter and the image changes. We are actually looking at a never-ending range of reflections. But sometimes a writer has to smash the mirror - for it is on the other side of that mirror that the truth stares at us. 24

22 Ibid. 24

23 Ibid. 27

24 Pinter, Harold. “Art, Truth and Politics.”
Pitcairn Island: “Where Are We Going, Fletcher?”

These dialectics I’ve set up to explore the enigmatic but ‘true’ story of the Mutiny of the Bounty and the subsequent colonisation of Pitcairn Island, and the cultures that developed out of the settlement and finally the recent Sexual Assault Trial. Hopefully we can recognize some modalities of ‘cultural relativism’ and ‘universal morality’ that are both part of the real and imagined hegemonic sovereignty of this era.

Without further ado, I’d like to introduce the significance of the Bounty and its uncanny capacity to recapture the imaginations of generations through a brief genealogy of the important events during the Bounty voyage, the Mutiny and the settlement on Pitcairn through the duality of both the real and imaginary heterotopia.

On the Genealogy of Pitcairn

Her Majesty’s Armed Vessel Bounty set off from Portsmouth in 1787 charged with the task of collecting Breadfruit plants from Tahiti to serve as a cheap source of food for slaves in Jamaica, as well as to be planted in the botanical gardens in Kew. During their time at sea the world would be reshaped like never before: the French Revolution would occur, Arthur Philip would command a fleet to set up a penal colony in New South Wales, the United States would write and ratify their original constitution, and a slave rebellion would lead to the first ‘black’ Republic in Haiti.

There has been endless speculation over the reason why there was a Mutiny on the Bounty – and perhaps this speculation is really the key attraction to the mythology of both the Bounty and Pitcairn. Many of the theories speculate a dialogical explanation that simply Bligh was too harsh a Master and that Christian and his fellow mutineers had fallen in love with Tahiti; some of the more ‘inventive’ speculations have concluded that Christian and Bligh had a lovers quarrel, or that Bligh used a ‘ungentlemanly vocabulary’ and was excessively blasphemous, as if sailors are well renowned for their intolerance of bad language.

Nevertheless, speculations about the Bounty I’ve found best summarized for my purposes by Greg Dening’s view that Bligh officiated as also the bursar of the ship as well as the commander, overstepped the illicit ‘theatricality’ of the rituals in which the sailors engaged in to recognize that it was the ship, not the commander, who was in control.

For my own part, the reason for the mutiny is allegorical in its actual happening: Fletcher Christian’s cries of “I am in hell!” during the mutiny itself and the subsequent fascination with Pitcairn Island as a literal paradise. Here a reading

from Milton’s *Paradise Lost* may prove helpful: Adam, ‘does not, strictly speaking, decide; he finds that he has decided. Adam discovers his choice rather than makes it.’ In the transgression of the mutiny whatever Fletcher and his fellow mutineers desired is lost in the very act of transgression.

It is important to note again the function of the imagined ‘other’ at the point of the mutiny and the real, perhaps a very Lacanian *real*, of the symbolic order’s big ‘Other’, King George and the British fleet. This function of the Law after the transgression was to eventually lead the mutineers to settle on Pitcairn’s Island.

Pitcairn was settled by nine mutineers, six men from Tubuai, Tahiti and Raiatea as well as twelve women from Tahiti on an 1120-acre volcanic Island that is considered to be the most isolated populated Island in the world. As a founding act of settlement the mutineers divided up the arable land between them by lot, each chose a wife and left the other three women to the ‘natives’. This return to a Hobbesian ‘state-of-nature’ is on full display at the outset of Pitcairn’s foundation, and when the multiple English class-structures were re-established and punishment was readily doled out to the Tahitian men who more or less operated as slaves. Paralleling the Haitian slave revolt of two years prior, the Tahitian men took up arms against their oppressors and killed off five of the nine mutineers including Fletcher Christian. The revolt led to a series of acts of revenge and counter-revenge until only one man remained.

The bloodlessness of the mutiny on the Bounty indeed makes a poor comparison to consider Christian’s heroic status as the righteous leader aboard a tyrant’s vessel – the mutinous settlement on Pitcairn perhaps suffered what any colony lacking the forceful instruments of law does – the death of the majority of its inhabitants as predicted by Hobbes that in a state of nature life would indeed be lawless, devoid of property or dominion, and ‘solitary, poor, nasty, brutish and short.’

John Adams, at the age of thirty-three years, was now alone with nine Polynesian women, one eleven-year-old Polynesian girl, and eleven girls and twelve boys born on the Island.

Adams dreamed he had a visitation from St Michael and soon after took to the Bible and the *Book of Common Prayer*. Since the island had only a brief history mostly comprised of mutiny and death, Adams would seek out guidance from elsewhere.

When he looked for God after dreaming of St Michael, he found him incarnate in words more than in the Word. Words gave him a liturgy and a regime out of the Book of Common Prayer and rules out of the Bible. He began to bind his family, now the whole Island, to five services on Sunday, making no choice between the optional prayers and readings, feeling more secure in doing all. He had the people fast until evening and abstain from meat Wednesdays, Fridays and the Sabbath. The rules of work and preparations for the Sabbath found in the Old Testament suited his purpose. Every counsel in the sacred text became a law. Every law became an absolute, unrelativised by
experience or reflection: simple practices, such as prayers at sunrise and sunset and twice in between, became tests of literalness and correctness.\textsuperscript{26}

The reality and imaginary space that was projected perhaps runs a similar fictional ‘othered’ space. In the imaginations of the American whalers and English frigates that visited the island and witnessed Adams’ paradise perhaps only gazed upon what they wanted to see, as Adams’ Pitcairn existed and ran on the virtue of Plato’s noble lie\textsuperscript{27}; that the exterior forces that may well rally against him and penalize him for his callousness in being a mutineer, and that the ships that were spotted by the children on the horizon were “imagined objects that they had seen on the water had come from a hole in the horizon where the sun rose” where they returned. Utopia, it seems, is not without a sense of imagination and a denial of reality.

These three events, the mutiny, the murderous founding of the island and its salvation served as the literary background for each subsequent generation and still sparks intense reactions from those who side with or against Fletcher Christian and William Bligh, as well as the imagined or reality of Pitcairn Island as a paradise or hellish savage melting pot of human devolution.

Considering that we’ve explored the utopian and heterotopian conceptions of the historical spatial reality, it is pertinent to briefly look at the difference between the ‘true’ and fictional representations of these events.

\textit{Second Frame: Lacan’s Borromean Knot – Imaginary, Symbolic, Real}

Jacques Lacan developed the notion of the Borromean Knot throughout his work as comprising of three registers of the Imaginary, the Symbolic and the Real, which combine to constitute the subject. These three registers effectively assist the development of the analysis of the constitution between the imagined Pitcairn, its symbolic mechanisms and the Real Pitcairn.

The amount of ‘factual’ and ‘fictional’ material on the Mutiny on the Bounty and the subsequent settlement of Pitcairn is immense, most of the material attempting to evoke new and improved speculations on why there was a Mutiny aboard the Bounty. Slavoj Zizek effectively describes the paradox of Bligh’s historical reality and his portrayal in the three major Hollywood films:

We are dealing here with a true enigma: why was this exemplary officer, obsessed with the safety and health of his sailors, elevated into one of the archetypal figures of Evil in our popular culture? Successive changes in the predominant image of Bligh serve as a perfect index to shifts in hegemonic ideology - each epoch had its own Bligh. Suffice it

\textsuperscript{26} Dening, Greg. \textit{Mr Bligh’s Bad Language: Passion, Power and Theatre on the Bounty}. Cambridge: Cambridge University Press, 1992. 324

\textsuperscript{27} Translated alternatively as ‘magnificent myth.’ See Desmond Lee’s translation of Plato’s \textit{The Republic}. London: Penguin, 2007.112
to mention the three principal cinema portraits: the decadently aristocratic Charles Laughton in the 1930s, the coldly bureaucratic Trevor Howard in the 1960s, and the mentally tortured Anthony Hopkins in the 1980s.28

Suffice to say the three heroic depictions of Fletcher Christian in the films are portrayed by the leading Hollywood men of their day, Clark Gable, Marlon Brando and Mel Gibson, with variations upon a theme of the desirable object of the South Pacific semi-naked ‘natural’ beauty that are besotted on site with each of the Hollywood ‘hunks’.

Again, the agenda set by the Hollywood hegemony is inherently interested in the truth of the fiction, or what can occur within the imagination and gaze of the observer of the fiction. Whilst I’m sure that no one here is necessarily surprised at this notion of Hollywood ‘not letting the truth get in the way of a good story’, what makes the story ‘good’ is the key interest here: is there something truer in the fiction, the utopia or to return again to Foucault’s conception of the heterotopia? Is there something more ‘real’ in the imagined ‘other’ spaces?

These questions, frames and contingencies set the groundwork for the investigation of the relationship between the distant past and the recent past; where the real and imaginary collide together abruptly, evoking Pinter’s smashing of the mirror: the Pitcairn Island sexual assault trial of 2004.

The Pitcairn Trial: Justice and the Rule of Law

At the risk of a repetition for those who know something of the recent history of Pitcairn, we’ll run through some of the basic facts of the case before analysing some of the more extraordinary features of the trial:

- On 30 September 2004, seven men living on Pitcairn Island including the Island’s Magistrate and the Mayor went on trial facing 55 charges relating to sexual offences. On 24 October, all but one of the defendants were found guilty of 35 of the charges;

- The trial was punctuated by legal challenges from Island residents, who denied the island's colonial status, and with it Britain's judicial authority over the islands. Defense lawyers for the seven accused men claimed that British sovereignty over the islands was unconstitutional: the HMS Bounty mutineers, from whom almost all of the current island population is descended, had effectively renounced their British citizenship by committing a capital offence in the burning of the Bounty in 1790;

- Due to the absence of a Police presence and legal infrastructure, a Pitcairn Supreme Court and a Court of Appeal were imported from New Zealand for

the purposes of the trial. The Prison, which was to incarcerate the would-be convicted, was built by the defendants;

• The defense council appealed all the way to Britain’s Privy Council, which is an odd court, a legal mechanism that is hung-over from the British Empire, but still can hear appeals from the 16 remaining British colonies and from some Commonwealth countries;

• The defense council’s appeal maintained four important points: that Pitcairn was not a UK Colony; that even if it was, English criminal law couldn’t apply since there were no functioning legal mechanisms on the island; that legally the law couldn’t apply due to the fact that the island was ‘ceded’ rather than ‘settled’ and more importantly hadn’t been published there; and lastly that even if these first three points were true that it was an abuse of process to prosecute as the Pitcairn Supreme Court, Court of Appeal and the Pitcairn Bar association had all been specially imported from New Zealand and not Britain for the purpose of prosecuting the defendants.

Amongst the Island’s female population the reaction to the trial was to formulate the ‘Friends of Pitcairn Association’ to rally support for the men. On 28 September 2004 the day before the trial, Olive Christian, wife of the accused Mayor, daughter of Len Brown and mother of Randy Christian, all of whom were also among those accused, called a press release with thirteen of the island’s women to defend the island’s men folk. Claiming that underage sex had been accepted as a Polynesian tradition since the settlement of the island in 1790, Olive Christian said of her girlhood, "We all thought sex was like food on the table." Olive’s two daughters also said that they had both been sexually active from the age of 12, with one of them claiming that she started having sex at 13, "and I felt hot shit about it, too". They and other women present at the meeting, who endorsed their view that underage sex was normal on Pitcairn, stated emphatically that all of the alleged rape victims had been willing and consensual participants. The key concern seemed to be for the island itself, and many of the women who had been raped and/or abused withdrew their testimonies in fear that if the Island’s men were unable to work, the Island would have to be abandoned.

The numerous claims to the apparent rejection of both the possibility of statutory rape, the prevalence of apparently normative consensual sexual relations, the invocation that the reason for the operation was a British imperialist attempt to close the island were the standard individual defenses of the men, and are obviously contradictory. The suggestions that:

1. The sex was consensual;
2. British law doesn’t apply on the island as it was never ceded; and
3. It never occurred in the first place;

Are reminiscent of Freud’s kettle logic – by which each defense on its own is logical but cannot be all three.

On the other hand the conclusion of the five judges of the Privy Council were just as puzzling. The lead council Lord Hoffmann dismissed the appeal based
upon a formalist-positivist approach in that all of the paperwork was in order.

The suggestions that:

1. Pitcairn was a British overseas territory by settlement and cessioned when the Pitcairner’s asked the Royal Navy for protection from Whaling ships;

2. Whether or not the machinery of justice is present, it is still law, and that the legislation authorizing New Zealand’s involvement was not problematic because it was written correctly;

3. Despite the absence of the 1956 Sexual Offences Act on the island the men knew that their actions were illegal; and

4. Despite any of the paperwork, these crimes were so horrific that even if it was an abuse of process that this in no way invalidated the fact that they must be punished malia in se, which broadly means something sufficiently bad to override any consideration of the community’s culture;

Are just as problematic as the Freudian kettle logic espoused by the defendants.

We’re dealing here with two very important points of law: either the paperwork is or is not all-important. These categories are summarized well through a reference to a passage from Walter Benjamin that confronts the positivist and naturalist legal paradox:

If justice is the criterion of ends, legality is that of means. Notwithstanding this antithesis, however, both schools meet in their common basic dogma: just ends can be attained by justified means, justified means used for just ends. Natural law, attempts, by the justness of the ends, to “justify” the means, positive law to “guarantee” the justness of the ends through the justification of the means. 29

This is the fundamental paradox and fascination with the Mutiny on the Bounty: the contradiction between the righteousness of the means and the justification of the ends. The paradox also solves our riddle of the Foucaultian utopian/heterotopian divide in something reminiscent of Kafka’s The Trial: that the Law and the Sovereign are at once imaginary and real, and that the Law only comes when you ask for it.

“We are all Homo Sacer now!” Pitcairn’s Ab-sent Pre-sent

This legal paradox leads towards the forgotten dimension of the trial and is also a return to the forgotten dimension of the tales of Pitcairn: the women and girls affected by the actions of these men. Whilst risking underhandedness to use only one small quote from the trial to represent the plight of the sub-altern status of

the girls, I think its simplicity evokes their collective plight better than I could explain: “Everybody in the outside world thinks Pitcairn Island is a paradise, but it was sheer hell back home when I was growing up. Pitcairn isn’t a paradise at all. It’s hell.”

