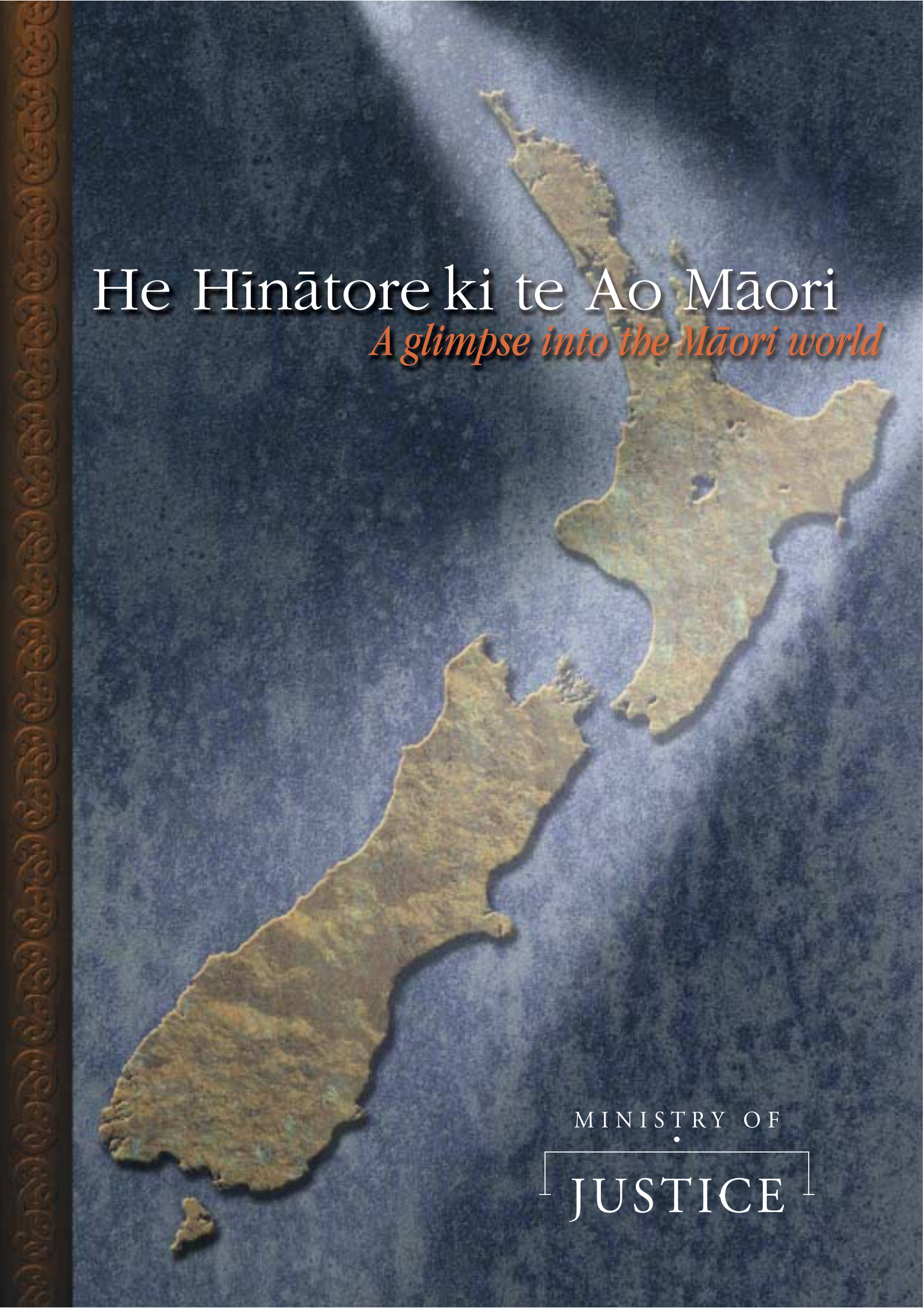

He Hīnātore ki te Ao Māori

A glimpse into the Māori world

MINISTRY OF JUSTICE

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A Glimpse into the Māori World

Māori Perspectives on Justice

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E ngā mana, e ngā reo, e ngā karangatanga maha.
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Foreword

He Hīnātore ki te Ao Māori is a groundbreaking project. The purpose of this project is to help develop an understanding of traditional Māori perspectives on justice, which involves the identification of cultural values and beliefs in relation to Māori practices and tikanga. The intention of the paper is not to say how the criminal justice system of New Zealand might work. Rather, it is an overview of a Māori perspective of 'tika' or rightness.

In providing justice policy advice, the Ministry of Justice and other justice sector agencies must pay particular regard to the Māori dimension. With a high proportion of Māori involvement in the justice system, the Ministry of Justice has the obligation to provide policy which can in some way reduce this involvement. The Treaty of Waitangi and the high proportion of Māori who encounter the justice system are compelling reasons for ensuring that Māori views, aspirations and needs are met by the system.

The major social policy problems of New Zealand are particularly acute for Māori. This is a recognised area of concern in the justice sector. The Ministry's role in providing justice policy advice means that it must be well-grounded in solid knowledge and understanding of New Zealand's experience. This experience must include a firm grasp of Māori behaviour, cultural practices and principles. It is hoped that the knowledge and understanding gained will enhance the Ministry's capability in finding appropriate solutions for addressing major issues that continue to plague the lives of a significant proportion of the Māori population.

Over recent years there has been a steady increase in Māori terms used in statutes. Their presence in legislation means they are subject to interpretation by policy analysts, legal advisers, and the judiciary. It is hoped that documents such as ***He Hīnātore ki te Ao Māori*** can assist us in further understanding the meanings of these important terms.

It is believed that to provide policy on issues regarding Māori, the analyst must first have an understanding of Māori society, tikanga, and behaviour. The proposition of ***He Hīnātore ki te Ao Māori*** is to provide this glimpse into Māori culture and give an insight into the complexities of the transgression of cultural values, resolution processes, and various forms of behaviour.

The document can make a significant contribution to the knowledge, understanding and appreciation of Māori perspectives on justice. There must be a genuine effort to understand and appreciate the Māori point of view, when incorporating aspects of Māori tikanga in institutions and processes affecting Māori.

It is hoped that the information contained in this paper will be helpful in addressing Māori issues in the justice sector. The document must be read thoroughly and with a positive view for it to make a positive contribution to the development of policy. For many, including the uninitiated, this may seem like a big task but it is hoped that the reader will persevere because a change is needed with the way in which Māori are dealt with in both

the justice and the wider public sector. Many agencies are too far removed from the issues in terms of their understanding and appreciation of the material in this document. We believe that the document will help to contribute more towards the prevention of crime rather than to its cure.

Māori are still in grieving mode. A genuine effort must also be made toward healing the past before building a future. 'Ka tika ā muri, ka tika ā mua'. In addition to attending to current issues relating to Māori, the government also needs to repair historical damage done to Māori such as loss of land through confiscation and other means. A genuine effort by the government to come across to Māori and understand and appreciate their point of view means that we can work together to build a more positive future for Māori and New Zealand society as a whole.

The information in this document derives from and belongs to Māori. We would like to express our gratitude and thanks to the Ministry of Justice for facilitating the compilation and production of the Māori Perspectives on Justice document. We acknowledge that the report does not represent all of Maori views and that it is not intended to be a definitive source. We do however believe that it fairly represents a reflection of Maori perspectives on justice.

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Betty Wark

Ngā Kaumātua Āwhina
Roka Paora
Te Ru Wharehoka
Te Ariki Morehu

Introduction

This book is entitled ***He Hīnātore ki te Ao Māori***, which means ***'A Glimpse into the Māori World'***. The term 'hīnātore' as a noun means a phosphorescent substance like a glowworm. As an adjective it means a twinkle or glow with unsteady light, akin to the first glimmer of light at the end of a long tunnel. The title is an apt description for this particular study. The more research that was done, the more the project team realised that they were merely scratching the surface of a potentially vast and complex study.

The project on Māori Perspectives on Justice was first discussed in 1996, just after the new Ministry of Justice was established. It was part of the Ministry's overall plan to establish its own frameworks in developing policy advice.

This report is not a definitive source, but is intended as an introductory guide by way of a resource document to assist in background understanding for the formulation of policy advice and development within the justice sector. Ministry staff must have a solid knowledge of Māori behaviour, cultural practices and principles.

The primary focus of the Māori Perspectives on Justice project is to develop an understanding of Māori perspectives on justice. This involved identifying values and cultural beliefs in relation to Māori practices and principles on justice.

The term for Māori custom is tikanga, which is derived from the word tika. Tika can cover a whole range of meanings, from right and proper, true, honest, just, personally and culturally correct, to upright.[1] Tikanga does not denote a static set of rules. The whole Māori legal system was based on values, and being a values-based system, Māori adhered to principles rather than a set of rules.

Tikanga may be seen as Māori principles for determining justice. Tikanga grew out of, and was inextricably woven into, the spiritual and everyday framework of Māori life. Besides its moral and ancestral authority, tikanga adds rationale, authoritativeness and control which is timeless. In that sense tikanga can be defined as law in its widest sense, while kaupapa and kawa is the process and ritual of tikanga.[2]

In 1998 this project was reactivated. The research team comprised a small group of Victoria University students and a full-time Māori graduate involved in the Ministry under its Tangata Whenua Student Work Programme. Members of the team were Ramari Paul (project coordinator), Hui Kahu, Chappie Te Kani, and Jason Ataera, under the management and guidance of John Clarke, Director, Māori, of the Ministry of Justice. In terms of the quality control of the work, Professor Wharehuia Milroy, Head of Māori Studies at Waikato University and Wiremu Kaa, a senior lecturer in te reo Māori and Māori Society at Victoria University gave expert guidance and assistance to the team

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[1] Pat Hohepa and David V Williams *The Taking into Account* of *Te Ao Māori in Relation to Reform* of *the Law* of *Succession* (Law Commission, Wellington, 1996) 16

[2] *The Taking into Account of Te Ao Māori* above n 1, 16

throughout the project. The project team was assisted in its deliberations by members of the Māori Focus Group or Consultative Panel to the Ministry of Justice who provided helpful feedback on the document from time to time. The members of this group are Father Henare Tate, Moira Rolleston, Betty Wark, James Johnston, Judge Wilson Isaac (Māori Land Court), Iritana Tawhiwhirangi, Ani Mikaere, Merepeka Raukawa Tait and Judge John MacDonald (District Court). There were also those kaumātua whose oral accounts were recorded as case studies who wished to remain anonymous participants.

Initially it was felt that the objective of the project was to examine how Māori communities operated in terms of maintaining integrity, balance, harmony, law and order in pre-European society. After much consideration and extensive literature research, it was decided that the Ministry project was more broad and complex than what was first envisaged, therefore the focus changed, centering on examining the dispute resolution processes incorporated by Māori in traditional times.

The document comprises three parts:

- Traditional Māori concepts and customary law or tikanga
- Eight Case Studies
- A Collection of Behaviours, Philosophies, Emotions and Cultural Influences.

A framework was developed showing the processes undertaken by Māori in resolving a dispute (see Appendix 3). Four categories were identified and within each category certain tikanga and group dynamics were functioning. This had implications on how one should proceed in seeking a restoration of equilibrium to society. This framework then guided the Māori Perspectives on Justice team to discuss some of the major social controls that governed traditional Māori society.

Given the nature of the society we live in today, it has been a challenging and exciting experience trying to describe traditional Māori perspectives on justice in a present day context. Perspectives on justice are derived from values and beliefs. Every effort has been made to fossick out creditable Māori sources of information and advice that would help to achieve, as much as possible, a clear understanding of Māori values and beliefs in relation to Māori practices and principles on justice.

A discussion of traditional Māori concepts and customary law or tikanga provides the foundation for Part One of the document and along with other material contained within the document, helps to establish whether Māori had a clear code of right and wrong and a developed system of law. The material is the result of an extensive literature search of the work of mainly Māori authors including Sir Apirana T Ngata, Sir Peter Te Rangihiroa Buck, Justice Taihakurei Eddie Durie, Moana Jackson and other contemporary writers. Documents such as Ngā Moteatea - Classical songs of the Māori, and the Reports of the Waitangi Tribunal are amongst the collection of special references used.

The Māori Perspectives on Justice team also interviewed several kaumātua in relation to dispute resolution processes. A number of interesting stories arose as a result, so the team

decided to use some of these stories for case study analysis to provide practical understanding of the concepts discussed in the Part One.

The application of the values and principles that govern Māori society is illustrated in the case studies that make up Part Two. The kaumātua interviewed had grown up immersed in tikanga, spoke te reo and were well versed about Māori society. The interviews were aimed at:

- gaining an insight into traditional resolution methods;
- determining the principles inherent in Māori perspectives of justice;
- finding out the causes of dispute in traditional Māori society; and
- ascertaining how Māori sought fairness and justice, according to customary law.

The case studies are based on events mainly in the 1930s and 1940s, a time when Māori cultural values remained very strong in some communities like the East Coast, the Far North, the Urewera and other areas. They illustrate the dynamics of disputes or transgression of cultural values, their seriousness compared with other offences, the processes undertaken to resolve the matter, and the effectiveness of the resolution.

Part Three is a mixture of psychological, cultural and theological principles that help interpret the Māori mind. Illustrations are used to demonstrate some of the negative and positive behaviour that Māori recognised. Professor Milroy, Wiremu Kaa and John Clarke, along with the project team, spent several brainstorming sessions identifying and describing the terms, largely based on their own experiences in the Māori world. It was decided that because a number of Māori expressions had not been committed to paper before, this would be a good vehicle in which to address this. While Part Three was recognised as being distinct from the rest of the document, its importance cannot be undervalued.

The structure of the document reflects the feeling that tikanga, values, principles, and group dynamics should be examined in order to gain an understanding as to why such importance was bestowed on these values by Māori.

The first part, Traditional Māori Concepts, examines the dominant social controls governing Māori life. These include kōrero tawhito (ancient traditions/Māori world view), whakapapa, whenua, tapu, mana, and utu. The aim of this section is to provide an understanding of these key concepts.

Part One begins with an explanation of Te Ao Māori tawhito, the Māori world view. Māori behaviour and conduct in social relationships originated from kōrero tawhito. Its influence on traditional Māori society was all pervading. The traditions of Māui are used here to illustrate the principles, ideals, values and philosophies Māori adhered to.

The next chapter on Māori Social Structures examines the primary role whakapapa plays in Māori society, defining both the individual and the social relationships between whānau, hapū and iwi.

The final four chapters of Part One deal with the key concepts of whenua, mana and tapu, utu, and muru.

Part Two contains eight case studies of dispute resolution. It presents illustrations or manifestations of the concepts identified in Part One, as they applied in traditional and contemporary Māori society. The case studies begin with an oral account given by kaumātua of a specific event that resulted in a resolution. An analysis of the dispute or offence follows, ending with a list of principles or values which emerged from each case. They clearly show how the application of the key concepts have been used in resolving disputes.

The third section aims to examine traditional behaviours, philosophies, emotions and cultural influences – positive and negative. Many of these have never been written down before. These are a collaboration of behaviours and emotions that are reflected in everyday life, and they also illustrate the Māori psyche. Where an expression is related to a concept in another part of the document, it has been cross-referenced in the footnotes so the reader can understand the link between the parts. They are listed in alphabetical order for ease of reference.

The Appendices cover the chronology of this project, the terms of reference and methodology. The document also includes a glossary of Māori words and a comprehensive index.

The results of the study were run past a number of Māori law academics, several Māori judges and senior Māori public servants before publication. Three respected kaumātua with expertise in te reo and tikanga Māori were brought in to comment on and to assist with the final draft of the report. Roka Paora, a well-known Māori educationalist and kuia from Te Whānau a Apanui was joined by Te Ru Wharehoka, kaumātua of Taranaki iwi and Te Ariki Morehu, kaumātua of Te Arawa. Ngā Kaumātua Āwhina or the three kaumātua provided the project team with constructive comments and suggestions on the document.

Those who have been involved with the project believe that ***He Hīnātore ki te Ao Māori*** is but one building block of a very vast structure. It is hoped that further projects will emerge from other sources as a result of this initiative in the future.

"*Patua te hē ki te rangimārie*
Let peace combat the errors of our ways."

A quote from the whaikōrero of Te Ru Wharehoka at the hui of Ngā Kaumātua Āwhina, June 20, 2000.

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APPENDICES

CANDYCE SWEENEY

Te Aitanga a Materoa, Ngati Porou

"TE WEHENGA"

Acrylic, sand, copper, wood

This taonga reflects the seperation of Ranginui, the 'sky father'
and Papatuanuku, the 'earth mother'. The colour of my art piece
show the mourning and longing love to be together.
An emotional cry to be bonded as one.

Part One

Traditional Māori Concepts

Executive Summary

- The Māori system of law was based on values, and being a values-based system Māori adhered to principles rather than rules.
- Kōrero tawhito were one means for establishing the law of traditional society. They explained why certain chains of events occurred and established precedents for appropriate behaviour.
- Kōrero tawhito reflected the thought concepts, philosophies, ideals, norms and underlying values of Māori society. The values that derived out of the kōrero tawhito were the basis for the integrity, harmony and balance of Māori society. The values represented ideals, which were not necessarily achievable but something to aspire to.
- The Māori world view conceptualises how Māori see the world they live in. The spiritual and physical realms are not closed off from each other as it is in a European context. Māori believe that those tīpuna who have passed on live with them everyday, which is reflecteded in the way Māori conducted their lives and the various situations where Māori acknowledge and address those who have passed on.
- The creation of Te Ao Māori Tawhito is the beginning of Māori whakapapa. Māori lineage generally links each individual, animate and inanimate object back to the kāwai tīpuna. The creative activities of the kāwai tīpuna influence the way Māori society operated and their behaviour patterns.
- The Māori traditions such as those relating to Māui illustrate fundamental behaviours active in Māori society and also highlight various concepts of traditional Māori culture. They were used as an educational tool to highlight and illustrate morals, principles, models and behaviours which Māori could learn to apply in everyday life.
- Mana and tapu are fundamental concepts that governed the infrastructure of traditional Māori society. Mana and tapu are inherited from the kāwai tīpuna and all natural resources within Te Ao Māori possess mana and tapu to varying degrees.
- Tapu acts as a corrective and coherent power within Māori society. It acted in the same way as a legal system operated with a system of prohibitory controls, effectively acting as a protective device. Everyone was required to protect their own tapu and respect the tapu of others.
- Mana was inherited through a direct link to tīpuna and the kāwai tīpuna, and can also be acquired by an individual throughout the course of his or her life. Because personal and particularly collective mana were seen as important, Māori were careful to ensure that their behaviour and actions maintained that mana.

- The Māori social structure was based on descent, seniority and the kinship groupings. Māori recognised four kin groups:

  Whānau (the basic unit of Māori society into which an individual was born and socialised),

  Hapū (the basic political unit within Māori society, concerned with ordinary social and economic affairs and making basic day-to-day decisions),

  Iwi (the largest independent, politico-economic unit in Māori society. An iwi would be identified by its territorial boundaries, which were of great social, cultural and economic importance,

  Waka

- Membership in these groups and the right to participate was principally based on whakapapa.
- Whakapapa defines both the individual and kin groups and governs the relationships between individuals and kin groups.
- A social hierarchy governed Māori society, which determined the rank and standing of an individual in society. Rank and leadership was based on seniority of descent from founding ancestors.
- Māori society consisted of three classes:
  - Rangatira (the recognised leaders of kin groups)
  - Tutua (the biggest grouping in Māori communities. This class was not as senior in rank as those in the rangatira class)
  - Taurekareka (slaves captured after the defeat of war, living with the victorious hapū).
- Tohunga were effectively a class of their own off to the side of society rather than a class in the hierarchy of rangatira, tutua or taurekareka. Tohunga were specialists who exercised spiritual duties or had specialised knowledge in important skills that a community required.
- The land and the environment have an important function in Māori society. The relationship Māori have with their land is based on whakapapa.
- Land was not viewed as a commodity, rather it was perceived as a source of identity, belonging and continuity to be shared between the dead, the living and the unborn.
- The principle of ahi kā operates to ensure that the rights to land remain with the group that maintains control over the land.
- Utu pervaded both the positive and negative aspects of Māori life governing relationships within Māori society. It was a reciprocation of both positive and

negative deeds from one person to another. Utu was a means of seeking, maintaining and restoring harmony and balance in Māori society and relationships.

- Social, economic and political dealings were maintained through reciprocal exchanges of kindness, hospitality, and exchange of tangible goods and services. Hostile relationships could be restored through compensation if social, political and economic relations were disturbed.
- Muru was a means for seeking justice through compensation and retribution where individuals, whānau or hapū were offended. The form of compensation usually involved the offended party taking property belonging to the offender or kin group of the offender.
- Essentially, muru is a form of utu; however, the difference between muru and utu is that if the muru were followed through, there would be no further obligations bestowed on either party. The party who had the muru performed on them does not respond to the muru. They accept the blame apportioned to them for offences.
- Muru has a set process in relation to resolving a dispute, similar to a court trial. This process is known as the whakawā.

Introduction

The approach to Part One involved an examination of literature embracing both pre–European and post-European society. One stream of information involved a literature review of some early and contemporary writers. Oral traditions show that Māori did have an underlying set of beliefs, which had guided, monitored and controlled their social relationships for centuries.[3] Hence the second stream of information was drawn from Māori classical poetry, songs and whakataukī, legends, idioms and forms of speech making. The team also interviewed kaumātua to gain an insight into Māori values and beliefs.

Like English law, Māori law is based on precedent. However, the basis of a European's understanding of law is derived from a book of statutes or law reports. The English common law began recording local customs and practices seen as common to all England, which in effect may be seen as a compilation of the values of that society. Conversely, Māori ideals were codified into oral traditions and sacred beliefs.

Māori society, probably like most others, is conservative with regard to its fundamental values. However, it has been receptive to change while maintaining conformity with its basic beliefs. Archival records provide evidence of how Māori searched for ancestral opinion to establish what was right, often challenging officials to heed Māori precedent to maintain that which the translators called a 'proper line of action'.

The norms and standards that constitute the custom of a society change with it, and Māori society and custom are no exception. There is compelling evidence that custom did not constrain Māori adaptation and development. Māori tradition, like Western tradition, is always changing, adapting and responding to new needs, challenges and ideas. There is no rule that things handed down cannot be passed on with improvements.[4]

The adherence to principles, not rules, enabled change while maintaining cultural integrity without the need for a super-ordinate authority to enact amendments. Custom does not, therefore, appear to have been lacking for vitality and flexibility. Inconvenient precedent could simply be treated as irrelevant or unrelated to current needs, but precedent nonetheless was regularly drawn upon to determine appropriate action. Accordingly, while custom has usually been posited a finite law that has always existed, in reality customary policy was effected with adherence to those fundamental principles and beliefs that Māori considered appropriate to govern relationships between people and the environment.[5]

In selecting what to recall, and applying the principles to new situations, we may discard that which has become unpalatable, outmoded or inconvenient. Judges, applying

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[3] Moana Jackson *The Māori and the Criminal Justice System: A New Perspective: He Whaipānga Hou* (Department of Justice, Policy and Research Division, Wellington, 1987-1988) 37 – 38 [*He Whaipānga Hou*]

[4] Waitangi Tribunal *Muriwhenua Fishing Report – Wai 22* (Department of Justice, Wellington, 1988) 31 [*Muriwhenua Fishing Report*]

[5] Judge Eddie Durie *Custom Law: Address to the New Zealand Society for Legal and Social Philosophy* (1994) 24 VUWLR 328-329 [*Custom Law*]

precedent to different situations, may establish a new principle and yet will say that the opinion has always been in the law but has been discovered only now. Similarly, Māori will refer to what the old people said, to consider what to do on matters beyond the old people's experience. The important thing about this process is that it makes neither the law nor custom moribund, but dynamic.

When studying Māori law, one must either rely on the oral traditions or on the many, varied and not always reliable, academic sources that are now available. The information relating to Māori law and aspects of Māori life is extensive. Those who are not well versed in the oral traditions of Māori find much of that information inaccessible as a lack of te reo can hinder a true understanding of the concepts that ruled Māori society.

Examining Māori Perspectives on Justice involved exploring the more dominant social controls governing Māori life, such as kōrero tawhito, and the concepts of whakapapa, tapu, mana and utu.

The project team was loathe to define these concepts, as inevitably there are dangers with trying to define something in another language, as evidenced by the interpretative problems with the Treaty. The purpose of examining these concepts was to develop an understanding of them, and to show how they are values-based rather than rules-based and that the values were flexible and dynamic, to take in to account and apply to different circumstances.

Kōrero Tawhito

Māori behaviour and conduct in social relationships originated from kōrero tawhito. The paper also examines the Māui stories because they provide an illustration of the principles, ideals, values and philosophies Māori adhered to.

Māori Social Structures

This paper presents a picture of the role social structures played in Māori society. The key notion is that the Māori structure was based on descent, seniority and the extended family. The influence of social, political and economic factors on the different kin groups are also examined.

Mana and Tapu

Mana was inherited at birth, and the more senior the descent of a person, the greater the mana. Tapu invariably accompanied mana. The more prestigious the event, person or object, the more it was surrounded by the protection of tapu.

The complex notions of mana and tapu reflect the ideals and values of social control and responsibility. The analysis of mana endeavours to identify the role of mana in relation to responsibility, leadership and birthright. The examination of tapu illustrates how tapu operated and affected the everday lives of Māori.

Utu

In examining utu, the paper has shifted away from conveying it as it is more popularly understood, ie, revenge. When examined in its entirety, it becomes clear that utu is concerned with reciprocity and maintaining the balance of social relationships.

Muru

This paper will examine the functions of muru and some of the instances in which a muru will be sought.

Te Ao Māori Tawhito

Introduction

This chapter provides an overview of kōrero tawhito, and its function within Māori society. Kōrero tawhito can be interpreted in a number of ways, either literally, metaphorically, or through value judgements. This chapter introduces the Māori World View, which illustrates how Māori perceive their environment and the inter-relationship of the spiritual world, the living world and the natural world.

The chapter then introduces the popular version of the creation of the world. Notions of Māori law and justice begin to develop in the creation story and it is here that concepts such as utu, mana and tapu are first illustrated.

Kāwai tīpuna are considered by Māori to be responsible for different aspects of Māori life and the environment. Traditional Māori society required that these kāwai tīpuna be acknowledged before beginning any new activity, because they were recognised as living amongst society not apart from it. This becomes apparent from the influence each kāwai tīpuna is seen to have on Māori life in general.

Māui is also introduced in this chapter, as it is here that some of the principles and underlying themes that pervaded Māori life can be found. Māui was the benefactor of humans and through the Māui traditions it becomes evident that he concerned himself with practical, domestic matters. He also tended to do things the wrong way, which provides a justification for people to argue that tendencies to move away from the accepted behaviours are necessary in certain circumstances.

The Influence of Kōrero Tawhito on Māori Society

Kōrero tawhito provided Māori with explanations and reasons for why certain chains of events occurred. The kōrero tawhito of Māori are based in Hawaiki, the homeland of Māori. Māori accepted these stories as fact until the European missionaries came to Aotearoa to displace kōrero tawhito with their religions. The kōrero tawhito reflect the philosophies, ideals and norms of the people who adhere to them. Dr Ranginui Walker states that:

> *"A myth might provide a reflection of current social practice, in which case it has an instructional and validating function or it is an outward projection of an ideal against which human performance can be measured and perfected."*[6]

Kōrero tawhito were passed on from generation to generation so that each generation would learn the teachings of their tīpuna. The kōrero tawhito begin with the creative

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[6] Ranginui Walker "The Relevance of Māori Myth and Tradition" in Michael King (ed) *Tihe Mauri Ora: Aspects of Maoritanga* (Methuen Publications (N.Z) Ltd, New Zealand, 1978) 19, 20 [*The Relevance of Māori Myth and Tradition*]

efforts and antics of the kāwai tīpuna, and the exploits of humans. Examples of these are the male and female element of Ranginui and Papatūānuku, and their children – the kāwai tīpuna, the well-known Māui, and the tribal heroes of the days of old. Those involved in the creation of this world are endowed with supernatural powers and influence the way in which Māori society is structured, while the kāwai tīpuna or legendary heroes provide a model for human behaviour.[7]

Kōrero tawhito are one of the origins of tikanga Māori. Kōrero tawhito illustrate the world's evolution and Māori have extracted their tikanga from kōrero tawhito and adopted the principles to create the Māori legal order .

The term for Māori custom is tikanga, which is derived from the word tika. Tika can cover a whole range of meanings, from right and proper, true, honest, just, personally and culturally correct or proper to upright.[8] Tikanga does not denote a static set of rules. Several aspects of Māori "customary society and philosophy, provided the framework for a distinctive set of values and norms that collectively constituted the Māori legal order."[9] The whole Māori legal system was based on values, and being a values based system Māori adhered to principles rather than a set of rules.

Tikanga may be seen as Māori principles for determining justice. Mason Durie describes tikanga as 'guides to moral behaviour'.[10] Tikanga grew out of and was inextricably woven into the religious and everyday framework of Māori life. Besides its moral and ancestral authority, tikanga adds rationale, authoritativeness and control which is timeless. In that sense tikanga can be defined as law in its widest sense, while kaupapa and kawa is the process and ritual of tikanga.[11]

Māori World View

Māori do not and never have accepted the system of a closed world. They believe the spiritual realm interacts with the physical world and vice versa. "Their myths and legends support a holistic view not only of creation but of time and of peoples."[12] To understand this concept, it is important to look at how Māori see the world that they live in. James Irwin describes the 'Māori World View' as a three-tiered structure.[13]

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[7] *The Relevance of Māori Myth and Tradition* above n 6, 19

[8] *The Taking into Account of Te Ao Māori* above n 1, 16

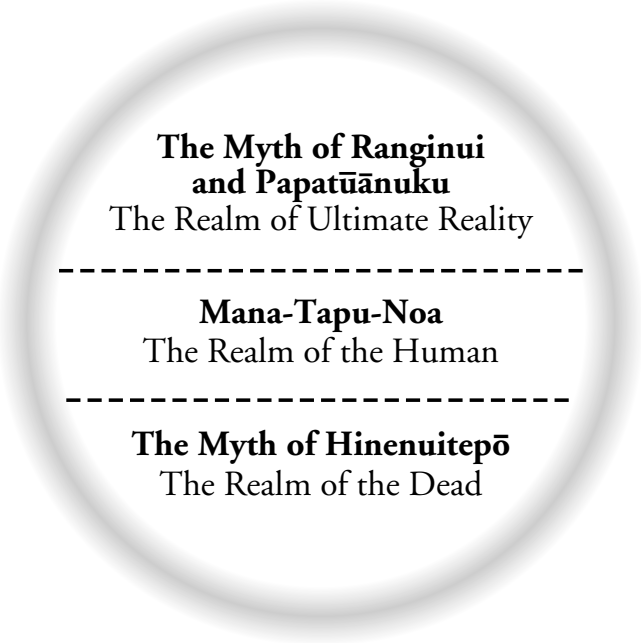
[9] *He Whaipānga Hou* above n 3, 36 – 44

[10] Mason Durie *Te Mana, Te Kawanatanga: Politics of Māori Self Determination* (Oxford University Press, Auckland, 1998) 23

[11] The Taking Into Account of Te Ao Māori above n 1, 16

[12] Waitangi Tribunal *Ngai Tahu Seas Fisheries Report – Wai 27* (Brooker & Friend Ltd, Wellington, 1992) 97, 5 WTR 517 [*Ngai Tahu Fisheries Report*]

[13] James Irwin *An Introduction to Māori Religion: Its Character before European Contact and its Survival in Contemporary Māori* (Australian Association for the Study of Religion, University Relations Unit, Flinders University, Bedford Park, South Australia) 17



The first tier represents the 'Spiritual Realm' that encompasses all kāwai tīpuna that are found within Māori tradition. The second tier represents the present day, all people who are living. The third tier is a representation of tīpuna who are now under the care of Hinenuitepō. The dotted line means that they are not closed off from each other because Māori who are living believe that their kāwai tīpuna and their tīpuna exist alongside them.

The interaction of the spiritual realm with the physical realm is evident in the kōrero of tangihanga, karakia and whakataukī. Those who have passed on live through the living generation and in turn will live through those that follow. It is essential to understand this concept and see the distinction between the three realms in Māori tradition as it is read, heard or experienced .

Therefore tīpuna who are within the spiritual realm still exist in the physical realm. Kōrero tawhito record the deeds of kāwai tīpuna and tīpuna of great mana and the history of the times when tribes were said to have enjoyed great mana. Kōrero tawhito lay down the principles that were practised by tīpuna. Patterson argues that to a Pākehā the past generally lies behind. One's aims, aspirations and goals relate to the future, which lies ahead. For Māori the opposite holds. The past is ahead not behind, and it is there that one finds one's models, one's aims, aspirations and goals.[14]

[14] John Patterson *Exploring Māori Values* (The Dunmore Press, Palmerston North, 1992) 122 [*Exploring Māori Values*]

Te Ao Māori Tawhito

Ko Ranginui rāua ko Papatūānuku ngā mātua o ngā tāngata

The Sky Father and Mother Earth are the parents of humans

A spiritual conception of the universe served in developing the values and sanctions of Māori society. The creative activities of the kāwai tīpuna and the activities of real people all have underlying themes, which influenced the way Māori society operated and their behaviour patterns. "Mythology and an elaborate system of ritual governed all human activities and relationships."[15]

There are two versions that describe the creation of the world as Māori saw it – the exoteric (popular) version and the esoteric (select) version. When discussing Māori in pre–European times, the exoteric version is used. It has been argued that the esoteric version is influenced with Christian ideals, therefore, being of post-European culture.[16]

Whakapapa originates from the three phases of the creation of the world:

> Te Kore: energy, potential, the void, nothingness;
> Te Pō: form, the dark, the night;
> Te Ao Mārama: emergence, light and reality, dwelling place of humans.

Te Kore was the first phase; the most remote phase; a period in which there was nothing and the world was void. The period of Te Kore expresses the idea of a vacuum in nature wherein nothing exists.[17] However, unlimited potential for being existed in Te Kore although it had no organised form. There was no gender, yet all possibilities were contained within the confines of Te Kore and from Te Kore all things were developed and created.[18]

The second phase is Te Pō, a period of darkness and ignorance. The spontaneous development of Ranginui and Papatūānuku occurred during Te Pō and from this relationship derived the male and female principles.[19] Ranginui, the sky father, descended from the sky to join with Papatūānuku, the earth mother. They lay in an embrace so the world was still shrouded in a darkness that inhibited growth, progress and an increase in knowledge.[20] During this time they produced children, of which six are well known:

- Tāne – te tipuna o te ngahere (revered ancestor of the forest);
- Tāwhirimatea – te tipuna o ngā marangai (revered ancestor of the elements);

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[15] Joan Metge *The Maoris of New Zealand: Rautahi* (Routledge and Keagan Paul, London 1967) 23 [*The Maoris of New Zealand*]

[16] Peter (Te Rangihiroa) Buck *The Coming of the Māori* (Māori Purposes Fund Board, Wellington, 1950) 433- 434 [*The Coming of the Māori*]

[17] *The Coming of the Māori* above n 16, 434

[18] Cleve Barlow *Tikanga Whakaaro: Keys Concepts in Māori Culture* (Oxford University Press, Auckland, 1991) 55 [*Tikanga Whakaaro*]

[19] *The Coming of the Māori* above n 16, 434

[20] *The Relevance of Māori Myth and Tradition* above n 6, 20

- Tūmatauenga – te tipuna o te pakanga me ngā tāngata (revered ancestor of war);
- Tangaroa – te tipuna o te moana (revered ancestor of the sea);
- Rongomātāne – te tipuna o te rangimārie, te kūmara me ngā mahinga kai (revered ancestor of peace, kūmara, and cultivated plants); and
- Haumiatiketike – te tipuna o te aruhe me ngā māra papatua (revered ancestor of fernroot and uncultivated foods).