What can we surmise from all this? What is truly puzzling is the length that were gone to in order to import the bureaucratic and legal infrastructure to Pitcairn under the guise of protecting the girls from harm, only to attempt to block the Pitcairners from claiming the same rights that would be available to them if they were British citizens.

After Baroness Scotland, the minister in the UK Cabinet with responsibility for overseas territories demanded prosecution no matter the cost; after Britain spent millions of pounds setting up the systems of justice that it had failed to implement as it was its sovereign duty to protect these girls; and after the hardship of waiting to see if their efforts to pursue justice long after the memories of abuse had been repressed, it took until four years after the trial for the victims to receive compensation as they had been denied on the basis that they weren’t British citizens at the time of the crimes and therefore were not able to apply for compensation. The UK Criminal Injuries Compensation Authority reversed the decision with this statement on the 9 October 2008 with this statement from Gillian Merron, the Foreign Office minister for overseas territories:

What happened to these women was terrible and no amount of money will take that pain away. But I hope this will give them some recognition of their suffering. This is a significant step and it is the right thing to do.

It is here that I must return to the question of this chapter, “Who gains and who loses; by which mechanisms of power?”, which for all its simplicity I think very succinctly answers the ultimate political question that is very much at the heart of why Britain didn’t afford to look after the girls in the first place. The question ‘At what price Justice?’ is answered most accurately by the tariff through the specific costing of the maximum damages valued at an incredibly tiny amount compared with the huge cost of importing and implementing the mechanisms of justice, the absence of which is the fundamental underlying cause of the prolific, historical and wide-spread abuse throughout the Island, which is for me the greatest paradox of all of the paradoxes littered throughout this chapter (which will be explored further in the third chapter).

The paradoxical logics at play at most levels explored in this chapter leave much to be desired. To summarise the findings in the chapter simply, the following list of problems with the case should be instructive:

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31 The Compensation Tariff is included as Appendix One.

1. Pitcairn claims Sovereignty on two levels: one being officially British, the other being Mutinous.

2. Britain claims Sovereignty on two levels: one through paper law, the other being economic determination.

Both cases of Sovereignty present an interesting duality within a power structure that might simply be grappled in terms of familial relationships. Given psychoanalysis’ disposition to explore these relationships at an unconscious level, the space that can be opened through a psychoanalytic reading of the case and its traumatic events may reveal a much more dynamic interplay of conjunctions happening beneath the surface of the trial. As Freud appropriately noted in his *Interpretation of Dreams*, a quote from Virgil’s *Aeneid*: “If I cannot bend the Higher Powers, I will move the Infernal Regions.”
Pitcairn Island: “Where Are We Going, Fletcher?”

VII. Chapter Two: Is This Development Desirable? Justice, Trauma, Psychoanalysis and Pitcairn: Primordial Fathers and the Law.

This chapter seeks to investigate why suddenly after decades of silence, ignorance of or indifference to the plight of either the apparent victims of the abuse or the poverty of the island itself became a mode of Governmental interest and investment. Where did the desire come from, and what did it develop into?

Pitcairn as Phantasmic Screen – ‘A Child is Being Beaten’ and the Utopic Projection of Paradise

The amount of attention that this case garnered from the world media apparatuses is the first thing that surprised me regarding the coverage was the objective enjoyment of the media.

The horrors associated with incest with children are so seemingly universal that I needn’t develop a substantial proof of it. What particularly interests me here is Freud’s discourse on his patient’s accounts of imagining “a child being beaten,” specifically regarding the gaze of the Western ‘Other’. In this essay, Freud recounts that the imagination of a child being beaten was a common symptom among his patients; not out of a concern for the anonymous child, but moreover a sadistic deferment of the patient’s displeasure projected onto another, usually anonymous, child. The fantasy functions in order to sustain a notion of punishment being received elsewhere, so as to enable access to love and pleasure, and for Lacan, *Jouissance*. This can be demonstrated by an article written by Dea Birkett, a travel journalist who visited the island in the 90s and recorded a very bleak picture of life on Pitcairn. In an article she wrote for the New York Times, Birkett evokes a cynical lesson from Pitcairn as follows: “If there's a Paradise, it should be Pitcairn Island… If anything, the lesson from Pitcairn Island is, for your children's sake, live in New York.” This strange but not uncommon logic of enjoying one’s own position by deferring suffering unto another was symptomatic of much of the reporting associated with the trial. It is important to consider this dual phantasmatic gaze of seeing and imagining Pitcairn Island as both a paradise and as a hell, and what the investments are in these fantasies.


34 Often translated as ‘excessive enjoyment.’

Given the cognitive mapping provided in Chapter One, how do we account for the multiplicity of desiring subjects in the case of Pitcairn, both on and off the Island?

In order to develop the argument coherently, let’s take a series of examples from the case and examine the implications of each of the fantasies beyond the framework of sociology.

Throughout the course of the trial, differing conceptions of cultural relativity were posited as reasons for and against the prosecutions. Author Colleen McCullough, a resident of Norfolk Island\(^{36}\) came to the public defence of the customary laws of Pitcairn Island:

> They [the Pitcairn Islanders] are as much Polynesian as anything else. It’s Polynesian to break in your girls at 12. The Poms have cracked the whip and it’s an absolute disgrace. These are indigenous customs and should not be touched. These were the first people to inhabit the island, and they are racially unique... It’s hypocritical too. Does anybody object when Muslims follow their customs? Nobody’s afraid of 50 Polynesians, but they are afraid of a million Muslims.\(^{37}\)

On the other hand, Lord Hope who was one of the five Judges appearing on the appeals at the Privy Council noted something peculiar in his diary:

> To the great misfortune of counsel who had put such an effort into preparation, our Board in the Privy Council was presided over by Lord [Lennie] Hoffmann who had expressed to me a total disinterest in Pitcairn, its culture, and history, and was determined to cut to the bone the scope for any argument.\(^{38}\)

This split between conceptions of custom and legality is not simply a division between theories of positive law and natural law; it is a fundamental notion of culture itself. Law “naturally” cannot be completely removed from history and culture, although nor can culture and history be wholly justifications for morally reprehensible behaviour or actions. This fissure between conceptions of justice is demonstrated by the mutiny on the Bounty itself and not only gave birth to the Pitcairn settlement but an entire industry of speculative fiction and scholarship of whether the mutiny was justifiable.

Freud’s enumeration between the fundamental tensions between civilisation and the individual in his seminal *Civilisation and its Discontents*\(^{39}\) reveals this friction between the individual’s quest for instinctual freedom and civilisation’s contrary demand for conformity and cultural repression. The act of transgression represented by the mutiny as a liberation from the tyrannical oppression of

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\(^{36}\) In 1856 the entire population of Pitcairn was relocated to the ex-penal colony Norfolk Island where a third of the 1800 residents have mutineer ancestry. Some chose to move back to Pitcairn shortly after the settlement on Norfolk.

\(^{37}\) “Pitcairn men were following custom, says McCullough” *Sydney Morning Herald*, 16 November 2004. Pp 3.


\(^{39}\) More appropriately in the German *Das Unbehagen in der Kultur*, “The Uneasiness in Culture.”
Capitan Bligh is a celebrated mythology of the Pitcairn Islanders, but the myth hides a darker underside that of the nine mutineers and six Polynesian men that settled on the island, twelve had been murdered and one had committed suicide. John Adams, the sole survivor of the mutiny when an American whaling ship rediscovered the island in 1808, had become an archetypal primordial father with some twelve children and four wives. Indeed without the tyranny of civilisation, the Pitcairn men had sought sexual gratification in the available girls on the island and England’s importation of the Law was said to be a neo-imperialist endeavour to enforce a foreign rule, whilst ceasing the infrastructural development it had promised:

…The harshest blow was an order last year from the British International Development Department suspending all infrastructural development pending the outcome of the “judicial proceedings” that not only punishes all for the crimes a few may or may not have committed, but appears to signal Britain’s intent to close down the island.40

What this division between conceptions of lawfulness and culture indicate is the battle for ideological supremacy: the ‘natural’ right to rule, whether it is of empires, islands or libidinal drives. The difficulty arises in the questions themselves: whose ‘rights’ and who is right?

In an era obsessed with conceptions of ‘natural,’ ‘cultural,’ and most obviously ‘human’ rights, there is nevertheless a sovereign consideration that ultimately is absent – the three economies posited in this study: sovereign, libidinal and ideological economies as fundamental, institutional and concrete indicators of human subjectivity and rights.

These phantasms of human rights belonging to the ‘Other’, the sub-altern, the poor, the infibulated, the abused that are wheeled in to protect the ‘victims’ from the abuses of their dark men is are phantasies that sustain the conception that we are loved. These phantasies, whether they are Real or not, are ethically problematic for Lacan and provide a phantasmic relief from the guilt of reconstituting the frame of the Law to prevent or minimise the possibility of these events occurring.

The Impossibility and Prohibition of Incest

Within the frame provided by the phantasmic screen of jouissance at the displeasure experienced by the Pitcairn Other, represented by McCullock’s call for respecting indigenous rituals and customs, the British desire for external sovereignty masking a internal struggle for national identification after an era of abandoning sovereign rule, and the testimonies of the ‘unnameable’ victims; what, if any, significance remains of the paper law?

40“Brittle Paradise”, The Dominion Post (Wellington), 16 November 2002.
At this juncture, the psychoanalytic Oedipal narrative resurfaces. How are all of the ‘whys’ possible, given all of the varying prohibitions set? How is it possible to prohibit without the consent to or mechanical functionality of the Sovereign Law?

Freud presents a dynamic and undervalued analysis of the complexities of primordial communities and their relationship to incest and tribal sovereignty in his seminal foray into anthropological and ethnographical analysis Totem and Taboo. His introduction to his second chapter on “Taboo and Emotional Ambivalence” is extremely helpful here:

‘Taboo’ is a Polynesian word… The meaning of ‘taboo’, as we see it, diverges in two contrary directions. To us it means, on the one hand, ‘sacred’, ‘consecrated’, and on the other ‘uncanny’, ‘dangerous’, ‘forbidden’, ‘unclean.’ The converse of ‘taboo’ in Polynesian is ‘noa’, which means ‘common’ or ‘generally accessible.’ Thus ‘taboo’ has about it a sense of something unapproachable, and it is principally expressed in prohibitions and restrictions. Our collocation ‘holy dread’ would often coincide in meaning with ‘taboo’.

Given the complexity of familial relationships within a space as small, isolated and underpopulated as Pitcairn, despite whatever customs or rituals were developed on the island over the years since the Island’s original settlement and the circumstances of the Island’s development, the taboo topic of incest would have needed to be developed with much more acceptance than usually reserved for such practices. Freud moves later in Totem and Taboo to note that the incest taboo as a physically unnatural phenomenon:

[The] view which explains the horror of incest as an innate instinct must be abandoned… [An] account must be taken of the fact that a prohibition against inbreeding, based upon practical motives of hygiene, on the ground of its tending to racial enfeeblement, seems quite inadequate to explain the profound abhorrence shown towards incest in our society… This feeling seems to be even more active and intense among contemporary primitive peoples than among civilized ones.

Zizek further develops this notion through the paradox of the necessity of prohibiting the impossible:

The paradox (and perhaps the very function of the prohibition as such) consists of course in the fact that, as soon as it is conceived as prohibited, the real-impossible changes into something possible, i.e., into something that cannot be reached, not because of its inherent impossibility but simply because access to it is hindered by the external barrier of a prohibition. Therein lies, after all, the logic of the most fundamental of all prohibitions, that of incest: incest is inherently impossible (even if a man “really” sleeps with his mother, “this is not that”; the incestuous object is by definition lacking), and the symbolic prohibition is nothing but an attempt to resolve this deadlock by a transmutation of impossibility into prohibition. There is One which is the prohibited object of incest (mother), and its prohibition renders accessible all other objects.

42 Ibid. 144-5
This is the fundamental paradox of prohibition; the Law allows transgression is so far that it is the Law. Without the symbolic structure of the Law, enjoyment isn’t possible; and if we assess the affects this occurs within the four levels of consideration in the case of the Pitcairn trial (the Sovereign, the accused, the community, the victims), all four rely on a symbolic edifice of the law in order to locate guilt within the community.

_Freud’s Primordial Father: On The Origins of Guilt_

Freud develops a theory of the Primordial Father in _Totem and Taboo_, which is central to my overall argument for this chapter. Freud speculates qua Darwin’s primal horde, that there was an over-potent father who blocked the sons’ access to the tribe’s women. The sons organise amongst themselves to kill the father and, only in order to prevent the same situation from reoccurring, enact a sacrifice of giving up access to their mothers and sisters by submission to a totemic authority, the idea of the law, based upon the memory of the dead father.

Freud’s inclination is that this is the scene of the origin of guilt. Its basic narrative can be sutured at three different levels: at the level of state (the law founded upon a crime), at the level of the tribe (the tribe identifies the sacrifice in the founding of the state), and at the level of the family (guilt is originated in the realisation that the subject is driven to incest and parricide, which is the pathogenesis of the Oedipal Complex).

Lacan’s contribution to rendering a close reading of Freud in the 1950s adds interesting weight to Freud’s suggestion:

> We can understand why Freud, the physician, having received in the field of psychology such a significant contribution from the social realm, was tempted to return the favour, and why he wanted to demonstrate the origin of universal Law in the primal crime in _Totem and Taboo_ in 1912. Whatever criticism his method in that book might be open to, what was essential was his recognition that man began with law and crime, after Freud the clinician had shown that their significations sustained everything right down to the very form of the individual – not only in his value to the other but in his erection for himself.  


What implications do these ideas have for the Pitcairn case?

_Settlement Mythology: The Biblical Monarch_

The paradoxical deployment of the Mutiny on the Bounty mythology is a celebration of the founding crime _par excellence_: the typical reversal of explicitly depicting William Bligh as a tyrannical _jouisseur_ hoarding the right of

---

the Law seems to serve multiple mythologies simultaneously as long as Bligh is depicted as such. Justifications for the revolutionary fervour of the time in the colonies of the United States, France and even Pitcairn require a despotic and repressive ‘primal Father’ or authoritarian representative of the injustice suffered at the commands (Britain in the case of the United States colonies, the Monarchy in the case of France, Bligh and England in the case of Pitcairn).

The narrative of John Adams and his Patriarchal Biblical society is celebrated and renown for its utopian conception. Loosely conceived, it is not only a model of pre-determined state sovereignty, but also possibly one of the earliest examples of State or Nation based Sovereignties. Pitcairn continues today to celebrate the settlement of the mutineers with an annual burning of an effigy of the Bounty, the capital Adamstown is named after the Patriarch John Adams and the four key ‘names-of-the-father’ after seven Generations since settlement are Christian (after Fletcher, leader of the mutiny), Brown (after William, mutineer), Young (after Ned, mutineer) and Warren (American family, settled on Pitcairn in the 1850s)\textsuperscript{45}.

Given the widespread abuse of the girls on the island, the seemingly passive acceptance of the nature of the actions as well as the lengths that some of the islanders to defend the actions of the men, what affects on Pitcairn allowed this sort of behaviour to continue for such a long period?

\textit{The Incomplete Circuit of Trauma: (v)ictims, (V)ictims and vicissitudes}

Jacqui Christian, one of the abused girls of the island, gave reasons why she testified against the men in the trial: “I personally believe that probably every generation on the island has had abuse. I saw the trials as a chance to halt the destructive behaviour and make Pitcairn safe.”\textsuperscript{46} Another woman, Jennifer, also gave her reasons for testimony: “Everybody in the outside world thinks Pitcairn Island is a paradise… but it was sheer hell back home when I was growing up. Pitcairn isn’t a paradise at all. It’s hell.”\textsuperscript{47} The stories of the abused are remarkable, given the circumstances of disavowal of their testimonies from Kathy Marks’ book. As one of the former diplomats on the island said of the collusion of the islanders’ silence on the issue of child abuse, “Were they let down by their families? Were they let down by community leaders? By their teachers? By the Church? By the British Government? Or were they let down by everyone?”\textsuperscript{48}


\textsuperscript{46} Ibid. 328.

\textsuperscript{47} Ibid. 117.

\textsuperscript{48} Ibid. 274.
The psychoanalytic affects of trauma and transference in the Pitcairn case are quite pertinent, given the propensity of blame, denial and directed at every level of the community (depending on the person’s position in the community, either the women (accusers) were to blame, or the British, or the men (accused), to the community itself).

This is where Lacan’s impossible traumatic category of the Real weighs heavily on the status of the victim in testimony, and in all probability the reason why the victims had not testified earlier, despite many of them living abroad:

The traumatic real is thus that which, precisely, prevents us from assuming a neutral-objective view of reality, a stain which blurs our clear perception of it. And this example also brings home the ethical dimension of fidelity to the Real qua impossible: the point is not simply to ‘tell the entire truth about it’, but, above all, to confront the way we ourselves, by means of our subjective position of enunciation, are always-already involved, engaged in it… For that reason, a trauma is always redoubled into the traumatic event ‘in itself,’ and into the trauma of its symbolic inscription. That is to say: when one is caught in a trauma (a concentration camp, a torture chamber, [and in the Pitcairn case, repetitive violent rapes49]), what keeps alive is the notion of bearing witness – ‘I must survive in order to tell the other (the Other) what really went on here…’ The second trauma takes place when this recognition of the first trauma through its symbolic integration necessarily fails (my first pain can never be fully shared by the other): it then appears to the victim that he or she has survived in vain, that their survival was meaningless.50

Despite the absence of the Law (the Lacanian Big Other) on Pitcairn for generations and the resistance to change, the effects of the testimonies of the Pitcairn girls are clearly the ethical dimensions that Zizek mentions in the above paragraph. Isobel, one of the victims of the assault, explains the torment of the anxiety of testimony:

It was really daunting. My stomach was churning, and you’re just praying you’ll be believed. After all this time it would be a shame, it would be devastating, if you’d gone through hell for not being believed… Leading up to it, I was a total mess. I was crying and really doubting myself, think it’s going to be a complete waste of time. Then as I was walking into the court, something came over me. It was like a protective shield. I just felt confident. I walked in and I was determined to eyeball him. When he looked up, I looked him straight in the eye. Many occasions I actually stared him down and I felt really good about it… I’ll never forgive him. No amount of apology would give me those innocent times back. You can never replace what you’ve had taken away from you, your innocence.51

The function of the courts to provide justice as representative of Lacan’s Big Other, the symbolic network that attempts to symbolise the traumatic impossible Real, is where this chapter concludes. The desire for justice is clearly what is at stake in the role of the Law Court-as-Analyst, a functional representative of the rights of all.

49 My addition.


51 Marks. 371.
This chapter has investigated the multiplicity of psychoanalytic readings of the conception of the Law, the functionality of prohibition, the phantasised other and the legal machinery as the Lacanian big Other. What I intended to tease out was the means by which the desire for justice functions in relation to the case in order to explore a much more radical question:

This is, of course, a political question.
VIII. Chapter Three: What Should We Do About It (Id)? Ideological Economies: Althusser on Pitcairn.

To return briefly to the methodological framework, the Aristotelian conceptions of phainosis and akrasis are worth considering in an ethico-political framework – given the propensity of the conflicting and often contradictory ideological positions on and off the island, what indeed should we do about it? If we consider the multiplicity of Althusserian interpellations for the right way to embark upon solving a political deadlock, the struggle for identifications to the calls for justice, legality, sovereign rights, human rights, economic rationality, cultural and indigenous rights, the notions of phainosis and akrasis are broken wide open – the difference between right and wrong, better and worse judgement are politicised, considered after the act, retroactively reconstituted as better or worse contingent on the possibility of imagined ‘rightness’ or ‘goodness’, utopian in the very struggle for political hegemony.

Given these considerations, an aspect that this chapter will draw upon heavily is the conception of phantasy and its productive forces and how it plays upon human subjectivity; more aptly referred to here as ideological economy. Pitcairn and the history of the literature relating to the mutiny, settlement and enlightenment are vast. What is it about desert island scenarios that attract so much attention? Given Pitcairn’s size and isolation, what can we garner from these tiny settlements? What can we imagine future communities to become? Is there a prospective utopia on the horizon that we can imagine? What this thesis contends is that ultimately conceptions of culture (custom), nature and ideology are qualitative judgements that mask themselves through quantitative value economies of culture (custom), nature and ideology. The paradox itself is perhaps revealed in the reversal of the popular maxim: ‘no man (culture, nature, ideal) is an island;’ that there is ‘no island without man’ (culture, nature, ideal).

Interpellation: the Sovereign Call and the Call of the Mutineer

Having looked at the sociological and psychoanalytic implications of the case in the first two chapters, it is pertinent to analyse closely the background political struggle that occurred between the various groups of interest, which culminated in a series of fascinating events and attempts to claim Sovereignty of Pitcairn.

Carl Schmitt’s infamous dictum at the beginning of his Political Theology “Sovereign is he who decides on the exception” is of fundamental importance here: the Island’s population rallied against the charges, the Sovereign right of the British courts to operate on Pitcairn by practically every means available to them.

• In May of 2003, representatives for the Pitcairner’s appealed to the United Nations for help to remove “unnecessary and unwanted” British Police, on the grounds that Britain had previously refused aid to develop and maintain infrastructure, as opposed to the ‘unlimited’ sources deployed for the purposes of removing the island council in a de facto military occupation of Pitcairn53;

• In November 2003, Lawyers representing the accused would appeal that the validity of the Pitcairn Ordinances were questionable and that the trial was similar to that of the Nuremburg trials, with defence council Paul Dacre claiming that the allegations amounted to an abuse of process given the Courts were created purely to convict the accused54;

• Dacre further asserted that Britain had made no Sovereign Claim over Pitcairn and the Mutineer settlement and burning of the Bounty severed all ties with the British Government and was an unmistakable act of Independence. “The Pitcairn community remains a self-governing community, a community which can exercise its own sovereignty over itself and, most particularly in the context of this case, has a set of rules and regulations which covers the situation which allegedly occurred on the island”55;

• In the second sitting ever of the Pitcairn Supreme Court, the three sitting Judges rejected the application of Sovereignty, with Chief Justice Blackie claiming that “We have not been persuaded that there are any grounds to doubt the historical traditions surrounding the establishment and development of a British settlement on Pitcairn, nor the applicability of the laws enacted.”56

• The Pitcairn Court of Appeal and the Privy Council also rejected claims of Pitcairn Sovereignty, sighting a number of agreements in the 19th Century for Pitcairn to be protected from Piracy and American whaling ships, along with numerous requests over the 20th Century for advice from Britain to deal with certain criminal acts on the island.

Upon close observation of the arguments discussed in Justice, Legality and the Rule of Law fundamentally comes down to a question of Sovereign exception, in this case freely admitted by Lord Hope of the Privy Council in his Foreword: “The crucial decision was that which Baroness Scotland took, after considering

53 Ruscoe, Kim. “Pitcairn asks UN to remove British Police” The Dominion Post, 30 May 2003. 4


55 Ibid.

56 “Descendants of the bounty face British justice 200 years after mutiny” Western Daily Press. 20 April 2004. 8
the results of Woman Police Constable Gail Cox’s investigations, that the men should be prosecuted." He noted that despite a willingness to investigate the complexity of the case before the council, the president had dismissed any merit to the appeal as insubstantial:

To the great misfortune of counsel who had put such an effort into preparation, our Board in the Privy Council was presided over by Lord [Lennie] Hoffmann who had expressed to me a total disinterest in Pitcairn, its culture, and history, and was determined to cut to the bone the scope of any argument… it was a devastating start to the proceedings, which resulted in the whole affair being over in under two days after the thinnest of arguments… Lennie had collapsed the whole event with his devastating ability to cut issue to the core and demonstrate that there was nothing of substance in any of them. He has just produced a draft judgment which is just as terse. The novelty and difficulty of the issues is not apparent from what he has written.58

The arguments on both sides of sovereign right amount to simply a deployment of political power: in the case of the Pitcairn accused and their supporters, the insufficient justifications reflect Freud’s ‘Kettle Logic’ (the act of rape has never happened on the island; the sexual act was consensual; the custom of ‘breaking-in-the-girls’ has always existed). The arguments of the Pitcairn Supreme Courts deploy a similar logic (Pitcairn was never Sovereign; Pitcairn receded Sovereignty for protection; even if Pitcairn is Sovereign the crimes are too horrendous to go unpunished [Mala in se]),59 which is just as suspicious.

The question that heralds the importance of the distinction between politics and Sovereignty is, of course, What is the Law? In order to answer this question, and to answer the question posed by the chapter “What should we do about it (the id, the (I)aw, the (L)aw etc)?” what is necessary is an analysis of the functionality of ideology.

_Ideological State Apparatuses and the Problem of Hegemony_

Karl Marx’s famous summary of ideology “They do not know it, but they are doing it” is a convenient theoretical frame for the analysis. Zizek’s reading of Marx’s formula is decisively appropriate for the effects of the court’s judgements, the media and the defence:

What they do not know is that their social reality itself, their activity, is guided by an illusion, by a fetishistic inversion. What they overlook, what they misrecognise, is not the reality but the illusion which is structuring their reality, their real social activity. They know very well how things really are, but still they are doing it as if they did not know. The illusion is therefore double: it consists in overlooking the illusion which is

57 Oliver, vii
58 Ibid. vi.
structuring our real, effective relationship to reality. And this overlooked, unconscious illusion is what may be called the ideological fantasy.\textsuperscript{61}

This ideological illusion is essentially how the Law functions: the Law itself, whether it is embodied in the paperwork of constitutive agreements and treaties, the social institutions that support it or the Sovereign power itself, it is primarily a phantasmatic network of social relations supported by a synchronic or retroactive deployment of the affects and effects of the Law. Similarly to the Marxist logic that a King is a King not because he thinks he is a King, but whether Others think of him as a King; the Law functions in the same manner: it is only Law in so far as it is thought of as Law.

This is one of the inexplicable factors of the Pitcairn case – despite the incredible amount of abuse observable by a number of the Ideological State Apparatuses present on the Island at the times that the abuses were taking place and the observable symptoms, it was simply by chance that the abuse was discovered by Gail Cox. How did these actions continue for so long without anyone noticing? Neville Tosen, the Island’s Pastor during the announcement of the allegations, gave his account to Kathy Marks in the following manner:

While Tosen had long had his suspicions, he was appalled to find out the scale of the alleged abuse. Above all, he was at a loss to comprehend how the older women, the mothers and grandmothers, could have allowed it to happen. It seemed obvious to him that they must have known. He and Rhonda spoke to the matriarchs. ‘We said to them, “Where were you when this was going on? You’re the elders of the island, surely you must be unhappy?”’ And they replied that nothing had changed. One of the grandmothers said, “We all went through it, it’s part of life on Pitcairn.” She said she couldn’t understand what all the fuss was about.’\textsuperscript{62}

Indeed, the birth records of the island indicate a long history of mothers having their first children at early stages of puberty. Again, a return to Freud is helpful, with Zizek alluding to Freud’s discovery of the obscene superegoic supplement to the Law:

Superego is the obscene ‘nightly’ law that necessarily redoubles and accompanies, as its shadow, the ‘public’ Law… Where does this splitting of Law into the written public Law and its underside, the ‘unwritten’, obscene secret code, come from? The answer is from the incomplete, ‘not-all’ character of public Law itself: explicit public rules do not suffice, so they must be supplemented by a clandestine, ‘unwritten’ code aimed at those who, although they violate no public rules, maintain a kind of inner distance and do not truly identify… The field of Law is thus split into Law \textit{qua} Ego-Ideal, i.e., a symbolic order that regulates social life and maintains harmony, and its obscene, superegoic inverse… What most deeply ‘holds together’ a community is not so much identification with the Law that regulates the community’s ‘normal’ everyday rhythms, but rather identification with a specific form of transgression of the Law, of the Law’s suspension (in psychoanalytic terms, with a specific form of enjoyment).\textsuperscript{63}

\textsuperscript{61} Ibid. 32-33

\textsuperscript{62} Marks. 58-59

If we can accept that this is fundamentally how the ‘dark secret’ of Pitcairn had not only operated on the Island, probably since the outset (similarly to that of Edward Pines mentioned in the introduction), the discovery of this obscene super-ego underside of the island was potentially the ‘thing’ that held the community together, and uncovered/threatened to tear the tiny community apart. The public Law not only operates in terms of its limit, but its transgression. In a place with no symbolic Law, with no official Law to transgress or suspend, the Pitcairn men resorted to the impossible Primal Law-of-the-Father – the attempt to hoard all of the women.