The children of Ranginui and Papatūānuku continuously lamented the miserable condition in which they were forced to live. Tūmatauenga suggested that they kill their parents but relented when Tāne suggested they separate their parents to promote growth and life. All but one of the sons agreed, and they took turns trying to bring about the separation, eventually accomplished by Tāne. Ranginui was thrust high above Papatūānuku so that there would be room for people to move around and light could enter the world.[21]

The third phase is Te Ao Mārama. It emerged into light when the separation of Ranginui and Papatūānuku occurred. Tāwhirimatea opposed his parents' separation so he sought utu against his brothers by attacking their creative efforts with winds and mighty storms. He uprooted the children of Tāne (the trees) and attacked Tangaroa who fled from sea to sea. The grandchildren of Tangaroa, Ikatere (progenitor of fish) fled into the sea and Tutewehiwehi (progenitor of reptiles) fled onto the land. Rongomātāne and Haumiatiketike were hidden within the bosom of Papatūānuku from the forces of Tāwhirimatea.

Tūmatauenga was the only brother who withstood the attacks from Tāwhirimatea. Tūmatauenga considered his brothers weak during the attacks so he turned against them by using their children for food and everyday materials. He made tools and canoes out of the children of Tāne. He fished up the children of Tangaroa and dug up the descendants of Rongomātāne and Haumiatiketike for food. This was considered to be a great insult by the brothers, because Tūmatauenga had turned their children, who were considered tapu, into something that was noa. However, he could not overcome Tāwhirimatea by eating him for food. Tāwhirimatea was left as people's enemy, attacking the children of the other kāwai tīpuna with storms and hurricanes, endeavouring to destroy them at sea and on land.[22]

These stories introduced and illustrated the intricacies of the concepts tapu, noa, mana and utu. Tāwhirimatea sought utu against his brothers for separating their parents. Tūmatauenga also sought utu against the rest of his brothers for their weakness against the attacks from Tāwhirimatea. Tūmatauenga turning his brothers' children into food and common goods illustrates the idea of tapu and noa.

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[21] Michael King *Māori: A Photographic and Social History* (Heinemann Reed, Auckland, 1991) 38 [*Māori*]

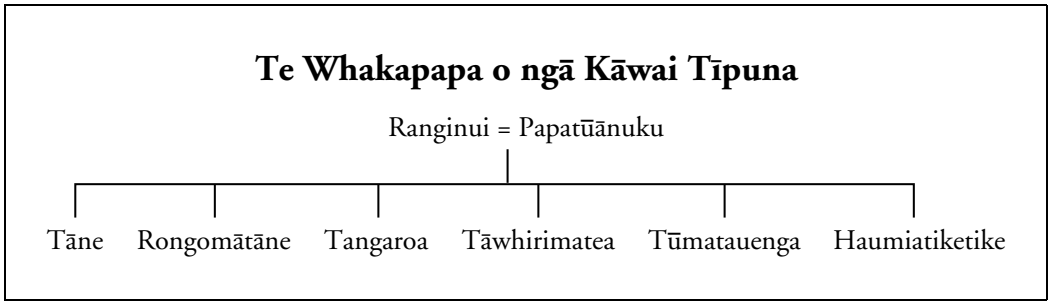
[22] Edward Shortland *Traditions and Superstitions of the New Zealanders* (Longman, Brown Green, Longmans & Roberts, London, 1856) 61

The Creation of Humans

Tāne was also responsible for the creation of humans. He moulded the female body out of onetapu, the sacred clay from Papatūānuku. Once this was done, Tāne breathed life into the nostrils of the figure. The first female was created and given the name Hineahuone, the first ira tangata or the human element. The union of Hineahuone and Tāne resulted in the birth of Hinetītama. In order for the human species to be continued, Tāne took Hinetītama to wife, and produced a daughter.

Later Hinetītama asked Tāne who her father was. When she discovered the truth, Hinetītama fled in shame to Rarohenga where she assumed the name of Hinenuitepō. She is the kaitiaki of her uri that come to Rarohenga as their final resting-place.

Kāwai tīpuna



Creation was one total entity – land, sea and sky were all part of their united environment, all having a spiritual force. Some of the kāwai tīpuna are the sons of Ranginui and Papatūānuku who have divine authority over these areas. The kāwai tīpuna are the superior beings and controllers. They were the highest kāwai tīpuna known to Māori and it was by divine favour that the fruits from the resources these kāwai tīpuna reigned over, became theirs to use. The mana and tapu of the kāwai tīpuna affect and pervade all activities associated with everyday life, therefore the kāwai tīpuna command the highest of respect.[23]

Although male kāwai tīpuna are usually the protagonists, the females, by their actions, hold the plot together and provide the knowledge and aroha[24] necessary to enable the male kāwai tīpuna to perform their deeds and fulfil their tasks. The female kāwai tīpuna have great strength and it is fitting that they be accorded the awe and respect that is theirs.[25]

The concept and the practice of understanding and caring for the natural environment, the realms of Tāne, Tangaroa and other kāwai tīpuna, are stressed through Māori work ideals. Māori showed their respect towards the kāwai tīpuna by performing rituals in their

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[23] Elsdon Best *Māori Religion and Mythology: Being an Account of the Cosmogony, Anthropogeny, Religious Beliefs and Rights, Magic and Folklore of the Māori Folk of New Zealand Part I* (Government Printer, Wellington, 1976) 101 [*Māori Religion and Mythology*]

[24] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'aroha'

[25] Robyn Kahukiwa and Patricia Grace *Wahine Toa: Women of Māori Myth* (Collins, Auckland, 1984) 7

honour, by reciting karakia and invariably offering the first fruits to the kāwai tīpuna.[26] These ceremonial rites were very important in order not to upset the kāwai tīpuna. Doing so would mean dire consequences, not only to the individual but also to the individual's family, which could continue throughout the generations.[27]

The kāwai tīpuna were not remote beings who could be ignored for everyday purposes. People who treated the realms of the kāwai tīpuna with disrespect were rebuked through the use of whakataukī like the following: 'Ko Tāne mata nui – Tāne has big eyes' or 'Tangaroa pūkanohi nui – Big-eyed Tangaroa'. The kāwai tīpuna were all seeing. They did not reside in some distant realm, looking at the world as if it were through supernatural binoculars. They lived amongst the people in the natural world, in the forests and the waters.[28]

Papatūānuku

Papatūānuku, the Earth Mother is the female principle. She is the mauri of the land, which means that she is the life principle of the land. After the separation of Papatūānuku from her husband, Ranginui, most of her children stayed with her on the earth. She looks after her children by providing food and the other conditions necessary for life. Women follow in the footsteps of Papatūānuku by being fertile and productive and are greatly loved and valued.[29]

Ranginui

Ranginui is the first male, and being the first male, Ranginui is important as he sets a pattern for which his male descendants will follow. Ranginui is associated with light and tapu, as are males. The general nature of males is a reflection of the nature of Ranginui.

Ranginui and Papatūānuku are often seen in a passive sense, however, they play a main role for human existence in providing the conditions vital for survival.

Tāne

Tāne is considered one of the most important of the kāwai tīpuna. He has authority over the forests, their products and the birds. His children are the trees. Therefore when a tree was felled to build a house or waka, Māori gave recognition to the parenthood of Tāne through karakia, chants or offering. Non-recognition brought punishment in some form, such as obstruction to the work.[30] Since houses and waka are made from trees, they too are Tāne.

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[26] Ngai Tahu Fisheries Report above n 12, 97, 5 WTR 517

[27] See for example the Rata story in *The Relevance of Māori Myth and Tradition* above n 6

[28] *Exploring Māori Values* above n 14, 47

[29] Margaret Orbell *The Illustrated Encyclopedia of Māori Myth and Legend* (Canterbury University Press, Christchurch, 1995) 180 [*Illustrated Encyclopedia*]

[30] *The Coming of the Māori* above n 16, 445

The whakataukī "Te wao tapu nui a Tāne – the great sacred forest of Tāne" serves as a reminder of the strict rules of tapu that apply to the forest and its inhabitants. Trees must not be felled without obtaining permission from Tāne. Anyone who neglects this, invites the rebuke 'Kei te raweke koe i tō tipuna i a Tāne – You are interfering with your ancestor Tāne'. The whakataukī reminds people that Tāne is the tipuna of mankind as well as of the trees, which makes the trees people's relatives, therefore they should be treated appropriately.[31]

The powers of Tāne could also be employed in healing because he made the first human. When healing a patient, tohunga would recite a karakia to recall and re-enact the act of creation by Tāne. In kōrero tawhito relating to Tāne, male energy is presented as having shaped the world and created the life forms that belong to the land. Thus, every tāne who fathered a child was re-enacting the occasion on which Tāne, having obtained a wife, fathered the first of his children.[32]

His uri are: Manu, Tutewehiwehi, Tutewanawana, Ngarara, Noke, Tuatara, Mokomoko and all the forest creatures. To them, Tāne is their ancestor-tipuna.

Tūmatauenga

Tūmatauenga is responsible for introducing opposing forces into the world when he proposed to slay his parents: right and wrong, good and evil, health and sickness.[33] Although he was not the creator of humans, Tūmatauenga has been linked with humans as they have inherited his courage and fighting qualities. Tūmatauenga personifies the warlike nature of humans, hence his position as the kāwai tipuna of war. Boys who were born to become warriors were dedicated to Tūmatauenga in the tohi rite[34]. Tūmatauenga was recognised in the frequency of tribal wars, and the prestige acquired by successful warriors. War parties were placed under the tapu of Tūmatauenga before setting out, and the tapu was removed before entering their village upon return. War parties were accompanied by a tohunga of Tūmatauenga who acted as chaplain to the forces. [35]

Tūmatauenga also set the pattern for the future when he turned on his brothers, capturing and eating the edible members of their families. He represents human beings and his brothers' children are the creatures and plants upon which humans depend for their survival. Because Tūmatauenga attacked his brothers in the beginning, human beings now, when they have performed the proper rituals, can safely kill and eat the children of their relatives Tāne, Tangaroa, Rongomātāne and Haumiatiketike and they can cut down the trees of Tāne.[36]

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[31] *Exploring Māori Values* above n 14, 48

[32] *Illustrated Encyclopedia* above n 29, 133

[33] *Tikanga Whakaaro* above n 18, 12

[34] See the Mana and Tapu chapter for an explanation of the 'tohi' rite

[35] *The Coming of the Māori* above n 16, 456

[36] *Illustrated Encyclopedia* above n 29, 221

Tūmatauenga is the kāwai tipuna of humans because he is the benefactor who gave humans their foodstuffs and food gathering methods, their courage and fighting ability, and the karakia necessary to make the natural environment fruitful and to secure their personal wellbeing and success.[37]

Tūmatauenga is the tipuna of the various humankinds and their various moods and behaviour. At one point he is the fighting symbol, at the other extreme, the kindly and compassionate human. There is a whakapapa, which distinguishes all these characteristics of human kind from war to deceit and cunning as well.

Tāwhirimatea

Tāwhirimatea is kāwai tipuna of the elements: the winds, storms and tempests. Tohunga would seek the assistance of Tāwhirimatea to change the weather if the weather was unfavourable.[38] When he opposed his parents' separation, he chose to remain in the company of his father. He continues to inflict great destruction on his brothers as a reminder of his disapproval of their actions. [39]

Tāwhirimatea also has descendants. These inlude, ngā hau katoa such as āwha, awhiowhio, ruturutu: plus the various storms by name and the various rains and their names.

Tangaroa

Tangaroa controlled the fish in all waters. Whenever men ventured out on the ocean to catch fish they would observe the rituals such as saying a karakia and tapu in honour of Tangaroa before and after their expedition and make offerings to him.[40] Restrictions, for example in the form of rāhui, were placed on various fishing grounds to protect the sea resources.[41]

Māori saw the land and sea as opposing and conflicting realms. Tangaroa, whose realm is the ocean, is in many contexts the enemy of Tāne, who, as the father of trees, birds and humans represents land. Some authorities suggest their mutual antagonism was established after their parents' separation. The kōrero tawhito generally reflect the land's victory over the sea illustrating that the sympathies of Māori lay with the land. Victims and losers were often spoken of as fish.

Rongomātāne

Rongomātāne was deemed a very important kāwai tipuna as he controlled two departments, peace and agriculture. Agriculture needed more assistance from the kāwai

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[37] Joan Metge (ed) *Māori Literature Booklet* (Department of Anthropology and Māori, Victoria University of Wellington, Wellington) 34

[38] *The Coming of the Māori* above n 16, 448

[39] *Tikanga Whakaaro* above n 18, 12

[40] *Illustrated Encyclopedia* above n 29, 182

[41] *The Coming of the Māori* above n 16, 447

tīpuna than any other branch of industry, as this was a valuable resource for Māori. Boys who were dedicated to Rongomātāne, in the tohi rite[42], were taught agriculture and were placed under the tapu of Rongomātāne during planting, weeding and harvesting. [43]

Rongomātāne was associated with the kūmara. The kūmara was the most highly valued of plants. The kūmara was associated with peace.[44]

Rongomātāne is a tipuna who has descendants and a whakapapa that symbolises and represents the diverse attributes of the human element. Peace is certainly strongly and regularly emphasised. Humility also features along with compassion, care, kindness and a strong work ethic, which is associated with the staple crop of the kūmara.

Haumiatiketike

Haumiatiketike was the kāwai tipuna of fern-root and uncultivated foods. When Tūmatauenga attacked his brothers, he discovered where Haumiatiketike was hiding because his hair was sticking out of the ground.[45] Tūmatauenga dragged Haumiatiketike from the ground and devoured him, having first recited the karakia that made it safe to do so. Ever since this time, human beings have eaten their relative Haumiatiketike.[46]

Haumiatiketike has a whakapapa which portrays the fernroot and the aruhe which are symbolic in reminding us mere mortals of the abundance that has been provided in the earth and the forests which are represented by those descendants of Haumiatiketike.

Hinenuitepō

Hinenuitepō is known as the kāwai tipuna of all descendants who come to Rarohenga, their final resting-place. It is believed that Hinenuitepō was formerly Hinetītama, the daughter of Tāne and later his wife. On finding that she was actually the daughter of Tāne after their marriage, she was deeply ashamed and fled from him to Rarohenga. She vowed to Tāne that she would look after all of their descendants, once their time with him had ended. Hinenuitepō is also responsible for the death of Māui as he attempted to cheat death itself. She is a mother to all those tīpuna who are resting in Rarohenga.[47]

Hineteiwaiwa

In the beginning Hineteiwaiwa established the powers and responsibilities that women held in traditional times. She is the exemplary figure of a wife and mother and as this, she provided the precedence for all women who follow.

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[42] See the Mana and Tapu chapter for an explanation of the 'tohi' rite

[43] *The Coming of the Māori* above n 16, 447

[44] *Illustrated Encyclopedia* above n 29, 156

[45] *The Coming of the Māori* above n 16, 448

[46] *Illustrated Encyclopedia* above n 29, 49-50

[47] *Illustrated Encyclopedia* above n 29, 57

When a female baby was born, the tohi rite[48] was performed and the child was dedicated to Hineteiwaiwa. Women in childbirth would recite the same ritual chant that Hineteiwaiwa said with the birth of her first son, Tūhuruhuru. This would associate them with her and her power would help them.

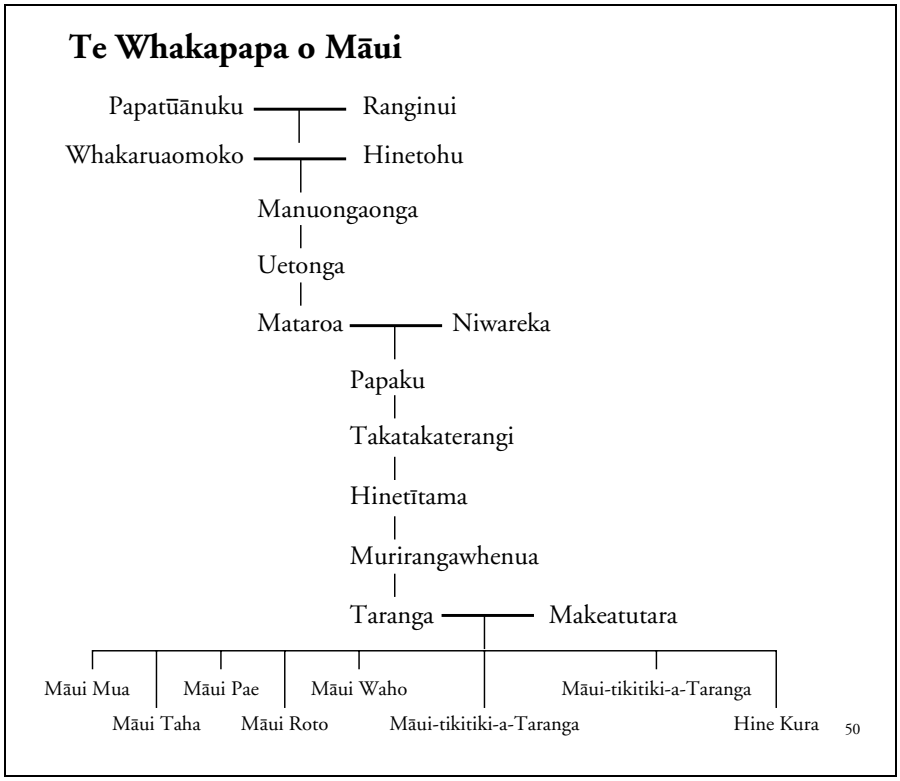
When a young woman was to be married, she would receive a moko on her lips. A chant was recited by the tohunga which was associated with Hineteiwaiwa and two other female ancestors, Hinerauwhārangi and Rukutia. They were seen as giving the girl the strength she needed throughout her married life.[49]

[48] See the Mana and Tapu chapter for an explanation of the 'tohi' rite

[49] *Illustrated Encyclopedia* above n 29, 63-64

Māui

Ko Māui-tikitiki-a-Taranga



Māui is introduced early in whakapapa. Although the world and its inhabitants had been formed, humans still lacked many of the things they needed. Māui shaped the environment further, providing important resources for humans and demonstrating useful skills.[51]

Māui had several names attributed to him based on events relevant to his life. One name was Māui-tikitiki-a-Taranga, because he was an aborted child cast away on the ocean by his mother, Taranga, in the topknot of her hair.

Māui was the last born of five brothers. As the last born he was the pōtiki, hence his name Māui-Pōtiki. Māori society was based on primogeniture, so in theory his rank was low. He compensated for this though, by being far more resourceful and imaginative than his brothers were,[52] proving that the principle of primogeniture was not incontrovertible.[53]

Māui was a tipua. It is evident through the exploits he engaged in that he was born to this earth for a reason. He had a role to fulfil in providing Māori society with examples of

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[50] Clive Fugill, Tohunga Whakairo, New Zealand Māori Arts and Crafts Institute, 1995

[51] *Illustrated Encyclopedia* above n 29, 114

[52] Māori above n 21, 38

[53] *The Relevance of Māori Myth and Tradition* above n 6, 21-22

appropriate behaviours. Māui was endowed with qualities that enabled him to perform all those wondrous feats that he was able to achieve. Māori tīpuna used Māui as a phenomenon to give meaning to the existence of the world at the human level. Modern day storywriters have portrayed Māui as a mischief maker and cunning fellow. Most Māori people can whakapapa to Māui and regard those genealogical links as critical aspects of their identity as Māori. In this sense therefore, Māui is a tipua of significance to the whole Māori world.

> *"Ngāti Porou referred to Apirana Ngata as a tipua at his funeral. In this context, they were eulogising his vast contribution to the wellbeing of Māori people at several levels. Politically, he was regarded as a genius; culturally he was an innovator and a catalyst. Linguistically he was expansive. So for us in Ngāti Porou he was and is a tipua."*[54]

The Māui traditions illustrate fundamental behaviours active in Māori society and also highlight various concepts of traditional Māori culture that applied in everyday life. The Māui traditions highlight and illustrate morals, themes, models, and behaviours from which Māori can learn and apply.

Some of the kōrero tawhito set precedents for coming events, whereas other kōrero tawhito illustrate underlying themes operating within Māori society, which relate to the relationships between hapū and individuals. Kōrero tawhito provide themes and messages that provide precedents, models and social prescriptions for human behaviour. In some cases these traditions are so close to the existing reality of human behaviour that it is difficult to resolve whether kōrero tawhito are the actual or the mirror image of reality.

In Māori society the Māui traditions are considered truth statements and these events that occur are evidence of the existence of Māui as found in whakapapa.

He Kōrero Tawhito mō Māui

Māui was discovered while his brothers, mother and relations were dancing in the Whare Runanganui. He crept into the house and hid behind one of his brothers as his mother was counting them. She was bewildered when she found that she kept counting an extra person. Māui finally told her who he was but she denied that he was her child.

Māui told her how she had wrapped him in the topknot of her hair when he was born and cast him into the sea. He was found on shore by his great tipuna Tamanuikiterangi, who reared him and told him about this Whare Runanganui. Māui told her that when he was in her womb, he had heard her say the names of his older brothers and proceeded to recite them to her to prove that this was so. When his mother heard this she cried out,

[54] Kaumātua interview, 17 August 2000

"You dear little child, you are indeed my last born, the son of my old age, therefore, I now tell you your name shall be Māui-tikitiki-a-Taranga."

Ngā Tikanga:

- The recitation of whakapapa is a key factor in the establishment of a person's identity. Whakapapa determines one's relationships, obligations and responsibilities.
- Pōtiki occupied a special status and played a special role in society. They were considered to be taonga. Pōtiki spent more time with a wider group of kin and as a result derived the benefit of learning about the life experiences of their parents, siblings and other relatives. Not infrequently, pōtiki succeeded where those of senior descent failed, by sheer ability and force of personality.[55] In this example, Māui was reared by his great tipuna, Tamanuikiterangi. He was also given vast knowledge from Tamanuikiterangi about his whānau. Further exploits of Māui also illustrate how his status as a pōtiki allowed him to spend more time with the wider kin group, at the same time acquiring more knowledge about his whānau.

Māui Finds his Father

After Māui had discovered his family, his mother asked him to sleep beside her because he had been lost to her for so long and she wanted to express her aroha.[56] Early every morning, Taranga would wake and leave the house, returning at night. Māui grew increasingly suspicious, so one night he stole his mother's clothes and hid them. He covered every gap in the house so that the light could not shine through.

That night his mother slept until the sun had risen high in the sky. At last she jumped up. She pulled on the things that prevented the light from entering the house and hurried away. Māui followed his mother into a beautiful open cave running quite deep into the earth.

Māui recited a karakia and transformed himself into a kererū. He flew into the cave and perched on the branch of a mānāpau tree. His mother and father were talking below the tree, so he pecked at one of the berries, dropping it onto his father's forehead.

The people there picked up some stones and threw them at Māui. Māui avoided all the stones except for the stone his father threw. Māui deliberately let it hit him, causing him to fall. As he fell, Māui changed back into human form. Taranga asked him of his origins, "Where do you come from? From the westward?" "No." "From the north-east?" "No." "From the south-east?" "No." "From the south?" "No." "Was it the wind which blows upon me, that brought you here?" "Yes." Taranga then exclaimed that this was her son, Māui.

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[55] Anthony Alpers "Māori Myths and Tribal Legends" in Joan Metge (ed) *Māori Literature Booklet* (Department of Anthropology and Māori, Victoria University of Wellington, Wellington) 38

[56] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'aroha'.

The father then took Māui and performed the tohi rite[57]. Later he realised that he had made a mistake whilst reciting the karakia. He knew that his mistake would not be accepted kindly by the kāwai tīpuna and that they would therefore avenge the wrong by taking away the immortality of Māui.

Ngā Tikanga:

- Ceremonial processes are an important part of Māori society. Karakia is used in many different contexts and for many different purposes. It may be used as a tool for acknowledging a person's tīpuna. Karakia is also used for spiritual, emotional and mental cleansing, for imbuing an object with tapu, and invoking changes in an object, thing, or the environment. In the above story there are two illustrations of karakia and their implications. In the first instance Māui recites a karakia which changes his form into that of a bird. This illustrates an important aspect of Māori society in that karakia does not have a direct interpretation as prayer but rather is a functional tool, which traditional Māori applied to everyday situations, whether these situations would involve kai, mahi, or hauora.

- The second illustration is the karakia that the father of Māui recited in the tohi rite. The mistake is a hapa, which incurred adverse criticism from people and punishment from the kāwai tīpuna.[58] The kāwai tīpuna were insulted by the father's mistake and subsequently took the immortality from Māui as compensation. This highlights that ceremonial processes have to be conducted correctly in Māori society. If they are not accurately recited then the burden is cast upon the people involved. The inevitable consequence of a mistake is misfortune and death. Projects are doomed by neglecting to use the correct forms of words without hesitation or error.[59]

- Taranga introduces another important convention in Māori society. This is the identification and introduction of strangers. The method for establishing a person's identity is indirect. Māori ask where the person is from as opposed to directly asking them who they are. They will establish for example what a person's maunga or waka is, because once territorial and hence tribal origins have been established, it is relatively easy to identify the person.[60]

Māui and the Jawbone

Māui regularly visited his parents inside the cave. While he was there, he noticed that people were taking food to somebody. He asked who it was for and found out that it was for his tipuna, Murirangawhenua. Māui then offered to take the food to her. Over the course of time Māui built up a relationship with Murirangawhenua. He then told her that he wanted the enchanted jawbone she possessed and all the powers it possessed.

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[57] See the Mana and Tapu chapter for an explanation of the 'tohi' rite.

[58] *The Coming of the Māori* above n 16, 434

[59] *Exploring Māori Values* above n 14, 169

[60] *The Relevance of Māori Myth and Tradition* above n 6, 22

Ngā Tikanga:

- Respect for kaumātua and kaumātua respect for mokopuna is another important part of Māori society. Without respect and trust, kaumātua would be reluctant to pass on knowledge and taonga.
- Valuable assets are not given freely in Māori society. A basis of trust and respect must be established before taonga is passed on. Initiative is one avenue for obtaining taonga, which is a feature of the successes Māui enjoyed in his exploits.
- Where trust is established between kaumātua and mokopuna there is a corresponding recognition of the tipua attributes possessed by a mokopuna. Kaumātua would understand that tipua have some role to fulfil and would be more willing to pass taonga and knowledge on.

Māui Snaring the Sun

Māui noticed how fast the sun travelled across the sky and that the days were too short for anything to be accomplished. Māui thought that there must be a way to make the sun travel more slowly. He made implements that would usually be used to snare something, and then with a select group of people made his way into the wilderness to enact the snaring of the sun.

When the sun began to rise, Māui got the enchanted jawbone and portrayed capturing and beating the sun, at the same time reciting a karakia. Māui explained that Tamanuiterā was moving across the sky too quickly and now the journey of the sun is slower and the days are longer so people can accomplish more during the day.

Ngā Tikanga:

- One must show respect for the elements and the qualities that they have. The following whakataukī, 'ka mate te rā, ka mate tātou' meaning, 'the sun dies, we all die' is a reflection of the way in which Māori have a respect for the sun. Māori society recognises the important qualities every object or thing in the natural world possesses and this strongly influences the behaviour people display towards nature and its environment.
- The Māori work ethic is reflected in this story using the elements to his or her full advantage, for example getting up early to catch the sunrise and begin work.

Māui Fishes up Aotearoa

Māui decided he wanted to go fishing with his brothers so he hid in their canoe. When the brothers detected his presence, they decided to take him back. Māui refused though, and told his brothers that they would have to find land, as Māui had used his powers of karakia to push the canoe far out to sea.

The brothers became afraid and Māui told them to go to his fishing grounds. Soon the brothers were pulling in plenty of fish. Suddenly the hook Māui was using, which was made from the jawbone from Murirangawhenua, caught onto the tekoteko of a wharenui, belonging to Tonganui, grandson of Tangaroa. Soon a great fish appeared, which eventually became known as Te Ika a Māui.

Māui left his brothers to look after the fish before dividing it up, while he went to see a tohunga to free them from the tapu of catching such a large fish. He also knew that Tangaroa was angry with him so he wanted to make peace with him. When he returned his brothers had already cut the fish. The fish thrashed and writhed and when rigour mortis set in, the cuts became mountains, rivers and valleys, which is why the lie of the land in Te Ika a Māui is so bad.

Ngā Tikanga:

- As a result of finding Te Ika a Māui, Māui and his descendants have mana over the land. Te Ika a Māui was discovered by humans and it is these people who are the ancestors of Māori.[61]
- Mana affects the behaviour of people. The brothers of Māui became offended when he caught more fish than them and felt that he had diminished their mana.
- This story illustrates another incident where neglecting to perform the correct ceremonial processes will incur undesirable results. Karakia involved in these processes are directly related to the relevant kāwai tīpuna. If the karakia is not performed accurately, it is regarded as an insult to the kāwai tīpuna and can result in an undesirable effect.

Summary

This chapter focuses on the primary importance of kōrero tawhito. Kōrero tawhito is seen as being one of the origins of Māori tikanga. Māori practices, law and values evolved from the antics of the kāwai tīpuna and developed over subsequent generations for Māori society to hold on to.

The traditions emphasise the way in which principles such as tapu, mana and utu were adhered to. This is exemplified in examples such as the way in which Māori made use of their natural environment. Further development of Māori values and principles such as whakapapa, karakia, tapu, noa and utu, which reflect notions of Māori justice and order, were also prominent. Examples that highlight the importance of respecting the creative efforts of the kāwai tīpuna through the observance of tapu and the recitation of karakia reiterate this claim.

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[61] *Exploring Māori Values* above n 14, 172

Kōrero tawhito have also assisted in explaining the importance of the relationships between primogeniture, between family members and their respective mana. A person's position in the family also determines their inherent mana and tapu, their place within the hapū, and the expectations of that person because the blood of their tīpuna runs through them. Senior members of the family primarily inherit ancestral mana, but those from junior branches of a whakapapa can acquire mana by means of feats such as those of Māui.[62]

As a character, Māui is seen as a role model for humans to follow. He has been described variously as quick, intelligent, resourceful, bold, cunning and innovative, characteristics that are reflected in the Māui traditions. He uses his character to his advantage, by obtaining many valuable assets such as the jawbone from his kuia, Murirangawhenua, for the purpose of providing important resources for humans. The characteristics of a person, if used correctly, can provide many opportunities for them to expand their resources, whether it is through knowledge, skills or tools.

The underlying values and principles adopted from these traditions were so important for Māori for them to survive harmoniously within their environment, spiritually and physically. It was imperative for Māori that these values, laws and principles were passed on from one generation to the next. The Māui traditions became one of many mediums used by Māori for such a purpose.

[62] *Exploring Māori Values* above n 14, 166

Māori Social Structures

Introduction

The Māori social structure was based on descent, seniority and the extended family. These developed along with other human values and concepts, such as mana and tapu. The Māori social structure provided the basis for authority over the individual and the collective. This is evident through whakapapa, which introduces the principle of kinship. Whakapapa determines the rights of people and governs their relationships. Similarly, residency and environmental influences determined a person's rights and how their relationships developed in relation to other individuals and the collective group.

The dynamics that operate on the collective groups within Māori society are apparent when one observes the varying social, political and economic influences that affect the inter-relationship between individuals and the collective groups. The collective groups are the whānau, hapū, iwi and waka. Each had its own internal authority structure, which affected individuals socially, spiritually, emotionally and economically.

A social hierarchy governed Māori society, which determined the rank and standing of an individual and how notions of justice would affect them. The rangatira, tutua and tohunga class were based on seniority of descent. Notions of collective responsibility also played a role in how the individual functioned within the wider group and observed their responsibilities in relation to the wider group.

Whakapapa

Ko tātou ngā kanohi me ngā waha kōrero o rātou mā kua ngaro ki te pō

'We are but the seeing eyes and speaking mouths of those who have passed on.'

Whakapapa is central to Māori society. Whakapapa defines both the individual and kin groups, and governs the relationships between them. Whakapapa confirms an individual's membership within the kin groups that constitute Māori society and provides the means for learning about the history of their tīpuna.[63]

Māori recognised four kin groups: whānau, hapū, iwi and waka. In general terms the iwi was the sum total of its hapū, the hapū an aggregation of whānau, and the whānau an association of close relatives.[64]

Membership in these groups and the right to participate was principally based on whakapapa, the principle of descent. Cohesion was maintained through an intimate knowledge of bloodlines, the constant deference to tribal ancestors on formal occasions

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[63] Manuka Henare "Ngā Tikanga me ngā Ritenga o te Ao Māori: Standards and Foundations of Māori Society" in *Report of the Royal Commission on Social Policy The April Report: Future Directions – Associated Papers Vol III Part One* (Government Printer, Wellington, 1988) 11 [*Ngā Tikanga me ngā Ritenga o te Ao Māori*]

[64] *Muriwhenua Fishing Report* above n 4, 35

and regular tribal gatherings.[65] Each kin group would be descended from an eponymous ancestor, and each individual of the kin group could trace their descent back to that ancestor. In this way one would establish one's mana and tapu as it derived from the iwi, hapū and whānau. Māori viewed whakapapa as the crucial marker, which determined and connected one with whānau and other kin groups.

The significance of whakapapa was illustrated through a Ngāti Porou oriori[66] composed by Hinekitawhiti[67], for her grandchild Ahuahukiterangi. The following extract provides an example of this.

"Kia tapu hoki koe na Tuariki, e!	"May you be set apart, as is fitting for a descendant of Tuariki;
Kia tapu hoki koe na Porouhorea!	May you be set apart as is fitting for a descendant of Porouhorea;
Kaati nei e noa ko to taina e!	Let only your younger relative be free from restriction.
Whakaangi i runga ra he kauwhau ariki e,	Soar gracefully on high, O chieftainess,
Koi tata iho koe ki nga wahi noa.	And do not descend too near to the common places.
Whakaturia te tira hei Ngapunarua,	Project your journey to Ngapunarua
Tahuri o mata nga kohu tapui, kai	Then turn your eyes to the interlaced mists,
Runga o te Kautuku, e rapa ana hine i	Which float above Kautuku; for the maiden
Te kauwhau mua i a Hinemakaho hai	Seeks the first-born line from Hinemakaho,
A Hinerautu, hai a Tikitikiorangi, hai	Such as Hinerautu and Tikitikiorangi;
Kona ra korua, e!…	And there you will be with your elder…
…Haramai ra koe nga kauanga i Kaituri, na!	Ah! You have come from the crossings at Kaituri,
I haramai ra koe nga uru karaka i te Ariuru, na -	You have come indeed from the karaka groves at Te Ariuru.
Hau te mau mai i nga taonga o Wharawhara, hai…"	You are bedecked with the ornaments of Wharawhara…"

Ngata classes this particular oriori as a genealogical-geographical waiata. The reference to ngā tīpuna within the oriori identifies the importance of the recipient of the oriori. The oriori establishes the family connection of Ahuahukiterangi with one of the most aristocratic lines of Ngāti Porou, the descendants of Te Auiti. Hinekitawhiti also

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[65] *Muriwhenua Fishing Report* above n 4, 36

[66] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'oriori'

[67] Hinekitawhiti "He Waiata Oriori" in Apirana Ngata and Pei Te Hurinui Jones *Ngā Moteatea: He Marama Rere No Ngā Waka Maha (The Songs: Scattered Pieces from many Canoe Areas) A Selection of Annotated Tribal Songs of the Māori with English Translations Part I* (The Polynesian Society Inc., Auckland, 1988) 2-7 [*He Waiata Oriori*]

establishes her granddaughter's geographical links to various points on the East Coast through the oriori from the East Cape to Raukokore, where noted descendants of Te Auiti reside.

Māori Kinship Patterns

In anthropological terms, Māori kinship patterns are referred to as ambilateral affiliation, as Māori can attach themselves to any one kin group through either parent and to different kin groups of the same order through both parents at once.[68] Hence Māori are not restricted to tracing their line of descent from one parent only. Ambilineal groups allowed individuals to trace descent back to an ancestor through a line of mixed male and female links.

Genealogical ties could link an individual to any number of hapū and iwi. If both parents belonged to the same hapū or iwi, their children could claim membership to that hapū or iwi through both parents. If the parents belonged to different hapū or iwi, membership could be claimed to each one. Having ties to several kin groups placed responsibilities on pakeke to teach rangatahi, who in turn had responsibilities of reciprocity to pakeke. These ties also served as a means whereby individuals and groups could mobilise extensive support in times of crisis.[69]

The kin group that Māori lived with was usually the group they primarily affiliated to and identified with. Their other kin group or groups were given recognition, however, as an alternative place of residence or even refuge should the need arise.[70] Thus, although individuals would live with the whānau of one parent, they would still be considered whānau to the other parent's whānau by virtue of their whakapapa links. Often, when the family lived with one parent's kin group, a child would be sent to live with the other parent's family to maintain the kinship ties. This was because kaumātua were worried that the blood would get cold so they would continue cementing the kin bonds to keep the blood warm by sending the children to live with another kin group, which would also maintain their ahi kā.[71]

Considerations of Residence

Although the principle of descent from an ancestor was the main basis for membership in the kin groups, certain considerations of residence would also be required to claim the status, rights and obligations of an individual of that group.[72] Affiliating with one group did not immediately forfeit an individual's status, rights and obligations with other kin groups. An individual could choose to affirm his or her status, rights and obligations by

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[68] *The Maoris of New Zealand* above n 15, 6-7

[69] *Ngā Tikanga me ngā Ritenga o te Ao Māori* above n 63, 11

[70] Ranginui Walker *Ka Whawhai Tonu Matou: Struggle Without End* (Penguin Books, Auckland, 1990) 64 [*Ka Whawhai Tonu Matou*]

[71] See Whenua chapter for an explanation of 'ahi kā'

[72] *Ngā Tikanga me ngā Ritenga o te Ao Māori* above n 63, 11

taking up residence with their other kin group. Hence, while primary allegiance was given to one group, secondary and reciprocal ties could be maintained with other kin groups that the individual had established descent links with, through contact and participating in group activities.[73]

Similar conditions existed for people who married someone from another kin group. They would not officially be members of that group if they lacked the necessary blood tie, but they were assimilated to it as an operational group and given rights of use in its resources as long as they lived on its territory. Their former affiliation would be retained, including rights to the use of their own kin group's land, but they were not reckoned as part of the kin group's effective strength unless they returned to occupy and cultivate the land and the surrounding environment. Under the principle of ahi kā these rights could be passed on to the children but they would lapse after two or three generations if not taken up.

Māori society was always flexible and accommodating. Groups would wax and wane, continuously splintering, re-grouping and re-naming themselves. Often there were long periods of stability. This stability though would depend upon the capacity of the rangatira to provide protection and, material sustenance.[74]

Change would occur due to factors such as warfare, migration, famine, intermarriage, chiefly pursuit of mana, and shifting alliances. Composite groups made up of several hapū each retaining their individual identities was a common outcome of this process. Population growth and power could result in part of a kin group breaking away to become an autonomous group. However, the sustainability of iwi and hapū was dependent on them living and working together in harmony.

Te Whānau

The whānau was the basic unit of Māori society into which an individual was born and socialised. The whānau was the cluster of families and individuals descended from a fairly recent ancestor. Whānau derived from the word whānau (to give birth). On a purely descriptive level, the whānau would consist of up to three or four generations living together in a group of houses.

> *"A whānau in those days was not mother and father and siblings, it was never that, so anything that happened within an immediate whānau was the responsibility of the wider whānau really…"*[75]

The whānau had its own internal authority structure, living under the direction and guidance of koroua and kuia.[76]

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[73] *The Maoris of New Zealand* above n 15, 7

[74] Waitangi Tribunal *Te Roroa Claim – Wai 38* (Brooker & Friend Ltd, Wellington, 1992) 5, 5 WTR 17 [*Te Roroa Claim*]

[75] Kaumātua Interview, Wellington, 8 April 1999

> *"The main function of the whānau was the procreation and nurture of children. In the absence of parents engaged in gardening or other activities related to the food quest, all other adults in the vicinity were in loco parentis. This meant that in the whānau children were used to receiving care and affection from many people besides their parents. In fact, as mokopuna they were probably more influenced by their grandparents, the kaumātua and kuia, in their upbringing. In the security of the whānau the loss of a parent by death or desertion was not such a traumatic matter. The whānau also looked after its own aged or debilitated members. The old people were not only revered for their wisdom but also valued for their own contribution in minding the young and performing tasks useful to the livelihood of the group."*[77]

The koroua and kuia were the storehouses of knowledge, the minders and mentors of children. They would have primary authority over the children, and tended to assume greater responsibility than the parents for looking after and teaching the children, leaving the parents free to get on with their work.[78]

> *"Our kaumātua, kuia, grandparents, or even granduncles or whoever was around made it easier for a parent because it wasn't just the parents focusing on each other. The responsibility in fact was shared, it was shared by your extended whānau, shared by your hapū and the community that you lived in…"*[79]

The whānau functioned as a unit for ordinary social and economic affairs, and making basic day-to-day decisions. Its members had close personal, familial and reciprocal contacts and decision-making relationships with each other. As a rule, the whānau managed its own affairs, acting alone in many day-to-day activities without interference by the larger groups. For many common purposes though, if the matter was of wider concern and such cases came within the sphere of village or tribal policy, whānau groups would act together under the authority of senior rangatira.[80]

Politically, the whānau would meet to decide important matters, and the kaumātua would act as the spokespeople in the wider forum of the hapū. Economically, the whānau provided its own workforce for subsistence activities and would work together to produce

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[76] See 'taringa huruhuru', 'rei puta' and 'he rake toetoe' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences to see how kaumātua were valued by Māori society and the respect they demanded

[77] *Ka Whawhai Tonu Matou* above n 70, 63

[78] See 'he aroha whāea, he pōtiki piripoho' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for a further illustration of how children should be looked after by their whānau. Also see 'piripoho and piripāua', 'ūkaipō and kōingo', and 'poipoi' under A Collection of Behaviours, Philosophies, Emotions and Cultural influences are examples of how some children develop and depend on whānau.

[79] Kaumātua Interview, Wellington, 7 April 1999

[80] Alan Ward *National Overview Volume II: Waitangi Tribunal Rangahaua Whanui Series* (GP Publications, Wellington, 1997), 5 [*National Overview*]

or gather food, hunt and fish. The whānau shared their wealth and resources, holding their houses, tools, stored food and effects in common. Other items, such as fishing nets were circulated within the hapū. The whānau would have use rights in respect of small eel weirs on branch streams, small fishing canoes, and some gardens, fishing grounds and shellfish beds in the immediate vicinity. They did not formally own these resources, but their prior rights of use were respected.[81] Therefore in most matters the whānau was self-sufficient. For defence, though, the whānau would have to band together for protection, "a fact of existence recognised in the aphorism that a house which stands alone is food for fire."[82]

The close relationship engendered between members of the whānau as a consequence of working together is referred to as whanaungatanga.[83] Whanaungatanga is of fundamental primacy because it determines and connects a person to chosen kin groups from immediate to extended family, to hapū and iwi, providing people with a sense of belonging.[84] It developed as a result of kinship rights and obligations, which also served to strengthen each member of the kin group, as well as the kin group who shared such values as aroha, pono and tika with each other.[85]

> *"This desire or necessity to unite individuals with one another and strengthen the kinship ties is a basic cultural value so strong that whanaungatanga must be seen by members in order for it to operate effectively."*[86]

Whanaungatanga also extends to others to whom one develops a close familial, friendship or reciprocal relationship.[87]

Te Hapū

The hapū was the basic political unit within Māori society, consisting of a number of whānau. The term hapū derived from hapū (pregnancy), expressed the idea of birth from common ancestors, of a belly swollen by pregnancy and of members being born of the same womb. The term hapū emphasises the importance of being born into the group and also conveys the idea of growth, indicating that a hapū is capable of containing many whānau.

Splitting and recombination of kin groups established new hapū. When whānau expanded to a point where they could no longer be termed whānau, they could become hapū.

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[81] Muriwhenua Fishing Report above n 4, 35

[82] Ka Whawhai Tonu Matou above n 70, 63 quoting Elsdon Best *The Māori As He Was* 95

[83] See 'me ohu' and 'kanohi kitea' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences as illustrations of whanaungatanga and the resultant obligations

[84] *The Taking Into Account of Te Ao Māori* above n 1, 11

[85] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'aroha' and 'pono'

[86] *Ngā Tikanga me ngā Ritenga o te Ao Māori* above n 63, 13

[87] *The Taking Into Account of Te Ao Māori* above n 1, 20. See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for a further explanation of 'whanaungatanga'

To qualify and be recognised as a hapū, certain conditions would need to be fulfilled. These conditions included territorial control of the tūrangawaewae of the hapū and the emergence of a rangatira with mana derived through his or her whakapapa.[88] Often the name of that rangatira was taken as the hapū name, prefixed by a word meaning 'descendants of': Ngāti-, Āti-, Kati-, Ngāi-, Kai-, Aitanga-, Whānau-, Uri-. The rest bore names derived from an incident in their history. This also applied in the case of iwi names.

New hapū could also be formed when a hapū grew too large for effective functioning. Some of its members would break away under the leadership of one of the sons or younger brothers of rangatira and establish themselves independently, either on part of the original territory or on land acquired by conquest or occupation. They would acquire a new name, but would remember their origins and often join forces under the original name for large-scale undertakings.

The system of social and political life was dynamic. Autonomy was fundamental to a hapū and the way the hapū managed its affairs often distinguished it from other hapū. Each hapū was led by a rangatira. The primary function of the rangatira was to ensure that the group survived and that its land base and resources were protected and defended. A hapū and its rangatira would assert their distinctiveness in certain circumstances, as in visiting neighbouring hapū or receiving visitors: but their strength and survival also depended continually on making connections, and establishing whanaungatanga through whakapapa and other means.[89] Thus hapū were independent yet inter-dependent, and they were all related through a complex web of kin networks.[90]

Hapū would have land apportioned to them from the iwi land holdings and they would exercise political and economic control over that tract of land and its resources. As populations changed there was a reapportionment of land and resources amongst the various hapū. New lands could be occupied and developed according to needs, but always with the agreement of the wider iwi. The hapū would often operate as a group, meeting the requirements and needs of the whānau by undertaking all the major tasks necessary for group survival. These needs included defence, ceremonial and religious gatherings, economic undertakings such as larger cultivations and fishing, stocking of central food storage facilities, political affairs, land use, production and use of capital assets such as large canoes and meeting houses, entertaining of manuhiri and the rituals that accompanied all of those activities.

Being born into the hapū stressed the blood ties that united the families for the purpose of co-operation in active operations and in defence.[91] One of the major political functions of

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[88] *Ka Whawhai Tonu Matou* above n 70, 64

[89] *National Overview* above n 80, 5

[90] Waitangi Tribunal *Muriwhenua Land Report – Wai 45* (GP Publications, Wellington, 1997) 29 [*Muriwhenua Land Report*]

[91] *The Coming of the Māori* above n 16, 333

the hapū was the defence and maintenance of alliances with other related hapū of the tribe. The hapū was responsible for its own defence and its viability was dependent on its capability of holding and defending its territory against others. The hapū could enter into alliances to protect its integrity, its resources and its people, and could count on the assistance of related neighbouring hapū of the same iwi if attacked by an outside force. Generally, related hapū stayed on amicable terms and co-operated with each other in defence, but there were times when they would quarrel and fight with one another.[92]

Te Iwi

A number of related hapū constitute an iwi. The term iwi derives from iwi (bone). The bones of an ancestor were a revered and sacred taonga. Because one is defined by one's whakapapa, belonging to an iwi requires commonality of descent from a single ancestor or literally from their bones. The iwi would take its source from the mana of an ancestor, using him or her as a point of reference for the definition of iwi identity.[93] Relatives are often described as bones and in a sense the members of an iwi are bones, which emphasises again the importance of shared whakapapa.

An important component of the metaphor of bone is that it provides strength. Iwikore, literally no bones, means feeble and without strength. Bones make a body strong and give form to it. Thus bones in the sense of whakapapa and in giving strength to anything is important in understanding the concept of iwi. The important aspect of the word iwi is its function as a metaphor of whanaungatanga and the strength that arises from that fact.

The iwi were independent units and the largest politico-economic unit in Māori society, of which the ariki was leader. They would occupy separate rohe, defending their rohe against all threats of attacks from others. The iwi endeavoured to settle internal disputes peacefully, but would defend their political and territorial integrity by force of arms.

An iwi would be identified by its territorial boundaries, which were of great social, cultural and economic importance. The tribal lands would often have been in the possession of the iwi for many generations.[94] Iwi history was recounted in the recital of the prominent landmarks and the significant ancestors who lived there. Oral history of the iwi helped to establish occupancy of iwi land and their authority over it.

The resource base of the iwi was much wider than that of the hapū and whānau. Neighbouring iwi would recognise the territorial boundaries, but the boundaries were often a source of conflict.

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[92] *Ka Whawhai Tonu Matou* above n 70, 65

[93] *Ka Whawhai Tonu Matou* above n 70, 63

[94] *Tikanga Whakaaro* above n 18, 33

> *"The tribal property was made of the lands of the various hapū, the lakes, rivers, swamps and streams within them and the adjacent mudflats, rocks, reefs and open sea. The tribe, as the greater descent group, incorporated the rights of the lesser groups. Major fishing expeditions, journeys, trade arrangements, peace pacts and wars were undertaken at tribal level."*[95]

The iwi had its own infrastructure, objectives and responsibilities, providing a rationale for alliances internally and externally, in peace and in war. For certain purposes, iwi obligations were remembered, iwi infrastructure invoked and iwi resources mobilised in pursuit of a common objective. The basic role of the iwi was to protect, where necessary, the interests of individual members and constituent whānau and hapū and to maintain and enhance the mana of the collective.

Te Waka

The largest kin grouping was the waka. The tie between iwi descended from common ancestors was not as strong as with hapū but it was recognised and served to bind them together in a federation of tribes based on the ancestral canoes of the various migrations.

The iwi of a waka, like the hapū of an iwi, often fought each other but they were always ready to combine under tribal leadership for co-operation in tribal affairs. Should iwi from other waka invade their domain, the waka bond would be used to form an alliance for common defence against the intruders.[96] A similar sentiment would often unite tribes whose ancestors belonged to different families but who came in the same voyaging canoe. The claim for co-operation was the waka, or ancestral canoe, and an eloquent orator could arouse sentiment to the point of action.[97]

Social Hierarchy

Rank and leadership within Māori society was based on seniority of descent from founding ancestors. Māori society consisted of three classes: rangatira, tutua and taurekareka. Tohunga were a class off to the side of society rather than a class in the hierarchy of rangatira, tutua and taurekareka. Social status depended on seniority of descent within each kin group and differences in rank were associated with mana and tapu.

Mana was spiritual power, which possessed and was possessed by individuals, groups and things and accounted for their effectiveness. Individuals inherited an initial store of mana varying with the seniority of their descent, but they could increase or decrease it by their own actions. According to their mana, people were more or less tapu or noa in relation to each other.

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[95] *Muriwhenua Fishing Report* above n 4, 36

[96] *Ka Whawhai Tonu Matou* above n 70, 65

[97] *The Coming of the Māori* above n 16, 334

Tapu was a state that required respectful treatment and was dangerous if transgressed. Noa was a state of ordinariness and freedom from restriction. All free people were tapu to some extent. In relation to others, taurekareka were entirely noa.[98]

The following extract from the oriori[99] composed by Hinekitawhiti for her granddaughter Ahuahukiterangi is an example of how the mana and tapu of a Māori with a higher social rank is distinguished from Māori of a lower social rank.[100]

"…Ana, e koro! Auaka e whangaia ki te umu nui,	…Do not, O sir, give her food from the common earth-oven,
Whangaia iho ra ki te umu ki tahaki,…	But feed her from the oven reserved for her kind,…"

Hinekitawhiti distinguished between the mana and tapu of people through reference to the 'umu ki tahaki'. Food cooked in the 'umu ki tahaki' was for people of rank, ie, the rangatira class. A further underlying theme of the oriori is that the mana of Ahuahukiterangi is not differentiated as a female.

Rangatira Class

Haere, e whai i ngā waewae o Rehua
Go and follow in the footsteps of Rehua
(If one follows a great chief, such as Rehua,
one can be certain of good food and entertainment)[101]

The ariki, who was usually the first born son of the most senior family in society, headed the rangatira class. The first born was also referred to as the mātāmua. The most senior family was that which could trace its descent from the founding ancestor of the iwi or hapū through as many first born antecedents as possible in the rangatira whakapapa.[102] The younger siblings of the ariki were referred to as rangatira. Rangatira brought together the strands of a community to make a unified whole.[103] First-born females were referred to as ariki tapairu. They had certain ceremonial functions attached to their high rank as well as being the custodian of some rituals.

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[98] *The Maoris of New Zealand* above n 15, 8

[99] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'oriori'

[100] *He Waiata Oriori* above n 67, 2-7

[101] A E Brougham and A W Reed revised by T S Karetu *Māori Proverbs* (Reed Books, Auckland, 1987) 58 [*Māori Proverbs*]

[102] Api Mahuika "Leadership: Inherited and Achieved" in Michael King (ed) *Te Ao Hurihuri: The World Moves on: Aspects of Maoritanga* (Hicks Smith, Wellington, 1975) 86, 87 [*Leadership: Inherited and Achieved*]

[103] *Muriwhenua Land Report* above n 90, 29

> *"Chieftainship is a birthright and the measure of chieftainship is the sum of whakapapa. Leadership is the political functioning of chieftainship. Buck says, 'the first-born son inherited the power to rule…but his mana remained dormant within him…until it was given active expression on his father's death.' The obvious corollary was that the power to rule remained forever dormant in a female first-born. This was not to overlook the acknowledged fact that women wielded much power and influence behind the scenes. Further, there were occasions when a teina chief became the effective leader of a hapū or iwi."*[104]

Ariki inherited the qualities of tapu and mana from their tīpuna. Because mana and tapu were viewed as coming from the kāwai tīpuna, the ariki was regarded as the taumata and therefore the closest to the kāwai tīpuna - hence his was the greatest mana and tapu in society.[105] Although ariki were the heirs to the mana attained by their close relation to the ancestor-dead, they could not stand back and give orders. Their lead or opinion was normally accepted, but the rangatira and the kaumātua also had considerable authority in their own right. Ariki were dependent for economic and military strength upon reciprocal services with kinsmen, and they could not take independent decisions or persistently flout public opinion without risk of repudiation.[106]

Although rangatira lines usually provided the leader with the status of leader, this did not necessarily make for a good leader. Leaders had to prove that they were worthy of the position.[107]

> *"Primogeniture didn't guarantee that you would always be rangatira, you were only rangatira for as long as you were effective in the eyes of the people. Unlike some other cultures you remained rangatira no matter what, whereas in our culture, if you proved to be defective or hopeless…you were just removed…in the sense that somebody else took your place in all the important issues. I think you were still acknowledged as having rangatira blood, but you just didn't have the same effect…"*[108]

If ariki or rangatira displayed prowess in war, wise rule, generous behaviour to their people, protection of the kin group, oratory skills, skill in diplomacy and the ability to strengthen the identity of the hapū or iwi by political marriages, their mana, and that of their

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[104] *Leadership: Inherited and Achieved* above n 102, 88-89

[105] *Leadership: Inherited and Achieved* above n 102, 89

[106] Alan Ward *A Show of Justice: Racial Amalgamation in New Zealand* (Auckland University Press/Oxford University Press, New Zealand,1973) 6 [*A Show of Justice*]

[107] See 'poupou', 'pou tokomanawa' and 'toka tū moana, toka tū whenua' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences to see how ariki and rangatira could be regarded

[108] Kaumātua Interview, Wellington, 9 April 1999

descendants, could be increased. But if the ariki displayed mean behaviour or unwise rule their mana could easily be diminished.

> *"Mana might be in one who is fearless in war but stoutly promotes peace, is persuasive in oratory, is lavish in entertaining and attracts important visitors, is uninhibited in giving, is trusting of others but harsh if offended, is punctilious in fulfilling promises, is proud but humble and, most of all, one who works for the people and not for personal advantage."*[109]

Tutua Class

The tutua class was the biggest grouping in Māori communities. Many people in this class possessed specialised skills. They were the largest productive group in the community and so the community's economic development was dependent on them.[110]

Commoner is the English term that has been coined in respect of tutua, but it is probably not the best translation because it does not hold the same meaning as it does in the English class system. Tutua refers to that class of people that are not as senior in rank as those in the rangatira class. Theoretically, tutua could claim from the founding ancestor, but because they were of junior descent lines that diverged away from the senior line in succeeding generations, they were to all intents and purposes not chiefs but commoners.[111]

Descendants of junior families who intermarried with other junior families got farther and farther away from the prospect of exercising chieftainship over family groups and thus passed automatically out of the rangatira class. This divergence from the main line meant that junior members of a hapū had a tendency to split off and start their own hapū. Hence, tutua carries a more depreciatory meaning than the English word commoner does.[112]

Taurekareka Class

Taurekareka[113] were slaves captured after the defeat of war. They lived with the victorious hapū or iwi and did the menial tasks. Although they were slaves in the sense that they were required to carry out the menial jobs, they were not restricted physically. Taurekareka usually rejected notions of escape though because their own hapū preferred to regard them as dead rather than attempt to rescue them. However, the children of a member of the hapū and a slave enjoyed the same rights and obligations that other members of the hapū enjoyed.[114]

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[109] *Muriwhenua Land Report* above n 90, 29

[110] Paul Moon *Māori Social and Economic History to the end of the Nineteenth Century* (Huia Publishing, Auckland, 1993) 14, 54-55 [*Māori Social and Economic History*]

[111] *Ka Whawhai Tonu Matou* above n 70, 66

[112] *The Coming of the Māori* above n 16, 338

[113] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for another use of 'taurekareka'

[114] *Ka Whawhai Tonu Matou* above n 70, 66

Tohunga

Tohunga embraced this social structure. They were effectively a class of their own, but this class existed within the hapū and iwi at differing levels with differing powers and status. Certain members of the community would be recognised as having the potential to become tohunga. This would be evident through the skills or talents or both they showed as children and the ability to be able to deal with the information they were learning.

The tohunga formed a critical part of the bonding mechanism of a hapū or iwi. They were priests who exercised religious duties or had specialised knowledge in one or more important skills a community required, such as house construction, medicine and healing, the weather, religion, education, canoe building, agriculture, fishing and carving.

Tohunga were the repositories of tribal history and whakapapa. They studied natural phenomena, the stars, seasons, weather conditions and other information of practical value to the people. Not all these skills were necessarily exclusive to the tohunga, but their presence and recognition by the iwi assisted in the passing on of this specialised knowledge through generations and deliberating on matters of tapu, utu and other concepts of social control.[115] Spiritual beliefs were so interwoven with social and material matters that the tohunga were absolutely necessary to the proper functioning of Māori society. Thus the high class tohunga were scholars, scientists and philosophers as well as theologians.[116]

> *"Tohunga were trained to cope with and placate necessary spiritual infringements and perform purificatory rites. They both caused and cured mate Māori and fixed the utu or koha necessary to restore the mana of the offended persons or the atua present in all natural life. Development was achieved through tohunga who had to ensure that it could be done with harmony and balance, equity and justice in accordance with ancient lore."*[117]

Individual Standing

> **Mā te tuakana ka tōtika te taina, mā te taina ka tōtika te tuakana**
>
> It is through the older sibling that the younger one learns the right way to do things and it is through the younger sibling that the older one learns to be tolerant.[118]

The place of an individual in the system depended upon two factors: first, seniority, both personal seniority and that of his or her descent line; and secondly, upon the generation to which he or she belonged. Siblings and cousins of the same generation were considered brothers and sisters. A boy would refer to older brothers as tuakana; the younger ones would be teina. The same classification would apply in the case of girls. In the case of cousins, the children of a tuakana would inherit the status of tuakana. Therefore, the sons

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[115] *Māori Social and Economic History* above n 110, 55-56

[116] *The Coming of the Māori* above n 16, 476

[117] Waitangi Tribunal *Manukau Report – Wai 8* (Government Printer, Wellington, 1985) 58 [*Manukau Report*]

[118] *Māori Proverbs* above n 101, 93

born to a teina brother would be teina to the tuakana brother's sons, even though the son's of the teina may be older. The same principle applies in the case of females. Siblings of the opposite sex would not be referred to as tuakana or teina. Sisters or female cousins of boys would be termed tuahine, and brothers or male cousins of girls would be tungāne. The kinship terminology would determine how teina and tuakana behaved towards each other.

Collective Responsibility

Māori society was largely based around collective responsibility. Individualism and individual responsibility was uncommon. If an individual wronged against another individual or kin group, the whānau and hapū of that individual would have to take responsibility for those actions.

> *"Where there were antagonistic factions within the hapū, the whānau…had a hui about it. Everybody had a turn to get up…they weren't just slamming matches, you were heard, the other side were heard and anybody else. They said some really awful things…but at the end of that, everybody got relief from unburdening themselves of the anger and the hurt…and then coming to a resolution through consensus..."*[119]

While Māori kin groups had kaumātua, rangatira or ariki as leaders, these leaders did not make decisions on behalf of their kin group without first consulting with them. Meetings would be held to discuss the issues and a consensus would be gained as to the appropriate form of action.

> *"I think our whole philosophy of consensus…wasn't such a bad philosophy. It took a lot of time, but it meant all shades of the arguments were heard. There was a chance to discuss them, they could be dismissed or supported depending on how they felt about them, which I think is a very healthy way of coming to resolution, whether it was dispute resolution, or political resolution or domestic resolution..."*[120]

Individual rights were indivisible from the whānau, hapū and iwi welfare.[121] Each had reciprocal obligations tied to the precedents handed down by tīpuna, and whānau had to accept the consequences for a member's wrongdoing.

> *"If I was the one who offended in the whānau…the muru would take place on my whānau and not just on me, and my whānau will accept that and compensate them for my hara..."*[122]

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[119] Kaumātua Interview, Wellington, 7 April 1999

[120] Kaumātua Interview, Wellington, 9 April 1999

[121] This is illustrated in the Case Studies. See particularly Case Studies 1 and 2.

[122] Kaumātua Interview, Wellington, 8 April 1999. See Muru chapter for a full explanation of muru and Case Study 3 for an example of a muru taking place on a whānau

The imposition on the whānau or hapū for taking responsibility for an individual's actions strengthened the sense of reciprocal group obligations. Since the ancestral precedents which established the sanctions also established the kinship ties of responsibility and duty, the consequences of an individual or group action could rebound on the whānau, hapū or iwi.[123]

The Māori kinship system was thus an all embracing one, relating every individual in some degree with every other one, at varying degrees of remove from whānau, hapū and iwi, and linking every individual to a line of ancestors stretching back to Ranginui and Papatūānuku. At the same time, ambiguous claims to seniority, debatable rights of people who married or were adopted into hapū, and the manipulation of the system by individuals of ambition were potent causes of almost perennial strife.[124]

Summary

Whakapapa and residency determined membership in Māori society. Notions of tapu and mana played an important part in determining how an individual participated in group activities and life.

The internal authority structures of the whānau, hapū, iwi and waka affected the daily lives of Māori in different ways. The whānau would function as a unit in its basic day-to-day decisions and subsistence activities. Hapū would operate as a group to meet the requirements and needs of the whānau groups by undertaking the tasks necessary for group survival and by protecting and defending its land base and resources. Members of an iwi generally did not operate together in basic day-to-day matters. The iwi was a mechanism for related hapū to support each other in protecting the interests of the individual members and constituent whānau and hapū. The waka was recognised and served to bind the iwi together in a federation of tribes.

Seniority of descent was the determining factor in how an individual participated in the daily life of the social groups. The qualities of mana and tapu each individual had were determined by his or her social status. The rangatira, tutua, taurekareka and tohunga classes benefited the communities' economic, social, and spiritual development through their inherited and acquired skills and knowledge.

Particular importance was placed on collective responsibility as individuals were deemed to be a unit of the group. Therefore, the group's interests overrode those of the individual. The individual's rights, responsibilities and obligations were determined by their standing in the community and his or her relative mana and tapu in relation to others. The individualis simply a representation of the social groups that constitute Māori society and the behaviour of an individual must be carefully observed as their actions can affect the mana of the group.

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[123] *He Whaipānga Hou* above n 3, 39-44

[124] David Lewis and Werner Forman *The Māori: Heirs of Tane* (Orbis Publishing, London, 1982), 152

Whenua

Ma te wahine ka tupu ai te hanga nei, te tangata;
Ma te whenua ka whai oranga ai.
Whai hoki, ki te tangohia to wahine e te tangata ke,
Ka ngau te pouri ki roto i a koe.
Na, ki te tangohia te whenua e te tangata ke,
Ka pau to pouri ano.
Ko nga putake enei o te whawhai.
Koia i kia ai,
He wahine he oneone, i ngaro ai te tangata.

Woman alone gives birth to humankind,
Land alone gives humans their sustenance.
No man will lightly accept the loss of
His beloved wife, nor that of his sacred land.
It is said truly that man's destroying passions
Are the love of his wife and love of his land.[125]

Introduction

The land and the environment had an important function in traditional Māori society. This chapter provides an overview on how Māori view their relationship with the land and the environment. No attempt is made to comment on the impact colonisation and the introduction of the Westminster system has had on Māori and land issues.

The relationship Māori had with their land is based on whakapapa. Land originated as a result of the creative efforts of the kāwai tīpuna. The relationships Māori have with the kāwai tīpuna and their descendants, are one basis for determining the rights of Māori to use the land. Land was not viewed as a commodity, rather it was perceived as a source of identity, belonging and continuity to be shared between the dead, the living and the unborn.

Whakapapa and the overriding right of the collective group controlled use rights to land. Control and authority of the land rested with the communities that held the land in their care. The land was regarded as an ūkaipō[126] by Māori who recognised their obligation to treat it as such. The principle of ahi kā also operated to ensure that the rights to land remained with the group that maintained control over it.

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[125] Douglas Sinclair "Land: Māori View and European Response" in Michael King (ed) *Te Ao Hurihuri: The World Moves on: Aspects of Maoritanga* (Hicks Smith, Wellington, 1975) 115, 115 [*Land: Māori View and European Response*]

[126] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'ūkaipō'

The Relationship of Māori with the Land

The importance of the land and the environment was reflected through whakapapa, ancestral place names and tribal histories. The regard with which Māori held land was a reflection of the close relationship that Māori had with the kāwai tīpuna. The children of Ranginui and Papatūānuku were the parents of all resources: the patrons of all things tapu. As the descendants of Ranginui and Papatūānuku and the kāwai tīpuna, Māori maintained a continuing relationship with the land, environment, people, kāwai tīpuna, tīpuna and spirits. The way they conducted their lives and the respect they held for their environment and each other stemmed from whakapapa. The system of community co-operation in cultivation and sharing the natural resources inhibited any trend towards individualism and individual ownership of land.[127]

The land is a source of identity for Māori. Being direct descendants of Papatūānuku, Māori see themselves as not only "of the land", but "as the land". The living generations act as the guardians of the land, like their tīpuna had before them. Their uri benefit from that guardianship, because the land holds the link to their parents, grandparents and tīpuna, and the land is the link to future generations.[128] Hence, the land was shared between the dead, the living and the unborn.[129]

Rights to land were established through descent from the kāwai tīpuna and the original tīpuna of the place.

> *"Land provides us with a sense of identity, belonging and continuity. It is proof of our continued existence not only as a people, but also as tangata whenua of this country. It is proof of our tribal and kin group ties. Māori land represents tūrangawaewae. It is proof of our link with the ancestors of our past, and with generations to come. It is an assurance that we shall forever exist as a people, for as long as the land shall last."*[130]

The relationship of people and rangatira, and of both with the land were also relationships about power, ultimately spiritual power. Ancestral place names were important signifiers of authority and identity. Rangatira sometimes utilised their privilege of personal tapu by invoking the custom of taunaha when entering new land. They would publicly name the land and establish sacred places on it to prevent others from claiming the land.[131] Establishing a strong community on the land, and carrying out the religious duties that accompanied it, was the basis of chiefly power.[132]

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[127] *The Coming of the Māori* above n 16, 382

[128] *Ngā Tikanga me ngā Ritenga o te Ao Māori* above n 63, 8

[129] *Custom Law* above n 5, 328 – 329

[130] New Zealand Māori Council *Kaupapa: Te Wahanga Tuatahi* (Wellington, February 1983) 10

[131] The Coming of the Māori above n 16, 380

[132] *National Overview* above n 80, 6: quoting Lyndsay Head "Chiefly authority over land" *Draft Report on Māori Letters to Donald McLean* (Waitangi Tribunal, 1996) 22

The importance of the land[133] to Māori is reflected in the process that occurs after a woman gives birth. Te whenua (the land) nourishes the people, as does the whenua (placenta) of the woman. Māori are born of the whenua (placenta) and upon birth the whenua and the pito (umbilical cord) are returned to the whenua (land).[134] Burying the whenua and the pito within the whenua (land) of the whānau establishes a personal, spiritual, symbolic and sacred link between the land and the child, where their whenua (placenta) is part of the whenua (land). This follows on from the law of utu of what is given is returned or that taken is retrieved.[135]

> *"When a child is born to a Pākehā, the doctor or nurse burns the afterbirth, the Māori did not do this – it would be against the mana of that child, it would destroy the child's mauri. Burning a corpse did not destroy its mana as its mauri was already gone, but burning the whenua of a child born alive was destroying its mana, the mauri of the living child would be gone. Therefore the whenua was never burnt, but buried in the whenua…and so the child's mana and mauri were preserved."*[136]

Water

Not only was land important to Māori, but also the water that flowed through it. Water in its natural state, whether fresh or salty, is termed wai ora. All water originates from the pain and separation of Ranginui and Papatūānuku and is endowed with a mauri as a result. Wai māori was the life-giving gift of the kāwai tīpuna (te wai ora o Tāne). Wai tai was separate (te wai ora o Tangaroa). Conceptually each water stream carries its own mauri and wairua guarded by separate taniwha and having its own mana.[137]

> *"The purity of water is precious and jealously guarded because the mauri, the vital essence, is the same spiritual stuff as vivifies and enlives human beings and all other living things. To violate the purity of water is therefore to violate your own essential purity."*[138]

Water may become polluted in two ways. Water becomes wai kino when its natural flow is disturbed or modified either by natural or non-natural means and the life-sustaining wai ora constitutes danger to human beings (as in a waterfall).