In fact, this is the thesis proposed by Greg Dening as the true cause for the Mutiny against Captain Bligh on the Bounty; that Bligh, not keeping an effective or proper ‘distance’ from the men and their ritualistic and subversive superego supplement to the public Law:

Bligh’s mistake was not simply that of being insensitive to the concrete network of “organic” relations among the sailors, his crucial limitation consisted in the fact that he was completely “blind” to the structural function of the ritualised power relations among the sailors (the right of older, more experienced sailors to humiliate the younger and inexperienced ones, to exploit them sexually, to submit them to ordeals, etc.). These rituals provided an ambiguous supplement to the public legal power relations: they acted as their shadowy double, apparently transgressing and subverting them, yet actually serving as their ultimate support.64

It is clear that the Law and its superego function is indeed at least an understandable reading of the Bounty and the Pitcairn culture. The British Courts, and their various institutional procedures and supports appear no less innocent for neglecting the Sovereign duty to look after and protect the Island’s subjects. Many of the women who had felt they experienced abuse at the hands of the men had no intentions of pressing charges for a multiplicity of reasons (family pressure, a fear of court and reliving the event, not wishing harm to the island, etc.); but what of the women who had been traumatised by their ordeal and feared that by not testifying that the ritual would continue. Of the nine women who testified in the case, the ethical act par excellence is testimony to the true strength of character. The plight of their childhood and their survival of the torments of the trial are the real of the symbolic and imaginary ‘public’ Laws that function on both sides of the Law. This thesis, ultimately, is dedicated to them.

Economies of Justice

In a document attached to the appendix of Dawn Olivier’s book, there is a letter from Pitcairn Governor Martin Williams to Deputy Governor Karen Wolstenholme stating the following:

We had our meeting today with Baroness Scotland. The conclusion was we proceed with the court cases as seriously and urgently, but also as sensitively as possible, no matter the cost or the implications for Pitcairn’s future... No question of an amnesty.

Baroness Patricia Scotland’s decision to prosecute led to a suspension of infrastructural development on the island, “pending the outcome of ‘judicial proceedings,’ a move that not only punishes all for the crimes a few may or may not have committed, but appears to signal Britain’s intent to close down the island.”

One of the key factors in the implementation of the machinery of legal infrastructure was, of course, the cost associated with the course of the trial. When considering the mostly agricultural and fishing community dependent on the sales of rare postage stamps, the trial must be considered in terms of a style of economic imperialism.

Estimates of the trial’s total costs have been reported at approximately seven million British Pounds. When considering this sum in regards to the potential benefits to developing the island’s infrastructure, it is excessive given that it is seventy times the annual budget of British aid to Pitcairn. Given the complexities of the case in question, it is a rather dubious legal consideration that expenditure of sums this large could lead to anything less than a prosecution in order to justify the expense, along with the strict bureaucratic measures for applications of crime compensation for the victims. No matter what the real intentions of the...
Pitcairn Island: “Where Are We Going, Fletcher?”

British Government and Baroness Scotland were, the symbolic association of the amount of money spent on importing the machinery of legality weighed heavily on the outcome of the trials. Despite Deputy Governor Matthew Forbes’ claim that the trial was “value for money. It could have cost more but it’s a case about raping children. We don’t go into it thinking we’re not going to do that, it’ll cost too much,”\(^1\) the bankruptcy of Pitcairn that occurred during the course of the trial is reason enough to consider that the decision that Baroness Scotland took involved more than just an ideological legal precedent.

The Passage L’Acte and the Re-constitution of Pitcairn

So what of the future for Pitcairn? On the 10\(^{th}\) of February 2010, The Pitcairn Constitution Order 2010 was brought before Queen Elizabeth. At the bottom of the Constitution is an explanatory note:

This Order establishes a new Constitution for Pitcairn, Henderson, Ducie and Oeno Islands. The Constitution provides for partnership values as the basis of the relationship between the United Kingdom and the Islands, and for enforceable fundamental rights and freedoms of the individual. The Governor, to be appointed by Her Majesty, has executive and legislative power, assisted by an Island Council. Judicial authority is conferred on a Supreme Court, a Court of Appeal, and such subordinate courts as may be established by the law of the Islands. Final appeal to the Privy Council remains regulated by the Pitcairn (Appeals to Privy Council) Order 2000 (S.I. 2000/1816, as amended by S.I. 2009/224) as amended by this Order. The Constitution also makes provision for the Pitcairn Public Service, for the independent audit of the public accounts of Pitcairn, and for an Ombudsman.\(^2\)

The fundamental question that lies at the heart of the constitution is the emphasis on Human Rights that it proclaims as its guarantee of Sovereignty. Jacques Ranciere insists that the equation of giving Human Rights to a community serves to give a human being the status of merely being that – a human. His contestation that under the Human Rights convention, those on the margins of the political become “the count of the uncounted - or the part of those who have no part.” Ranciere develops this notion by suggesting that prior to receiving Human Rights that the subjects are dehumanised by receiving them, and depoliticised after receiving them:

The Rights of Man are the rights of the demos, conceived as the generic name of the political subjects who enact—in specific scenes of dissensus - the paradoxical qualification of this supplement. This process disappears when you assign those rights to one and the same subject. There is no man of the Rights of Man, but there is no need for such a man. The strength of those rights lies in the back-and-forth movement between the first inscription of the right and the dissensual stage on which it is put to test… This

\(^{71}\) “Cost of Pitcairn justice tops $14m,” The Dominion Post, 19 April 2006.

\(^{72}\) The Pitcairn Constitution Order 2010. 28.

www.government.pn/Pitcairn%20Islands%20Constitution%20Order%202010.pdf
is also why today the citizens of states ruled by a religious law or by the mere arbitrariness of their governments, and even the clandestine immigrants in the zones of transit of our countries or the populations in the camps of refugees, can invoke them. These rights are theirs when they can do something with them to construct a dissensus against the denial of rights they suffer. And there are always people among them who do it. It is only if you presuppose that the rights belong to definite or permanent subjects that you must state, as Arendt did, that the only real rights are the rights given to the citizens of a nation by their belonging to that nation, and guaranteed by the protection of their state. If you do this, of course, you must deny the reality of the struggles led outside of the frame of the national constitutional state and assume that the situation of the “merely” human person deprived of national rights is the implementation of the abstractedness of those rights. The conclusion is in fact a vicious circle. It merely reasserts the division between those who are worthy or not worthy of doing politics that was presupposed at the very beginning.

The difficulty of the conception of the frame of Human Rights based constitutions is that they are granted at precisely the point when the status of being human is all that remains. As such, human rights are granted in order to depoliticise the struggle for rights:

…What the ‘human rights of Third World suffering victims’ effectively means today, in the predominant discourse, is the right of Western powers themselves to intervene politically, economically, culturally and militarily in the Third World countries of their choice, in the name of defending human rights… In the reigning discourse of humanitarian interventionism, the developed West is effectively getting back from the victimized Third World its own message in its true form.

The moment human rights are thus depoliticized, the discourse dealing with them has to change: the pre-political opposition of Good and Evil must be mobilized anew. Today’s ‘new reign of ethics’… thus relies on a violent gesture of depoliticization, depriving the victimized other of any political subjectivization.

The question remaining is the one regarding the women who suffered the abuse – given the circumstances; did they have any other choice? Speaking to Kathy Marks, Jacqui Christian offered the following: “I personally believe that probably every generation on the island has had abuse. I saw the trials as a chance to halt the destructive behaviour and make Pitcairn safe.” Since the completion of the trial, Jacqui has returned to the island to make a life for herself. It is clearly a brave gesture to have confronted the long trial and return to reclaim her life, childhood and island. An ethical act *par excellence* if there ever was one.

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IX. Epilogue: Where did we go/Where are we going?

Today, life moves on for the 53 Pitcairners still living on this tiny dot of an island in the middle of the Pacific Ocean.

The Perestroika that Pitcairn undertook for over ten years is seemingly over – all the men have been released having served their sentences, victims have been compensated, a new constitution exists, new industries and infrastructures are being developed, committees reformed and life, one imagines, would resume as normal.

However in a perverse twist to conclude this thesis, Michael Warren, who has been the Mayor of Pitcairn for the past three years was arrested by New Zealand police for possessing child pornography75. One has to speculate that this revelation is not simply a surprise but the desire of the Mutineer mentality that caused the original problem has merely been transferred onto an externalised phantasy space.

What can we conclude, given the thesis question “Where are we going?” When considering the complexities associated with the trial and the difficulties with understanding all of the factors involved in the establishment of legality on an Island of such a small population, I would have to suggest that we don’t actually know where we are going. Perhaps most importantly, it is necessary to know this – maybe it is time to reimagine and rediscover utopia in order so that we can invent it again.

To end this imaginary jaunt through the many variables of the Pitcairn case, it is fitting to end this thesis where it began – as an act of imagination, the place which allows a space to be opened up and realised; and what better way than through art. This thesis is a companion piece to a play based on the Lehrstucke of Bertolt Brecht, and an excerpt from his He who says Yes, He who says No is a fitting conclusion:

What we must learn above all is consent.
Many say yes, and yet there is no consent.
Many are not asked,
And many consent to the wrong things.
Therefore: What we must learn above all is consent.76

75 “Mayor of Pitcairn charged with possessing child pornography.” The Telegraph, 6 December 2010.
**X. Appendix One**

**TARIFF OF INJURIES**

<table>
<thead>
<tr>
<th>Description of injury</th>
<th>Level</th>
<th>Standard Amount £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual offence where victim is a child (under age of 18 at time or commencement of offence) or an adult who by reason of mental incapacity is incapable of giving consent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual Assault</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- minor – non-penetrative sexual physical act/ or acts over clothing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- minor – non-penetrative frequent sexual physical act/ or acts over clothing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- serious – non-penetrative sexual physical act/ or acts over clothing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- serious – pattern of repetitive non-penetrative sexual physical acts under clothing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Sexual Assault |
| - non-penile penetrative and/or oral genital act/or acts |
| - one incident |
| - two or more isolated incidents |
| - pattern of repetitive, frequent incidents |
| - over a period up to 3 years |
| - over a period exceeding 3 years |
| - resulting in serious internal bodily injuries |
| - resulting in permanently disabling mental illness confirmed by psychiatric prognosis |
| - moderate mental illness |

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77 Criminal Injuries Compensation Authority, THE CRIMINAL INJURIES COMPENSATION SCHEME (2008), downloaded from www.cica.gov.uk
£22,000
- severe mental illness

£27,000

Non-consensual penile penetration of the vagina and/or anus and/or mouth

- one incident
  £11,000
- one incident involving two or more attackers
  £13,500
  - repeated incidents over a period
    - up to 3 years
      £16,500
    - exceeding 3 years
      £22,000
- resulting in serious internal bodily injuries
  £22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis
  - moderate mental illness
    £22,000
  - severe mental illness
    £27,000
- resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis
  - moderate mental illness
    £33,000
  - severe mental illness
    £44,000

Sexual offences - additional awards where the following are directly attributable to a sexual offence (whether victim is an adult or a child) - not subject to the multiple injuries formula and may be paid in addition to other awards

- Pregnancy
  £5,500

- Sexually transmitted disease other than HIV/Hepatitis B/Hepatitis C
  - substantial recovery
    £5,500
  - permanent disability
    £11,000

- Infection with HIV/Hepatitis B/Hepatitis C
  £22,000


Pitcairn Island: “Where Are We Going, Fletcher?”


www.government.pn/Pitcairn%20Islands%20Constitution%20Order%202010.pdf


Zizek, Slavoj et al. *The Universal Exception: Selected Writings*. London:
Continuum, 2006.


**Newspaper Articles**


“Pitcairn men were following custom, says McCullough” *Sydney Morning Herald*, 16 November 2004.


“Pitcairn asks UN to remove British Police” *The Dominion Post*, 30 May 2003.
Part II: Creative Work
Pitcairn Island

A Learning Play by Peter Barden

Characters:
Chorus
Rose
Mirta (The Mayor’s Wife)
Prudence
Pitcairn Men
Pitcairn Women
Policewoman
Rose’s Mother
Baroness Scotland
Governor of Pitcairn Island
Mayor of Pitcairn Island
Commissioner of Pitcairn Island
Magistrate of Pitcairn
Three Judges
Prosecutor
Defence Council
Fletcher Christian
William Bligh

The staging of the performance is focused upon the staging itself – there should be no attempt made to hide the fact that it is a performance. Staging considerations are happily comparable to that of Brecht’s Epic Theatre. Actors play multiple parts throughout the play. The Chorus could be played by a single actor or an ensemble. Similarly to Brecht’s theatre, the beginning notes to each scene can be shown to the audience or read by a member of the cast. Some of the biblical passages can be cut at the whim of the ensemble although I have
included the whole passage as a reference. It is certainly possible to stage a production with six cast members playing multiple roles. It is also worth noting that the play could be used to workshop with students the complexities associated with a scenario of this sort and needn’t be presented to an audience.
ACT I

SCENE ONE: Rose’s Song – *Come Home Rose*

CHORUS: Home… home…
She shivers to me across the Pacific Ocean tide
Named by the famous adventurer Ferdinand Magellan
Calm… Calm…
I here it calling, it shivers to me to come home.
Home… home…
Where did she go?
Rose… Rose…
Why can’t you ever come home?

ROSE: I don’t know if I will ever come home
It was so long long ago
I’m not sad anymore but I don’t think I’d endure
To go home…
Home… home…
So far, far away…
So long, long ago…
Rolling back the tide, floating, falling, always
Wanting, wailing, mourning, yearning
To get back home… home… home…
Home.

SCENE TWO: Consent [After Brecht’s *He who says yes, He who says no.*]

CHORUS: What we must learn above all is consent.
Many said yes, yet there is no consent.
Many aren’t asked, and many consent to wrong things.

So what we must learn above all is consent.

**SCENE THREE: The Story of Pitcairn**

*The locals enact the founding tale of Pitcairn Island, from the Bounty Mutiny and burning, to the revenge killings of the greedy male savages, the Island’s Saviour John Adams.*

**CHORUS:** Pitcairn Island, settlement of The Heroic Fletcher Christian and the Mutineers of the Bounty. The modern-day inhabitants of the island celebrate the bicentenary of the founding of the island with a retelling of the famous tale and the burning of the Bounty.