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[133] See also 'te toto o te tangata, he kai; te ora o te tangata, he whenua' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for another illustration of the importance of land

[134] See 'ūkaipō and kōingo' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for a further explanation of returning the pito to the whenua

[135] See the Utu chapter for a full explanation of utu.

[136] Taare Tikao "Mana" in Sidney Moko Mead (ed) *Ngā Taonga Tuku Iho a te Māori: Customary Concepts of the Māori* (2 ed, Department of Māori Studies, Victoria University of Wellington, 1984) 220, 222 [*Mana*]

[137] *Manukau Report* above n 117, 58

[138] James Ernest Ritchie *Evidence for Minister of Conservation v Hawkes Bay Catchment Board* TCP Appeal, 597/88, 127 [*Minister of Conservation v Hawkes Bay Catchment Board*]

Water becomes wai mate when there is a mixing of the waters by unnatural means, ie, the mixing of two separate mauri, and the boiling processes that discharge 'dead' or 'cooked water' to living water that supplies seafood. The water is considered to have lost its power or force and become metaphysically dead. In this case, the mauri has been lost and can only be restored through Papatūānuku.

> *"There are three conditions in which wai mate has potential danger to human beings. The first is when water has been processed through human contact, for example, washing water. This is why washing of the human person or clothing should never be done in any receptacle, which may be later used for the preparation of food such as the kitchen sink. Secondly, water which was associated with states of disease or death must be separately disposed of because it was spiritually dangerous. Finally, water, which has been used for ritual purposes such as anointing, massaging or manipulating must be carefully disposed of. This is particularly the case where conditions of illness of a psychological kind, mate Māori, were concerned."*[139]

Land use

Māori rights to land do not translate neatly into common law categories of property and title. Judges in both Canada and Australia have said that in respect of indigenous hunter-gatherer rights and Aboriginal rights, they are "sui generis". They are of their own kind; are subtle and elusive of easy description, therefore it would be an ignorant and outmoded attitude to suggest that they do not exist as regular systems of rights.[140]

The Waitangi Tribunal noted that the division of properties was less important to Māori than the rules that governed their use. [141] The Tribunal identified the following criteria that underline Māori thinking:

- A reverence for the total creation as one whole;
- A sense of kinship with fellow beings;
- A sacred regard for the whole of nature and its resources as being taonga from the kāwai tīpuna;
- A sense of responsibility for these taonga as the kaitiaki and rangatira;
- A distinctive economic ethic of reciprocity; and
- A sense of commitment to safeguard all of nature's taonga for future generations.

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[139] *Minister of Conservation v Hawkes Bay Catchment Board* above n 138, 128

[140] *National Overview* above n 80, 2

[141] *Ngai Tahu Fisheries Report* above n 12, 97, 5 WTR 517

An effective form of control operated so that Māori communities met their responsibilities for these taonga, to ensure that supply and demand were kept in proper balance and that resources were conserved for future needs.

Traditionally, individuals did not own land; 'ownership' in the land and its resources accrued from the iwi or hapū. The common feature of Māori law was that it was not in fact about property, but about arranging relationships between people.[142] Whakapapa governed those rights and interests in land. Individuals derived their rights and interests in land from the collective group. Thus, while individuals had various use rights and would exercise them over garden lands which they cleared and planted, and birding trees or fishing spots which they individually discovered, the title vested in the hapū. The land of an area remained in the control and authority of an iwi or hapū and neither the land as a whole, nor a use right within it could pass permanently outside the bloodline.[143]

The individual's use rights could be adjusted within the whānau without the senior hapū leaders necessarily being involved, but their security in the exercise of those rights also depended upon participation in hapū activities.[144] Territories and resources were jealously and exclusively maintained unless there was good reason to open these up to the wider community.

> *"Rights of small units were always subject to the over-right of the hapū or iwi on matters affecting the people as a whole. A whānau could not vacate its patch for strangers, for example, for the admission of strangers to tribal lands affects everyone, and it could be calamitous to village life if that were done without general assent."*[145]

This is why, generally, marriages outside the hapū, and especially those outside the iwi, were disfavoured because they gave outsiders access to land, and gave rise to disputes.

Chiefs had the power of veto in relation to the alienation of land, but all other rights accruing from the land put the chiefs on a par with other individuals in the group.[146] This stems from the principle that "power flowed from the people up and not from the top down".[147] The authority of the rangatira came from their relationship to his tīpuna and to their people, and from those came their authority over land. That authority was not 'ownership' in a commodity sense because although rangatira held chiefly status they might own nothing. Their boast was that all they had was the people. Thus land rights

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[142] Eddie Durie "FW Guest Memorial Lecture: Will the Settlers Settle: Cultural Conciliation and the Law" (1996) 8 Otago LR 449, 454 [*Will the Settlers Settle*]

[143] *Will the Settlers Settle* above 142, 452

[144] *National Overview* above n 80, 5-6

[145] *Muriwhenua Fishing Report* above n 4, 35 – 36

[146] *Ngā Tikanga me ngā Ritenga o te Ao Māori* above n 63, 57

[147] *Will the Settlers Settle* above n 142, 449

were not isolated from membership of the hapū, participation in its activities, and acknowledgement of the mana of its rangatira.[148]

An iwi would base its claim to land upon a 'take' (right) supported by occupation. These take were:[149]

- take taunaha or take kite → discovery
- take raupatu → land taken by conquest
- take tukua → gifting of land. The land would be ceded in compliance with some custom such as paying a taua as recompense for infidelity[150]
- take tīpuna → an ancestral right validated by reciting one's whakapapa.

According to tikanga Māori, Māori means of identifying their occupation rights were through:

- Tūāhu, sacred mounds or stones erected on first settlement, for the reciting of karakia to the kāwai tīpuna of the people and the land
- Tohu, or signs of various kinds, marking the human occupation of the land. These included markings on trees and rocks, the burial sites of umbilical cords (iho) of chiefly children, the burial sites of the bones of the dead, and stone cairns marking these and other important places. The names of important places were also recorded in whakapapa[151]
- Kainga and pā
- Use of resources – the knowledge and evidence of eeling, fishing, hunting and gathering sites
- Ātete or evidence of successful defence of resources against challengers
- Evidence of gifts of taonga (birds, tōtara trees) taken from the land.

Ahi kā and Mana Whenua

I kā tonu taku ahi, i runga i tōku whenua

My fire has always been kept alive upon my people's land.[152]

The doctrine of ahi kā established an individual's and the tribes right to land. Ahi kā means 'keeping the home fires burning' and it required the whānau or hapū to maintain

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[148] *National Overview* above n 80, 6

[149] Tania Rei *Customary Māori Land and Sea Tenure* (Wellington, 1991) 14

[150] *The Coming of the Māori* above n 16, 38

[151] "Boundary marks were common to delimit both land and water areas, but more usually the knowledge of boundaries was simply passed down. The boundaries were minutely known and natural features, streams, hill, rocks, or prominent trees, served to define both land borders and the location of fishing grounds at sea. Smaller and more specific 'private properties' were often indicated by a sign or mark of some kind, named and place by the owners and sometimes said to carry their mauri." (*Muriwhenua Fishing Report* above n 4, 36)

[152] Ian Hugh Kawharu *Māori Land Tenure: Studies of a Changing Institution* (Clarendon Press, Oxford, 1997) 41

the ability to control and exercise mana over the land (mana whenua) through continued occupation or use. Traditionally, the occupying iwi or hapū had to maintain control of the land for three generations. Abandoning the land, thus allowing the fire to die, weakened the validity of a claim to the land.

> *"If a woman left her fireside to marry outside the tribe it was said that her fire had become an unstable…ahi tere. If she or her children returned, then the ancestral fire was regarded as rekindled. By this act the claim had been restored. If the fire was not rekindled by grandchildren, then the claim was considered to have become cold, ahi mātaotao."*[153]

Through the heritage of ahi kā and whakapapa comes the mana of the hapū or iwi. With mana comes the ability to influence and exercise control (mana whenua).[154] Mana whenua is the power associated with the possession of lands. It is also the power associated with the ability of the land to produce the bounties of nature. According to tikanga, Papatūānuku has this procreative power within her womb giving all things the potential for growth and development towards maturity. Another aspect to the power of land is that a person who possesses land has the power to produce a livelihood for family and tribe, and every effort is made to protect these rights.[155]

Mana whenua was not equated with 'ownership', or with rights to use or have access to the resources on it. Rights of use only belonged to individuals or individual families. Such rights were inherited from tīpuna or acquired through enterprise and these rights were jealously guarded. Individuals claimed specific rights to eel weirs, bird trees, rat runs and cultivations and could protect these from poachers by erecting rāhui, which declared the resource tapu. Violation of the rāhui could lead to some supernatural penalty. Use rights were handed on from generation to generation, with the rangatira providing control and overall protection in exchange for which he could expect tributes and services of various kinds. Mana whenua thus differed greatly from the idea of 'ownership' in the European sense.[156] Mana whenua is the collective's right to exercise guardianship over the land.

Summary

Individual ownership of land was not recognised in Māori society. The land and resources were used by Māori rather than owned by them. Māori recognised the land as their ūkaipō, which descended from the kāwai tīpuna and was maintained as such by their tīpuna. Spiritual beliefs and effective leadership helped to maintain effective control over the use of land.

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[153] *Land: Māori View and European Response* above n 125, 120

[154] Frederick Roy Maadi Reti *Brief of Evidence for the Waitangi Tribunal Concerning the Treaty of Waitangi Act 1975 and a Claim by Otane Reti and Others to Te Whanganui a Orotu (Napier Inner Harbour) - Wai 55,* 10

[155] *Tikanga Whakaaro* above n 18, 61-62

[156] *Te Roroa Claim* above n 74, 5, 5 WTR 17

Rights and interests of individuals and whānau in the land derived from the hapū. Similarly, the hapū had special use rights of various places and resource areas but it did not own them. Iwi would base their rights to land on take. They maintained their take by placing physical signs on the land or through demonstrating their knowledge of the different uses of the land. Ahi kā required those who used the land to maintain the ability to control the land through continued use and occupation. The whānau, hapū and iwi were obliged to protect the land and exercise guardianship over it. This not only ensured that the well being of the present generation would be catered for, but that the following generations would benefit as well.

Mana and Tapu

Introduction

Mana and tapu are concepts which have both been attributed single-worded definitions by contemporary writers. As concepts, especially Māori concepts they cannot easily be translated into a single English definition. Both mana and tapu take on a whole range of related meanings depending on their association and the context in which they are being used.

This chapter aims to outline some of the complexities of both mana and tapu and the impact each had on Māori society. The authority of mana and tapu derives from the kāwai tīpuna and tīpuna. Māori inherited the qualities of mana and tapu from the kāwai tīpuna and recognised the need to maintain mana and tapu to the highest degree. This was particularly evident in the rangatira class. Māori vigorously defended both mana and tapu in everyday matters and tried to enhance them whenever possible.

Individuals could also acquire, increase or lose their mana through the deeds they performed. Mana influenced the way in which people and groups conducted themselves, acting as a reference point for the achievements and successes in one's life. Similarly, the mana that was attached to natural resources, whakapapa and inanimate objects could affect the behaviours of individuals and groups.

Tapu is examined in terms of how a person's undertakings can be restricted through the placing of tapu on people and things. Tapu was used as a way to control how people behaved towards each other and the environment. Examples of when and how tapu is used in society illustrates the dynamics of the concept.

Origins of Mana and Tapu

Ko te tapu te mana o ngā kāwai tīpuna

Tapu is the mana of the kāwai tīpuna

Mana and tapu are two of the many fundamental concepts that governed the infrastructure of traditional Māori society. Along with most Māori tikanga, mana and tapu emanated from the kāwai tīpuna who have reign over specific areas of the world. The kāwai tīpuna are extremely tapu because of their extraordinary ability to create living things, and because the evidence of their creative efforts and authority over nature is reflective of their mana.[157]

Our mana as human beings is a mana that is linked with the kāwai tīpuna, since the creation of human beings was the work of the kāwai tīpuna. And because the kāwai tīpuna are our immediate source of mana, they are also the source of our tapu. The relationship between mana and tapu are so closely intertwined as to be almost interchangeable in nature. The mana of a person will determine the comparative tapu of that person.

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[157] *Māori Religion and Mythology* above n 23, 53

In some areas of New Zealand, however, exactly which of the kāwai tīpuna Māori derive their mana from is questionable. Some tribal areas suggest that Māori are linked with Tūmatauenga, as humans adopted the war-like nature he displayed during the separation of Ranginui and Papatūānuku. He also displayed the ability to control most of his siblings through karakia. Tūmatauenga could not exert this influence over Tāwhirimatea though, and it is for this reason that humans do not have the power to restrain the elements.[158] According to other traditions, our existence is due to the mana of Tāne, as it was he who created the first woman Hineahuone out of the clay from Papatūānuku and from there derived the human race.

Personal mana of a human being can be overcome and annihilated, but the mana of the kāwai tīpuna cannot.[159] To emphasise the fact that Māori did not possess intrinsic mana and tapu and that it was through the kāwai tīpuna which a person could 'have' mana, Māori Marsden explains, "Man remains always the agent or channel – never the source of mana."[160] This quote can also be applied to tapu.

The Acquisition of Mana and Tapu

All things of nature possess mana and tapu. However, there are varying degrees of mana and tapu associated with something or someone, depending on their association with the kāwai tīpuna. The hierarchical structure of Māori society illustrates this. The kāwai tīpuna were extremely tapu because they held the positions at the top of Māori whakapapa. Since mana and tapu are concomitant with each other, the more tapu a person, the higher the mana, hence the idea that all things have mana and tapu but in varying degrees. This also applies to the whakapapa of animate and inanimate objects.

> *"The relationship, for Māori, is first and foremost genealogical. Ancestral ties bind the people and the [environment]…Just as land entitlements, personal identity, and executive functions arose from ancestral devolution, so also it is by ancestry that Māori relate to the natural world. Based on their conception of the creation, all things in the universe, animate or inanimate, have their own genealogy, genealogies that were popularly remembered in detail. These each go back to Papatūānuku, the mother earth, through her offspring gods. Accordingly, for Māori the works of nature – the animals, plants, rivers, mountains, and lakes – are either kin, ancestors, or primeval parents according to the case, with each requiring the same respect as one would accord a fellow human being."*[161]

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[158] *The Relevance of Māori Myth and Tradition* above n 6, 19, 21

[159] *Mana* above n 136, 220

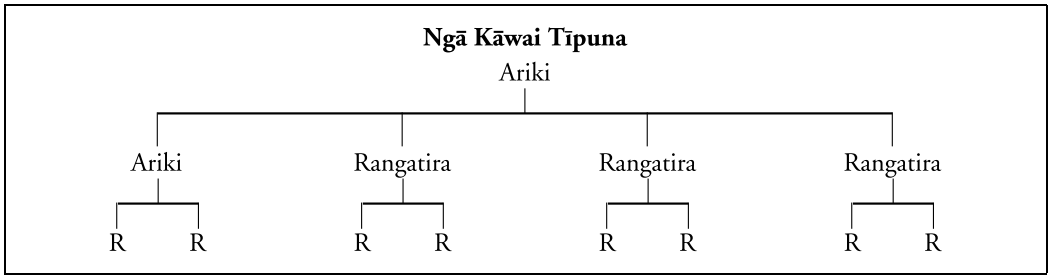
[160] Māori Marsden "God, Man and Universe" " in Michael King (ed)*Te Ao Hurihuri: The World Moves on: Aspects of Maoritanga* (Hicks Smith, Wellington, 1975) 191, 194 [*God, Man and Universe*]

[161] Waitangi Tribunal *The Whanganui River Report – Wai 167* (GP Publications, Wellington, 1999) 39 [*The Whanganui River Report*]

A person is imbued with mana and tapu by reason of his or her birth. In Māori society, high-ranking families whose genealogy could be traced back directly to the kāwai tīpuna were thought to be under their special care. This meant that the mana and tapu associated with those born in chiefly ranks descends directly from the kāwai tīpuna, which in turn makes high-ranking families very powerful. It was a priority for those of ariki descent to maintain the mana and tapu and to keep the strength of the mana and tapu associated with the kāwai tīpuna as pure as possible, therefore inter-tribal marriages were carefully selected in order for the classes to remain.[162]

The tuakana children of ariki[163] would be prepared for the time in which they would succeed their fathers in rank and in power. Those who were inducted into the role of ariki were usually male because of the laws of tapu and noa.[164] They would receive the greatest amount of respect from everyone within the tribe. Although teina received mana and tapu from the kāwai tīpuna, they were not given automatic rights to lead the tribe as the tuakana had been given.

A simplistic diagram of a whakapapa illustrates how the inherent mana and tapu from the kāwai tīpuna is passed down to those of chiefly lineage. It shows how the first-born child of the ariki is regarded as ariki and this will continue to be so throughout the generations:



The mana and tapu of an ariki takes on a similar meaning to 'power' and 'prestige'. The tuakana inherits the right to rule and direct the tribe because of his position within society. This right to exercise his mana takes effect once his father has died or when his father has retired from the position. He also inherits the prestige of his position, and the greater the prestige acquired by the family and the tribe, the greater the mana and tapu that is inherited.

There are many responsibilities of a rangatira, but the most important is the responsibility to uphold his tribe and its mana. This would include taking responsibility for avenging wrongs to the tribe and any of its members, maintaining hereditary feuds and alliances,

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[162] *The Coming of the Māori* above n 16, 337-338

[163] The title of 'ariki' was given to the tuakana or first-born child of another ariki. The siblings of the ariki were known as 'rangatira'.

[164] *The Coming of the Māori* above n 16, 343-347

and offering hospitality to visitors. In short, the chief must take full responsibility for individual's or the tribe's actions.[165]

The waiata, "He Oriori mō Te Ua-o-te-Rangi,"[166] expresses the aspects of tikanga, mana and tapu held within an infant. The waiata refers to Te Ua-o-te-Rangi, who was a son of Tamati Purangi. Te Ua-o-te-Rangi was of Ngāti Porou descent and he died as a child. The importance of the whakapapa of Te Ua-o-te-Rangi was referred to in the following lines:[167]

"…Na Takurangi, koe, na Rakai-wetenga,	"…Thou art of Takurangi and of Rakai-wetenga
Na Papa koe i te rangi, na te Atua-mutu	Thou are from Papa in the heavens, from Te Atua-mutu
Na Kahukura-tawhana,	From Kahukura above,
Na te kapua whakapipi i te rangi, e.	And from the banked up clouds in the heavens.
Ka rere koe he kauhou ariki…	Thou springest forth from a noble line…"

At times it is difficult to differentiate between a breach of tapu and a breach of mana. An example of this is the particular protocol relating to whaikōrero in one tribal area.

> *"Sometimes I have difficulty in sorting one from the other. An example of mana and tapu has to do with where I'm sitting on the pae… I've always been taught that if you get up to speak, you either stay in one place or you move to your left, so that when you come back to sit down you're coming back to the right-hand side to sit down. If I'm on the pae that contains people from other iwi, I try and practice this as much as possible. If there's a form there, I'll just step over the form and walk around the back of them to the left. You can read this in two ways. One is, I am doing that because the tikanga or the kawa is tapu, or secondly, that you do not want to tread or trample over the mana[168] of the others who are yet to get up and speak, so you give recognition to their mana. If you do step in front of them, you might say "turuki whakataha" and then explain why you said that. It's a kind of protection for you. The practice is tapu and it is complementary in that the people you are showing deference to, have mana…"*[169]

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[165] *Exploring Māori Values* above n 14, 152

[166] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'oriori'

[167] Ripeka Pai-a-te Hau "He Oriori mo Te-Ua-o-te-Rangi" in Apirana Ngata and Pei Te Hurinui Jones *Ngā Moteatea: He Marama Rere No Ngā Waka Maha (The Songs: Scattered Pieces from many Canoe Areas) A Selection of Annotated Tribal Songs of the Māori with English Translations Part II* (The Polynesian Society Inc., Auckland, 1986) 80 – 81

[168] Trampling or treading on someone else's mana is referred to as takahi mana. See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for a further explanation of 'takahi mana'.

[169] Kaumātua Interview, Wellington, 13 February 1999

The Functions of Mana and Tapu

The mana and tapu principles were the source of both order and dispute in Māori society. Mana and tapu were the practical forces of the kāwai tīpuna at work in everyday matters, and the need to defend mana and tapu against attacks by insult, excessive generosity, war or mākutu[170] through utu), made life turbulent at times. On the other hand, mana and tapu was the principle responsible for inspiring great hospitality and feasting, aristocratic rituals and alliances, the construction of pā, and wharenui, to name a few examples. In the Māori world, virtually every activity, ceremonial or otherwise, has a link with the maintenance of and enhancement of mana and tapu. It is central to the integrity of the person and the group. Many everyday measures, threaded into the fabric of existence, are designed, consciously or otherwise, as maintainers of mana and tapu.

Mana

Not only is mana inherited, mana can also be acquired by an individual throughout the course of their life. Joan Metge describes that an individual's mana can be seen as a lake filled with water fed into it by several streams. These streams represent the ways in which an individual acquires mana in different forms by different routes, but these all belong to the individual.[171] In traditional times when a child was born, the tohi rite was performed and the child was dedicated to kāwai tīpuna such as Rongomātāne, Tūmatauenga or Hineteiwaiwa.[172] The child acquired mana from the kāwai tīpuna and it was the responsibility of the whānau to protect this mana throughout their lifetime. The extended whānau took total responsibility for looking after the children. Their actions would determine the amount of mana they acquired.

A person could acquire mana through displaying prowess in warfare, being industrious, displaying exceptional skills in the arts, and having great knowledge of history and tikanga.[173] However, a person's mana could fall if the individual abused their talents and skills, such as a misuse of leadership power, or failure to complete tasks successfully, and through insults and injuries inflicted by others. Mana could also be lost through carelessness and through a person's actions. Although this illustrates the way in which a person's mana can fluctuate, the individual's mana can be restored. It is never fixed, but continually rises and falls, as does the water level in a lake.[174]

Additional mana could be acquired through the way rangatira conducted their actions during their reign as leader. The mana of the rangatira is enhanced when the people recognise and acknowledge the ability of the rangatira to succeed in defeating other tribes

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[170] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mākutu'

[171] Joan Metge *In and Out of Touch: Whakamā in a Cross Cultural Context* (Victoria University Press, Wellington, 1986) 68 [*In and Out of Touch*]

[172] *The Coming of the Māori* above n 16, 353

[173] *In and Out of Touch* above n 171, 72. See also 'he moana kē ta matawhānui, he moana kē ta matawhāiti' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an illustration of how rangatira may increase their mana

[174] *In and Out of Touch* above n 171, 68

or forming new alliances with other tribes. The mana of a rangatira was integrated with the strength of the tribe, which was the result of these achievements.[175] The success of the rangatira may have been because of the advisors or other leaders within the tribe assisting him or her, but outsiders will give sole recognition to the rangatira as the figurehead of that tribe.

A person who displayed power, prestige, authority, control and influence was seen as being looked upon favourably by the kāwai tīpuna and hence earned the respect of the tribe. Similarly, if a person possessed a certain skill which was well recognised, for example, if a tohunga was noted as being successful at karakia for healing the ill, or if a person continually experienced a good kūmara harvest, it was thought that the mana of the tohunga or kaimahi māra had caused it, therefore their mana would increase. If a person failed to recover from illness, or if a person experienced a bad harvest, this too was a reflection of their mana and it was deemed a failure to be heard by the kāwai tīpuna. On the other hand, the cause of a bad harvest was sometimes due to people failing to follow the instructions of the tohunga.

Although chieftainship was a birthright due to whakapapa, this did not necessarily mean that the tuakana would be the rangatira. Low rank or a small following did not bar a teina rangatira who was determined to make his mark. All he needed was confidence, and the support of his hapū.[176] Marriage was also a way for a teina rangatira to increase his mana considerably if he married a high-born woman of another hapū. He could also gain leadership from inheriting the mana of another teina rangatira who had also achieved leadership.[177]

Te Rauparaha is a famous rangatira who was not of rangatira descent.[178] When the rangatira Kawhia died, they asked who should replace him. Nobody came forward, so Te Rauparaha volunteered. He proved his worth by his deeds, and his reputation enhanced his mana so much that he was recognised as one of the successful rangatira in Māori society. If a rangatira did not prove his worth and the iwi considered it crucial to uphold their mana, they would find someone who they were confident in being able to do so and replace that rangatira. This illustrates how it was deemed possible for an ariki who had inherited the right to lead, to be replaced by a rangatira if he was considered a threat to the mana of his iwi.

The mana of a group could also be enhanced when a person of high ranking was killed in battle. The waiata, "He Tangi Mo Te Kuruotemarama," illustrated how the mana of one hapū of Ngā Puhi was increased when they killed Te Kuruotemarama, the rangatira of a rival hapū of Te Arawa. A Ngā Puhi raiding party was heading towards Rotorua seeking

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[175] *The Coming of the Māori* above n 16, 345

[176] Ann Parsonson "The Pursuit of Mana" in W H Oliver and B R Williams (eds) *Oxford History of New Zealand* (Oxford University Press, Auckland, 1981) 140, 141 [*The Pursuit of Mana*]

[177] *Leadership: Inherited and Achieved* above n 102, 86, 87

[178] Kaumātua Interview, Wellington, 9 April 1999

utu for the killing of a relative at Motutawa (Green Lake). When Te Arawa heard that Ngā Puhi were coming for war, the tohunga advised that Mokoia Island would be the most secure area for them to go, as the invaders could not reach the island without canoes. However, the war party, led by Hongi Hika did cross the lake and consequently Te Kuruotemarama was tortured and killed. The following lines from the tangi illustrate the concepts of mana and tapu.

"…He uira, he kanapu, te tohu o te ariki.	"…A flash, a lightning, indicating a great chief.
'Ra pea koe kei mua te waitapu,	You are perhaps before the divining pool
Kei te toka tu ki waho,	By the reef, that stretches outside;
Te kawa ia Aitu, te kawa i a Maru,	The rock of Aitu, the rock of Maru,
I to atua ra…"	Of your god…"

In these lines the composer accentuates the mana and tapu of Te Kuruotemarama, and introduces the relationship between Te Kuruotemarama and the kāwai tīpuna, Aitu and Maru, the kāwai tīpuna of disaster and death. In addition, the mana and tapu of Te Kuruotemarama was extracted from him through his subsequent torture and death. Therefore, Ngā Puhi enhanced their mana and tapu following the death of Te Kuruotemarama at their hands.[179]

Mana Pertaining to Objects

Natural resources also possessed mana. The mana of the land derives from Papatūānuku. However, it was the duty of Tāne to dress his mother in a beautiful korowai of things pertaining to nature, such as the forests and rivers.

When Māori arrived in Aotearoa, nature's objects became significant landmarks acting as identifying features of a certain area. As demonstrated to us in numerous sayings, tribal pride and landmarks were connected with the hapū of a certain area and were sources of self-esteem or mana. When Māori introduce themselves to people, they recite their whakapapa, which lists the tribal landmarks renowned in their area. Those who are listening recognise the whakapapa and are able to identify which part of New Zealand this person is from. A person's whakapapa has been recited for generations linking a person with their ancestors and the land.[180]

Inanimate objects also had the ability to possess as much mana as animate things. An example of this is the 'Taiaha-o-Tinatoka', which is sometimes called 'Ngā-Moko-a-Te-Aowhea'. This weapon is very effective in single combats and it never failed. A further example of the mana of weapons is when the children of Ranginui and Papatūānuku decided to separate them. Tāne used a toki called 'Te Awhiorangi', which was fashioned

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[179] Tiaka Tomika "He Tangi mo Te Kuruotemarama" in Apirana Ngata and Pei Te Hurinui Jones *Ngā Moteatea: He Marama Rere No Ngā Waka Maha (The Songs: Scattered Pieces from many Canoe Areas) A Selection of Annotated Tribal Songs of the Māori with English Translations Part I* (The Polynesian Society Inc., Auckland, 1988) 22 - 27

[180] Michael Shirres *Te Tangata: The Human Person* (Accent Publications, Auckland, 1997) 55

out of the 'stone of Ngahue'. Because the toki was exceedingly tapu, it also had great mana and it was seen as the prototype for all toki. The toki descended in the line of elder sons from Tanetokorangi down to Rakaumāui and from him to his great grandson Turi, who brought it across the seas in the Aotea canoe to Aotearoa. The toki was eventually hidden in the Taranaki region. An object is considered as having great mana if it was useful to humans or it had a link to the kāwai tīpuna as the Taiaha-o-Tinatoka did.

Summary

Mana was the practical force of the kāwai tīpuna at work in everyday matters. In the Māori world virtually every activity, ceremonial or otherwise has a link with the maintenance and enhancement of mana.

To inherit or acquire mana, a person, object or thing had to have either a direct link with the kāwai tīpuna or possess a skill that was noted as worthy to society. This was the reason therefore, as to why mana was defended jealously. Examples of displays of mana could be seen through the work of individuals trying to achieve rangatira status. The mana of the collective group was also linked with the mana of the rangatira. If the mana of the rangatira fell, so did the mana of the group.

The mana of the whānau, hapū and iwi was linked to the self-esteem of the individual and reflected how others perceived them. This was obvious through the numerous sayings and whakapapa that related to them and identified them. Inanimate objects were also capable of possessing mana because of their association with people imbued with a lot of mana or because they were used by Māori in significant events.

Tapu

Tapu is a principle which acts as a corrective and coherent power within Māori society.[181] It acted in the same way as a legal system operated, as a system of prohibitory controls, effectively acting as a protective device.[182] The advantage was that these prohibitions were dynamic and could change with the times and environment as needed. Tapu placed restrictions upon society to ensure that society flourished and to ensure the continued growth of the tribe in the future. Thus it can be said that tapu is an analogical term and its meaning derives from the context in which it is applied.

The nature of tapu is innate and has an untouchable quality.[183] In contemporary terms, the concept of tapu is generally perceived as sacred, holy or forbidden.[184] More traditionally, tapu was said to imply prohibition,[185] and from this it has been described as a quarantine law.[186]

> *"It was the major cohesive force in Māori life because every person was regarded as tapu or sacred. Each life was a sacred gift, which linked a person to the ancestors, and hence the wider tribal network. This link fostered the personal security and self-esteem of an individual because it established the belief that any harm to him was also disrespect to that network which would ultimately be remedied. It also imposed on an individual the obligation to abide by the norms of behaviour established by the ancestors. In this respect, tapu firmly placed a person in an interdependent relation with his whānau, hapū and iwi. The behavioural guidelines of the ancestors were monitored by the living relatives, and the wishes of an individual were constantly balanced against the greater mana and concerns of the group…"*[187]

The Nature of Tapu

> *"Major offences were considered a breach of tapu, and if it was breach of tapu then it affected just about everyone, it affected the community as well…"*[188]

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[181] Elsdon Best "The Māori as he was" in Sidney Moko Mead (ed) *Ngā Taonga Tuku Iho a te Māori: Customary Concepts of the Māori* (2 ed, Department of Māori Studies, Victoria University of Wellington, 1984) 91 [*The Māori as he was*]

[182] *Exploring Māori Values* above n 14, 108

[183] *God, Man and Universe* above n 160, 194-197

[184] H W Williams *Dictionary of the Māori Language* (GP Publications Ltd, Wellington, 1992) 385

[185] *The Māori as he was* above n 181, 91

[186] James Cowan "The Māori Yesterday and Today" in Sidney Moko Mead (ed) *Ngā Taonga Tuku Iho a te Māori: Customary Concepts of the Māori* (2 ed, Department of Māori Studies, Victoria University of Wellington, 1984) 92

[187] *He Whaipānga Hou* above n 3, 41

[188] Kaumātua Interview, Wellington, 8 April 1999

Tapu can isolate and restrict the activities of individuals, practices, and natural resources. All people, animals, animate and inanimate objects in their natural state are tapu to a degree. Because they are tapu they have the ability to influence the actions of society.

A thing[189] or person becomes tapu when it is imbued with the mana of a kāwai tipuna. The tapu thing is no longer for the common use of the people and has fallen under the protection of the kāwai tipuna; hence it must be respected and observed in this manner.

In Māori society everything also has a wairua and mauri. Mauri is the life principle and wairua is the spirit. The mauri of a thing is to be respected. People cannot alter or fundamentally change the character of things without the appropriate karakia to the associated kāwai tipuna. Further, they have to provide evidence that the change is necessary for the wellbeing of the related people. If the mauri is not respected, or if people assume to assert some dominance over a thing, it will lose its mauri, ie, its vitality and force, and those who depend on it would ultimately suffer.[190]

In the first instance tapu is inherited through a person's ability to whakapapa to the kāwai tīpuna. Hierarchy determined how tapu a person was or how much tapu they possessed. Those at the top of the hierarchy, ie, the rangatira class, had the requisite tapu to lead the people by right. The nature of personal tapu is similar to mana in that the more direct a person's lineage to a kāwai tipuna, the greater the individual tapu of that person, because tapu, like mana, was of the kāwai tīpuna, and like mana, it was acquired at birth.

Things could also be deemed tapu when circumstances required. Tapu, mākutu[191] and rāhui were applied to control human behaviour and protect natural resources. Objects of importance to the community, eg, large canoes and eel weirs, attracted considerable tapu. The tapu attached to objects and objectives intensified according to their degree of social importance.[192]

Making an object tapu was achieved through rangatira or tohunga acting as channels for the kāwai tīpuna and applying the mana of the kāwai tīpuna to that thing that needed to be tapu. For instance, if a seabed ran out of mussels, the rangatira would place a rāhui over the area by saying a karakia to the appropriate kāwai tipuna. That area would then be tapu to the community, prohibiting them from collecting mussels until supplies were replenished. As explained by the Waitangi Tribunal:

> *"A system of tapu rules combined with the Māori belief in departmental gods as having an overall responsibility for nature's resources served effectively to protect those resources from improper exploitation and the avarice of man."*[193]

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[189] For the purposes of this chapter, 'things' refers to all those that have just been listed

[190] *The Whanganui River Report* above n 161, 39

[191] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mākutu'

[192] *Muriwhenua Fishing Report* above n 4, 3

[193] *Ngai Tahu Fisheries Report* above n 12, 97, 5 WTR 517

Members of the community would generally know about the prohibitions created by their rangatira. They would not violate the tapu for fear of sickness or catastrophe which would follow as a result of the anger of the kāwai tīpuna. When the tapu of an individual is violated, or when an individual violates a tapu, the consequences can be psychologically manifested.

However, strangers would often breach tapu, either because they were not aware of the tapu status of an area or thing, or because they did not feel compelled to obey the tapu because the rangatira of another tribe had created the tapu. If a stranger breached the tapu area or thing, the community would be compelled to exact utu from, or even kill, the intruder. This requirement would ensure that the kāwai tīpuna did not take retribution against the community for the unrequited affront. Moreover, possessors of mana were impelled to demonstrate it, by boldness and by constant concern for their names and stations.[194]

Personal Tapu

Māori society operated in a way whereby those with great knowledge and skills and hence, great tapu, would be able to lead the society in a prosperous fashion, therefore ensuring the survival and growth of the people. An example of this is Uenuku. Uenuku was an ariki in Hawaiki before te hekenga mai o ngā waka. Based upon his whakapapa and direct lineage to the kāwai tīpuna, Uenuku was imbued with mana and tapu of the highest rank and he could use his power to make things tapu.

"He Waiata Tawhito Mo Whatitata"[195]

Noho noa Whatitata,	Carefree was Whatitata,
Haereere noa ra te takutai,	As he strode along the strand,
Kua pono ano ki te iwi no paraoa:	Where he found the skeleton of a whale;
Mauria mai nei	And he brought it hither
Hai patu tahi taha,	Making from it a war-club,
Hai heru tahi taha.	Also from it a comb.
Manaakitia mai nei e Uenuku	They were treasured by Uenuku
Hei tohu mona nei, e.	As emblems of his high rank.
Tae rawa mai nei.	Arriving hither belatedly,
Kua hē te iringa o te heru.	Quite awry was the resting place of the comb.
A, e ui ra ki te poupou o te whare,	Question then the house pillars,

[194] *A Show of Justice* above 106, 6

[195] Ngāti Kahungunu "He Waiata Tawhito mo Whatitata" in Apirana Ngata and Pei Te Hurinui Jones *Ngā Moteatea: He Marama Rere No Ngā Waka Maha (The Songs: Scattered Pieces from many Canoe Areas) A Selection of Annotated Tribal Songs of the Māori with English Translations Part II* (The Polynesian Society Inc., Auckland, 1986) 64 - 67

Kaore te kī mai te waha.
A, e ui ra ki te tuarongo o te whare,
Kaore te kī mai te waha.
A, e ui ra ki te whatitoka o te whare,
Kaore te kī mai te waha.
A, e ui ra ki te maihi o te whare,
Kaore te kī mai te waha.
A, e ui ra ki te tiki nei,
Kia a Kahutia-te-rangi,
"Kai whea taku heru?"
"Tena ka riro i tahae poriro,
Tiraumoko nei, moenga hau nei,
Moenga rau kawakawa nei."
Ka mate tera i te whakamā,
Ka hiko ki tona waka,
Ki a Tu-te-pewa-a-rangi nei,
Ka hoe ki waho, ki te moana,
Ka unuhia te karemu.
Ka mate i reira a Pipi
Ka mate i reira Tāhau
Ka mate i reira Te Ara-o-tumāhina nei,
Matariki ka kau i te ata nei, e.

Kī mai Ruatapu,
"Ma wai e kawe nga tohu ora ki uta?"
Ki mai Paikea,
"Ka tae i ahau
Ta te a-hine, ta te a-hararo."
Ka ū Paikea ki uta
Tauwhanga mai ai ki a Ruatapu.
E te iwa nei, e!
Te ngahuru nei, e!
Te ngahuru potiki nei e!

And there will be no answer.
Question then the rear part of the house,
And there will be no answer.
Question the doorway of the house,
And there will be no answer.
Question the front gables of the house,
And there will be no answer.
Lastly, question this image here,
'Tis Kahutia-te-rangi,
"Where is my comb?"
"Verily it has been taken by a bastard thief,
The fatherless one, conceived in the open air,
Conceived haphazardly on a leafy couch."
He, overcome with shame,
Then hurried away on his canoe,
Named Tu-te-pewa-a-rangi,
He sailed off, out to sea,
And he removed the plug.
It was there Pipi died,
It was there Tahau died,
And it was there Te Ara-o-Tumahina died.
In the dawn the Pleiades appeared o'er the waves,
Thus spake Ruatapu,
"Who will take tidings of survivors ashore?"
Up spake Paikea,
"I will take them there
Tidings for the women, tidings for the men."
Paikea reached the shore
And there awaited Ruatapu.
Waited until the ninth moon!
Waiting for the tenth moon!
Ten moons for that youth!

Tena Ruatapu kei te whakakaho	Ruatapu was heaving
I te moana e takoto nei, e!	The seas that yonder flow!
Te ihinga nei, e!	The billows rose!
Te wharenga nei e!	The waves curled on high!
Te marara nei, e!	The waves crashed down!
Pokia iho nei te Puke ki Hikurangi,	Crowded was the Peak of Hikurangi,
Tutu noa ana Marere-o-tonga, "Kia mau!"	And the crowds milled around on Marere-o-tonga. (Crying aloud) "Hold fast!"

This waiata retraces the story of Te Huripureiata and the conflict between Ruatapu and his brothers. It illustrates the nature of a dispute at whānau level and shows the concepts of mana, utu, and tapu inherent in Māori culture.

Initially it is the concept of tapu which is first introduced to the reader in reference to the lines, "*Kua pano ano ki te iwi no paraoa*". In Māori society, a whale is considered tapu, as a guardian or taniwha. When a whale dies, the bones are considered to be sacred, and highly prestigious taonga such as tiki, heru, or patu are made from them. The composer of the song refers to whale bones found by Whatitata. Whatitata brought the bones home to fashion a war club and Uenuku took possession of the bones and made a comb for himself.

Essentially, the dispute identified in this waiata concerns a comment made by Uenuku about his son Ruatapu. The mother of Ruatapu, Paimahutanga, was a captive of war. She was of rangatira descent, being descended from Pou-matangatanga, Rata and Wahieroa. Although she was of senior lines her whakapapa was still subservient to the whakapapa of Uenuku. Uenuku refered to Ruatapu as a bastard son, which prompted Ruatapu to seek utu by attempting to murder all the other sons of Uenuku. If he were to achieve this, he would then have become mātāmua. This dispute illustrates the varying degrees of tapu inherent in the characters. Ruatapu, in his need for utu, breached the individual tapu of his half brothers.

The power of a rangatira was a source of control which could be used to tapu property or person, to make a crop safe from trespass, to set aside a tree for canoe-building, or to conserve a stretch of forest or shellfish ground for an important feast.[196]

However, at times the tapu of a rangatira could be considered more of a burden to both the rangatira and his people. A tapu person risked making common things tapu through mere touch, thereby endangering the lives of the people. The people's use of resources became restricted and they violated the tapu if they consequently touched the object made tapu by the rangatira. If the tapu was breached, the kāwai tīpuna withdrew their protective

[196] *A Show of Justice* above n 106, 6

influence over the mauri of the offender, leaving him or her vulnerable which may have caused sickness and even death.[197]

Descriptions of Tapu

The human person is tapu. It is the responsibility of everyone to preserve their own tapu and respect the tapu of others. This includes the tapu of places (wāhi tapu) and the tapu of waters (wai tapu).

A woman is considered most tapu when she is pregnant. When a woman was closer to giving birth, she was taken to a whare kōhanga away from the rest of the hapū. While she was there she had her own kaiāwhina to take care of her. Separating pregnant women from the rest of the tribe ensured two things. Firstly, it removed most of the duties a woman would have had to perform, letting her rest and stay strong while carrying the child. Secondly, by remaining separate from the rest of the hapū, the risk of sickness and disease was greatly reduced; hence the mother avoided any unnecessary duress during pregnancy. Obviously the tapu of the woman in this context ensured the survival of as many children as possible, to keep the hapū strong.

Once the child was born, the whare kōhanga she lived in during the pregnancy was burnt to the ground. There were spiritual reasons for doing this. The practical reasons were to destroy any disease, which may have developed during the birthing process. This protected the rest of the tribe from sickness and maintained a standard of hygiene. If the next pregnant mother were to live in the house she would contract any disease left by the last occupant.

Warriors travelling to battle were considered tapu, and under the protection of Tūmatauenga. The people could not approach them during this time. One reason was so that the warriors remained focused on the looming battle and were not distracted by everyday matters, so that they could fight to their greatest potential.

Similarly, tohunga whakairo are extremely tapu due to the nature of their work. They must not be approached while carving and food can not be eaten near the carvings. The practical reasons are that all focus of the tohunga whakairo is on the job, ensuring that when they are carving, no mistakes are made. In addition to the tohunga whakairo being tapu, so too are the materials they work with. Any waste, such as the chips are not discarded or used in fires.

Material from the natural environment is tapu. All things including flora, fauna and minerals are descendants of the kāwai tīpuna and hence protected by the respective kāwai tīpuna. Once permission was granted to remove material from the natural environment, it was common practice to return any waste to where it was removed.

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[197] Ranginui Walker "Māori Sovereignty: The Māori Perspective" in Hineani Melbourne *Māori Sovereignty: The Māori Perspective* (Hodder Moa Beckett Publishers Limited, Auckland, 1995) 26 – 27

When flax was utilised, only the outer leaves were used, leaving the central shoots to continue to sprout. Any waste was returned and lain at the base of the plant. This was done to ensure that the flax could always continue to grow and not die, and returning the waste gave back to the plant the nutrients that were removed. This was done so as not to offend the kāwai tipuna who protected it by breaching the tapu of the plant. In this way tapu acted to protect the environment in which the Māori lived, ensuring it could sustain generations to come.

Summary

Tapu is a supernatural condition. Animate and inanimate objects have a direct genealogical link with the kāwai tīpuna, particularly Tāne, whose attempts to produce the human element resulted in all these things. The tapu of humans, animate and inanimate objects is about the relationship between the physical and spiritual realm. Examples of these relationships are found in waiata and karakia, each having its own tapu nature.

Everything was regarded as tapu. Individuals and groups have responsibilities and obligations to abide by the norms of behaviour and practices established by the tīpuna. Tapu acted as a protective mechanism for both people and natural resources. Making something or someone tapu could either protect the environment against interference from people or protect people from possible dangers they may encounter.

Utu

Introduction

This chapter will examine the role of utu in Māori society and how it affected the relationships between individuals and groups. Utu was concerned with the maintenance of relationships and balance within Māori society. It acted as an effective form of social control governing people's behaviour in relation to each other.

Utu pervaded both the positive and negative aspects of Māori life, requiring some sort of response to given situations. The ensuing response was governed by the particular circumstances, and often involved mana and tapu.

The Role of Utu in Māori Society

Nāu te rourou, nāku te rourou, ka ora te manuhiri;
Nāu te rākau, nāku te rākau, ka mate te hoariri
Your food basket and my food basket will satisfy the guest;
Your weapon and my weapon will dispose of the enemy.[198]

The traditional concept of utu pervaded the Māori social, legal, political and economic order. To understand the practice of utu it is necessary to see it as operating within the Māori conceptual system. In cases where utu is sought, the conventions of mana and tapu are necessarily present as utu governed relationships when a breach of tapu occurred or where mana was increased or lost through the actions of an individual or group.

Utu has frequently been cited as revenge, but that is only one aspect of utu. Utu was also a reciprocation of kind deeds from one person to another. The degree and form in which utu was applied depended on the circumstances, and varied according to a number of factors including the parties involved and the action or actions of the parties. The response to an action would sometimes require revenge, other times it would be a reward, a transfer of goods or services, or an insulting song.

While particular actions deemed that a response was necessary, it was not necessary to apply utu immediately. There would be an appropriate time and place for utu. The utu could be deferred, sometimes for a few generations, but it was not forgotten. The party applying utu was required to restore the balance by responding over time.

It was common when applying utu to do or take more than was done to or taken from you. Inappropriate responses or a lack of response resulted in the party required to apply utu losing mana. However, the assessment of what was required for accord and satisfaction was left to the receiving side, be it kin, the party that did the wrong, or the

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[198] *Māori Proverbs* above n 101, 16

donee tribe.[199] It was not a case of trusting to the receivers' goodwill, for in the Māori way, no other course of action was open to them.[200]

> *"Reciprocity is how we survive. We may not be doing it as well as we should in 1999, but I think it's still the basis of our culture. I don't think it's changed really. It may have changed in terms of its lavishness, but in terms of its philosophy, it's still very much part of Māori thinking. You know if you come to my marae at some stage, I expect you to ask me to come to yours…The time frame doesn't matter, but at least you should have acknowledged the fact that you've been my guest at one time..."*[201]

If a response did not ensue and the balance was not restored, then the party that initiated the utu process had to seek utu against the receiving party. The tradition within Māori society has always been to maintain balance.

The interests of the individual person often had to give way to those of the tribe, because the mana of the whānau, hapū and iwi in utu proceedings was paramount. Because of the collective nature of Māori society, even if one particular individual had initiated the utu process, it was not necessarily applied to that particular individual. The individual was simply a unit of a wider group.

Utu and Mana

> *"I think generosity was one of the most laudable features of our society, traditional society. The more generous the person, the greater his or her mana..."*[202]

Utu is very closely linked to mana. It may be arguable that in some senses mana is reliant on utu. Often individuals and groups were prepared to make personal sacrifices to uphold their mana because the mantle of mana embraces the people, and when worn demands and provides far more than just prestige and status.[203]

To fail to give or receive utu diminished the mana of both parties and placed the relation in jeopardy. So too did giving in excess, since it made it difficult for the receiver to make a worthy return.[204] To leave any matter as it stood meant that one could be seen as lacking mana. Edward Wakefied on a visit to Taupo noticed what he described as 'legal proceedings for damages'.

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[199] *Muriwhenua Fishing Report* above n 4, 50-51

[200] *Will the Settlers Settle* above n 142, 449, 455-456

[201] Kaumātua Interview, Wellington, 9 April 1999

[202] Kaumātua Interview, Wellington, 9 April 1999

[203] *Ngā Tikanga me ngā Ritenga o te Ao Māori* above n 63, 21

[204] *The Maoris of New Zealand* above n 15, 15

> *"Pakau, the brother of E Kuru, complained at each settlement which we visited of his wife having been formerly stolen by a Taupo man, who was now dead. He in consequence claimed before the assembled population utu, or 'compensation', from all the relations of the offender, and by this means claimed large damages. No objection was ever raised to his claim, though some of the mulcted relations wept, as they parted with a favourite musket or axe rather than bear the disgrace of refusing to make amends for their kinsman's misdeeds. Pakau carried back to Wanganui three muskets, fifteen axes and tomahawks, three cartridge-boxes, two kegs of powder, and a mat as damages."*[205]

Rangatira were required to enhance the mana of their people at any opportunity. Whānau, hapū, iwi and waka would work hard together to keep their mana intact in dealings with people outside their kinship group. In 1844 the Waikato chiefs held a paremata at Remuera. "There was a long bank of potatoes, seven feet wide, four high, stretched for 400 yards across the ground, above it, thousands of dried dogfish hung."[206] Waikato were hosting their enemies Ngāti Haua in response to a paremata Ngāti Haua had hosted the year before. The paremata was a way of restoring the balance of utu between Waikato and Ngāti Haua, invariably enhancing the mana of Waikato.

Rangatira were also required to defend their tribe's mana and anything that tended to reduce it was resisted.[207] Patterson argues though that under the collectivist view of mana, no response was necessary where an individual increased their mana at the expense of another related individual's mana of the same kin group because the tribal mana remained unchanged.[208] However, if an individual damaged the mana of the whole tribe then the tribe would be required to restore their mana through any means necessary. Similarly, if an individual damaged the mana of someone from another kin group, that kin group would seek utu because their mana would be also be affected.

Gift Exchange as a Manifestation of Utu

A major component of utu was gift exchange. Social dealings were maintained through reciprocal exchanges of kindness and hospitality as well as the exchange of tangible goods and services. There was a continuing obligation to give, return and receive, not only between individuals and groups, but also between human beings and the natural world.[209]

The standard contract in Māori society was a gift with the expectation of a return in due course. It was not the transfer of rights for a prescribed consideration or immediate

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[205] Edward Wakefield "Adventure in New Zealand" (London, John Murray, 1845) 108 quoted in Spiller, Finn and Boast *A New Zealand Legal History* (Brookers, Wellington, 1995) 125

[206] *The Pursuit of Mana* above n 176, 140

[207] *Exploring Māori Values* above n 14, 116

[208] John Patterson "Utu and Punishment" (1991) 21 VUWLR 239, 243 [*Utu and Punishment*]

[209] *Te Roroa Claim* above n 74, 24, 5 WTR 36

return.[210] Gift exchange created reciprocal, social, political and economic obligations on the parties involved and established permanent and personal relationships. Gifts and counter-gifts served to bind different groups or individuals. The taonga acted as the tohu, the tokens or material symbols of the social ties that provided the link between the groups.[211]

> *"It was always better to give, because you know that…they would come back. There's that philosophy…you give somebody a piece of greenstone now and probably when your time comes they'll put it back on your coffin or something like this..."*[212]

In some cases tikanga required that when gifts could be, they were returned when they were no longer needed for the original purpose. One claimant in the Rangiteaorere Land Claim[213] cited the following whakataukī, "ki a koe tō tāua koti - to you our coat" which emphasises that such a gift was not forever. The understanding was that because a storm had blown up and the recipient had not brought a coat, it was a covering, which the donor expected would be returned in the future.

Exchanges within communities or intra-communal exchange was limited principally to the transfer of goods or services between specialists within the community, for example the services of the tohunga were exchanged for choice fish. Exchanges between communities or extra-communal exchange were more common and involved mainly foodstuffs and tools. Coastal dwellers exchanged fish, shellfish, shark oil, karengo, pāua shells and the like, with inland people, who responded in turn with preserved birds, eels, rats, cakes made from the meal of the hinau berry, feathers, bird skins and various forest products.[214]

Reciprocation in the repayment of obligations was usually more lavish than the original gift for the reason of enhancing a group's social reputation and prestige or its mana.[215] By giving there was an absolute trust that the other party would reply with a gift or gifts of equal or higher value, either immediately or at a later date. However, the donor did not stipulate how the gift was to be repaid. A bountiful feast or gift beyond the recipients' ability to reciprocate could humiliate them, place them in your debt or even subtly subordinate them.[216] Thus the more one gave, the greater one's mana, and an unequal response meant loss of mana.

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[210] *The Maoris of New Zealand* above n 15, 15-16 and *Will the Settlers Settle* above n 142, 455-456.

[211] *Muriwhenua Fishing Report* above n 4, 53

[212] Kaumātua Interview, Wellington, 9 April 1999

[213] Waitangi Tribunal, *Ngati Rangiteaorere Claim Report Wai 32* (Brooker and Friend Ltd, Wellington, 1990) 14, 3 WTR 100

[214] Raymond Firth *Economics of the New Zealand Māori* (Government Printer, Wellington, 1959) 409 [*Economics of the New Zealand Māori*]

[215] *Muriwhenua Fishing Report* above n 4, 52

[216] James Belich *Making Peoples: A History of New Zealanders from Polynesian Settlement to the End of the Nineteenth Century* (Allen Lane The Penguin Press, Auckland, 1996) 86

If the original gift was outdone, the balance of mana changed again so that obligations were kept current. Gift exchanges were thus repeated time and again until the parties were so close and accepting of one another, that each could rely on the other to be generous in times of local privation, and to expect no immediate response.[217] Failure to respond at all could result in reprisal.

Some gift exchanges were more ceremonial but the principle of utu still applied. Gifts at marriage and funeral ceremonies also had to be reciprocated. For instance on somebody's death their relatives would come to kawe ngā mate and give the kirimate[218] taonga such as garments or greenstone. This process was then reversed and the taonga returned when someone belonging to the donor group died. Hence during a period of generations, taonga passed many times between related people. Further, their whereabouts, the circumstances of their transference, and the obligations still outstanding from them were kept in mind by the kaumātua of the tribe and the information passed down from generation to generation.[219]

An equivalent return was also required in the case of services. Services were usually provided by tohunga. They did not expect to be paid because of the tapu involved with their work and because they wanted to provide the best work they could. It was left to the receiver to put a value on the work and decide the most appropriate utu for the services.

Various mechanisms ensured reciprocity followed. Failure to deliver soon acquired notoriety and could result in exclusion from future deals and the loss of desired goods and services. Mākutu[220] was also an influential tool in traditional Māori society because the hau of the kāwai tīpuna that accompanied each gift assured its return for fear of supernatural punishment, which was accomplished through the medium of the hau or the vital essence of the kāwai tīpuna.[221]

> *"If the hara was unintentional, it could affect the recompense or utu in that the utu could occur in the form of supernatural retaliation. I guess the custom there would be mākutu. We don't want to put mākutu down, but that would be the supernatural where thoughts would be conveyed and if a person had committed a slight or an offence that wasn't too bad, well that person could become suddenly ill. That occurred sometimes, not all the time, but it was that unseen power that was the utu…"*[222]

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[217] *Will the Settlers Settle* above n 142, 456

[218] See Case Study 2 to gain an understanding of the 'kirimate'

[219] *Muriwhenua Fishing Report* above n 4, 53

[220] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mākutu'

[221] *Muriwhenua Fishing Report* above n 4, 52

[222] Kaumātua Interview, Wellington, 8 April 1999

Utu as a Result of Hostility

Nā tētehi te tihe, nā tētehi te tokomauri

If one person begins a quarrel, his enemy will retaliate.[223]

On another level utu required compensation if social relations were disturbed. Hostile relationships between parties could be created through insults or physical, mental or emotional injury.

> *"A basic philosophy of ours…was…blood spilt had to be avenged. It was always between generations. Even if it was two or three generations later it had to be avenged. All the waiata and the haka would remind you that you had not yet done your thing so that…the seeing generations had no way of being able to say, 'well that happened when grandpa was alive not in my time so I'm not responsible'. Responsibility went from generation to generation…"*[224]

War was waged to obtain utu (compensation), but the war always had to have a legitimate take.[225] Some of the take included breach of tapu, pūremu, revenge against other hapū or iwi for past defeats or encroachment on territory, murder, or harsh treatment of a wife by her husband if they were of different hapū.

> *"Pūremu, when it occurred between a woman and man of different tribes was looked upon as very serious and an insult to the innocent party… Redress was sought by the injured hapū sending a 'taua' party to confront the whānau and hapū of the woman who had transgressed her marriage. Reparation was made in the form of a prized taonga such as greenstone items and this was accepted by both parties as a just resolution to the dispute…"*[226]

It was not always the case that women or their kin group were punished for pūremu.[227] There were occasions were the male would be punished. One incident involved a brother following his sister and her lover into the bush and killing the lover. She was forced to participate in the punishment of her lover as punishment for her indiscretion. There were also occasions where neither party to the pūremu were punished as in the well known story of Kahungunu and Rongomaiwahine.

Utu through the mechanism of war regulated tribal relationships where territory and rights over the reproductive power of women were concerned. The whakataukī, "He wahine, he

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[223] *Māori Proverbs* above n 101, 87

[224] Kaumātua Interview, Wellington, 9 April 1999

[225] *The Maoris of New Zealand* above n 15, 26

[226] Kaumātua Interview, Wellington, 7 April 1999

[227] See Case Study 3 for an example of what can happen when someone participates in 'pūremu'

whenua i mate ai te tangata - women and land are the reasons why men perish"[228] emphasises that women and land were some of the major take for war. "Women, so you could guarantee progeny, and land, so that you could have mana at the tūrangawaewae."[229]

Enemies provoked utu and gained mana from insulting, misusing or abusing the tapu of those they were fighting.[230] Enemies kept a detailed reckoning of past insults and injuries and hostile relationships were marked by escalation, similar to the exchange relationships. Exchange relationships required that feasts increase in grandeur as they developed over time; similarly, it was expected that reciprocal acts of vengeance intensify. Each utu ideally eclipsed in degree of violence the affront that provoked it, and as a feud increased it engulfed an ever-widening circle of people.[231]

Hostile relationships did not have to endure indefinitely however. Often a tribe would offer their puhi to another tribe to secure the conclusion of hostile relationships.

> *"[The puhi] was…the tribal pawn…the political pawn but she guaranteed that warfare would probably never recur because she, becoming the wife of the opposing faction would resolve that dispute between those two factions..."*[232]

A marriage exchange of high-born members of tribes was seen as marking a peace settlement and as ensuring its permanence, as it brought the disputants together in close kinship bonds. This is reflected in the whakataukī: 'He whakahou rongo wāhine he tatau pounamu – Peace brought about by women is an enduring one'.[233]

Hostile relationships could also be converted to friendly ones through gift exchange, entertainment, peace-making feasts, or the cession of land.[234]

Summary

The general principles that underlie utu are the obligations that exist between individuals and groups. Utu is concerned with the maintenance of balance and harmony within society, whether it is manifested through gift exchange, or as a result of hostilities between groups. The aim of utu is to return the affected parties to their prior position.

Utu is exercised in varying circumstances and to certain degrees. How and when utu was sought or received would depend on the actions that necessitated it. A strict system of obligation applied in an utu situation especially when the mana of an individual or group rested on the utu being sought or offered. Failure on the part of one party to give or

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[228] *Ka Whawhai Tonu Matou* above n 70, 69 – 70

[229] Kaumātua Interview, Wellington, 9 April 1999

[230] Erik Olsen and Marcia Stenson *A Century of Change: New Zealand 1800 – 1900* (Longman Paul, Auckland, 1989) 15

[231] Allen F Hanson and Louise Hanson *Counterpoint in Māori Culture* (Routledge and Keagan Paul, London, 1983) 133 [*Counterpoint in Māori Culture*]

[232] Kaumātua Interview, Wellington, 9 April 1999

[233] *Māori Proverbs* above n 101, 75

[234] *The Maoris of New Zealand* above n 15, 15-16 and *Utu and Punishment* above n 208, 241

receive utu required the other party to seek utu against the failing party. Mana required that the response to an action be somewhat in excess of equivalence.

The relationships between groups changed depending on the utu sought or given, when it was sought or given and how it was sought or given. The manifestation of utu through gift exchange established and maintained social bonds and obligations. However, if social relations were disturbed, utu would be a means of restoring balance.

Muru

Introduction

Muru was a means for seeking justice in traditional Māori society. It involved the taking of personal property as compensation for an offence against an individual, community or society. Muru has received negative interpretations over the years, so this chapter seeks to identify the nature of muru.

Muru is a form of utu, except it does not create the same obligations that utu does. Once a muru was performed that was the end of the matter. A muru would redress an intentional offence and could also be instituted for unintentional affronts or offences. The protocols and practices involved in a muru would be determined by various factors, including the mana of the victim or offender, the degree of the offence and the intent of the offending party.

Muru as an Institution

Traditional Māori society used the muru process as a form of compensation and retribution, where individuals, whānau or hapū were offended against. Contemporary writers describe muru as a form of plunder. However this interpretation is inaccurate because 'plunder' implies theft or robbing a person of their goods. The notion of plunder contrasts sharply to the traditional statement of muru in that the offender and the whānau of the offender acknowledged that a wrong was committed and accepted that they were to be subjected to muru.

Whakamā[235] is a pivotal concept in muru. The whakamā aspect of a muru had a direct effect on the whānau of the offender in that the whānau had to watch and observe their goods being taken in compensation for the offence of their relation.

The Nature of Muru and its Relationship to Utu

When discussing the nature of muru, there must be reference to the concept of utu from which muru is derived. Utu in its purest form conveys a sense of reciprocity. A muru seeks to redress a transgression with the outcome of returning the affected party back to their original position in an active manner.

> *"If a breach of tapu was considered major then there was this … muru where my people would go to the offender's people and right the wrong that was done to me…"*[236].

This is the restorative nature of a muru. The transgressor disturbs the balance of society by offending against another, so the equilibrium must be restored through processes such as muru and utu. If utu through a muru were not followed, then it would be considered an

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[235] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'whakamā'

[236] Kaumātua Interview, Wellington, 8 April 1999

insult and a degradation of the mana of the victim. The difference with a muru however, is that no future obligations are involved as in the case of utu. The party that had the muru performed on them does not respond to the muru. They accept the blame apportioned to them unequivocally.

> *"[Instances of a person opposing a muru] could come in the exchanges of oratory, the kōrero and the exchange between them and us. One of the things that were used to win an argument…in any dispute…was the whakatauākī. If one could be found to suit the occasion then it wasn't past them to use it…if they were able to use it. But I don't know of anybody successfully arguing against a taua coming in and carrying out a muru…."*[237]

A muru may have a connotation of vengeance. However, unlike common vengeance, there did not need to be any positive display of the cause or initial action, which deemed the muru acceptable. A muru could be brought upon someone who unintentionally transgressed. As illustrated by Sir Peter Buck, the custom of muru was employed if a death was due to an accident:

> *"The relatives were judged guilty of negligence in allowing the accident to take place and the visiting party expressed their wrath by beating them with sticks or with their hands and perhaps by demanding compensation in goods."*[238]

The theme to be gathered from this illustration is that for allowing the accident to happen, the tribe would potentially be without a future warrior or weaver. As a result, the family of the hurt or deceased is subject to a muru because the fact that such a misfortune could happen implies a weakness on the part of the tribe, a vulnerability to hostile forces.

A prime characteristic of muru is that it rehabilitated not only the avengers (through their violent response to the affront) but also its victims. An integral part of the nature of a muru is that it is close ended. Although utu can be sought for an unintentional injury, the means by which utu is obtained must be intentional. In contrast to muru, utu is much more cyclic, and where the whānau of the victims assert utu in a situation, the nature of an utu would require the recipients of the act to respond accordingly, and so it continues.

Where utu is focused on the process of reciprocity, a muru is primarily concerned with the punishment and denouncement of the transgressor. In this sense muru is not a complicated or ambiguous concept.

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[237] Kaumātua Interview, Wellington, 8 April 1999

[238] *The Coming of the Māori* above n 16, 421

Dynamics of a Muru

Various motives affect the behaviour and change the function of a muru. A muru is applied whether the transgressors acted intentionally or unintentionally. Added to these criteria are factors such as the mana of the victims and transgressors, the effect of the transgression and intent of the parties. Accidents were a common ground for a muru[239], as shown by the example below.

> *"One day, a servant of Polack threw outside his residence a garden hoe. The story continues that this hoe accidentally struck the leg of a chief, this chief raised a great outcry and as a result pronounced that Polack was merited of being subject to muru. The formalised nature of this example is illustrated when in the Sunday following the transgression, the chief sent a slave to Polack. This slave was sent to enquire if it would be equally convenient, if he were to be plundered on the following Monday as he did not want to break the protocol of the missionaries and break the Sabbath."*[240]

A muru has a set protocol and process. Before a muru was actually engaged, the matter of what would be taken and the quantity of the produce was discussed in great detail. This kōrero process was known as the whakawā. The dialogue was often quite formal and structured. It included dialogue of accusation and investigation from which there would be a decision or judgement.

Peter Buck gives an account of when he took part in a muru over a family of a woman who had committed pūremu:[241]

> *"Our leaders made fiery speeches accusing the local tribe of guilt in sexual matters, punctuating their remarks with libidinous songs. The village chiefs admitted their fault and then proceeded to lay various articles before us in payment, such as jade ornaments, bolts of print cloth and money in pound notes. Each individual, as he or she advanced to the pile, called out the nature of their contribution. Some gave horses and cattle… We then rubbed noses with our hosts, engaged in amicable conversation, partook of a feast provided for us, and returned [home]."*[242]

Before initiating a muru a number of other factors would also have to be considered. The tribe would have to decide whether to send a large taua or a small taua to perform the muru. This would be determined by the mana of the transgressors and the victims respectively. The larger the taua the higher the respect attributed to the transgressors.

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[239] *Economics of the New Zealand Māori* above n 214, 412

[240] *Counterpoint in Māori Culture* above n 231, 152

[241] See Case Study 2 for an illustration of a muru that took place because of pūremu

[242] *The Coming of the Māori* above n 16, 371

Traditionally, the transgressor considered it an honour to be subject to muru by a large taua, as this was an acknowledgement of the mana and place in society that the transgressor held.[243]

A muru is most effective when acknowledged and regarded amongst Māori society, or the associated communities. An essential part of the muru process is to gain the attention of the community. A muru between hapū especially, was an acknowledgement by outside tribes of the mana of the victims and denouncement of the transgressors.[244] Peter Buck noted that one of the chiefs in the muru raid he took part in said, 'The clouds of heaven settle only on the peaks of the lofty mountains and the clouds of trouble settle only on the heads of high chiefs'. This signified that if the transgressor's family was of poor status, a taua would not deign to visit them and perform the muru. However, if a taua did visit the transgressor's family they would suffer the muru complacently in the knowledge that the clouds settle only on the peaks of the mountains and that their mana would be enhanced by the magnificence of the gifts it had offered in recompense.[245]

In relation to an intentional transgression, a muru raid generally punished such offences as pūremu.[246] Pūremu was of concern to the whole hapū because the marriage was seen as a formal agreement between two family groups, not just between the two individuals. The adulterer's hapū or whānau was held collectively responsible, since he or she was considered a unit of the wider group.

It was considered appropriate, though, that if the bullying of a rangatira caused the wife to stray, the kin of the wife may muru the rangatira.[247] Peter Buck suggests that the wife's husband was given the chance to take one swing at her lover with a club. Honour was satisfied whether the club struck or was avoided, but a second blow was beyond the law and would form sufficient cause for the lover's tribe to rise in his defence.[248]

Sometimes a muru would also be exacted against the leader of a war party by beating him. The relatives of those that had been killed would use a muru as a way of expressing their grief. The leader would calmly accept the physical violence as an honour due his position.[249]

Summary

Muru acted as form of restorative justice. A number of variables, such as whether the transgression was intentional or accidental and the degree of the transgression determined the nature of a muru. It could be viewed positively by both the victim and the transgressor

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[243] *Counterpoint in Māori Culture* above n 231, 155

[244] *He Whaipānga Hou* above n 3, 43

[245] *The Coming of the Māori* above n 16, 371, 421

[246] *The Māori as he was* above n 181, 4

[247] *A Show of Justice* above n 106, 8

[248] *The Coming of the Māori* above n 16, 371

[249] *The Coming of the Māori* above n 16, 421

because of the benefits both received through the muru process. The offender's mana would be recognised as a result of the muru process, as would the victim's. Also the victim and his or her associated social or kin groups would be compensated through the muru process. Thus, muru was an effective form of social control, governing the relationships between kin and groups.