**MAYOR:** *(Over the loudspeaker)* Good morning Pitcairn! Happy two hundredth Anniversary! Today is an especially important day as you know, and as always we begin with morning prayers. Today’s reading will be read by our youngest and sweetest member of our community, the nine-year-old Prudence, the youngest of the Christian clan. The reading is from Deuteronomy 28:

**PRUDENCE:** *(Over the loudspeaker – note that Prudence should not appear on stage at any moment of the performance. A recorded voice would be ample)*

**Blessings for Obedience**

If you fully obey the LORD your God and carefully follow all his commands I give you today, the LORD your God will set you high above all the nations on earth. All these blessings will come on you and accompany you if you obey the LORD your God:

You will be blessed in the city and blessed in the country. The fruit of your womb will be blessed, and the crops of your land and the young of your livestock—the calves of your herds and the lambs of your flocks. Your basket and your kneading trough will be blessed. You will be blessed when you come in and blessed when you go out.

The LORD will grant that the enemies who rise up against you will be defeated before you. They will come at you from one direction but flee from you in seven. The LORD will send a blessing on your barns and on everything you put your hand to. The LORD your God will bless you in the land he is giving you. The LORD will establish you as his holy people, as he promised
you on oath, if you keep the commands of the LORD your God and walk in obedience to him. Then all the peoples on earth will see that you are called by the name of the LORD, and they will fear you. The LORD will grant you abundant prosperity—in the fruit of your womb, the young of your livestock and the crops of your ground—in the land he swore to your ancestors to give you. The LORD will open the heavens, the storehouse of his bounty, to send rain on your land in season and to bless all the work of your hands. You will lend to many nations but will borrow from none. The LORD will make you the head, not the tail. If you pay attention to the commands of the LORD your God that I give you this day and carefully follow them, you will always be at the top, never at the bottom. Do not turn aside from any of the commands I give you today, to the right or to the left, following other gods and serving them.

MAYOR: Amen.
CHORUS: Amen.
PM1: Oh Happy Day!
PW1: Oh joy and rapture!
PM2: Two hundred years!
PW1: Living on the most beautiful island in the world!
PM3: A paradise!
PM1: A utopia!
PW3: The Garden of Eden itself!
PW2: Happy birthday Pitcairn Island! Happy Bounty Day!
ALL: Happy birthday Pitcairn Island! Happy Bounty Day!
PM1: Here, on the 23 of January 1790, nine brave men... 
PW1: And twelve Beautiful Tahitian maidens...
PM3: And six evil Polynesian men...
PM2: Arrived at the most beautiful island in the world!
PM3: A paradise!
PM1: A utopia!
PW3: The Garden of Eden itself!

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78 PITCAIRN MAN 1 = PM1; etc...
PW2: Tell it from the beginning!

CHORUS: Yes, tell us from the beginning!

_The Bounty Song_

(*PM1 plays Fletcher Christian, PM2 plays William Bligh*)

PW1: In December 1787 the Bounty set off from England on a mission

Joseph Banks the botanist had received a Royal commission

To collect a type of fruit from the prestigious Society Isle

And captained by the tyrant – the evil William Bligh

PW2: They set sail with a hero – a man who couldn’t know his fate

The noble Fletcher Christian – Bligh made him Masters’ Mate

His stature tall and proud, long flowering golden hair

A man fit to do his duty, he would save them from despair

CHORUS: Every man must fulfil his destiny, every man respects the law

When treated like the peasantry, every man should see the poor

And recognise the enemy, and lead those men to shore

But when forced into a mutiny, there rose a man like none before

PM3: Bligh was an evil tyrant, whipping boys and food deprived,

He was an awful captain, the men lucky to be alive

But thanks to Fletcher Christian, he made with Bligh a treaty

To leave the men to him and he would get them to Tahiti

PW3: They soon arrived in paradise the ladies they did meet them

“Stay here” they cried to Fletcher, and he would sorely miss them

FLETCHER: I must leave you ladies, for I am a man of duty

PW3: But Bligh was cruel and the old fool forced Fletcher C to mutiny

CHORUS: Every man must fulfil his destiny, every man respects the law

When treated like the peasantry, every man should see the poor

And recognise the enemy, and lead those men to shore

But when forced into a mutiny, there rose a man like none before
Pitcairn Island: “Where Are We Going, Fletcher?”

PW1: Bligh would whip the boys, and Fletcher made him stop
FLETCHER: I’ll get the boat to Pitcairn, and leave Bligh there to rot
PW1: But he was a man of duty, and life’s a precious gift
FLETCHER: Although I should kill you pig I’ll set you out adrift
BLIGH: I’ll get you Fletcher Christian, I’ll one day see you hang
I’ll soon get back to England

(Bligh floats away, PM2 rejoins the crew)

PW1: And all the men then sang
CHORUS: What do we do now Fletcher? Don’t you even care?
FLETCHER: We’ll go hide out in Pitcairn, they’ll never find us there!
CHORUS: Every man must fulfil his destiny, every man respects the law
When treated like the peasantry, every man should see the poor
And recognise the enemy, and lead those men to shore
But when forced into a mutiny, there rose a man like none before
PM2: What will we do there Christian? I one day want a wife!
FLETCHER: We’ll find them in Tahiti, and start a brand new life!
Then we’ll find a little paradise, far away from English law,
And raise a new community, one like never seen before!
CHORUS: We all set sail for Pitcairn, and here we still remain
A peaceful co-existence, all pleasure and no pain
So we all say thanks to Fletcher vowing never to return
To England and its cruelty: So we LET THE BOUNTY BURN!

(They set fire to the Bounty)

CHORUS: Every man must fulfil his destiny, every man respects the law
When treated like the peasantry, every man should see the poor
And recognise the enemy, and lead those men to shore
But when forced into a mutiny, there rose a man like none before
Pitcairn Island: “Where Are We Going, Fletcher?”

PM1: In memory of Fletcher Christian, each year, on Bounty day we celebrate our separation from that cruel Master England into the loving womb of Pitcairn Island!

CHORUS: Huzzah! Huzzah! Huzzah!

PM2: And so they arrived at the most beautiful island in the world!

PM3: A paradise!

PM1: A utopia!

PW3: The Garden of Eden itself!

PW2: And then what happened?

CHORUS: Yes, and then what happened?

PM1: On the 23rd of January 1790, nine brave men…

PW1: And twelve Beautiful Tahitian maidens…

PM3: And six evil Polynesian men…

PW3: Who they rescued from certain death

PM2: After burning the Bounty

PW2: Severing their last contact with England

PM1: Started to build

PW1: From scratch

PM1: An island paradise!

PM3: Fit for Kings

PW3: And Queens

PM1: But the brutal customs of the savage Tahitian men

PW1: Jealous of Fletcher Christian and his brave fellow mutineers

PM2: Jealous of the love of the women

PW2: The beautiful Tahitian princesses

PM3: Killed Fletcher Christian when his back was turned

PW3: Along with his brave mutinous brothers

PM1: And taking the women as their wives

PW1: Leaving only one man alive

PM1: John Adams
Pitcairn Island: “Where Are We Going, Fletcher?”

PW2: The brave, holy founder of Adamstown
PM2: Our humble Capital
PM3: To be their slave
PW3: But the savage minds of the native men could not be changed
PM1: And they killed each other off
PW1: Until only one remained…
PM1: John Adams, who re-discovered the Holy Bible and from it made Christians of all the women
PW2: Humble
PM2: Pious
PW3: Noble
PW1: To ensure that we would live forever more
PW2: In a state of perfect harmony
PW1: And forever more we have
CHORUS: Amen
PW1: Amen.
PM1: So welcome our humble audience to paradise on earth
PW1: Nothing bad has ever happened since on Pitcairn Island
CHORUS: AND NOTHING EVER WILL!


The local Pitcairn policewoman visiting from England finds out that strange things happening on Pitcairn.

CHORUS: Pitcairn has a visitor!
MAYOR: Good morning Pitcairn! Today’s reading is from Matthew 17:

The Temple Tax

After Jesus and his disciples arrived in Capernaum, the collectors of the two-drachma temple tax came to Peter and asked, “Doesn’t your teacher pay the temple tax?”
“Yes, he does,” he replied.
When Peter came into the house, Jesus was the first to speak.
“What do you think, Simon?” he asked. “From whom do the kings
of the earth collect duty and taxes—from their own children or
from others?”
“From others,” Peter answered.
“Then the children are exempt,” Jesus said to him. “But so that we
may not cause offense, go to the lake and throw out your line.
Take the first fish you catch; open its mouth and you will find a
four-drachma coin. Take it and give it to them for my tax and
yours.”

MAYOR: Amen.
CHORUS: Amen.
POL: Hello Pitcairn!
CHORUS: Hello visiting Policewoman from England! (The chorus sniggers)
POL: I’ve come to train the local Police Officer in the ways of English
Police work.
CHORUS: Whatever for? Nothing bad ever happens on Pitcairn!
MAYOR: (Over island loud speaker) And nothing ever will. Listen up
Pitcairn; we have a visitor from England who has come to see
how to run a society without any crimes. Please co-operate with
her, as she is from a society with many crimes and may be
surprised to learn how a beautiful island like ours runs without the
need of courts, jails or punishments. Remember, nothing bad ever
happens on Pitcairn!
CHORUS: And nothing ever will!
POL: Thank you all. May I speak to the local magistrate?
MAG: Hello there visiting Policewoman from England! (The chorus
sniggers)
POL: Hello. I was looking at the Pitcairn Ordinances before I came and
discovered that the court has only sat twice in the last Twenty
years!
MAG: Yes, I know – Pitcairn isn’t free from trouble, despite what all the
locals say. There are disagreements that occur from time to time
and it is my responsibility to see that they are dealt with in the
proper manner.
POL: Only twice?
MAG: Yes. You see we live in a small island community. Because everyone lives so closely together and knows each other so well that the thought of doing wrong is the furthest thing from anyone’s mind. We’d all know about it, and surely wouldn’t be able to go on living with someone with criminal tendencies. I have travelled to other places in the world and have seen the criminal mind at work. In lands where people are strangers, they do strange things to each other. Here, we rarely see strangers and as soon as they arrive we make sure that they are not strange any longer – they quickly learn our customs and become neighbours. If this happened everywhere, I think you’d find yourself out of a job!

POL: I see. What, if you don’t mind me asking, were the charges brought before the court?

MAG: We had a young lad visiting from Norfolk Island who had a penchant for ladies undergarments. Nothing serious. Another lad from New Zealand had been playing rough with one of the girls. It seems one of our girls had been far too nice to this boy and he confused her affections for fancy. A miscommunication, you see. It happens sometimes when we get visitors.

POL: A miscommunication?

MAG: Yes, so as a punishment we made him apologise to the girl and sent him back to New Zealand to deal with his mother. She’s a relative of mine. We’re cousins, you see, descended from Fletcher Christian himself. More like sisters, really. We had our children at the same time, delivered here on the island.

POL: His mother? What did she do?

MAG: Well, I thought she’d give him a good box around the ears, but they’ve got that strange law in New Zealand where the parents can’t hit their children. Strange, really.

POL: I see. Well, it doesn’t seem that there is very much I can do here.

MAG: Listen. We know why you’ve come. You were sent to inaugurate a new taxation on Pitcairn. We are a humble village compared with the hustle and bustle of the megalopolis you herald from.

POL: No – not at all. I’m here…

MAG: Did you come here for free?

POL: I was charged with a duty to…

MAG: Charged? Duty? We may be simple here, but we are not unaccustomed with the ways of your economic materialism in England. How much did they charge you? How much did you charge them? And duty – all I see of duty in international affairs
these days is stamp duty, and your entire customs seem to be more particular to the products rather than the people that arrive at your borders.

**POL:** I was charged with a duty to make sure that the Law was being enforced here.

**MAG:** And who would be able to enforce such a law? We have no armouries or ports, let alone standing armies or naval officers. We have no refugees seeking solace here. We have democratically elected members of our council. Our wonderful Mayor represents us at the UN council – we are even occasionally invited to dine with the Queen Elizabeth II!

**POL:** I must say that everything does look exceptionally well, given the circumstances. However, I am stationed here for three months and do not wish to disturb anything for the time that I am here.

**MAG:** Well perhaps you might be able to help us!

**POL:** Oh yes, I would like that very much!

**MAG:** If you have a talent for administration, it seems our Government files are well out of date and disordered. We have only recently got the Internet here, and we’re always feeling as if we’re living in the eighteenth century due to our backward ways. If you could make sense of our old filing system, it would be extraordinarily helpful.

**POL:** It would be my absolute pleasure. It seems my services as a member of the police force aren’t going to be difficult here on Pitcairn. If only the rest of the world were like this – we would all be able to work for each other.

**CHORUS:** We told you – nothing bad ever happens on Pitcairn!

**MAG:** And nothing ever will!

**CHORUS:** So the Policewoman eventually returned to England, having found no crimes to ever have occurred on Pitcairn.

**SCENE FIVE:**  

**Baroness Scotland’s Decision**

*The Baroness bureaucratically decides the future of Pitcairn.*

**BARONESS:** I am the minister for British Overseas Territories. Come in.

**POL:** Hello Minister.

**BARONESS:** Please – call me Baroness.

**POL:** Hello Baroness.
BARONESS: What was our appointment regarding?

POL: I’ve just returned from Pitcairn Island.

BARONESS: That grubby little mutinous Island in the middle of the Pacific? We still look after that tiny volcanic patch of dirt?

POL: Yes.

BARONESS: Who’s in charge there again?

POL: The Governor. His office is in New Zealand.

BARONESS: What’s the population there on Pitcairn, and how much did all of this cost? We’re on an extremely tight budget at the moment. Things aren’t the same now as what they were when we were an Empire.

POL: The population is fifty. I think the annual budget is around 500 000 pounds. It is all in my report.

BARONESS: 500 000 pounds? On fifty measly, mutinous, filthy islanders?

POL: Most of it goes on administrative costs, although they are in dire need of roads and a port as part of their infrastructure to develop as both in trade and tourism, Baroness.

BARONESS: Winston Churchill will be rolling in his grave… What in God’s name has happened to Britain? One of the greatest Empires in the history of the world has been reduced to this? Sixteen tiny territories scattered like crumbs in the oceans we’ve dominated since the sinking of the Spanish Armada… and now, with the third millennium upon us, we are still cradling the remainders of colonial outposts manned by ancestors of mutineers who despised what we were trying to become – Governors of a peaceful and cooperative world. But human nature seems to keep creeping back in - weeds in our English gardens. We would have done well to follow the French, and dropped all the colonies the minute they resisted.

POL: Baroness, I’ve something strange to tell you that I discovered on Pitcairn…

BARONESS: Yes? What is it?