TODD COUPER

Ngati Kahungunu

"TANE-MITI-RANGI"

Totara

This sculpture illustrates the story of Tane-miti-rangi, a famous Tui with the extraordinary ability to recite chants of every kind. This bird was owned by a rangatira of Te Wairoa named Iwi Katere. The theft of Tane-miti-rangi by a neighbouring rangatira Tamatera started the wars of Te Wairoa and as a result Tamatera and his people were forced to move south to Heretaunga

Part Two

Case Study Analysis

Executive Summary

- Traditional Māori communities and contemporary communities that adhered to Māori values and social controls dealt with cultural transgressions in a Māori way.
- Factors that were deemed to have contributed to the dynamics of a dispute were:

Te whakapapa o te mea i hara	*The status of the offender*
Te whakapapa o te mea i whara	*The status of the offended*
Tō rāua whanaungatanga	*The relationships of the parties involved*
Te tikanga i takahia	*The tikanga that were transgressed*
He ngākau kino, he kūare rānei	*Whether the transgression was intentional or unintentional*
Te whakatau a ngā kaumātua	*Intervention by kaumātua*

- A number of principles, which can be applied generally or specifically, determined how a resolution was brought about. Theses principles can be summarised as follows:
  - Kaumātua and rangatira played a significant role in addressing transgressions and restoring relationships. Their wisdom drew the collective group together to address transgressions of cultural values and lead them towards a resolution. At other times they would talk or act on behalf of the collective group.
  - All members of the community, individually or collectively, were required to maintain, enforce, uphold and sustain not only the community's cultural values and mana. They were also responsible for ensuring that children were taught appropriately and protected from harm spiritually, physically, emotionally and mentally, even to the point of correcting other people's children.
  - Each person was recognised as a representative of the kin group and had a responsibility of working together. Whanaungatanga defined the relationships between members of the kin group, the respect they showed for those relationships through their obligations and the responsibility they took for an individual's actions, particularly as individual rights were generally superseded by collective rights.
  - Māori society was concerned with relationships between individuals and groups and with the environment. An imbalance in these relationships through the transgression of cultural values needed to be restored. The mechanisms or tools adopted included whanaungatanga, whakapapa, whakamā, muru and utu.

- Mana was central to many relationships and people were required to maintain, uphold and acknowledge the mana of others and themselves, or be forced to find ways to restore it.
- Whakamā acted as an effective deterrent, particularly when one's actions were seen to impact on the wider kin group.
- Muru and utu were generally instituted by the offended to effect an appropriate resolution which was accepted by all parties.
- Generally transgressions were resolved fairly quickly because of the need to restore the balance, whether it be in social, spiritual, or cultural relationships.

Introduction

Since gaining an understanding of the underlying themes of the more dominant social controls and values governing Māori life as discussed in Part 1, this section focuses on the practical application of these controls in everyday activity and how it was important to Māori society to adhere to these values.

The following case studies are a compilation of oral accounts given by kaumātua of specific events relating to resolution processes. The accounts of the kaumātua are based on their personal experiences of living and growing up in rural and predominantly Māori communities. The scenarios are based in contemporary times, many of which occurred around World War II. During this time Māori cultural values were still very strong in some communities. In those communities cultural transgressions were dealt with in a Māori way.

Much of the discussions may sound quite foreign to those who were not brought up in Māori communities. The effects of urbanisation on Māori and the attendant decline in te reo Māori and cultural practices are likely to create some distance between the understanding of young Māori of today and the reality of these rural Māori communities of the past. One may find that in the 1990s the situation would be handled differently because of the changing environments that many Māori grew up in. Because the kaumātua that were interviewed wished to remain anonymous, all identifying details have been changed.

A framework was used to analyse each case (see Appendix 4). The following factors were deemed to have contributed to the dynamics of a dispute.

Te whakapapa o te mea i hara	*The status of the offender*
Te whakapapa o te mea i whara	*The status of the offended*
Tō rāua whanaungatanga	*The relationships of the parties involved*
Te tikanga i takahia	*The tikanga that were transgressed*
He ngākau kino, he kūare rānei	*Whether the transgression was intentional or unintentional*
Te whakatau a ngā kaumātua	*Intervention by kaumātua*

These factors were taken into consideration during the analysis of each case to determine the severity and significance of the dispute. The resolution processes used were suitable to the particular situation in which it was applied. Similar factors or processes may be involved in similar situations, but this will not always be the case.

Each case study is unique. By analysing the dynamics of the dispute, the underlying themes and principles could be determined. Following each case study are a number of principles that were identified as emerging from the case. While many of the principles relate to a number of values, they were inserted under what was considered the most

appropriate heading. Further, some of the principles were unique to the particular situation.

The principles identified are not intended to be exhaustive, nor are they definitive of the cultural values expressed. They are examples of what can be included when determining the principles involved.

1. Resolution of Dispute

This case is a basic example of a dispute resolution process through kōrero. Kōrero is an essential tool to aid in solving a problem, as the matter can remain unresolved for a long time, even continuing throughout future generations.

2. Dispute over a Tūpāpaku

The cause of concern in this situation commonly occurs in both traditional and contemporary times. The situation arises when there is a lack of kōrero between the parties. It also illustrates that without a firm knowledge of Māori tikanga, the chances of offending someone either inside or outside of your kin group is high.

3. The Effect of Muru on Whānau

The practical application of muru and its effectiveness in restoring the balance back to society is the central theme for this case. It also reflects the idea that an individual's actions can impact on the wider kin groups of all parties that are involved in the dispute.

4. Collective Responsibility

This emphasises the importance of members of a community upholding and maintaining the values that have been set within the community. It also shows the responsibility that the parents have in teaching their children the right values as their children's behaviour reflects on the whānau and the wider kin groups.

5. The Naming of a Wharekai

This involves a dispute between two iwi. This case differs from the others because it is an external dispute rather than within the kin group, and for this reason is deemed to be more significant. The principle of immediacy of a resolution is highlighted as it shows that immediate attention to the matter can stop the dispute from escalating.

6. Tapu Concerning Body Parts

This is an example of an unintentional breach of tapu, however, the principle highlighted in this instance is that adults are responsible for monitoring the actions and behaviour of children in a formal arena.

7. The Effect of Passing an Object over the Head of a Person

This is another example of an unintentional breach of tapu.

8. The Application of Two Processes to deal with an Offence

This case study is intricate in that the 'offender' involved is subjected to both the Tribal Committee and the Court system in order to resolve the dispute. The two processes deal with the same offence differently and the ramifications of each process affect the 'offender' in different ways.

1. Resolution of Dispute

I can remember having a holiday. My mother was from Kareponia and I can remember spending a holiday in Tawini. My mother used to collect copper, so everyone in Waimakariri used to call her 'kohi kapa'. My grandmother was a kaiarahi at Tawini. They had this committee of women who looked after the rāhui, the reserve where they used to take tourists... Very, very early in the morning, my grandmother and another old lady used to be up, at about four or five o'clock in the morning, and would sweep out the rāhui with those mānuka brooms, … making everything look nice. I can remember…they all got into a row, they were all ranting at each other about something. I can remember one of the old koroua coming out from his house saying, "He aha te raruraru? He aha te raruraru? O, taihoa, waiho, e hoki ki ō koutou kainga…A te ahiahi nei, ka hui tātau – What is the problem? What is the problem? Hang on, wait, go home and this afternoon we'll have a meeting". And so in the afternoon they went into the meeting house and got some of the elders and other people from the community. Then the women said they were arguing about something to do with the puia where they do their cooking. They had found somebody had left their parapara. Somebody was saying "obviously it's your whanaunga, they are always doing this sort of thing". You know, it was a little thing, but this kaumātua said, "taihoa, e noho – hang on, sit down" and they talked about it and resolved the dispute.

Ngā Whakamarama

In traditional times a dispute was usually caused by someone who had transgressed the values of Māori society, particularly tapu and mana. How severe transgressions were viewed depended on factors such as the relationship between the parties and the status of the parties involved.[250] A suitable resolution method was decided and acted upon according to these factors. From the beginning of the dispute to the resolution of it the parties involved adopted one or more of a number of forms of resolution processes, including kōrero or dialogue, karakia or utu.

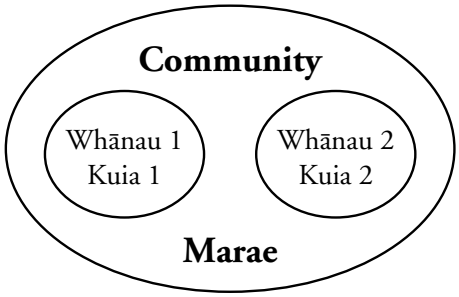
This case is an illustration of a general process of dialogue between the parties involved in the dispute. At the onset of a dispute, the immediate parties involved tried to resolve the problem through kōrero. If the parties had involved two hapū, the rangatira of both hapū would have discussed the problem to come to a resolution. However, this situation

[250] Other factors that determined the severity of the dispute are in the framework in Appendix 4

involved two individuals who had problems in trying to come to a resolution because emotions such as anger and frustration were involved. The two women had begun arguing and blaming each other's whānau for leaving parapara at the puia. By this stage there was no apparent dialogue process between the women because the heated emotions prevented them from listening to and respecting each other's views.

A koroua who overheard the disputing intervened to help them come to a resolution. This then raised the dispute to another level because it involved more people. The koroua suggested that they meet at the marae in the wharenui,[251] along with other members of the community to discuss the issues. The kōrero continued until a resolution resulted. The marae forum allowed both parties to air their grievances to come to a resolution.[252]

The following diagram illustrates the relationships between the parties.



It was important for the women's whānau to attend the meeting for two reasons. Firstly, the women's emotions had become clouded, resulting in each of them implicating the other's whānau. The two women represent their respective whānau, hapū and iwi. Implicating each other's whānau affected the mana of both whānau, hence it was important for the whānau to be there to protect their mana. Secondly, it was in the best interests of the whānau members, hapū and iwi to come to the hui because their presence showed their support and aroha[253] for the women and it fulfilled their collective responsibility.

Having the wider community involved with the meeting is representative of the collective nature of Māori society. The whole community is responsible for maintaining and sustaining the values of that community and an open forum reiterates the need for maintaining the values.

Kaumātua[254] are the respected members of Māori communities, thus their position in the community enables them to intervene and suggest suitable resolution methods such as

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[251] See 'rongo-ā-marae and rongo-ā-whare' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences to see the importance of the different domains of the marae and how each is utilised, particularly the influence men and women have in those different domains

[252] See 'houhou rongo' and 'kia tau te rangimārie' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences as an example of how this koroua may be viewed

[253] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'aroha'

[254] See 'taringa huruhuru', 'rei puta', and 'he rake toetoe' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences to see how Māori considered kaumātua

kōrero. They initiate the discussion and will decide the appropriate measures needed to ensure a satisfactory resolution and a return of balance in the relationships.

This case study is a very simple example of the process to resolve a dispute. However, there are general principles that can be applied and extracted from a case, no matter how severe the dispute.

Ngā Tikanga

Transgression of cultural values:

- The type of value transgressed will determine the resolution process.

Whanaungatanga:

- Whanaungatanga defines the relationships, obligations and responsibilities of parties;
- Whanaungatanga requires people to respect the relationships they have with other whānau members;
- Whānau support at hui strengthens the sense of reciprocal group obligations;
- An individual is a representative of his or her whānau, hapū and iwi;
- Whanaungatanga is a way of bonding based on a common cause and can extend beyond;
- Whānau act together under the wisdom of kaumātua.

Relationships:

- Resolution ensures the maintenance and retention of each party's mana and moves their relationship back towards harmony and balance;
- It is important to keep relationships intact to ensure the continued rapport and integrity of the community;
- Kaikōrero will speak on behalf of the whānau to restore the balance in relationships.

Te Marae

- The marae is the focal point for a community to gather together for various functions whether it be dispute resolution, tangihanga or entertainment;
- Marae kawa prevails where the marae is used as the forum.

Whakapapa:

- Whakapapa helps to identify the central characters and their connections;
- Knowing the history and relationships between parties and observing the resultant obligations and responsibilities is important in decision-making processes and resolving disputes;
- Whakapapa maintains kinship ties at all levels;
- Karakia and mihi[255] set the scene reminding people of their whakapapa links, their history, their mate and puts their riri into context back in time and forward in time.

[255] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mihi'

Mana:

- Whānau members are responsible for upholding the mana of their whānau;
- Mana is central to the relationships between individuals, collective groups or both.

Collective Rights and Responsibilities:

- It is the community's responsibility to maintain and sustain their cultural values;
- Individual rights are indivisible from whānau, hapū and iwi welfare.

Immediacy of resolution:

- Allowing for some time to ensue after the event ensures that:
    - Heated emotions can settle amicably; and
    - Further evidence or support can be gathered in defence of the accusations;
- Immediate action and focused responses to offences ensures the return of the balance to relationships;
- Giving priority to resolving a transgression is important.

2. Dispute Over a Tūpāpaku

On his death, Hari Te Kaha was taken to Raukūmara rather than Pukehou. When mourners arrived at Raukūmara to pay their respects, his children, the kirimate, were huddled together in a group on their own.

The next morning, communications were sent out to inform people that the children of Hari had snatched his tūpāpaku. They had waited until 3.00 a.m. when everybody was asleep and there were only kuia in the wharemate. When they came in, they just picked him up without putting the lid on him, stuck him on the back of the truck and took him to Pukehou. The kuia couldn't stop them. One of them yelled out, "don't do that, you're doing the wrong thing", but the children had already set their course.

The day Hari got buried a discussion took place on the marae at Pukehou. The actions of the children were raised and the Raukūmara people outlined some of the reasons why the children should have made a proper representation to them about taking their father back to Pukehou.

The children were aware that they could establish a case to approach Raukūmara to release their father's tūpāpaku in order to take him to Pukehou. However, tikanga prevented the kirimate from stating their case. They had no representative to speak on their behalf. Furthermore, they lacked the necessary reo and knowledge of tikanga to adequately express the reasons why they had wanted to take their father back to Pukehou.

The Raukūmara people gave an historical background to the situation, informing the family of the reasons for having Hari at Raukūmara rather than Pukehou. In terms of whakapapa, Hari was born in Raukūmara, raised in Waimakariri and lived in Pukehou. Several speakers made statements that a hara had been committed, but no one got up and opposed or challenged that point of view.

Later a meeting was held at Raukūmara. The immediate family of Hari obviously felt the barbs that were cast at them so they asked for that meeting. Traditionally there would have been a greater number of people to receive the barbs but in the present situation it was reduced to the individual family group. There were no kaumātua to censure for their omissions; that is, for not teaching

the children the appropriate behaviour or providing examples so they could make judgements as to the appropriate behaviour.

The children understood eventually, as a result of the discussion, that the appropriate approach was to use the marae as a forum to come to an acceptable resolution. At the meeting the children presented a greenstone patu, placing it on the floor in the meeting house. Prematurely, a Raukūmara kaumātua took possession of the patu and thanked the family for their consideration. The action of the kaumātua prevented members of the gathering from giving full expression to their feelings and required the Raukūmara people to finally accept the patu. Essentially his action absolved the children of their behaviour. The effect was that it short-circuited everything and prevented a lot of pirau from coming out. Even though there were tensions in the meeting house, his action preserved the mauri of those children.

To some, the issue was not quite settled. But as a general principle, laying down the patu and the acceptance of it indicated that the whole gathering was of the opinion that the sooner the issue was settled the better.

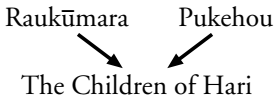
There was a consensus that "nā te kūare" was illustrated, ie, the young folk took their action because they were ignorant of most aspects of the tikanga and kawa. They were ignorant of their whakapapa links and the cultural constraints that were placed on them as the immediate family in a crisis of this nature.

There were biological, cultural and whakapapa factors from the children's point of view and the fact that Hari was their father that motivated them to take him back home. The children justified doing what they thought was necessary because they were familiar with the Pukehou part of their background. Their tipuna was the man who gave the name to the meeting house that Hari had been taken to in Pukehou. This tipuna died in Pukehou but had been taken back to Raukūmara. The children remembered this and what they did was the reverse of that piece of history by taking their father back from Raukūmara to Pukehou.

Ngā Whakamarama

The parties involved in this case were the children of Hari, and the communities of Raukūmara and Pukehou. All the parties are related through whakapapa. Hari had kinship, social and cultural links to both communities. Hence the children were also part

of those communities but they felt they had stronger ties with Pukehou, the community they grew up in, as opposed to Raukūmara, the community Hari was born into.



The offence in this particular case related to the processes adopted by the children and the community where Hari originally lay. The children knew that the process they adopted for taking their father's tūpāpaku was contrary to the wishes of Raukūmara but they did not have the means to carry out the process properly. As a result they took the matter into their own hands and walked into the marae and took their father's tūpāpaku.

In order to claim a tūpāpaku there must be a process of kōrero. At this stage people can claim their right to the tūpāpaku through whakapapa links and by outlining the previous cultural associations and community involvement of the tūpāpaku. The immediate family does not have a prior claim to the tūpāpaku, by virtue of their relationship to the deceased. However, the immediate family must be involved in the kōrero process and their views taken into account. It is often the case that the wider whānau will be the influential group and consensually, it is their opinion or decision which counts. Thus the immediate family does have a say, but it is in collaboration with the rest of the whānau and hapū.

In this case the children wanted to take their father back to their own community rather than leave him in his birth community. This can be interpreted as an expression of their ūkaipō[256]. Members of the community that the children grew up in would normally be expected to teach them the correct process for claiming a tūpāpaku. The pakeke from Pukehou should have taken up the childrens' cause. The pakeke could also have informed the children that there were other alternatives such as leaving the tūpāpaku in Raukūmara for a night or two and then they could take him home to be buried.

As kirimate, the children were limited in what they could do or say. Their role was to tangi. Cultural constraints meant that they were limited in how they could participate in the decision-making process. This prevented them from verbalising what they wanted, somebody had to do that on their behalf. Although they knew they needed to have their case presented on the marae they did not have the appropriate person who could do that. An appropriate person in this context would be a kaumātua who would have a facilitative role and act as a conduit for the children. The kaumātua would need to be far enough removed from the immediate family but would also need to have some influence in the community so that their opinion would be given weight.

Once a decision by the community was made, Raukūmara would have expected the children to respect it. The children were at the lower end of the hierarchy agewise and would have been expected to accept their position in relation to the wider community.

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[256] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'ūkaipō'

They also would have to understand the implications of tapu, mana and whanaungatanga that surround such a situation.

Raukūmara would have thought Hari had stronger ties with them and taking Hari away was an offence against the mana of Raukūmara. The action also questioned the seniority of the Raukūmara people.

From the children's point of view, Raukūmara was in the wrong because the children were not involved in the decision-making process. The children would have felt isolated from the community in the sense that they were not involved in the process. Not only were they not provided with an opportunity to have their say as to where their father should go, they did not have the necessary oratory skills or anyone to represent them in the matter.

The children then created the dispute by taking Hari and tensions between the two communities arose as a result of their actions. Although the children planned to take the tūpāpaku and knew they were going to affect their relationships with others, what they did was not necessarily a hara in their eyes because they were fulfilling their family relationships and obligations. The tikanga and kawa values were present when the children walked into the wharemate and took their father, but they also knew that someone was going to be affected and that the equilibrium would be thrown out of kilter.

The dispute needed to be resolved because of the close relationship between the communities. The children knew they had created the tensions between the communities and upset the balance, so they took it upon themselves to mend the hurt by calling a hui. Calling a hui was one way to ensure that the relationship balance was restored, the whanaungatanga was kept intact and the cultural values that had been transgressed were mended.

The significance of taking the tūpāpaku was high. This was later reflected through the children presenting the greenstone patu. The future relationship of the communities was tied to the value and importance of the greenstone. The children had to reaffirm, confirm and re-establish the kinship ties because the whanaungatanga of the communities and their future generations was of paramount importance.

The significance of greenstone is that it never changes, no matter how long the sun or elements affect it. The giving and acceptance of the greenstone represents permanence about the action taken by the children in attempting to mend the relationships. The acceptance requires that Raukūmara recognise the permanence of the resolution. Just as the greenstone remains constant, so should the resolution remain constant.

The protocol surrounding the presentation of the greenstone patu was also significant because it created further implications for the parties. It became incumbent on those that were present at the hui to sustain and maintain the events of that day. They were responsible for reminding people of that decision and the obligations that arose because of it.

Ngā Tikanga

Whanaungatanga:

- Whanaungatanga is an integral part of decision making in traditional Māori society;
- It is important to maintain kinship ties for the enhancement of whanaungatanga both in the present and the future;
- It is a responsibility of kaumātua to teach rangatahi the appropriate behaviour relating to tikanga and kawa;
- Kirimate are required to have kaumātua act on their behalf in decision-making processes relating to tangihanga;
- Whānau act together under the wisdom of kaumātua.

Whakapapa:

- Knowledge of whakapapa is important for determining decisions relating to protocol;
- Although whakapapa can link individuals with several kin groups, individuals will express their ūkaipō towards one kin group in particular.

Tikanga:

- Tikanga is a very deep and significant concept which people give expression to in the totality of their lives;
- A concentration of tikanga and cultural values are applied during moments of crises such as tangihanga.

Reciprocity:

- Utu is an important means of maintaining kinship values within Māori society;
- Laying down taonga will ensure reciprocity at a later date.

Collective rights and responsibilities:

- Collective rights often supersede individual rights. The same can also be said about whānau rights being superseded by hapū rights.

Relationships:

- It is important for different members of the collective group to recognise and observe their own position and their relationships with the wider group by respecting the social and cultural boundaries they should operate within. This should be reflected in the way people behave towards the other members of the group;
- Greenstone represents permanence in relationships.

Te Marae:

- The marae is an appropriate forum for coming to a resolution on disputed issues relating to tangihanga.

Immediacy of resolution:

- Calling a hui soon after the transgression of cultural values ensures the return of balance to relationships and the cultural values.

3. The Effect of Muru on Whānau

In the early 1930s a man from Matewahine beat up his wife because she was involved in pūremu. After her beating she returned to her whānau at Ngaropō. Within a day or so the Ngaropō community made their way to the marae in Matewahine. There was a big group of about 200 and you could hear them firing off their shotguns between Peketaiapa and Matewahine. They were also doing the manawa wera[257] as they closed in on the perpetrator's community.

The Matewahine kaumātua from around the marae gathered together knowing that it was the Ngaropō people who were coming. They prepared themselves on the marae firing their shotguns in the air and doing their haka. Eventually everyone settled down, the mihi[258] took place and then the take was set down.

All the Ngaropō community wanted was the perpetrator, but the Matewahine people said "well would you like to go down to Hamiora's shop and take what you think is appropriate". The Ngaropō people loaded up their wagons and spring carts and horses and cleaned the shop out even though it was the end of the depression and people had become somewhat dependent on the shop. About £1000 to £1500 worth of goods were removed from the shop and the Matewahine people were left to meet the perpetrator's debt.

However the perpetrator then had to go through a process of being judged by his community. The end result was that he was told that he had brought shame on all the whānau groups because the Ngaropō people were a related whānau group, which brought shame on all the whānau. Because the Matewahine people had to meet his debt they were whakamā, so few people spoke to him and they isolated him by shunning him. He could not stand the whakamā that was cast on him so he left the district.

Initially, the wife's other man got off relatively lightly initially. He was single and belonged to the husband's people. In the long term though, both his own people and those of the woman initiated their own form of retribution by banishing him from the community.

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[257] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'manawa wera'

[258] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mihi'

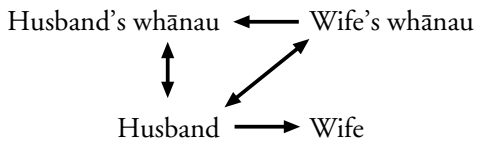
Ngā Whakamarama

Ultimately the root cause of the dispute was the pūremu, which led on to further causes of dispute, wider implications and the involvement of more people. The wife was involved in pūremu, which led to her husband beating her, her returning home and her community seeking retribution from him.

There were four levels of dispute:

- The husband and the wife;
- The husband and the wife's community;
- The husband's community and the wife's community;
- The husband and his family.

The four levels of dispute outlined above illustrate the development of the nature of the dispute from a two-party level to a collective level as shown below.



At the first level, a dispute arose between the wife and husband. The wife affected the mana of her husband through the pūremu. In finding out about the pūremu, the husband felt deeply hurt and angry that his wife had betrayed his trust and he reacted by 'bashing her', seemingly to try and restore his mana. Unfortunately he further diminished his mana because of his actions and the repercussions of these actions were felt not only by him, but also by the wider kin group.

People are expected to value the mana and tapu of others, particularly when there is a close relationship between them. Everyone is tapu and because the husband laid his hands on his wife in a damaging way, he affected her tapu and her mana. Individual actions affect the wider kin group, so his actions affected the mana of her whānau and hapū as well as the mana of his own whānau and hapū. As a result the pūremu was set aside and what was considered the greater injury was the fact that he had beaten her instead of bringing her to be judged by the community.

The wife had been hurt physically, spiritually and emotionally through the beating. Her community then felt hurt because the beating had been inflicted on one of their own. They then thought it was necessary to seek some recourse by proceeding to the husband's community to seek him out.

When the wife's hapū arrived in Matewahine they had a whakawā[259] with the husband's hapū. Through the kōrero it was decided that the Ngaropō people could institute the muru process, which had a significant impact on the Matewahine community. If the

[259] See Muru chapter for an explanation of 'whakawā'

relationships had been more distant there may have been more serious consequences. However, the husband had drawn attention to his community. Not only had he beaten his wife, but he had also created divisions between their whānau, damaging kin relationships and making the dispute wider. The pūremu had just been between him, his wife and the other individual. Muru was a means to restore the balance in the kin relationships.

Mana is significant in a muru. The muru ensured that the mana of the wife and her hapū was restored. Further it restored the mana of the husband's whānau and hapū.

The notion of collective responsibility compelled the husband's community to take responsibility for the consequences of his actions. Because a member of their community had erred in his judgement on how the adultery should be handled, the husband's community would have felt whakamā.[260]

Although the community assumed responsibility for his actions, they ensured he was punished for it. The husband experienced his own whakamā because his hapū ostracise him and treated him as an outcast. He was then forced to rely on kin ties with other hapū to support him and his family at the outset. This is an example of kaipaoe.[261] This in itself would have added to the whakamā. For people who identify themselves closely with their community, 'lock-out' or ostracism is a very effective form of punishment. Those ties, obligations and loyalties that had been formed over the years were no longer active. The husband had to learn how to survive by himself without that security he was used to. His mana was diminished because he was reduced to a ware[262], where he was given scant recognition.

He then decided the best way he could deal with it was to leave the area. This then had other implications. His children were left behind, therefore it was up to the community to support them, not only in the healing process of the whakamā they may have felt, but also physically, socially, spiritually and emotionally.

This was an example of a muru that operated with goods. Although this was a severe or extreme example of a muru, it was very effective in a number of different ways. It showed the strength of the summary legal process that Māori operated under. It also showed the power of the whanaungatanga, the kin group and the wisdom of the kaumātua in coming to a determination.

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[260] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'whakamā'

[261] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'kaipaoe'

[262] See 'taurekareka' in Māori Social Structures chapter and under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences to compare with ware

Ngā Tikanga

Whakapapa:

- Whakapapa helps to identify the central characters and their connections;
- Whakapapa ties are confirmed and reaffirmed when two people from related hapū marry;
- Karakia and mihi[263] set the scene reminding people of their whakapapa links, their history, their mate and puts their riri into context back in time and forward in time.

Whanaungatanga:

- Whanaungatanga defines the relationships, obligations and responsibilities of parties;
- Whanaungatanga requires people to respect the relationships they have with other whānau members;
- The collective nature of Māori society requires the collective group to take responsibility for the actions of an individual of their group;
- The strength and closeness of family groups meant that difficulties and problems could be shared with everyone else;
- The collective group will draw together when necessary to seek redress and uphold the mana of the group under the wisdom and leadership of kaumātua and rangatira;
- Whānau act together under the wisdom of kaumātua.

Whakamā:

- People need to be careful that their actions do not result in whakamā for the collective group;
- Collective whakamā can be felt by the collective group as a result of the actions of the individual;
- The individual is affected by the way in which the collective group acts towards that person.

Muru:

- Muru is an effective mechanism to restore the balance in relationships and the tapu and mana of individuals and groups;
- Observing or participating in the muru process can act as a deterrent to maintain law and order;
- A value of muru is in the whakawā, that sometimes takes place, allowing koroua and kuia to guide the kōrero.

Immediacy of resolution:

- Immediate action and focused responses to offences ensures the return of the balance to cultural values.

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[263] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mihi'

Mana:

- Restoring one's mana is not necessarily achieved by diminishing the mana of others;
- Mana is central to the relationships between individuals, collective groups or both.

Tikanga

- Haka and manawa wera allow people to express their hurt and anger;
- Whakawā allow kaumātua to bring together a sum of all their experiences to get a consensus on the resolution;
- Laying down the take focuses the parties on the issues at hand.

Use of discipline:

- Excessive use of discipline will invoke its own reprimand.

Lockout:

- An individual's actions could result in the whānau and hapū ostracising that person from the community.

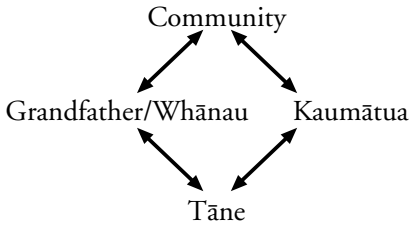
4. Collective Responsibility

When I was a young boy, I was sent down to the store to buy a loaf of bread. As I was walking back from the store, a kaumātua biking along the road noticed that I had the loaf of bread on top of my head. The kaumātua was offended to see me putting food on my head. He reacted by giving me a light kick on my backside. The kick itself did not hurt, as it was a shock tactic. He told me that he never wanted to see me do that again. Not fully understanding the situation, I raced off home and told my mother, who then told my grandfather. Realising the consequences of my mistake, the family went to karakia that Saturday and dealt with the matter.

Ngā Whakamarama

The offending action in this case was the young boy, Tāne, placing the food on his head. This is offensive to Māori because a person's head is considered to be one of the most tapu parts of the body. On the other hand, food that has been through a human or cultural process is considered to be noa or common because it is no longer in its natural state. Noa is the very opposite to tapu, therefore it is vital that tapu objects are protected from things noa.

The parties involved in this case were the kaumātua, Tāne, and his family.



The common relationship between the three parties was that they were members of the same community. The kaumātua was regarded as a respected member of the community as he was a priest in the local church. Similarly, the grandfather held a high standing within the community. Each party was affected differently by the actions of Tāne.

As a member of a Māori community, the kaumātua was responsible for upholding and protecting the values of tikanga Māori. He was obliged to teach those who were ignorant of those values. If the kaumātua had chosen to ignore the matter, the community would have questioned his role as a kaumātua, which in turn would affect his mana.

In general, every member of the community is responsible for upholding and protecting these values, including correcting other members of the community. The closer a person is as a relative, the greater the rights that they have in disciplining a child. The kaumātua

was well within his rights to discipline the boy. The discipline the kaumātua used was to shock Tāne rather than physically hurt him. Māori society did not condone excessive use of disciplinary measures. Excessive discipline was an offence in itself, which would invoke its own reprimand. The measure taken by the kaumātua was appropriate. It is better to correct children and make them aware of the appropriate behaviour so that they do not cause their whānau to feel whakamā.[264]

Tāne found himself in a predicament because of his ignorance. Although he was hurt in a physical sense, it was actually his pride that hurt most. He was extremely embarrassed because the kaumātua had disciplined him and he was confused because he did not understand the reason.

The family felt the repercussions of this incident. The boy's ignorance was a reflection of his upbringing by his family. As the whakataukī goes, 'he tangi tō te tamariki, he whakamā tō te pakeke – Children cry but the embarrassment or shame is the parents/elders'.[265] Other members within the community may have seen this as bad parenting because Tāne had not learnt the proper tikanga. The ignorance also affected the mana of the whānau, because of the grandfather's respected position within the community. For one of his grandchildren to have been disciplined is a reflection on him and his whānau.

The whānau attended to the breach of tapu through karakia where they sought the community's forgiveness for their omission of responsibility. Dealing with the transgression immediately and publicly was necessary to help restore the mana of the whānau. It also put an end to the matter. The use of karakia was a way of restoring normality.

If a transgression is minor, little may be required in healing the transgression. If a transgression is damaging such as a transgression of a rāhui,[266] which is a form of tapu, the consequences may be dire and rectifying the situation may require more than karakia.

This situation needed to be resolved for three reasons:

- To teach Tāne the tikanga concerning the handling of food in connection with the custom of tapu;
- If Tāne remained ignorant of this tikanga he could repeat the behaviour again and offend more people and maybe even harm himself;
- To restore the mana of the whānau.

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[264] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'whakamā'

[265] See 'he pōtiki whatiwhati toki' and 'he tamaiti wāwāhi taha' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences to put this whakataukī into context

[266] See the Mana and Tapu chapter for an explanation of 'rāhui'

Ngā Tikanga

Transgression of cultural values:

- Individuals of a community deal with transgressions of cultural values as soon as they see them being committed.

Whanaungatanga:

- Whanaungatanga defines the relationships, obligations and responsibilities of parties;
- Māori society is seen as a collective unit, meaning that everyone within that unit has a responsibility of working together;
- Parents, whānau and hapū have the responsibility of upholding, enforcing and maintaining the cultural values within the whānau so that children are protected from harm spiritually, physically, emotionally and mentally;
- The strength and closeness of family groups meant that difficulties and problems could be shared with everyone else;
- Related individuals and kaumātua have the right to correct other people's children within their own kin group;
- Whānau accept responsibility for their omissions in teaching young children;
- Whānau act together under the wisdom of kaumātua.

Use of discipline:

- Where the form of discipline is not excessive it will be accepted as appropriate;
- Excessive use of discipline will invoke its own reprimand.

Whakamā:

- Those who do not instil the appropriate values and behaviour in children will feel whakamā.

Mana:

- Members of the community or whānau are responsible for upholding the mana of that particular group;
- Ignorance diminishes the mana of an individual or collective group or both.

Wairua:

- Karakia restores normality and can provide peace of mind for the transgressor and his or her whānau.

Immediacy of resolution:

- Resolving a transgression immediately is important to stop any further harm being done;
- Immediate reactions to offences ensures that the mana of the individual or collective group is restored.

5. Naming of a Wharekai

The Ponaturi iwi of Waewaekopa Marae celebrated the opening of their new wharekai, which they named Te Aroha o Pōhutu. The name of the wharekai was in honour of Ngāti Whakapono. Ngāti Whakapono, an iwi of Pōhutu waka, had gifted the land to Ponaturi iwi so Ponaturi wanted to honour them by naming the wharekai Te Aroha o Pōhutu.

Iwi from throughout the region came to observe the ceremony, including the iwi of Pōhutu waka. Although this was a commemorative occasion for Ponaturi, Pōhutu needed to address some issues with Ponaturi about the naming of their wharekai. A kaumātua stood to speak on behalf of Pōhutu and asked what they had done to offend Ponaturi, because the name of their tapu waka, Pōhutu, was used for a wharekai. This question staggered Ponaturi, as they realised that instead of honouring Ngāti Whakapono for their generosity, they had in fact insulted them and the other iwi of Pōhutu by naming a wharekai after their waka.

A Ponaturi kaumātua sensed uneasiness arising between the iwi and knew that an immediate resolution was needed to quell the rising tension. While other Ponaturi kaumātua were sorting out how to deal with the situation, he got a greenstone patu and in front of the gathering he slapped his chest with the patu saying, "Mō tōku hē, mō tōku hē," which means, "For my omission, for my omission." He put the patu down on the ground parallel to Pōhutu iwi and as he knelt down he said, "Tōku ūpoko," which means, "My head." He was offering himself to them even though he knew that no one would pick up the patu and kill him. In a cultural context, this was seen as a public apology on behalf of Ponaturi for their omission.

The Pōhutu kaumātua picked up the patu, exchanged a hongi with his counterpart, handed the patu back to the Ponaturi kaumātua, handle first, and they returned to their respective seats. The matter was resolved with Pōhutu accepting the apology of Ponaturi.

The name of the wharekai was changed to Pukunui.

Ngā Whakamarama

Ponaturi naming their new wharekai after Pōhutu waka caused the onset of the dispute. The dispute involved Pōhutu iwi and Ponaturi iwi. Although Ngāti Whakapono is

recognised as the iwi who gave the land to Ponaturi to use for Waewaekopa Marae, Ponaturi opted to use the name Pōhutu for the wharekai, as it is all-inclusive of the iwi of Pōhutu. The name Pōhutu is a collective term that is commonly used in reference to all the iwi of the Arohanui region who affiliate back to Pōhutu waka. Ngāti Whakapono is an iwi of Pōhutu waka, however, they are also known as Pōhutu. The same applied for the other iwi of Pōhutu.

The relationship between the two parties stems back as early as the 1800s. Ngāti Whakapono gifted the land to Ponaturi in recognition of their military and social support. The relationship between Ponaturi and Pōhutu was strengthened by marriage alliances, such as the one between Haerepō, a rangatira of Pōhutu, and Haereawatea the sister of Ponaturi, who was the Ariki of Ponaturi iwi. This alliance with Pōhutu was in jeopardy because of the negligence of Ponaturi.

The act of naming the wharekai after Pōhutu waka had many consequences.

Firstly, the name 'Pōhutu' is very tapu, especially to those people who affiliate back to this waka. Pōhutu is the name of the waka that brought many of the Pōhutu tīpuna from Hawaiki to Aotearoa. Its history, its association to significant tīpuna such as Waewaerākau and its importance in explaining tribal and family identity is the reason for the great amount of tapu and mana bestowed on this waka. Accordingly, naming a wharekai after the waka is an insult to the people. In Māori society, a wharekai is deemed noa because of its relation with cooked food and connecting tapu and noa together in this manner is offensive.

Since the actions of Ponaturi affected the tapu of Pōhutu waka, the mana of all Pōhutu iwi was equally affected. An emotive illustration of this was that the iwi pride had been hurt and insulted. It was degrading for Pōhutu to see the tapu name and the tapu nature of Pōhutu waka being used in reference to a wharekai. Pōhutu includes several iwi under its umbrella, so effectively Ponaturi committed takahi mana[267] in relation to these iwi, which makes this offence very severe.

The mana of Ponaturi had also been diminished because of this oversight. Ponaturi needed to resolve the situation or suffer the consequences of Pōhutu exacting utu on Ponaturi. An utu would restore the imbalance caused by a transgression of values. It would also enable Pōhutu to restore their mana. The methods employed in exacting the utu would have been decided by a number of rangatira from the different iwi of Pōhutu.

To avert the possibility of an utu, and to restore the mana of both parties, Ponaturi chose to publicly apologise for their omission. The Ponaturi kaumātua knew that if immediate action was not taken there would have been a continuation of raruraru between the iwi, which could carry through from generation to generation. The kaumātua who slapped his chest with the patu and said, "Mō tōku hē, mō tōku hē," was offering an apology.

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[267] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'takahi mana'

The acceptance of the apology by Pōhutu signified that the mana of both tribes had been restored.

As the patu was lain on the marae parallel to Pōhutu, it gave them the option of 'keeping' it or returning it. If the patu had been lain with the handle facing the Pōhutu group, it would have been a permanent transfer. Symbolically, the patu would remain in the hands of Pōhutu. If the patu had been lain with the blade facing Pōhutu, and the handle facing Ponaturi, Ponaturi would have retained the right to reclaim it at a later stage if necessary, or if Pōhutu had not returned it on a later occasion. Time is crucial, and sufficient time must elapse for the parties to consider the situation further, ie, politically, it would be raised between them on an appropriate occasion to return the patu.

The kaumātua who gave the patu back to Ponaturi could have done so for several possible reasons, including:

- The questions relating to the use of the name for the wharekai had been 'answered' satisfactorily, therefore Pōhutu were not required to use the patu to 'despatch' of Ponaturi;
- The kaumātua used his collective and cultural experience to sum up the situation and arrive at an action, which was not only conciliatory, but in the context appropriate. Why damage a history of kinship, tribal and cultural relationships which may have long and enduring consequences?
- Pōhutu considered the injury to have been compensated for and healed by the offer of the greenstone patu. Pōhutu saw this as 'sufficient' utu.

In this instance Pōhutu was giving the patu back handle-first for Ponaturi to retain and it indicated complete satisfaction in the resolution of the issue. One could read any other number of reasons why the kaumātua gave the patu back, but the immediacy of the action must be read as above, ie, that Pōhutu had considered the offer of the patu as sufficient utu. Pōhutu may also have lost face had they not returned it and as a consequence diminished their mana as a waka group.

The situation would have been avoided altogether if *Ponaturi* had consulted *Pōhutu* kaumātua about using the name. It would have been unlikely that *Pōhutu* would have agreed with the proposal but further discussion between the two parties would have resulted in an alternative name. The mana of both parties would have been protected if this approach had been taken.

Ngā Tikanga

Whakapapa:

- Knowing the history and relationships between parties and observing the resultant obligations and responsibilities is important in decision-making processes and resolving disputes;
- Whakapapa maintains kinship ties at all levels;

- Whakapapa helps to identify the central characters and their connections;
- Karakia and mihi[268] set the scene, reminding people of their whakapapa links, their history, their mate and puts their riri into context back in time and forward in time.

Whanaungatanga:

- Kaumātua can act on behalf of the collective group to secure a resolution;
- Hongi recognises the coming together of two groups.

Relationships:

- Resolution ensures the maintenance and retention of each party's mana and moves their relationship back towards harmony and balance;
- It is important to keep relationships intact to ensure the continued rapport and integrity of the communities involved.

Whenua tuku:

- Gifting of land:
    - Is a recognition of the donee's mana;
    - Secures alliance between the donor group and donee group;
- Naming significant tribal landmarks after the donor group:
    - Is a recognition of the donor's mana and traditions;
    - Cements the relationship with the donor group;
- The donors should be involved in the naming process when trying to attribute a name back to them.

Immediacy of resolution:

- Immediate action and focused responses to offences ensures the return of the balance to cultural values and relationships;
- Immediate reactions to offences ensures that the mana of the individual or collective group or both is restored;
- When disputes are inter-tribal, it is important to consider taking immediate action to prevent them from continuing through the generations.

Mana:

- Maintaining and acknowledging the mana of iwi by other iwi reflects the relationships between them;
- Mana is central to the relationships between individuals or collective groups or both.

Reciprocity:

- Utu is an important means of maintaining kinship values within Māori society;
- Laying down taonga will ensure reciprocity at a later date;

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[268] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mihi'

- The direction of taonga when lain down determines the future actions of the group accepting the taonga;
- Symbolic offerings suffice as an apology.

Whakamā:

- Collective whakamā can be felt by the group as a result of the actions of an individual;
- Individuals can take appropriate action to heal the collective's whakamā.

Transgression of cultural values:

- Kaumātua act on behalf of the collective group when the transgression affects others' cultural values.

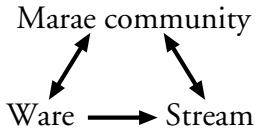
6. Tapu Concerning Body Parts

Ware was walking in the bush in the Pōhēhē area. A river ran through the bush where Ware was walking, and further down, a stream met up with it. It was a hot day and Ware decided to take a swim in the stream, without realising that the stream flowed behind the local marae. Someone from the area yelled out, "E hoa, kaua e kaukau i kōnā! – Hey mate, don't swim there". Ware got out quickly, thinking that there must have been a taniwha. However, it turned out he was polluting the stream. The stream was a resource for that marae, as they did not have any tap water for drinking and cooking. The local iwi dealt with this transgression with a karakia being performed on the marae.

This was an unintentional breach, but as soon as it was explained to Ware he knew that he was in the wrong. He felt that it was punishment enough thinking about what he'd done, let alone what could have happened to him. He was given peace of mind because of the karakia.

Ngā Whakamarama

The offending action in this case was Ware swimming in a stream, which was used by a nearby marae for drinking and cooking. Thus the parties were Ware and the marae community.



The stream has its own mauri and wairua, as does Ware.[269] Swimming in the stream resulted in these problems:

- the water had been processed through human contact, thus had lost its mauri and become wai mate[270]; accordingly this affected the relationship of the two wairua;
- the community could not use the water because Ware had polluted it.

Initially Ware was unaware of the importance of the stream as a resource to the marae community. He then felt whakamā after finding out he had polluted the marae community's resource. It also impacted on his wairua. The whakamā was a result of his ignorance and the realisation of how his swimming in the stream would impact on the community. Whakamā[271], can act as a strong deterrent to prevent Māori from affecting

[269] see the Mana and Tapu chapter for a further explanation of 'mauri' and 'wairua'. See also 'wairua' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences

[270] See Whenua chapter for an explanation of 'wai mate'

[271] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'whakamā'

tapu and mana, because whakamā is borne not only by the offender but also his or her whānau, hapū, or iwi.

By affecting the tapu and mauri of the stream, Ware could have been subjected to undesirable circumstances in a spiritual sense, thus affecting his wairua more. The explanation to Ware that his act was wrong and the effect it had on the marae was punishment enough. He was only given peace of mind once the karakia was performed.

The local marae community was affected on a practical level. The mixing of the wairua of Ware and the stream restricted the use of the stream for a short period. It would be quite possible that if, in a similar scenario, the tapu of the stream had intentionally been breached, a war may have ensued.

The member of the marae community who identified the wrongdoing of Ware was acting as a responsible member of the hapū. He saw a breach of tikanga being committed against one of his community's resources and sought to have it rectified immediately.

The hapū identified that the transgression needed to be dealt with immediately. The process undertaken to mend the wrong was karakia. This process was important in that:

- the marae community could use the stream again;
- it helped restore any mana and wairua affected on both sides.

Ngā Tikanga

State of water:

- He taonga te wai – water is to be regarded and treated as a taonga because it is the habitation of resources, the habitation of kaitiaki, a provider of food, and used for healing, health, cleansing, domestic uses, and ritual;
- Water is to be used according to the various forms it comes in, for example: wai ora, wai māori, wai tai, wai puia, wai puna, wai tapu[272];
- Use of karakia will effect a restoration of water to its original state.

Immediacy of resolution:

- Immediate action and focused responses to offences ensures the return of the balance to cultural values;
- Immediate action restores the balance of social and spiritual relationships;
- Resolving a transgression immediately is important to stop any further harm being done.

[272] See Whenua chapter for an explanation of the states of water

Mauri:

- The community is responsible for protecting the life principle of all matter and respecting the mauri of all things.

Wairua:

- The community is responsible for protecting the nature of the life principle and respecting the wairua of all things;
- Karakia restores normality and can provide peace of mind for the transgressor.

Mana:

- Mana is central to the relationships between individuals, collective groups or both;
- Ignorance diminishes the mana of the individual.

Whakamā:

- Individuals can feel intense whakamā as a result of their ignorance of another collective group's values.

Te Marae:

- Marae kawa prevails where the marae is used as a forum.

Transgression of Cultural Values:

- Individuals of a community deal with transgressions of cultural values as soon as they see them being committed.

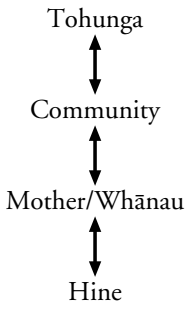
7. The Effect of Passing Food over the Head of a Person

…In my younger days we played a lot of tennis, and I happened to be at home[273]*... Each one of our marae had tennis courts, and this particular time we had invited a team from Wāhi to come and play. They came with…their leader, who they referred to as their queen, and…their old tohunga. We never had a dining room in those days, so the meals were outside the meeting house. The tables were set up because they were for our manuhiri…and there were these big blue teapots that were passed around. Sometimes you forget, and I…just about passed a teapot over the head of this koroua. Well, my mother saw it and she was absolutely ropeable, and she said in Māori, "You don't pass a teapot over people's heads like that! Particularly people like him!"… To begin with he was Ringatū, and secondly he was a tohunga... That [would have constituted] a breach of tapu inadvertently committed. [If my mother had not intervened I would have committed an offence]… I was just trying to get in and help but that was a lesson I learnt that you do not pass anything over a person's head. Not just a tohunga, but anybody, because that is the most tapu part of a person, and well…[you are intruding on the mana, tapu and mauri of] that person when you do that.*

Ngā Whakamarama

This case is an illustration of an incident involving a near breach of Māori tikanga, that is, the young girl, Hine, almost passing a teapot over the head of a tohunga. The Wāhi marae community was invited by the Rohe marae community to participate in a day of tennis. The two communities are related through whakapapa, but the facts presented do not clarify the exact relationship. This relationship could either be intra-hapū or inter-hapū. Whatever the case, it is safe to say that these communities are of the same iwi and that they have a strong relationship bond through whakapapa.

[273] See 'kanohi kitea' under A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for a general idea of the expectations of kin



The Rohe community expressed manaakitanga[274] towards the manuhiri by preparing a meal for them. Hine was involved in hosting the Wāhi community when the incident occurred. Hine would have found herself in a very precarious position of having to deal with the ramifications of her actions had her mother not intervened. However, for the purpose of case study analysis, this commentary will be based on the assumption that Hine had passed the teapot over the head of the tohunga.

In the first instance, passing a teapot over the head of any person is a breach of tapu. The case study, *Collective Responsibility,* identified that food and a person's head should not come into contact with each other as the head is regarded to be one of the most tapu parts of the body and food is considered noa. However, the dynamics differ in this case because the status of the person involved intensifies the transgression and the significance of this offence is more severe.

Tohunga have a great amount of knowledge and expertise in specific fields and are a link between the spiritual and physical realms. Thus they command a great amount of respect from people. If a tohunga has the support of the people and is highly successful within their specialised area, that tohunga is imbued with a vast amount of mana. The more mana a person has, the more tapu the person, as it is with a tohunga.

The tohunga would have felt dismayed and insulted knowing that his tapu and mana had been affected. When Hine passed the teapot over his head the loss of personal mana needed to be restored and the most appropriate form of restoration would be through utu. The tohunga could exact utu on Hine, her whānau or both. Although Hine did the action, Hine was a representative of her whānau, therefore they were also responsible for her actions. An utu could impact on the recipient physically or spiritually, for example, a mākutu[275]. If the tohunga decided to mākutu Hine or her whānau, the implications of this could last for many generations. Only over a matter of time or through the assistance of another tohunga could the mākutu be removed. Until then, all generations would be reminded of the hara made by Hine.

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[274] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'manaakitanga'

[275] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mākutu'

The Wāhi community would have also felt a loss of mana because one of their respected members had been insulted. As manuhiri, they would have felt insulted because the tangata whenua had not expressed the tikanga of manaakitanga in accordance with the example set by ngā tīpuna. They could have sought retribution for this hara in the form of a muru, which could have impacted on the whole Rohe community.

Hine suffered a substantial loss of personal mana and an intense feeling of whakamā because of the status of the tohunga and because she was a young child. Whakamā[276] is bound up with the loss of mana. It also varies in intensity, depending on the situation, the people involved and the stability of the individual mentally and emotionally. The feeling of whakamā could last minutes, hours, days, months and even years, therefore it may also be passed on from one generation to the next.

As stated in previous case studies, an individual is responsible for maintaining the values of the community. Further, the actions of an individual are a reflection on the community. The reputation of the whānau and the Rohe community would have been damaged because neighbouring communities would perceive them as poor hosts. The hara had implications for the whānau and the wider community in that they would also experience an intense feeling of whakamā.

The restoration of the mana and tapu of all parties involved can sometimes help to eliminate the feeling of whakamā. However this depends on the method used to address the imbalance. It is also vital for the hapū groups and members to re-strengthen their kinship ties internally and externally as the notion of whanaungatanga highlights the importance of maintaining kinship ties. The process of addressing a hara also helps to teach those who are ignorant of certain tikanga.

In regard to the actual situation, Hine was prevented from causing an offence against the tohunga because of her mother's intervention. She still would have suffered a slight degree of whakamā because of her ignorance, but she would have learnt to appreciate the tikanga involving tapu objects and food.

The kawa of the marae and the notion of manaakitanga or good hosting governed the actions and behaviour of Hine and the Rohe community as tangata whenua. The relationship between tangata whenua and manuhiri is governed by a sense of reciprocity. If the tangata whenua were to later visit the manuhiri on their marae, they would expect the same treatment, if not better.

[276] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'whakamā'

Ngā Tikanga

Mana:

- Mana is central to the relationships between individuals or collective groups or both;
- Tangata whenua are responsible for ensuring that the mana of manuhiri is maintained;
- Whānau members, young and old, are responsible for upholding the mana of their whānau.

Whanaungatanga:

- It is the responsibility of whānau to teach children, by example, the appropriate behaviour relating to tikanga and kawa;
- Whānau are responsible for ensuring that children are properly supervised when fulfilling their community responsibilities;
- Parents, whānau and hapū have the responsibility of upholding, enforcing and maintaining the cultural values within the whānau so that children are protected from harm spiritually, physically, emotionally and mentally;
- It is the community's responsibility to ensure that the cultural values of manuhiri are not inadvertently transgressed;
- The individual is a representative of his or her whānau, hapū and iwi.

Tapu:

- People need to be aware that their actions do not affect the tapu of others. Similarly, people need to be careful that others do not affect their tapu.

Whakamā:

- People need to be careful that their actions do not result in whakamā for the collective group;
- Collective whakamā can be felt by the group as a result of the actions of an individual;
- Individuals can feel intense whakamā as a result of their ignorance of cultural values.

Relationships:

- It is important for members of different collective groups to recognise and observe their own positions and their relationships with other collective groups by respecting the social and cultural boundaries they should operate within. This should be reflected in the way people behave respectfully towards members of another group.

Manaakitanga:

- Tangata whenua are responsible for ensuring that manuhiri are appropriately hosted for;
- Manuhiri will provide utu if hosted properly by the tangata whenua;
- Exhibiting manaaki raises one's mana through generosity;
- Tangata whenua should treat manuhiri with respect and display manaakitanga to the best of their ability;

- Manuhiri should treat the marae and its people with respect, adhering to the kawa of the tangata whenua.

Te Marae:

- The marae is the focal point for communities to gather together for various functions, whether it is dispute resolution, tangihanga or entertainment.

8. The Application of Two Processes to Deal with an Offence

Shanghais and slings were the thing in our days. When we were about 12 we went on a spree smashing the telephone cups which held the wires. We fired away at the cups, not realising the effect it could have if someone got ill. At the time the phone system was a party line system so breaking the cups meant your phone call couldn't go through.

We then graduated from the cups to our school doors with little windowpanes, with the idea of smashing as many as we could. We had just started on the doors when one of the kaumātua who was going past on his horse saw the glass smashing.

The Tribal Committee met with the headmaster and the people who fixed the phone lines. It was agreed that we should go through the Court process, but also that there would be some sort of probation process where the Tribal Committee determined who would look after us.

Before we were taken to Court though, my grandfather called me over and motioned to me with his tokotoko to walk up onto the marae and sit down. The expression on his face said it all and then he said to me, "kua paruparu te ingoa ō tō whānau i a koe" – you've sullied your family's name. I didn't realise I had sullied my family's name but when he put my actions that way, all of a sudden I realised what I had done. I was so ashamed; I didn't want to face anyone.

All these koroua came on a bus to our Court hearing and we were all placed under supervision for a whole year. But the shame on your family name and the knowledge that you had sullied the honour of your family name was painful. The effect was that you didn't want to walk in amongst others, you didn't want to go to hui and do things with others, you wanted to stay home or hide away in the bush.

When people looked at you, you read all sorts of things into the look so you just put your head down and hid yourself away. It was painful and that's whakamā. Even bringing yourself to say sorry to the rest of the family, especially during karakia when you had to get up and say that in front of everybody. And they said, "e Haututū, he kōrero wau" and I knew straight away what they were wanting,

so I just had to get up and say sorry. That's all I could say, sorry. That whakamā factor is so overwhelming, it's devastating.

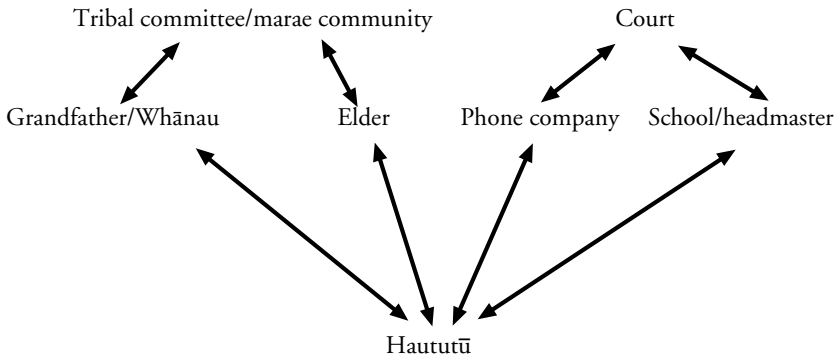
Ngā Whakamarama

The offence in this case was Haututū breaking the phone cups and the windows on the school doors. Tied into this was the disregard Haututū had as to the effect his actions would have on his community and whānau. Haututū had not only caused physical damage to other people's property, but in the process of doing that, he did not stop to think about the possible consequences of his actions. One potential impact on the community was that they would not have been able to use the phones in an emergency.

Several parties were involved in this case. They were:

- Haututū
- The kaumātua who caught the children
- The Tribal Committee/marae community
- The grandfather and whānau of Haututū
- The Phone Company
- The School/Headmaster
- The Court

The diagram below shows where the parties are positioned in relation to each other.



Because of the different values the parties adhered to, Haututū was subjected to two different processes to deal with his offending.

When the kaumātua found Haututū destroying the school property, he was obliged to take action. If the kaumātua chose to ignore the matter, the community would have questioned his role as a kaumātua, which in turn would have affected his mana. His role as kaumātua is to uphold and protect the values of his community. In this particular case it was respect for other people's property.

As a consequence of his actions, Haututū had to go through the court process, with the probation process being administered by the Tribal Committee. Haututū, without

realising it, had brought a great deal of whakamā[277] to his whānau. It was not until his grandfather bailed him up in public and told him that his actions had affected the mana of his family name that he realised one of the implications of his actions.

Because his grandfather had significant standing in the community, he would have been regarded as a man with a great deal of mana, which also would have reflected on his family. The negative attention received, as a result of Haututū having to go through the court and probation processes, would have further diminished the mana of the whānau.

Similar to the earlier case on *Collective Responsibility*, the whakataukī 'he tangi tō te tamariki, he whakamā tō te pakeke – children can shed tears but the embarrassment is the parents' can apply here. This whakataukī is associated with, 'he pōtiki whatiwhati toki'.[278] Haututū did not realise the value of the phone cups to the community and in his ignorance broke them, not considering the impact his action would have on the community, which in this case could have had catastrophic effects. This is then a reflection on his parents and whānau because the community may decide that those that should have, did not teach him to respect other people's property.

The Tribal Committee had the attitude, 'na tātou tonu ēnei tamariki – these are our very own children (by descent)'. Because Haututū was considered to be a part of the wider whānau and hapū groups he belonged to, the community decided it would need to play a role in disciplining him. This was achieved through the Tribal Committee, which is made up of a number of well-respected representatives of the community.

The community itself accepted part responsibility for the actions of Haututū, which was manifested through the community giving out its own punishment and because it supported him when he entered the Court process. The community would have been aware that the Court process was completely foreign to Haututū. By attending Court, the community was displaying their support for Haututū and their support for the discipline or punishment they knew he had to receive from the Court.

Because the marae community is the all-pervading kin group, the people would have resorted back to their rangatira and kaikōrero to do the main talking and the negotiation with the school and Phone Company on behalf of the community. This was the only involvement as such that the school and Phone Company had in the disciplinary process the boys entered into. They wanted the matter to be handled by a disinterested third party, ie, the Court, which is consistent with how offenders are dealt with under the Westminster system. By involving the Court system, the school and Phone Company did not have a say in how Haututū should eventually be punished.

The Court would have punished Haututū according to a particular formula as laid out in the statute he was being prosecuted under. Although the Court would have had probation

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[277] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'whakamā'

[278] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'he pōtiki whatiwhati toki'.

reports to refer to in deciding what it considered to be the most appropriate punishment, it would not necessarily have known the full effect the punishment would have on Haututū.

In contrast, when applying its own process, the community would have understood the effect their form of punishment would have had on Haututū. Because the community was involved in his life, they would have known his weaknesses and strengths and would have been able to use those in applying the most effective form of punishment.

Haututū experienced intense whakamā when he realised what feelings his actions had caused. His whakamā was intense because he belonged to a group with a positive and strong sense of group pride and identity. The community as a whole would have felt whakamā in the court process because of its public nature and because the Court is representative of wider society. Their whakamā then affected Haututū through the looks, real or perceived, that were cast on him as he participated in community life.

Ngā Tikanga

Whanaungatanga:

- Whanaungatanga defines the relationships, obligations and responsibilities of parties;
- Māori society is seen as a collective unit, meaning that everyone within that unit has the responsibility of working together;
- The strength and closeness of family groups means that difficulties and problems can be shared with everyone else;
- Related individuals and kaumātua have the right to correct other people's children within their own kin group;
- Whanaungatanga will influence the process in Māori communities but not in Court;
- Whānau support at hui strengthens the sense of group obligations and responsibilities;
- The collective group will draw together when necessary to seek redress and uphold the mana of the group under the wisdom and leadership of kaumātua;
- An individual is representative of his or her whānau, hapū and iwi;
- Kaumātua can act on behalf of the collective group to secure a resolution process;
- Whānau act together under the wisdom of kaumātua;
- Whānau accept responsibility for their omissions in teaching young children.

Mana:

- Whanāu members, young and old, are responsible for upholding the mana of their whānau;
- Mana is central to the relationships between individuals, collective groups or both.

Whakamā:

- People need to be careful that their actions do not result in whakamā for the collective group;
- The individual is affected by the way in which the collective group acts towards that person;

- The intensity of whakamā can be more effective when the transgression is dealt with on marae;
- Those who do not instil the appropriate values and behaviour in children will feel whakamā.

Transgression of Cultural Values:

- The type of value transgressed will determine the resolution process;
- Individuals of a community deal with behavioural transgressions as soon as they see them being committed;
- Kaumātua act on behalf of the collective group when the transgression affects others' cultural values.

Te Marae:

- The marae is the focal point for a community to gather together for various functions, whether it be dispute resolution, tangihanga or entertainment;
- Marae kawa prevails where the marae is used as a forum. The Westminster system prevails where the Court is used as a forum.

Conclusion

In a Māori system, individuals and members of the kin group worked together through the issues at hand. It was vital not only to look at the facts of the case, but also to look at the matter holistically, what the effect was on everyone else. As illustrated in the case studies, social controls and values monitor the behaviour of an individual or group in traditional Māori society. Māori had in place particular processes to restore an imbalance that stemmed from a breach or transgression of the social controls and values. It was a system that was considered fair and just, and it was widely accepted by society.

A number of key principles were consistent throughout this section, showing that Māori regarded these principles as important in relation to a dispute resolution process.

- Transgression of cultural values
- Relationships
- Whakapapa
- Collective rights and responsibilities
- Immediacy of the resolution
- Muru
- Use of discipline
- Whenua tuku
- Mauri
- Manaakitanga
- Whanaungatanga
- Te Marae
- Mana
- Whakamā
- Reciprocity
- Tikanga
- Lockout
- State of water
- Wairua
- Tapu

The importance of whanaungatanga, whakapapa, mana and tapu has been expressed in the tikanga section in Part One. The principle of whakamā is associated with mana, whanaungatanga and whakapapa as an individual and the kin group have responsibility for maintaining the standards set by ngā tīpuna. These standards have been adhered to by many generations of kin groups. Therefore, the individual or the group must do everything in their power to follow these standards to protect the mana of the group. Failure to do so can result in whakamā.

Usually it is not only one person that is affected by a transgression on them. It is often the case that the whole whānau will feel aggrieved so the actual injured party has some support to lean on during the course of the healing process.

Involving the offender's whānau in the resolution process was an effective method of deterrence as the offender could see how their actions impacted on the whole whānau; how their whānau succumbed to whakamā. As a result, the individual also experienced whakamā, usually to a greater degree than the whānau, as the individual bore the burden of the actions and sullied the name of the whānau, hapū or iwi. Further discussion on whakamā as a powerful tool for deterrence is discussed thoroughly in Part Three.

The notion that everyone has the responsibility to maintain, protect and enforce collectively-held values is important because the values do not belong to any individual or

individual family but to the whole group. However, the qualification on the extent to which values were enforced was also controlled by another value – the act of enforcing and protecting values needed to be done with fairness for the person who was being corrected. This assumed a bond within communities and a sense of belonging. It also had implications for those who had the right to enforce, maintain or protect values.

The principle of immediacy was prevalent throughout the case studies. As the whakataukī goes, 'Kaua e tukuna kē – don't let it linger on otherwise it grows weeds'. This emphasises the need to deal with transgressions relatively quickly. The sooner the individual or whānau dealt with the problem, the better.

Tied in with this was the need for dialogue or wānanga between the offender, the offended and the whānau or hapū. A network of kaumātua of the whānau would usually be the facilitators of the process. Recognition of the whakapapa enabled those kaumātua to engage in the process of dialogue when discussing the problem. A lack of knowledge in relation to whakapapa and relationships makes the job harder because then people would have to find other common ground from which to draw the parties together. When two parties are brought together to discuss the take, it is not always a pleasant situation to be in because some nasty words are cast at the other group in the first instance. This is usually because they have a lot of issues that they need to release as part of the healing process. However, in the end they manage to work around to the issues and what the appropriate solution is.

Principles that Emerged From the Case Studies[279]

Transgression of cultural values:

- The type of value transgressed will determine the resolution process; (1, 8)
- Kaumātua act on behalf of the collective group when the transgression affects others' cultural values; (5, 8)
- Individuals of a community deal with transgressions of cultural values or behavioural transgressions as soon as they see them being committed; (4, 6, 8)

Whanaungatanga:

- Whanaungatanga defines the relationships, obligations and responsibilities of parties; (1, 3, 4, 8)
- Whanaungatanga requires people to respect the relationships they have with other whānau members; (1, 3)
- Whānau support at hui strengthens the sense of reciprocal group obligations or responsibilities or both; (1, 8)
- An individual is a representative of his or her whānau, hapū and iwi; (1, 7, 8)
- Whanaungatanga is a way of bonding based on a common cause and can extend beyond; (1)

[279] The numbers in the brackets refer to the case studies that the principle emerged from.

- Whānau act together under the wisdom of kaumātua; (1, 2, 3, 4, 8)
- The collective nature of Māori society requires the collective group to take responsibility for the actions of the individual; (3)
- The strength and closeness of family groups means that difficulties and problems can be shared with everyone else; (3, 4, 8)
- The collective group will draw together when necessary to seek redress and uphold the mana of the group under the wisdom and leadership of kaumātua and rangatira; (3, 8)
- Whanaungatanga is an integral part of decision making in traditional Māori society; (2)
- It is important to maintain kinship ties for the enhancement of whanaungatanga both in the present and the future; (2)
- It is a responsibility of kaumātua to teach rangatahi the appropriate behaviour relating to tikanga and kawa; (2)
- It is the responsibility of whānau to teach children, by example, the appropriate behaviour relating to tikanga and kawa; (7)
- Kirimate are required to have kaumātua act on their behalf in decision-making processes relating to tangihanga; (2)
- Māori society is seen as a collective unit, meaning that everyone within that unit has a responsibility of working together; (4, 8)
- Parents, whānau and hapū, have the responsibility of upholding, enforcing and maintaining the cultural values within the whānau so that children are protected from harm spiritually, physically, emotionally and mentally; (4, 7)
- Related individuals and kaumātua have the right to correct other people's children within their own kin group; (4, 8)
- Whānau accept responsibility for their omissions in teaching young children; (4, 8)
- Kaumātua can act on behalf of the collective group to secure a resolution or resolution process; (5, 8)
- Hongi recognises the coming together of two groups; (5)
- Whānau are responsible for ensuring that children are properly supervised when fulfilling their community responsibilities; (7)
- It is the community's responsibility to ensure that the cultural values of manuhiri are not inadvertently transgressed; (7)
- Whanaungatanga will influence the process in Māori communities but not in Court. (8)

Relationships:

- Resolution ensures the maintenance and retention of each party's mana and moves their relationship back towards harmony and balance; (1, 5)
- It is important to keep relationships intact to ensure the continued rapport and integrity of the community or communities involved; (1, 5)
- Kaikōrero will speak on behalf of the whānau to restore the balance in relationships; (1)
- It is important for different members of a collective group or members of different collective groups to recognise and observe their own positions and their relationships with the wider group or other collective groups by respecting the social and cultural

boundaries they should operate within. This should be reflected in the way people behave towards the other members of the group or behave respectfully towards members of another group; (2, 7)

- Greenstone represents permanence in relationships. (2)

Te Marae:

- The marae is the focal point for a community or communities to gather together for various functions, whether it be dispute resolution, tangihanga or entertainment; (1, 7, 8)
- Marae kawa prevails where the marae is used as the forum; (1, 6, 8)
- The marae is an appropriate forum for coming to a resolution on disputed issues relating to tangihanga. (2)

Whakapapa:

- Whakapapa helps to identify the central characters and their connections; (1, 3, 5)
- Knowing the history and relationships between parties and observing the resultant obligations and responsibilities is important in decision-making processes and resolving disputes; (1, 5)
- Whakapapa maintains kinship ties at all levels; (1, 5)
- Whakapapa ties are confirmed and reaffirmed when two people from related hapū marry; (3)
- Karakia and mihi[280] set the scene reminding people of their whakapapa links, their history, their mate and puts their riri into context back in time and forward in time; (1, 3, 5)
- Knowledge of whakapapa is important for determining decisions relating to protocol; (2)
- Although whakapapa can link individuals with several kin groups, individuals will express their ūkaipō towards one kin group in particular. (2)

Mana:

- Members of a community or whānau, young and old, are responsible for upholding the mana of that particular group; (1, 4, 7, 8)
- Mana is central to the relationships between individuals or collective groups or both; (1, 3, 5, 6, 7, 8)
- Restoring one's mana is not necessarily achieved by diminishing the mana of others; (3)
- Ignorance diminishes the mana of an individual, collective group or both; (4, 6)
- Maintaining and acknowledging the mana of iwi by other iwi reflects the relationships between them; (5)
- Tangata whenua are responsible for ensuring that the mana of manuhiri is maintained. (7)

Collective Rights and Responsibilities:

- Collective rights often supersede individual rights. The same can also be said about whānau rights being superseded by hapū rights; (2)

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[280] See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'mihi'

- It is the community's responsibility to maintain and sustain their cultural values; (1)
- Individual rights are indivisible from whānau, hapū and iwi welfare. (1)

Whakamā:

- People need to be careful that their actions do not result in whakamā for the collective group; (3, 7, 8)
- Collective whakamā can be felt by the group as a result of the actions of an individual; (3, 5, 7)
- The individual is affected by the way in which the collective group acts towards that person; (3, 8)
- Those who do not instil the appropriate values and behaviour in children will feel whakamā; (4, 8)
- Individuals can take appropriate action to heal the collective's whakamā; (5)
- Individuals can feel intense whakamā as a result of their ignorance of cultural values or another collective group's values; (6, 7)
- The intensity of whakamā can be more effective when the transgression is dealt with on marae. (8)

Immediacy of resolution:

- Allowing for some time to ensue after the event ensures that:
    - Heated emotions can settle amicably; and
    - Further evidence or support can be gathered in defence of the accusations; (1)
- Immediate action and focused responses to offences ensures the return of the balance of relationships or cultural values or both; (1, 3, 5, 6)
- Immediate action restores the balance of social and spiritual relationships; (6)
- Calling a hui soon after the transgression of cultural values ensures the return of balance to relationships and the cultural values; (2)
- Immediate reactions to offences ensures that the mana of the individual or collective group is restored; (4, 5)
- Giving priority to resolving a transgression is important; (1)
- Resolving a transgression immediately is important to stop any further harm being done; (4, 6)
- When disputes are inter-tribal it is important to consider taking immediate action to prevent them from continuing through the generations. (5)

Reciprocity:

- Utu is an important means of maintaining kinship values within Māori society; (2, 5)
- Laying down taonga will ensure reciprocity at a later date; (2, 5)
- The direction of taonga when lain down determines the future actions of the group accepting the taonga; (5)
- Symbolic offerings suffice as an apology. (5)

Muru:

- Muru is an effective mechanism to restore the balance in relationships and the tapu and mana of individuals and groups; (3)
- Observing or participating in the muru process can act as a deterrent to maintain law and order; (3)
- A value of muru is in the whakawā that sometimes take place allowing koroua and kuia to guide the kōrero. (3)

Tikanga:

- Tikanga is a very deep and significant concept which people give expression to in the totality of their lives; (2)
- A concentration of tikanga and cultural values are applied during moments of crises such as tangihanga; (2)
- Haka and manawa wera allow people to express their hurt and anger; (3)
- Whakawā allow kaumātua to bring together a sum of all their experiences to get a consensus on the resolution; (3)
- Laying down the take focuses the parties on the issues at hand. (3)

Use of discipline:

- Excessive use of discipline will invoke its own reprimand; (3, 4)
- Where the form of discipline is not excessive it will be accepted as appropriate. (4)

Lockout:

- An individual's actions could result in the whānau and hapū ostracising that person from the community. (3)

Whenua tuku:

- Gifting of land:
  - Is a recognition of the donee's mana;
  - Secures alliance between the donor group and donee group; (5)
- Naming significant tribal landmarks after the donor group:
  - Is a recognition of the donor's mana and traditions;
  - Cements the relationship with the donor group; (5)
- The donors should be involved in the naming process when trying to attribute a name back to them. (5)

State of water:

- He taonga te wai – water is to be regarded and treated as a taonga because it is the habitation of resources, the habitation of kaitiaki, a provider of food, and used for healing, health, cleansing, domestic uses, and ritual; (6)
- Water is to be used according to the various forms it comes in, for example: wai ora, wai māori, wai tai, wai puia, wai puna, wai tapu; (6)
- Use of karakia will effect a restoration of water to its original state. (6)

Mauri:

- The community is responsible for protecting the life principle of all matter and respecting the mauri of all things. (6)

Wairua:

- The community is responsible for protecting the nature of the life principle and respecting the wairua of all things; (6)
- Karakia restores normality and can provide peace of mind for the transgressor, or his or her whānau, or both. (4, 6)

Manaakitanga:

- Tangata whenua are responsible for ensuring that manuhiri are appropriately hosted for;
- Manuhiri will provide utu if hosted properly by the tangata whenua; (7)
- Exhibiting manaaki raises one's mana through generosity; (7)
- Tangata whenua should treat manuhiri with respect and display manaakitanga to the best of their ability; (7)
- Manuhiri should treat the marae and its people with respect, adhering to the kawa of the tangata whenua. (7)

Tapu:

- People need to be aware that their actions do not affect the tapu of others. Similarly, people need to be careful that others do not affect their tapu. (7)

LEE WATT

Ngati Kahungungu

"TE MANAIA"

Acrylic on Totara on customwood

These are the creatures usually depicted behind carved images e.g. poupou or supporting posts of the wharenui. The manaia play an important role within Maori beliefs as they have the ability to pass back and forth as messengers through different states of existence, from this world Te Ao Marama (light, life, growth and knowledge) and beyond Te Po (the dwelling place of our tupuna).