POL: The most recent child born on the island was in 1994.

BARONESS: So what?

POL: The mother of the child was born in 1983. I checked the birth certificates.

BARONESS: I don’t think I follow.
Pitcairn Island: “Where Are We Going, Fletcher?”

POL: The mother of the child was eleven at the time of the birth.

(Long pause)

BARONESS: Eleven?

POL: I checked the registry for the last fifty years, and discovered that most of the women on the island had their first children at around that age.

BARONESS: Eleven?

POL: I think that this is still going on in Pitcairn Baroness. The children act very strangely there. I’ve made up an initial report. I think that something should be done Baroness.

BARONESS: Quite rightly, I’d imagine. Eleven… Thank you constable.

POL: Thank you Baroness.

Exit

(Sitting and reading the report. Silence. Baroness picks up the phone)

GOVERNOR: (Voice-over) New Zealand Consulate.

BARONESS: Hello Gary, it’s Baroness Scotland here. Are you still looking after Pitcairn Gary?

GOVERNOR: Yes Baroness, we’re still in charge of it, on paper at least – I haven’t been out there for at least five years.

BARONESS: And why is that Gary?

GOVERNOR: We didn’t have anything in the budget for it Baroness. They seem quite functional without us.

BARONESS: I’ve a report here from a visiting constable from Kent who has said that the girls on the island are having sex as nine year olds and having children as young as eleven and have been for some time Gary. Would you call that functional Gary?

GOVERNOR: Eleven?

BARONESS: Do you think we could look into this Gary?

GOVERNOR: With our resources? I’m afraid that this will be quite difficult Baroness. There is barely any infrastructure in Pitcairn, and they basically live off selling rare stamps. The money we’d need…

BARONESS: I don’t think you understand me Gary. Find out what the hell has been going on there. Blank check.
GOVERNOR: I don’t think the Pitcairners will be very cooperative Baroness. They’re a very tightly knit community. They’re basically one big family.

BARONESS: Make them cooperate, or we’ll close down the island.

GOVERNOR: Yes Baroness.

(She hangs up)

BARONESS: Eleven… Sweet Jesus…

SCENE SIX: Operation Unique

The investigation begins uncovering the truth on Pitcairn.

POL: (To audience) Our task was rather simple one would think – interview all of the girls who have been born on the island for the past fifty years and find out when they first had sex and with whom, if they had given their consent and whether charges could be brought. Things were more complex than we thought. We began Operation Unique, as it was called by the Baroness, on Pitcairn Island itself. We interviewed everyone on the island. The results of the interviews revealed some unexpected findings.

SCENE 6 (a)

PW1: I started having sex when I became a woman.

POL: What age was that?

PW1: The normal age.

POL: What’s the normal age on Pitcairn?

PW1: What’s the normal age everywhere else?

POL: It depends… every country has different ages of consent.

PW1: What’s that?

POL: When people are old enough to decide for themselves to know what is involved in having sex.

PW1: Isn’t it simple?

POL: Sometimes – but sometimes sex can happen without consent.

PW1: Rape? Well, that’s never happened on Pitcairn.

POL: How do you know?
PW1: There are no secrets on Pitcairn. Everyone knows everyone else’s business.

POL: How old were you when you had your first child?

PW1: Sixteen.

POL: That’s quite young.

PW1: Not on Pitcairn. Quite normal.

**SCENE 6 (b)**

POL: When did you first begin having sex?

PM1: Eighteen.

POL: Who was it with?

PM1: My wife.

POL: How old was your wife when you first started having sex?

PM1: Fourteen.

POL: Were you aware that under English criminal law that even with the consent of your wife that it is deemed to be statutory rape?

PM1: What? How’s that? I resisted her advances for a while, but she was too persistent and I thought, well, why not?

POL: No, not your wife – you.

PM1: Huh? At the time she wanted it much more than I did!

POL: Under the law she can’t give her consent legally until she is sixteen.

PM1: Really? You English have strange laws. If they applied here you’d probably have to lock up every man on the island.

POL: They do apply here.

PM1: Since when?

POL: The Sexual Assault Act was passed by English parliament in 1956, so at least since then.

PM1: How were we supposed to know that? No one ever told us! What will happen to the men?

POL: Well, we’ll continue with the investigation until all of the witnesses have been interviewed to find out if there are any charges to be laid. I’m sure things will be fine.

PM1: No it won’t. There’ll be trouble.
SCENE 6 (c)

POL: How old were you when you had your first child?
PW2: Twelve.
POL: Are you still living with the father?
PW2: Probably. One of them moved to Norfolk.
POL: I’m sorry?
PW2: I was having sex with three of them at the time I got pregnant. Not sure which one is the father.
POL: You don’t know who the father is?
PW2: Well, they all helped out raising them. They’re all fathers, really. The Pitcairn men, I mean. We raise them altogether. One big happy family.
POL: How many children did you have?
PW2: Four, not including the first one. He died.
POL: I’m sorry… the first one?
PW2: I had a miscarriage.
POL: How old were you when you had the miscarriage?
PW2: The day after my eleventh birthday.
POL: Eleven?
PW2: Sure.

SCENE 6 (d)

POL: Magistrate, what do the Pitcairn Ordinances say about underage sex?
MAG: I’m not sure – but it is something to do with Unlawful Carnal Knowledge.
POL: Has there ever been a case of that here?
MAG: Oh Heavens no! Adultery is completely forbidden on Pitcairn. We’re all Christians here; descendents of Fletcher Christian and followers of Jesus. It makes me feel sick that so many people in England cheat on their husbands and wives. They’re ought to be a law against it.
POL: Doesn’t that happen here? Some of the women have told me they’ve had sex with more than one man.
MAG: Of course, but everyone knows it.
POL: Isn’t that still Adultery?
MAG: Not if they know it isn’t.

SCENE 6 (e)

POL: Did it hurt the first time you had sex?
PW3: Sure – did it hurt the first time you had sex?
POL: A little. How old were you?
PW3: I was nine. How old were you?
POL: Twenty three. Did you know it was against the law when you had sex the first time?
PW3: Twenty three? Did you want to become a nun?
POL: No, that’s quite normal where I grew up.
PW3: My lord, you must have been desperate by then! I had three kids by the time I was twenty.
POL: When did you first start having your menstrual cycle?
PW3: At ten I think.
POL: Do you think that having sex before you reach puberty is too early to be sexually active?
PW3: Back in those days it was quite normal. These days it is a bit different. My daughters kept asking me when they should start having sex, but I kept telling them to wait until they were in love. I think twelve is about the right time.
POL: Twelve is very young to be having sex…
PW3: Maybe for you – maybe things are different in England, but the girls mature very quickly here. They have to – the men expect it. After all, they’re only men.

SCENE 6 (f)

POL: Mayor, are you aware that English Law applies on Pitcairn Island and that by these findings nearly all of the men on the Island could be found guilty of statutory rape under the 1956 Sexual Assault Act?
MAYOR: I think you are judging our Island customs very harshly. What happens on Pitcairn is very normal. We’re Polynesians Constable. It is our culture. Besides, since when does English Law apply on Pitcairn? We’ve received no copy of the Act you speak of, and as
far as I’m aware, the only Law that applies on Pitcairn is the King
James Bible and The Pitcairn Island Ordinances of 1970.

POL: There is a statutory provision in the Ordinances that all Laws
passed by the English Parliament apply to all English territories,
including Pitcairn Island.

MAYOR: We don’t see what all the fuss is about. I’ve spoken to some of the
women on the Island who say you’ve been attempting to bribe
them.

POL: Bribe them? How do you mean?

MAYOR: I have three witnesses stating that you have attempted to bribe the
women with offers of up to fifteen thousand pounds if they will
testify against the men.

POL: The Crimes Compensation? That is hardly bribery!

MAYOR: Of course it is bribery! Our annual income from sales of stamps
and honey comes to one hundred thousand pounds! Do you know
what fifteen thousand pounds would mean to one person here?

POL: I’m only doing my job Mayor…

MAYOR: And I’m doing mine – I’m charged with the responsibility to
govern this island and make sure that it is free from corruption,
coercion and the infestation of such false ideas. There are rumours
that the offer of aid from England for improvements to
infrastructure will be suspended pending the outcome of this
investigation. This infrastructure has been promised for over a
decade now and this seems like one more measure to force the
island onto its knees and beg for support. I’m going to see to it
that the United Nations hears of this when I speak at the council
next month. British aid goes practically everywhere else but
Pitcairn Island, to places that Britain has no Sovereignty over.
These colonial conditions that you put on other places will not go
unnoticed by the United Nations. It is economic imperialism, pure
and simple.

POL: My report will have to reflect this.

MAYOR: I hope it does. All these trumped up threats of statutory rape are
just another English plot to close down the island. Tell the
Baroness, the Governor and the Queen that if they try to close
down this island that we have mutinied against cruel British Laws
before – we’re certainly not afraid to do it again.

Exit

POL: (To audience) So began Operation Unique. We interviewed all of
the Islanders who claim that they’re culture is unique and that it is
normal for things to happen the way they do on Pitcairn. Almost
all of the women claim that they were never forced. We continued our investigation to all those who were no longer living on the Island.

**SCENE SEVEN: Rose’s Dilemma**

*An policewoman asks Rose to testify. Rose is sceptical that any good will come of it. The policewoman insists that it will continue if she doesn’t.*

**POL:** *(To audience)* We continued our investigation on Norfolk Island, New Zealand and Australia. Given the reluctance of the Islanders to acknowledge the seriousness of the charges, we felt certain that we could find evidence from those no longer living on the Island.

**ROSE:** Hello Constable, how can I help?

**POL:** Rose, I’m investigating a case involving sexual statutory rape during the time that you lived on Pitcairn Island. Would you be available to answer some questions relating to that time?

**ROSE:** Of course.

**POL:** What was the normal sexual practice that you knew of during the time you spent growing up on Pitcairn?

**ROSE:** Normal? I don’t think there was anything normal about growing up on Pitcairn.

**POL:** What do you mean?

**ROSE:** Most of the girls there are sexually active from a very young age. I left the island before I had my first child. I moved to Queensland with my husband and haven’t been back since.

**POL:** Did anything happen to you while you were living on the island?

**ROSE:** I don’t really want to talk about that. It’s very hard for me. I’ve still got family on the island and I don’t want them to know.

**POL:** We can go off the record if you prefer.

**ROSE:** I don’t see the point.

**POL:** Why not?

**ROSE:** That’s just the way things are on Pitcairn.

**POL:** If you can help me at all with this investigation, it would be most appreciated.

**ROSE:** I don’t see how – what happened to me happened to all of the girls on the island.
POL: What happens to all of the girls?

ROSE: You mean you haven’t found out yet?

POL: I’ve found out a lot of things Rose, but nobody really wants to talk.

ROSE: What’s there to talk about? I’ve moved on. The past is in the past. I’d like to leave it there. I doubt it is still going on there anyway.

POL: Don’t you want to see these men punished for what they did?

ROSE: I don’t know… What if it comes to nothing?

POL: That’s not how things should work Rose.

ROSE: If things worked the way they should then I would’ve never have had to leave Pitcairn. Most of the time it was the most wonderful place on Earth. But there is always a price to pay in such places. Everyone suffers sometimes in his or her life. Why should I have to keep suffering? Dragging the past out of hiding to fix the present… Where will that lead? What will that do?

POL: It will make sure that it doesn’t happen to anyone else again!

ROSE: You can’t promise that – there are laws here as well as in England. It still goes on. Murder, rape, crime, exploitation. Laws don’t prevent them from happening. Injustice is the normal state of things. Why should it be any different on Pitcairn?

POL: What if we don’t try Rose? What happens then? Then they win.

ROSE: What was I to do? I was a little girl! There was no one I could turn to – there was no one to protect me. Those who say they love you hurt you the most. Those who say they would protect me are the one’s I needed protection from.

POL: Will you testify?

ROSE: To be abandoned by those who I love now? My husband has left me, my parents will turn their backs on me if I speak out, and my main priority is to look after my daughters.

POL: I understand how difficult this is for you. Call me if you change your mind.

Exit

ROSE: (sits in silence for a time)

Rose’s Song – Broken Flower

ROSE: I’m not alone… I tell myself…
I’m not at home… and just as well…
I’m not able… to fight alone…
To make things right… I tell myself… that
This never happened, this never happened,
This never happened, this never happened to me…
Broken promises… broken roses…
The world spins forward, I can’t look behind,
I’m not at home… and just as well…
I pick myself up, and move along… because
It didn’t happen, it didn’t happen,
It didn’t happen, it didn’t happen to me…
I’m not alone… I tell myself
A broken rose… isn’t what I am…
Tomorrow’s there… and I am here
Far away… I will remain…
This isn’t happening, this isn’t happening,
This isn’t happening, this isn’t happening to me…
A broken rose… forgive… forget…
The past is gone… I’ve no regrets… and
This will not happen, this will not happen
This will not happen, this will not happen…
To me…
ACT II

SCENE EIGHT: Paradise Lost

The Mayor of Pitcairn presents a plea to the United Nations for a bid to support the Island’s ailing economy. The Islanders are informed by British officials that the trial will go ahead.

MAYOR: (Address to the United Nations) The Pitcairn Island Economy has subsisted up until this point on simple agriculture, the export of rare commodity goods such as Honey and stamps, and exists without the basic infrastructural support that would have been deemed unworkable in the eighteenth century – we have no ports, air or shipping. We suffice with a generator for three hours a day and continue to utilise gas lamps, subsistent medical and dental supplies and are completely dependent on labour power to keep the island going. Given the ongoing charitable mechanisms inherent in policies of the richer nations of the world we ask them this: not charity, but the possibility of inter-dependence.

Coming from an Island culture rich in Christian faith, I’d like to briefly address the nations assembled here to form the United Nations with a brief but poignant tale from the Gospels to illustrate our plight. For the non-Christian denominations from Islands and nations of other faiths and values, it is called:

The Rich Man and Lazarus

“There was a rich man who was dressed in purple and fine linen and lived in luxury every day. At his gate was laid a beggar named Lazarus, covered with sores and longing to eat what fell from the rich man’s table. Even the dogs came and licked his sores.

“The time came when the beggar died and the angels carried him to Abraham’s side. The rich man also died and was buried. In Hades, where he was in torment, he looked up and saw Abraham far away, with Lazarus by his side. So he called to him, ‘Father Abraham, have pity on me and send Lazarus to dip the tip of his finger in water and cool my tongue, because I am in agony in this fire.’

“But Abraham replied, ‘Son, remember that in your lifetime you received your good things, while Lazarus received bad things, but now he is comforted here and you are in agony. And besides all this, between us and you a great chasm has been set in place, so that those who want to go from here to you cannot, nor can
anyone cross over from there to us.’

“He answered, ‘Then I beg you, father, send Lazarus to my family, for I have five brothers. Let him warn them, so that they will not also come to this place of torment.’

“Abraham replied, ‘They have Moses and the Prophets; let them listen to them.’

‘‘No, father Abraham,’ he said, ‘but if someone from the dead goes to them, they will repent.’

“He said to him, ‘If they do not listen to Moses and the Prophets, they will not be convinced even if someone rises from the dead.’”

We neither need nor want charity or the fires of industry that the rest of the world comforts themselves through. We want to be a nation. We were formed at the same epoch that the American constitution was founded, the same time as the French Revolution, the discovery of Australia... we are Enlightenment subjects, and wish to be treated as such. We are racially unique, our culture is so rare our stamps are worth more than anywhere else in the world, and our political call to the UN is – grant us Nationhood. We demand nothing less. We will rise as a nation. May it be God’s will that you will see the reason of our request and support us in this mission. Thank you.

CHORUS:  

(Appause)

MIRTA:  On behalf of Pitcairn Island’s committee, I echo my community’s and my husband’s sentiments and would like to humbly thank the United Nations for listening to us here today. Thank you on behalf of a grateful community.

(Enter the Commissioner of Pitcairn Island)

COMMISS:  Hello Mayor, and Hello Mrs Mayor.

MAYOR:  Governor.

MIRTA:  I’m not an elected official, Commissioner. Please call me Mirta,

COMMISS:  Thank you Mirta. The news is, well, not good. The Baroness has given a green light to the trial. The infrastructural projects have been suspended pending the outcome of the trial. The trial will most likely take place in Auckland, with the New Zealand Government posed to pass legislation for a Pitcairn Island Supreme Court to be headed by three judges. A jury trial has been deemed impossible due to the close relations of the Pitcairn residents. A jail is poised to be built on the island. The prosecution have mounted 40 charges varying from sexual assault to rape.
Pitcairn Island: “Where Are We Going, Fletcher?”

MAYOR: So… they’re going ahead with it.

COMMISS: I’m afraid so. What do you think we should do?

MAYOR: Like anyone else should. We’ll fight them.

MIRTA: This is an outrage! Where have these trumped up charges come from? Who has agreed to pursue them? They’re traitors to Pitcairn!

COMMISS: You know very well that the names of those used for the gathering of evidence cannot be revealed.

MIRTA: We have our ways, Commissioner.

COMMISS: Yes, we’ll certainly have to look into that. Be very careful though about using any tactics that could be seen to be unbecoming to the court. I would recommend we speak to the legal council that has been appointed.

MAYOR: Commissioner, we’ve just spoken to the United States Assembly. The damages that this is going to do to Pitcairn’s economy will be irreversible. Are they trying to send us back to the Stone Age?

COMMISS: There is nothing I can do right now, Mayor. But don’t forget, although I’m a state appointed official, I will make sure Pitcairn’s interests will be well looked after. Listen, a trial may not even go ahead. Just don’t Panic.

SCENE NINE: Panic!

The locals have multiple reactions to the news. The Global media also responds to the news.

MEDIA 1: (Over loudspeaker) THIS IS BBC WORLD NEWS. PITCAIRN: ‘MUTINY ON THE BOUNTY’ ISLAND FACES FIRST TRIAL IN HISTORY, A RAPE CASE HAS CAST A SHADOW OVER A PACIFIC ISLAND OF 44 RESIDENTS WHERE MAGISTRATES HAVE NOT SAT FOR A GENERATION.

MEDIA 2: (Over loudspeaker) END OF A LEGEND AS PITCAIRN MEETS THE MODERN LAW: by the time the mutinous crew of HMAV Bounty dropped anchor off Pitcairn Island in January 1790, they needed more than somewhere to rest from the rigours of careering around the Pacific for months on end. They needed somewhere to hide from British Law.

MEDIA 3: (Over loudspeaker) THE PARADISE THAT’S UNDER A CLOUD: Pitcairn Island, of Mutiny on the Bounty fame, has an idyllic reputation. But life isn’t easy for its few dozen remaining
inhabitants. Now allegations of sexual abuse may prove the final straw.

MIRTA: Pitcairn Residents: what we have previously feared as merely a shallow threat has become a reality – The old Nemesis England has returned to seek what they perceive to be justice for the Mutiny against their corrupt and oppressive laws. When they first arrived to discover the immaculate society built by John Adams on the tenets on Christianity, they were humbled by our pious ways and simple existence, and forgave the just impasse against the tyrannical captain Bligh. Then they had a war against France and Napoleon to fight – now they have nothing left of their empire, they come to claim our birthright!

PM2: I’m afraid!

PW2: What will happen to my father?

PW3: What will happen to my son? Who will look after me if they hang him?

MAYOR: But we are unafraid! We know the story of Jesus! We know the methods they used against him! They dream we are villainous to covert their own villainy! They imagine us backwards, and ignore their own barbarity! They seek to remove what they see as a splinter and remove not the plank from their eye!

PM3: What will we do?

MIRTA: We will do as Jesus did! We did not come to bring peace but a sword! And by the birthright given us by the Heroic efforts of Fletcher Christian to mutiny against a tyrant, we shall defend the patch of earth he chose as Paradise, and we shall fight them until the last! Hear me Pitcairn! We will fight them until the last!

SCENE TEN: Preparing for the trial

The New Zealand Legal Machinery talk about the organisation of the trial. The Judge, Prosecution and Defence discuss the difficulties associated with the trial.

JUDGE: As you well know, men of the council, that this is an unprecedented event in the history of New Zealand law. It has been decided that the trial against seven Pitcairn men for a variety of charges will take place on Pitcairn Island with testimonies given by live closed circuit television. The defendants and their families will give us no quarter, but we must see to it that this is a fair and just trial no matter the geographical association. They will, as you know, be tried by English Law – similar to that of our own – but nonetheless the same expectations of the court will be
important in these matters. Accommodation will be difficult. The trial will be similarly held in accordance with the processes laid down by the Act. Any questions?

PRO: From the outset, your Honour, I am concerned that the evidence and testimonies gathered by the officers in charge of Operation Unique are corroding much more quickly than in any case I’ve dealt with in the past. From what I’ve been able to garner, the witnesses have been persuaded against testifying through familial coercion. We have enough to mount a case, but…

JUDGE: I cannot, as you should well know, interfere with the gathering of evidence.

PRO: Certainly, but given the circumstances I would ask the court for some leniency. The key difficulty is not so much a legal question, but a political one. The locals, I believe, feel threatened that if this prosecution were to succeed that it would lead to the closure of the Island. The witnesses are abandoning the trial for fear of being deserted by their families beyond the outcome of the trial.

JUDGE: That maybe so; however, the offer of a Truth and Reconciliation Commission styled court has been rejected. We will proceed as long as the Prosecution has a case.

PRO: We have a case. I merely fear that further coercive tactics may be used to weaken what I believe to be a fairly open and shut case.

DEF: Judge, I also have concerns relating to the case, although mine is a legal rather than a political question but may go some way in explaining the difficulties of the politics in this case.

JUDGE: Go on.

DEF: This may sound rather strange, your Honour, but is the court valid?

JUDGE: It is a new Supreme Court. By the same means our court was once new. What’s your point?

DEF: It is a Sovereign question, your Honour. From what I’ve gathered, English Law has never officially applied to Pitcairn.

JUDGE: Pitcairn Island is a territory of Greater Britain.

DEF: Not according to the documents I’ve gathered – and more pertinently, the original legislative documents are fuzzy.

JUDGE: I’m not going to be drawn into these debates on legality – I have been charged by the Barre of New Zealand to reside over a trial that is legal according to the status I have as a judicial member of this esteemed organisation.
DEF: Thank you, your honour.

JUDGE: The trial takes place in three months from today. As per usual you are recommended to keep your distance from the media who will be present on the Island. It is going to be a rough trip, and I’m not just referring to the boat ride.

SCENE ELEVEN: The Spirit of the Just Mutiny

*The locals organise to fight against the injustice of the trial. The form of the scene should be in the style of an appeal directly to the audience.*

MIRTA: We are a group of concerned Pitcairn women on and off the island who are deeply distressed by the struggle the last six years to prove that the Pitcairn men are not child rapists. We have been advised by legal experts to take our case to the court of last resort, the Privy Council in London in July 2006.

PW2: Now we have come to the point where we need to ask for help, though it goes against the grain of our independence and self-sufficiency. We are used to working for everything we have, we are hard workers, and it has caused us a great deal of heartache to decide to ask for help.

PW3: The Pitcairn men charged with serious crimes have until now not had their fundamental right of counsel of their own choice to represent them. A Public Defender and a Deputy Public Defender from New Zealand were appointed by the Governor of Pitcairn Islands, responsible for the introduction of English criminal laws to Pitcairn. The counsel was then assigned under Legal Aid laws to represent the Pitcairn men.

MIRTA: Another counsel chosen by the Public Defender was also assigned to represent them shortly before the 2004 trial. In 2002 this counsel was still an associate member of the law firm chosen to prosecute the alleged crimes. Again the Pitcairn men had no say in this choice, they have three lawyers to defend the seven of them, and there was great concern about the situation. For reasons which they believed to be good and valid, the majority of the Pitcairn men have lost trust and confidence in the representation assigned to them. They have chosen to obtain the services of very senior and experienced lawyers, because they are concerned at the very real prospect that if they don't succeed in the Privy Council appeal, the future of Pitcairn Island is in extreme peril.
PW2: We have to appeal for help in raising the funds needed to fight for our own and Pitcairn's survival. When it is understood that there are less than forty Pitcairners living on the island, and that the monthly wages range from NZ$50 to NZ$350, it is clear that a proper fight in the Privy Council is only possible if friends of Pitcairn Island contribute generously to save a special and unique community.

PW3: One of our highly qualified independent lawyers is working for free, the other one at reduced rate, but there are still associated costs which will all but bankrupt us. The Privy Council in London in July will cost over NZ$100,000, - an astronomical sum for us, but the only way to try to get justice for the island. Essential justice and fairness have not been given to our men in the proceedings so far:

MIRTA: No jury trial, the defendants were not judged by their own peers, but by New Zealand judges.

PW2: The defendants were accused and convicted according to a British Law that had never been promulgated on the island. The relevant Pitcairn ordinance, the only one the islanders knew, was not applied.

PW3: The allegations from several Pitcairn women about police promising compensation during interviews were not investigated by the courts.

MIRTA: There was no legal counsel available to Pitcairners until Legal Aid appointment in May 2002, two years after the investigations started and the Pitcairn prosecutor was appointed, thus giving lots of time for media speculation and bias to grow.

PW2: The Pitcairn justice and court system was created after allegations were made and some were made even after the decision to prosecute and lay charges.

PW3: If you want to see justice be done to all the Pitcairn men and women, please make a contribution to our cause.

MIRTA: Thank you for helping us in this hour of great need and despair. We believe justice and fairness CAN prevail. However, it cannot do so unless we continue to secure the services of our two independent counsels, who are dedicated to providing justice for all, making it possible to be represented at the highest possible level in Privy Council.
SCENE TWELVE:   Mother to Daughter

Rose’s Mother informs Rose not to be persuaded by the Government officials.

MOTHER:  (Calling Rose by phone. Voice over.)
            Rose, are you there darling?
ROSE:  Yes mum.
MOTHER:  How are the little ones?
ROSE:  They’re okay mum.
MOTHER:  WHAT I CAN’T HEAR YOU THE LINE ISN’T CLEAR.
ROSE:  THEY’RE OKAY MUM.
MOTHER:  That’s good dear. Have you seen the Newspaper’s over there?
ROSE:  NOT REALLY MUM…
MOTHER:  No need to shout dear…
ROSE:  Sorry Mum.
MOTHER:  Have you heard about the case over there dear… your poor Father is worried to death he’s going to appear as a child-rapist!
ROSE:  I know Mum.
MOTHER:  Well, he’s worried sick. It’s not going to do his heart problem any good with all this business going on, with the courts and all – coming over here… Terrible. The English just have no common decency.
ROSE:  Yes, I understand Mum.
MOTHER:  You shouldn’t talk to your Mother that way; I raised you as my own. Imagine the world thinking I was a bad mother… a bad wife…
ROSE:  I know Mum.
MOTHER:  Well, did they speak to you?
ROSE:  Who, Mum?
MOTHER:  The police of course? Or the media?
ROSE:  I spoke to one of the investigators. I didn’t tell her anything.
MOTHER: That’s good dear, as long as you TOLD THEM THE TRUTH, and as long as you know what your Father is going through.

ROSE: I do Mum. I really do. How is everyone else there?

MOTHER: Absolute bedlam, although Mirta is being exceptionally strong. You know how good she is in a crisis.

(Pause)

ARE YOU THERE DEAR? I CAN’T HEAR YOU.

ROSE: YES, I’M STILL HERE MUM.

MOTHER: Great to talk to you dear. Say hi to the girls and I’ll be in touch soon!

ROSE: Bye Mum.

(Longer Pause)

Hello I’d like to speak to the Governor of Pitcairn please.

SCENE THIRTEEN: The arrival of the Law

The prosecutor arrives, tricked by the fishermen into wearing women’s clothing on the crossing to Pitcairn. The Judges arrive and are made out to be fools. The defence lawyer arrives and gets a Christian welcome. He informs them they have a case – Britain has no Sovereignty!

MEDIA: (To audience) This is perhaps one of the most important cases in history, given the Islands geographical and political isolation this offers us a chance to view the perfectly ignored outsider as they perfectly are: full of human error and catastrophe! What a scoop! What a story! We’ll sell a million copies in a day with such phantasmic proportions without the least bit of moral responsibility because our moral responsibility is to be on the pulse! We are the surgeons of the public knowledge; we suffer nothing but the responsibility of reporting tomorrow! You know the truth, and we will deliver it to you daily, without bias, history, or importance: this is BBC WORLD NEWS.

(The Judges arrive)

MED1: Judge, do you feel that you’ve been forced in any way?

MED2: Judge, do you feel the weather will alter your decision?
Pitcairn Island: “Where Are We Going, Fletcher?”

MED3: Judge, do you feel yourself able to cope with the complexity of the case?

JUDGE: No comment.

CHORUS: Boo…

(The Prosecution arrives)

MED1: Prosecutor, are the rumours true?

MED2: Did you sleep with the defence Lawyer?

MED3: Did you don a wig and dress up as a woman to please a Captain’s wish on the way here?

PW1: Disgusting!

PW2: Abhorrent!

PW3: Against our Christian values!

PRO: I was requested, upon embarking the vessel that the Captain commanded that the tradition was to dress as was respectful to the custom that I was required to respect.

PW1: Tradition?

PW2: Custom?

PW3: Respect?

PW1: Pull the other one! Why are you here? Our men are innocent!

PRO: No comment.

CHORUS: Boo…

(The Defence arrives)

MED1: Are you the Pitcairn Island Defence Attorney? Is it true?

MED2: Are the Pitcairner’s right?

MED3: Is Pitcairn Sovereign?

Reprise: *The Bounty Song*

DEF: Let’s not be too hasty – the rule of Law is here.

But let us not forget – Fletcher was a mutineer…

CHORUS: Every man must fulfil his destiny, every man respects the law

When treated like the peasantry, every man should see the poor
Pitcairn Island: “Where Are We Going, Fletcher?”

And recognise the enemy, and lead those men to shore

But when forced into a mutiny, there rose a man like none before
ACT III

SCENE FOURTEEN: Fletcher and Bligh

*Fletcher and Bligh, the famous mutineer and infamous captain. The argument rolls on over why the mutiny occurred.*

CHORUS: For years there have been many speculations on why Fletcher Christian mutinied against Captain William Bligh. Was it the right thing to do? Was Bligh a tyrant or a caring protector of his men? Was Fletcher a hero or a pirate? Perhaps we shall never know the reasons. But history is not written by the writers, it is believed or doubted by the readers. We must ask ourselves: who *is* right? What is the *right* thing to do? Who loses and who benefits, and by what means? As the mutineers asked Fletcher, we must also ask ourselves – where are we going?

*Where are we going, Fletcher? Where are we going?*

SCENE FIFTEEN: The Trial Begins

*At a media conference the Pitcairn women defend the men to the media. The trial starts. One Christian comes forward admitting guilt and sorrow.*

CHORUS: One day before the trial, the Pitcairn Women organise a press conference to combat the accusation that the men of the Island are child rapists.

MIRTA: My dear members of the global media, despite the fact that you understand so little of our culture and have painted all of our men as brutal thugs and child rapists, we, the women of Pitcairn, wish to correct some of the false accusations of our culture by three generations of Pitcairn women.

MED1: The trial begins tomorrow – what are your thoughts on the trial?

MIRTA: It is simply an attempt by the British to close down the island. These trumped up charges will never stick. We have been here doing what we do for over two hundred years and we will continue to do what we do for the next two hundred.

MED1: There are seven men so far charged with rape of girls under the age of fifteen. Are you saying these charges are false?

PW2: Absolutely. There has never been a rape on this island. We’re Polynesian; it is our culture. I first began having sex when I was eleven. And I was hot for it too.
MED2: Eleven?

MIRTA: We all thought sex was like food on the table. We understand that you may do things differently where you come from, but we don’t try to tell you what to do anymore than you should tell us what to do. These are our bodies, these are our customs. We are racially indigenous to Pitcairn. Why should we change our customs when you do not approve of them?

MED3: Can you speak for all of the women of Pitcairn?

PW2: We can speak for ourselves, and we have brought proof that these charges that remain are due to the bribes offered by the English Police.

PW3: I was offered fifteen thousand dollars if I said that I was raped. I thought about it for a while, but it was the wrong thing to do. I didn’t expect things to go this far, and I was told by the English police that I couldn’t have consented even if I wanted to. I really wanted to. It is normal around here. We are a very loving community and enjoy sex. Don’t you?

MED1: Well, yes, but…

MIRTA: So you see, we are behind our men to the last. These courts are without juries, they are without representatives from England and cannot be considered legitimate, some of these alleged crimes occurred more than thirty years ago, the laws they are being tried for have never been posted, proclaimed or announced in Pitcairn, and the defendants were not granted legal council for two years since the charges were laid. No matter what happens during the trial, the men will be vindicated and our cause will be heard throughout the world. Thank you for your time.

SCENE SIXTEEN: Mayor takes the stand!

Steve Christian takes to the stand, defends Pitcairn’s Sovereign right as a race, a nation and a long tradition of lawfulness with no crime.

JUDGE1: Order! The Pitcairn Island Supreme Court is now in order. Read the charges.

JUDGE2: The defendants are charged with multiple counts of rape, sexual assault and penetration with a child under the age of twelve.

JUDGE3: How does the representative defendant plea?

MAYOR: Not Guilty, your Honours; and may I stress to the court that this court is deemed illegal under the charter for human rights as governed and presided over by the statue of limitations passed by
the United Nations and ratified duly by both the Nation that you Judges come from as well as the Kingdom you propose to represent. This court is nothing less than a Nuremburg trial against Fletcher Christian two-hundred years after the fact in what was considered to be an astounding act of bravery in the face of absolute tyrannical presence, Captain William Bligh who represented and exploited the Law to his own sadistic purposes, much in the same way England is using this court as a justification for an invasion of a sovereign nation.

**JUDGE1:** Strike that from the record. You will respect this court Mr Christian.

**MAYOR:** And you will address me as Mayor of Pitcairn, if you would like me to respect your status as a New Zealand Judge.

**JUDGE2:** Very well Mayor. Prosecution, proceed.

**PRO:** Thank you your Honours. Mayor, I have here a document which states that in July of 1972 a former islander, name withheld, alleged that you, Mayor, had raped her twice in 1972 when she was twelve, once in bushland and once in a boat moored at Bounty Bay, and had used other adolescent girls as your personal harem. She has stated that "you seemed to take it upon yourself to initiate all the girls, and it was like we were his harem." She had not informed her parents or others in the community, she said, because she "knew nothing would be done about it because of previous experience on the island."

**MAYOR:** Fiction. I was in New Zealand in 1972.

**PRO:** So you are suggesting, Mayor, that the accusation that my client has made against you is false on the basis of when it occurred?

**MAYOR:** What are you inferring?

**PRO:** If it did not happen in 1972, did it happen at another time perhaps?

**DEF:** Please the court – could we have a direct question for the witness?

**JUDGE1:** Proceed with the prosecution’s question.

**PRO:** The witness claims you assailed her on more than one occasion and that she was not the only one to claim this.

**MAYOR:** Merely claims. These events are more than thirty years old. I have no recollection of having even met this girl, let alone had any relations with her. These events sound like this court – invented out of thin air for ulterior motives.

**PRO:** Were you aware at the time that sex with underage girls was illegal according to British and Pitcairn Law?
Pitcairn Island: “Where Are We Going, Fletcher?”

MAYOR: How would I have been aware? Even if there had been a conceited effort from the British authorities to inform us of any such law, it would have been absurd to enforce them.

PRO: Were you, personally, aware of any criminal acts involving underage sex during your tenure as Mayor on the Island.

MAYOR: I have not been informed of any such activity until the charges that you laid on the six men by your office. I’m yet to see any substantial evidence of any such offences, and moreover, that even if there were, that British law is applicable to Pitcairn. There is NO child abuse on Pitcairn. There is nothing further to discuss with respect to this subject. Either present a valid witness to testify to this, or drop the case. If you have witnesses, get them to present here, in front of all of Pitcairn, and see if their lies can hold up.

PRO: Thank you Mayor. No further questions you Honours.

JUDGE1: Does the defence have any questions for the witness?

DEF: No your Honours. Not at the present.

JUDGE1: Then the court will recess until tomorrow. I assume you have further testimonies?

PRO: I believe we do your honour.

JUDGE1: Very well. Court is adjourned.

CHORUS: Three cheers for our brave Mayor! Huzzah! Huzzah! Huzzah!

Pitcairners exit. Police Woman speaks to the prosecution.

PRO: Are the witnesses still prepared?

POL: Three of them have decided not to testify.

PRO: Is there anyone left?

POL: Perhaps. (Calls over) Rose?

ROSE: I’m not ready for this.

POL: Rose, we’ve spoken about this.

ROSE: Yes, we have. I’m just not sure what I’m expected to do.

POL: The truth Rose. All you need to do is tell the truth.
SCENE SEVENTEEN: Brave Rose. Brave Bligh.

Rose takes the stand. She is cross-examined and cuts the defence to shreds.

CHORUS: Rose confronts the island and tells the story of her youth on Pitcairn.

JUDGE1: Call your witness.

PRO: The prosecution calls Rose Christian.

CHORUS: The audience murmurs with surprise.

PRO: Rose, do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

ROSE: I don’t think God has got anything to do with this, but I will tell the truth.

PRO: Do you know the Mayor of Pitcairn Island?

ROSE: Yes I do. He is my sister’s husband.

PRO: How long have you known him?

ROSE: As far back as I can remember.

PRO: You have said in a report that the Mayor had tried to rape you when you were seven in this report. We have charged him with indecent assault for this crime. Can you tell us what happened?

ROSE: My sister and I were playing amongst the Banyon trees near Bounty Bay when he came across to us on his motorbike. He told us to come with him. He took us into the cave on the top of the mountain where he told us to take off our underwear. We both tried to run away, but he caught me by the arm and lay on top of me. My sister kept running. He told me that he would rape my sister if I told anyone what happened. Then he had his way with me.

PRO: Why didn’t you tell anyone?

ROSE: My sister was in love with him. She’s his wife to this day.

PRO: No further questions for the moment your Honours.

JUDGE1: Defence.

DEF: Why didn’t you tell the Magistrate?
ROSE: Because he did the same thing to me a week later. It is just how the girls are treated on Pitcairn. Men could do what they wanted to with us. They were a rule unto themselves. There was nobody on the island that you could turn to for anything like this... That’s the way of life on Pitcairn. You get abused, or you get raped. It was the normal way of life here on Pitcairn when I was growing up.

DEF: But why haven’t you told anyone else until now? Not even your husband?

ROSE: Because I didn’t wish to disillusion him about the island. I love Pitcairn. I always wanted to come back here. Perhaps now that the truth has been told I can. Everyone in the outside world thinks Pitcairn Island is a paradise, but it was sheer hell here when I was growing up. Pitcairn isn’t a paradise at all. It is hell.

SCENE EIGHTEEN: Two wrongs don’t make Human Rights

Rose argues with the courts reason for jurisdiction and argues for Justice for all, not justice for the Stronger.

CHORUS: Closing statements.

PRO: What we have seen over the course of this trial, your Honours, is a simple case of collusion. The men of Pitcairn vie for power through brutal acts of not only physical rape, but dually of targeting young girls who’s moral fortitude goes beyond the call of simple sacrifice: Rose has come forward and has simply shown what the truth can do. But I ask this court – what will happen now that we know the truth? Will we simply cover it up again with Politics? With media coverage? With narratives that suit our view of the world? Will we simply go back to sleep? I call upon this court to not only bring swift and sharp justice for the crimes that these men have committed to humanity, not to England or some other Sovereign demarcation of the law. The applicability of the British law to Pitcairn is not enough, although as I understand it the questioning of the legality of this trial is already underway in the courts of appeals and will be heard in the coming months in the Privy Council in England. What is the real question of this trial? Where are we going? That is the true purpose of this trial. Can we create a paradise on Earth? Can we create a just republic? Or, as Plato speaks of justice in the Republic, is Justice merely the interest of the stronger? This decision is in your hands.

DEF: My learned colleague has spoken eloquently when he mentions Plato in his closing remarks. Is justice merely in the interest of the stronger? This is fundamentally what this case is about. Many of the women who had felt compelled to come forward by coercive means have resisted, doubting the validity of the actions of this court and the huge sums of money that have been spent on
importing the legal machinery – two new courts and a prison built with the labour of the men of this island who have dedicated their lives to keeping this patch of earth functioning. They are not martyrs. They have weaknesses. Punishing them excessively would not only punish the entire community, leading to the possible closure of the island, but the legitimacy that this court and its sovereign claim is nothing more than a fundamental colonization of this, a Sovereign nation who’s very act of defiance against British law over two-hundred years ago is only now being punished.

(Fade out lights on the court. Rose and her sister meet again for the first time in years)

MIRTA: Why did you do it Rose? Is this what you wanted? All the able bodied men of Pitcairn in jail. Will the closure of the Island make you happy?

ROSE: Why would I be happy? I just wanted to be heard Mirta. I wanted somebody to hear what happened. Anyway, I’m not the Court. They make the decision.

MIRTA: No, and we’ll fight this all the way to England.

ROSE: I’m not fighting anymore. I’m done with fighting.

MIRTA: So where will you go now that you’ve ruined your home? This place will never be the same thanks to you.

ROSE: I know.

MIRTA: Aren’t you ashamed?

ROSE: Not anymore. I’m going to be staying a while.

MIRTA: What? Here?

ROSE: Yes.

MIRTA: You’re joking.

ROSE: No, I’m not. I’ve come home, sister. And I forgive you.

MIRTA: I forgave you years ago for corrupting my husband. I forgive him for being corrupted by you. But this I cannot forgive. You can’t stay here Rose – not after what you’ve done.

ROSE: What about what they did to me? And what you did to me. You set me adrift sister – just like Fletcher did to Bligh. I struggled to make it back home, but I made it. Fletcher was a pirate, sister, and a traitor. Bligh was no tyrant.

MIRTA: This will never be your home Rose. I’ll make sure of that.
ROSE: This isn’t over Mirta. It is going to take a long time for Pitcairn to change.

(Sister leaves)

I just hope it will…

SCENE NINETEEN: Consent

CHORUS: What we must learn above all is consent.

Many said yes, yet there is no consent.

Many aren’t asked, and many consent to wrong things.

So what we must learn above all is consent.

SCENE TWENTY: Homecoming… when will we ever learn?

MIRTA: A reading from the Book of Micah, Chapter Seven, Verse 8:

Do not gloat over me, my enemy!

Though I have fallen, I will rise.

Though I sit in darkness,

The Lord will be my light.

Because I have sinned against him,

I will bear the Lord’s wrath,

Until he pleads my case

And establishes my right.

He will bring me out into the light;

I will see his righteousness.

Then my enemy will see it,

And be covered with shame,

She who said to me,

“What is the LORD your GOD?”

My eyes will see her downfall;

Even now she will be trampled underfoot
Like mire in the streets.

(Curtain)