Part Three

A Collection of Behaviours, Philosophies,
Emotions and Cultural Influences.

Executive Summary

There were a variety of ways of keeping behaviour in check within Māori society. Simply offering everyday words of praise and encouragement or words of rebuke and retribution were used to influence behaviour, while at another level there were numerous examples of a range of traits and behaviours both desirable and undesirable, expressed in waiata and whakataukī.

Human attributes were sometimes compared to elements within the environment. This form of symbolism was easily understood because of the close relationship of Māori with the environment. For example, certain types of trees or a rock could symbolically represent notions of strength, security, safety and leadership. The kōtuku, the tīwakawaka, the kererū or the kākā; each with its own characteristics could be symbolically referred to as representing a particular behavioural trait. This practice allowed for an appreciation by the listener of the attributes that were being described as the features of the environment used in the description were ones that they could relate to. On the other hand, some whakataukī may illustrate the importance attached to different activities. Here is an example of a whakatauakī that compares different activities: 'He toa taua, mate taua, he toa piki pari, mate pari, he toa ngaki kai, mā te huhu tēnā', translated means, 'A warrior dies in battle, a cliff climber by the cliff and a gardener dies of old age'.

A special class of chants, incantations or pātere was used as a vehicle for conveying messages of disparagement, derision, insult and abuse. These messages were used as an effective form of retribution for past transgressions or offences. These classes of chants were topical compositions inspired by some derogatory reference, abuse or slander or belittling statement. Often these types of expressions were accompanied by defiant gestures.

Gestures and actions of physical retribution were used as extreme methods of punishment, protest or retaliation. The act of whakapohane was an extreme insult. In recent times, one of the more famous acts of whakapohane involved a high-ranking woman leader who was refused the right to speak on a marae that she was visiting, even though she was accorded this right in her own tribal district. When told in no uncertain terms to sit down, she calmly turned her back on her hosts, bent over and bared herself to the startled audience. The hurt from the insult remained with the hosts right up to the woman's death. Ironically, the woman was lauded for her mana and leadership in a roundabout way at her funeral by the offended hosts. There have been other events in contemporary times where the act of whakapohane has been used as a form of protest and insult to attract attention to political and cultural grievances.

Actions such as whakatumatuma and whakaminamina are also negative forms of behaviour which are not so drastic as whakapohane and are used more in everyday situations to entice, solicit or deceive one into conforming, either for the better or the worse.

Apart from the penalty of death, banishment or pana is probably one of the next worse forms of punishment in Māori society. The earlier case study involving the custom of

muru ('The Effect of Muru on Whānau') resulted in the expulsion or banishment of one of the offenders. Communal living was very much dependent upon the contributions and responsibilities of each member of the community, in return for personal security, safety and support. To be expelled from that group carried enormous shame and the severance of all ties to the community. It seems paradoxical that in contemporary times, the severest punishment is to jail or to 'lock in' an offender, whereas banishment in one sense has the effect of locking out.

Introduction

A Collection of Behaviours, Philosophies, Emotions and Cultural Influences are a collection of whakataukī and kupu that describe a type of behaviour exhibited by an individual or group within Māori society. The aim of introducing these behaviours is to gain some insight into the Māori psyche, both positive and negative forms. At the same time it allows the reader to see the mix of psychological, cultural and spiritual principles, which can assist in interpreting the Māori mind. It is evident that some of the behaviours, philosophies, emotions and cultural influences are universal, whilst others are uniquely Māori.

The source of the material used in gathering the information came from several brainstorming sessions. Many of the behaviours, philosophies, emotions and cultural influences introduced in this section have never before been committed to print because of the use of oral traditions by Māori. These traditions have been passed on from generation to generation through mediums such as kōrero pūrākau, waiata, karakia, as well as being embedded in society through practical application, that is by setting an example for others to follow.

Often the values and expected norms were instilled in people at a very young age. Although these are often seen displayed in both everyday traditional and contemporary life, terms have been coined to them but they are not always known. This section enables the reader to put a name to a particular behaviour, philosophy, emotion or cultural influence that may be commonly demonstrated within society.

It is important to note that the behaviours, philosophies, emotions and cultural influences that are illustrated are not definitive of them. They are merely illustrations of how they can be interpreted. Many factors will affect how they manifested. Also, there may be slight variations to the descriptions within different areas of New Zealand due to the influence of the environment and the changes that have occurred over time, however the underlying principles would be the same. The information that has been submitted in this section is simply an overview of certain behaviours, philosophies, emotions and cultural influences.

Some key ideas have been listed at the end of most descriptions. These lists are not exhaustive and further principles or themes can be derived from the behaviours, philosophies, emotions and cultural influences depending on how they are expressed.

In Māori culture today, many of the values of traditional times are being practised in a range of settings. It is a difficult thing to sustain some of these values but nevertheless they were part of the development of Māori people. The positive behaviours, philosophies, emotions and cultural influences are part and parcel of your epitome of good manners. They are related to how a rangatira would act. The rangatira was the exemplar, so you had to try and emulate your exemplar.

There are standards which people are expected to abide by and when that person falls outside that general understanding, this is when other methods are introduced to modify their behaviour, sometimes using the same sort of behaviour that that person uses. This was so in communities that were very close-knit.

Some of the collection of behaviours, philosophies, emotions and cultural influences refer to similar or related behaviours, philosophies, emotions and cultural influences. For ease of reference, where one refers to another one it is enclosed in single quote marks and the explanation of that term or saying can be found through reference to the index.

While the behaviours, philosophies, emotion and cultural influences have been listed alphabetically in the main body of this section, they have been grouped below to identify related classifications. The behaviours have been categorised in no particular order of importance to illustrate a common theme or principle, but it will become more apparent that these behaviours are all inter-related in some way.

Grouping of Terms of A Collection of Behaviours, Philosophies and Emotions.

POSITIVE BEHAVIOURS

Positive attributes

These are traits that can describe someone as being able, skilled and reliable. A person who possesses these traits is looked favourably upon within the community as they show dignity, generosity, self-discipline, peace and tranquillity. They gain the respect of those around them.

- Poupou
- Pou tokomanawa
- Manawanui
- Taituarā
- Ngākau māhaki
- Ngākau marae
- Toka tū moana, toka tū whenua
- Hūmārie
- Ngākau ora
- Ngākau
- Nanakia
- Pono

Models of good conduct

These values are the ideal behaviours and philosophies that an individual should strive to possess and uphold. By inculcating these values, an individual is a good role model for other people, especially children, to look up to. The individual will protect not only their own mana, but also the mana of their kin groups, and the mana of the people they are interacting with.

- Whakatika
- Waiho mā te tangata e mihi (Kāore te kūmara e kōrero mō tōna māngaroa)
- He pai tangata e roa te tirohanga
- Whakaiti
- Arataki
- Mā roto rā e kata
- Ahakoa he iti na te aroha
- Whakahīhī

To support, help, encourage, care for

These convey the values of care, respect and affection. Also important is the praise and recognition of others.

- Awhi
- Whāomoomo
- Mihi
- Whakawhetai and whakamoemiti
- Whakarewa
- Atawhai
- Hāpai and Tautoko
- Whakanui and whakarangatira
- Aroha
- Whakapai

Whanau

Kinship related terms, which describe things such as, family links, rights and responsibilities.

- Whakapapa
- Te puia nui
- Whanaungatanga
- Kaikaiwaiū

Parenting/Children

A reminder to parents to teach their children to respect and care for their own and other people's values. Appropriate parenting and nurturing is essential. Failure to raise children properly can cause embarrassment. Values of care, respect and affection are important.

- Oriori
- Piripoho and piripāua
- He kōtuku kai whakaata
- He pārera apu paru
- Poipoi
- He aroha whāea, he pōtiki piripoho
- He tamariki wāwāhi tahā
- He pōtiki whatiwhati toki

Rekindling kinship ties

- Ūkaipō and kōingo
- Te matua pou whare
- Te matemate-a-one
- Kanohi kitea

Hospitality

Kindness to others is a virtue to be nurtured. You should be prepared for unexpected visitors. Proper preparation will reap rewards – kindness receives kindness. A good turn will build lifelong friends.

- Manaaki
- Ringa raupā
- Kei takahia a Tahu
- Ko tāu rourou
- Manaakitanga
- Kei eketia koe e te ope a Hiakai
- He pai kai e kore e roa te tirohanga

Respect of age and experience

These values recognise the important roles and responsibilities of the koroua and kuia in the whanau as role models. The values recognise the respective roles of the koroua and kuia in the protocols of marae, their status as leaders and repositories of knowledge.

- Rei puta
- He rake toetoe
- Taringa huruhuru

Co-operation

Working together as a group to make it easier for people to work to their potential.

- Me ohu

Peace making

The importance of bringing about a peaceful settlement, and the process to which this can be achieved.

- Houhou rongo
- Kia tau te rangimārie
- Rongo-ā-marae and Rongo-ā-whare

Preparation and planning

- He moana kē ta matawhānui, he moana kē ta matawhāiti.

Good news/influence of Christianity

- Maunga ā rongo
- Rongopai
- Pai mārire

Land

The importance and special significance of land.

- Te toto o te tangata, he kai, te ora o te tangata, he whenua.

Kawa of the marae

Pertaining to the rules, conduct and functions of a marae.

- Kawa
- Kia marae

Spiritual

- Wairua

Dual Meaning

This has two meanings giving it both a positive and negative connotation.

- Tono
- Whakaminamina

NEGATIVE BEHAVIOURS

Demeaning others (Indirect)

This involves the use of language to demean another person by making disparaging and mean remarks about them. These are a prime cause of much dispute and conflict. This behaviour is offensive and can result in violence.

- Whakahāwea
- Te whiu kōrero and Te maka kōrero
- Kawe kōrero
- Ngutungutu
- Whakaparahako
- Ngau tuarā
- Reo makere and Ngutu makere

Insulting others (Direct)

These behaviours are highly abusive and insulting in nature. These types of behaviour can cause a loss of self-esteem, confidence and morale. They can cause hate, violence, suicide and anger.

- Tātā
- Kohukohu
- Hahani
- Kutukutu ahi
- Whakapohane
- Taunu
- Whakawhiu
- Kohete riri
- Tāwai
- Whakatumatuma
- Takahi mana
- Whakaiti

Challenging

These are insulting and derogatory challenges which can result in hate, hurt, anger and violence.

- Manawa wera
- Pōkeka and pōhuatau
- Kaioraora

Negative emotions

These are negative emotions shown towards another person. This can cause a breakdown in group dynamics and result in conflicts.

- Kiriweti and harawene
- Pūhaehae

Curse

- Kanga
- Mākutu

Poor unacceptable behaviour or manners

Undesirable traits which may cause an unfavourable response such as embarrassment or offence.

- Kaipaoe
- Mauāhara
- Tau areare
- Ui mākihoi
- He kōrero i te ata, he kōrero i te ahiahi
- Whakapae
- Whakatūpuehu
- Whakahīhī
- Tiro mākutu
- Matapiko
- Pūrahorua
- Whakamanamana
- Nihoniho
- Kotete
- He pārera apu paru

Physical acts and gestures

To physically strike or use threatening or insulting gestures.

- Patu, papaki, pātuki and kōhuru
- Whakapohane
- Karawhiu
- Whakatumatuma

Emotion of embarrassment

- Whakamā

Referring to types of people

Some terms to describe people who reflect poor behaviour.

- Tauraurau
- Nanakia
- Taurekareka and hāwini

Behaviours, Philosophies, Emotions and Cultural Influences

Ahakoa he iti na te aroha

This expression is intended to direct the recipient of a gift to the idea that no matter how small the gift the important factor is that the donor has even thought about gifting, ie, it is the thought that counts rather than the actual gift. The import is that one gives recognition to that thought and reciprocates the act.[281]

Ahakoa he iti na te aroha implies that:

- The act and the thought of giving is more important than the gift;
- One should not pass judgement on the size of the effort offered;
- Conflict and anger may result.

Arataki

To guide, to elevate, or to lead.

Aroha

Aroha is an expression of love, care, respect and affection in its widest sense. It is the essential element in interpersonal relationships. It begins from birth and continues till death. Aroha encompasses respect, friendship, concern, hospitality and the process of giving. Thus every person is concerned for and respects the rights of others. In short, it is valuing another person.

An example of aroha is seen during the process of a hui when the manuhiri present a koha. It is an expression of goodwill towards the tangata whenua. There is the aroha or expression of sympathy and respect for the person at the time of death and for the kirimate. Also the aroha or regard for one's ancestral lands. Then there is the expression of love between a man and woman and their children and others within the kin group.[282]

Aroha:

- Is an admirable attribute that has an lasting effect;
- Is a challenge to provide good parenting;
- Conveys that the values of care, respect and affection as important;
- Failure could result in embarrassment and a dysfunctional whānau.

[281] See Utu chapter for an explanation of how gift exchange governs relationships

[282] See Case Study 1 for an example of how the aroha of the group drew the group together to support one of their members

Atawhai

Atawhai relates to kindness. It also extends to embracing and supporting others in its broadest sense. It relates also to nurturing and caring so that a foster parent is in actual fact acting out the caring and nurturing process in providing care to others including siblings in their charge.

Awhi

Awhi, 'hāpai' and 'tautoko' generally convey the values of care, respect and affection. They are terms that describe positive forms of action when dealing with interpersonal relationship matters. The term awhi means to physically embrace, cuddle and foster someone, while metaphorically it conveys the idea of nurturing, sheltering, protecting and caring for others. "Nā tōku tipuna au i awhi a whai tangata ana ahau," meaning, "I was fostered by my grandparent until I became an adult". Another way of using the same word is to greet the wharenui on the marae by saying "E te whare ahuru tēnā koe e awhi nei i a mātou" which means "Greetings to you the house of warmth, that shelters us."

Awhi:

- Expounds that nurturing and good parenting are critical;
- Is respect, industry and self discipline;
- Failure could result in embarrassment.

Hahani

This is the act of using the physical or mental shortcomings of individuals as terms of addressing them or of referring to them. Hahani were used in pātere and 'manawa wera' to 'throw muck at' an individual, whānau, hapū or iwi. It is a 'put down' and if used in a public context, can have serious effects on the recipient and the maligner. A criticism and maligning of an individual also affected the whānau and violence may be a consequence.[283]

Hahani:

- Is used to insult and to put others down;
- Characteristics are sarcastically to get a laugh at others;
- Could result in loss of self-esteem, anger and violence.

Hāpai and Tautoko

'Awhi', hāpai and tautoko generally convey the values of care, respect and affection. They are terms that describe positive forms of action when dealing with interpersonal relationship matters. Tautoko means to support, help or to assist. For example "I haere mai te whānau me ngā hoa ki te tautoko i a ia e tono ana mō tētahi mahi." "Friends and members of the whānau arrived to support the applicant when she interviewed for a job."

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[283] See Case Study 3 for an example of when a manawa wera might be used

Hāpai means to physically lift up, to raise or to carry. In a figurative sense it also means to uphold or support.

Hāpai and Tautoko:

- Is a challenge to provide good models and examples;
- Conveys the values of care, respect and affection as important ;
- Failure could result in embarrassment and conflict.

He aroha whāea, he pōtiki piripoho

Essentially, parents who care properly for their children will find that those children will tend to stay longer with them. If parents take the time to give attention to their children, no matter what form that attention is, the children are less likely to stray away from the parents' sets of values. The message that is conveyed is, children need attention when attention is due and parents should have the sense to understand that they have responsibilities to give their children the appropriate attention. 'As the twig is bent so shall the tree grow'.

He aroha whāea, he pōtiki piripoho:

- Implies that appropriate parenting and nurturing of children is critical;
- Means that failure to raise children appropriately could lead to embarrassment and conflict.

He kōrero i te ata, he kōrero i te ahiahi

This expression relates to indecision or vacillation, the inconstancy rather than something that is certain. The expression refers to the situation where a person says one thing in the morning but another thing in the afternoon, creating the difficulty of deciding which statement to act on. Thus one should be decisive with reason.

He kōrero i te ata, he kōrero i te ahiahi:

- Means that indecision in most situations results in insecurity;
- Can cause mistrust and retards progress.

He kōtuku kai whakaata

Māori chose elements from the environment to reflect the proper behaviour that is expected of people and to teach manners to children. The expression, 'he kōtuku kai whakaata' uses the kōtuku as an example of how someone should eat carefully, without dirtying him or herself. The kōtuku has a very deliberate, aristocratic and noble way of eating. In traditional times Māori would only use three fingers to eat with. They picked up a small amount and put it in their mouths and ate it carefully and quietly. Māori also borrowed from the kōtuku in the way it walks and moves.[284]

[284] See 'he pārera apu paru' below for the negative example that was used to teach children

He kōtuku kai whakaata implies that:

- Appropriate parenting and nurturing of children is critical;
- Clean and deliberate eating is important for good health;
- Eating without chatter is the development of self discipline;
- Implies that failure to raise children appropriately could lead to embarrassment and conflict.

He moana kē ta matawhānui, he moana kē ta matawhāiti

The import in this whakataukī is 'instil in individuals the idea of being prepared, of being in a state of readiness all the time for contingencies'. This expression looks at the way in which people strategise and plan their daily lives. If it is done in a collective way, the tendency will be to look towards the future of the group. If you are insular, you are matawhāiti and look to yourselves only, limiting your horizons so you remain stagnant. Matawhānui relates to being visionary and looking beyond the immediate environs to other cues and symbols that will give signposts towards the wealth and welfare of the people.

He moana kē ta matawhānui, he moana kē ta matawhāiti:

- Emphasises the importance of planning;
- Is a reminder that life options must not be left to chance;
- Reminds people that planning as a group is important;
- Warns that failure to plan could prove embarrassing and may cause conflict.

He pai kai e kore e roa te tirohanga

Literally this means 'well prepared food will not last long'. The implication is that food should be prepared properly so that manuhiri and your own family do not suffer as a consequence. The message is take time to do things properly for your manuhiri.

He pai kai e kore e roa te tirohanga ensures that:

- A good turn given to others will build lifelong friends;
- Proper preparation will reap its rewards in that manuhiri will 'kei takahia a Tahu';
- Failure on your part could be offensive.

He pai tangata e roa te tirohanga

This whakataukī means 'one looks long at a handsome or beautiful person'. The implication in traditional times was that people should take time to groom themselves because it helped to project a positive image to other people about the pride a tribe or whānau has about itself.

A subtler aspect to the whakataukī is that 'pai tangata' refers to a person who has the characteristics of a marae,[285] a person with a marae ngākau[286]. The person with a beautiful

[285] See 'kia marae' below for an example of the characteristics of a marae

and generous nature will also enjoy the attention that is given to a physically handsome person. 'Tirohanga' refers to the observance of the very desirable characteristics of this person.

He pai tangata e roa te tirohanga:

- Relates to acts of kindness to others to develop lasting friendships and reciprocal kindness;
- Relates to the saying, 'kindness begats kindness, violence begats violence';
- Can cause offence, anger and violence.

He pārera apu paru

When choosing a positive exemplar, Māori also chose a negative example in order to draw a contrast between one and the other. The pārera has dirty eating habits. They tend to float around on the water for a while and then when they start feeding they raise their bums up in the air and dip their heads down in the mud. In the shallow waters they throw their beaks around in the mud so that all the debris fly out. Because they are very messy eaters, pārera spend a long time trying to clean themselves afterwards.[287]

He pārera apu paru:

- Contrasts markedly with the previous item;
- Shows clearly that like the pārera, some humans do eat in a similar fashion;
- Such behaviour can cause embarrassment and anger.

He pōtiki whatiwhati toki

Like the tahā, the toki was a very important implement as it was used to cut down trees and chop or shape wood. If children played with the toki and then broke the handle, the effect on the family group could be either minor or catastrophic, but effectively a whole host of events could be delayed. In similar vein to 'he tamariki wāwāhi tahā', even though a child's behaviour created a dilemma, it could be blamed upon the omissions of the parents.[288]

He pōtiki whatiwhati toki:

- Implies that appropriate parenting and nurturing of children is critical;
- Means that failure to raise children appropriately could lead to embarrassment and conflict.

He rake toetoe

When the wind blows, the toetoe sways with the wind. In traditional times many women in their 40s had gone grey and those in their 50s and 60s had gone white. These kuia held

[286] See 'ngākau marae' below

[287] See 'he kōtuku kai whakaata' above for the positive example that was used to teach children

[288] See Case Studies 4, 7 and 8 for an illustration of how children do not necessarily understand the consequences of their actions and the resulting effect it has on their whānau

a special position in the community, hapū and iwi. Metaphorically they are seen as groups of toetoe blowing in the wind, because when there is activity on the marae you see the kuia moving about just like the toetoe. 'He rake toetoe' was used in a deferring and honorific way. Māori used the imagery of the toetoe in respect of kuia to evoke within the individual the sense of recognition and respect these kuia deserved. When someone said, "kia mahara ki te rake toetoe," it was intended that people take note of the fact that a person was of the rake toetoe group and that they should be accorded a certain sort of reverence.[289]

He rake toetoe:

- Recognises the important roles and responsibilities of the kuia in the whānau as role models;
- Recognises the dignity and qualities of the kuia and their important role in the protocols of the marae, their status as leaders, repositories of knowledge;
- Implies that failure to acknowledge these attributes will cause embarrassment and anger.

He tamariki wāwāhi tahā

Tahā were very important utensils in traditional times. They were containers, which were used for boiling water, storing food for long periods of time and carrying food and water generally. Their importance was attached to the fact that it took some art in growing them.

The whakataukī, 'he tamariki wāwāhi tahā' expresses the idea that children did not necessarily know the value of the tahā to the community. In their ignorance, they would kick them around not considering what impact their actions would have on the community. It is a metaphorical way of saying children often do things without thinking because they are young. It is not a derogatory expression but rather a way of reminding the parents to teach their children to respect not only their own property but also other people's property.

He tamariki wāwāhi tahā focuses on the parents in relation to young people and their behaviour. From this comes the expression, 'he tangi tō te tamariki, he whakamā tō te pakeke – Children can shed tears but the embarrassment is the parents'. The expression has negative and positive implications because there is recognition that children in their ignorance will do things, which can affect a community, but the real issue is the way the parents raise or rear the children and whether they have been taught the appropriate values.[290]

This whakataukī expounds the same values as 'he pōtiki whatiwhati toki'.

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[289] See 'rei puta' and 'taringa huruhuru' below for a further illustration of the respect kaumātua demanded

[290] See Case Studies 4, 7 and 8 for an illustration of how children do not necessarily understand the consequences of their actions and the resulting effect it has on their whānau

He tamariki wāwāhi tahā:

- Is a reminder to parents to expose or teach their children to respect and care for their own and other people's property;
- Involves self discipline as part of the parenting or child-rearing process;
- Means children will do childish things which are contrary to normal behaviour and they need guidance;
- Can cause embarrassment, ill feeling and conflict.

Houhou rongo

Houhou rongo is the capacity to bring about a peaceful settlement over a conflict or an issue. The aim is to satisfy the majority. A person is considered to possess a very important skill if he or she is able to draw opinions of both parties together to come to an agreement. Therefore that person must have people skills and a great understanding of the issues and of their culture.[291]

Hūmārie

Hūmārie is the human nature, which is accommodating to all sorts of people and all sorts of situations. Accommodating in the sense that rather than react in a very violent and active way, one will tend to, not necessarily take it on the chin, but will act in a way which is becoming of the gentleperson. This is not to be read as a weakness but rather that the person has control of his or her feelings and emotions and by that very nature will often assist in settling disputes and bringing about resolutions much more quickly than someone with a more volatile nature. This is a person of a rather peaceful disposition but there will be situations outside of the general context in that if hūmārie people are goaded enough they will forsake their peaceful disposition. Generally though, the expectation of hūmārie people is that they have such a way or manner that enables others to work with them.

Hūmārie:

- Attributes are dignity, generosity, self discipline, peace and tranquillity;
- People often serve as good mediators in disputes and are more likely to bring about a resolution;
- Implies that the absence of a combination of these traits could prove embarrassing and can cause conflict.

Kaikaiwaiū

Kaikaiwaiū is where a person's loyalty is being torn between two sides. An example of this is when a man from Ngāti Pikiao married someone from Tūhoe. Ngāti Pikiao arrived in Tūhoe to battle with the hapū their whanaunga had married into and when they called out to him "hoki mai" his answer was, "ko ahau te whare o te mate", meaning "I am unable to

[291] See Case Study 1 for an example of how a kaumātua brought about a peaceful settlement

join you for I am now a member of the group that you wish to kill." In other words "I choose to stay with my wife's people." (This is a free interpretation)

As a result the two groups called a truce and discussed the kaikaiwaiū he was being influenced by. Here was a 'taha rua', he was being torn between both sides and how best to deal with the situation. He was nurtured in Ngāti Pikiao, but his 'waiū', his children were being nurtured in Tūhoe. So the casualties would have been the children and their 'taha rua'.

Kaikaiwaiū:

- Is about whakapapa and kin group;
- Is about recognising your obligations and responsibilities and maintaining a balance;
- Implies that loyalty to kin and friends is critical;
- Failure to keep faith could result in embarrassment, hate and anger.

Kaioraora

Kaioraora are compositions that use invectives. The intent of a kaioraora is to insult a wider group of people, for example, one hapū insulting another hapū. It is common to use historical events in kaioraora to create the worst hurt possible.

Generally kaioraora will refer to what the tīpuna of the group communicating the kaioraora did to the recipient group's tīpuna. An example of this is one group saying, "we ripped your guts out." Another example of kaioraora is someone saying to another, "ko koutou ngā uri o ngā pihikete – you are the descendants of biscuits." This is a subtle reference to the fact that this person's tipuna was born as a result of the interaction between Māori kuia and the sailors. It is a reference to the prostitution that occurred during first contact when these sailors gave the kuia some biscuits and then a new generation transpired as a result.

The reaction from the recipients of a kaioraora is to then look through the communicating group's debits and return a like composition.

Kaioraora:

- Are insulting and derogatory challenges between groups;
- Requires people to know their history and whakapapa;
- Is a war of minds between hapū;
- Could result in embarrassment, anger and violence.

Kaipaoe

Kaipaoe in a narrow sense refers to someone who is generally incapable of hard, sustained concentrated work, especially agriculture. The person who is not given to hard work tends to walk amongst relatives outside the immediate family group and prey on their goodwill to obtain a kete of potatoes. It is similar to neighbours who knock at your door and ask

whether you have any sugar or other foodstuffs on a regular basis. Thus a kaipaoe is someone who poaches food from someone else.[292]

In a much wider context, kaipaoe refers to people who have married into or lived amongst other tribes and then borrowed their traditions or expressions at the expense of their own and then used them for 'whakamanamana' purposes. When they return home and begin speaking with some apparent authority, the home people will refer to them as kaipaoe. It is good to earn a reputation as an orator, a historian, or a repository of the culture but if that reputation is earned by living away from home, the expression 'he kūkū ki te kāinga, he kākā ki te haere – like the quiet wood pigeon at home, but a noisy kākā when abroad' is used. The kākā is a noisy bird, while the kūkū is a fairly quiet bird. This expression expounds that you can not be heard at home but abroad you seem to hear a lot of things about this person, like "I wonder where he got this material from?"

Hence people are expected to return home and be amongst their own. It is a way of reminding people of their obligations, where they actually belong and that they should be concentrating on their own historical and tribal background. People who have been taught on their own marae amongst their own people will stand much more comfortably amongst their own people than someone who has borrowed from outside and then tried to relate it back to their home situation.

Kaipaoe:

- Describes people who are regarded as lazy and unwilling to live from their own hard work and effort. Rather they are likely to live on their wits;
- Rely on the goodwill of others for survival;
- Are likely to borrow and use other iwi traditions;
- Behaviour can be an embarrassment to whānau;
- Are nuisances and may cause conflict.

Kanga

A kanga is a curse, which can affect several generations of a whānau or hapū. Kanga can be silently applied through 'mākutu' or it can be verbalised. A tohunga can remove a kanga by looking back in the family history to see how this situation has been dealt with previously.[293]

An example of a kanga being applied was during a battle at Ngātapa. The Waikirikiri people from Hamua were chasing Te Kooti. Someone took a shot at him and the bullet hit his belt. Te Kooti cursed the man and the subsequent result of the kanga was that the

[292] See Case Study 3 for how the offender could have been viewed as a kaipaoe when he left his community and went to live in another related community

[293] See Case Study 7 for an example of when a person may have had a kanga directed at them

members of the man's family either committed suicide or shot each other. This continued until recently when the family conducted a karakia to terminate the kanga.[294]

Kanga:

- Is an insulting and derogatory trait;
- Could result in anger and violence.

Kanohi kitea

Kanohi kitea is related to 'te matemate-a-one'. The major difference is that 'te matemate-a-one' is a feeling generated from within the individual. Kanohi kitea is a compulsion generated by the expectations of the kin and in some instances the social group. The term connotes obligations on the individual to be present during important life crises, for example tangihanga and marriage and to participate in activities that fall into that category under the colloquialism, "many hands make light work". However it does not necessarily confine itself to those situations. Often one's presence at an event will suffice to fulfil the obligation of having a family or tribal representative present. The onus is on the individual to accept and sustain the cultural demands that your presence lightens the work. It shows you care, and it shows that you are prepared to share the bad times as well as the good times.[295]

Kanohi kitea:

- Requires people to take action to determine their own destiny;
- Is the group influence on identity and kinship obligations;
- Reflects the importance of maintaining kinship links;
- Means one must be able to deal with the criticisms if they do not present themselves at home;
- Could cause anger, frustration and violence.

Karawhiu

Karawhiu is a physical act. It involves a person taking a proactive course of negative action, whether it is to admonish someone, kill someone off or arouse someone.

Karawhiu:

- Is insulting and derogatory;
- Could result in anger and violence.

Kawa

Kawa determines the rules that apply to the marae and provides guidelines on how to behave and act there. Kawa is based on each tribe's values, beliefs, customs and traditions. Therefore kawa cannot be referred to in a general manner. An example of the significance

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[294] See the related 'tiro mākutu' and 'mākutu' below

[295] Case studies 2 and 7 are good examples of where kanohi kitea would be expected

of kawa can be seen in the welcoming of manuhiri onto the marae. It is the kawa of the tangata whenua which determines the process that will take place during the pōwhiri. Kawa differs from marae to marae, and it is impossible to learn all the variations. It is desirable to become familiar with the practices which apply in your local area.

Kawe kōrero

Kawe kōrero is also associated with 'ngau tuarā' in the sense of telling tales and spreading gossip and rumours. Kawe kōrero is illustrated in the whakataukī, 'Tangaroa piri whare'. It relates to the tide, which ebbs and flows. During high tide the tide comes right in to shore, then there is a period of silence as the tide waits to turn and ebb. Essentially it is likened to kawe kōrero individuals who go from one house to another and then back to the first house. During this process people come in to the first house like the tide, to listen and talk. When they leave they make a noise in the same way the tide does when it breaks away by talking to someone in another house. They then return to the first house with conversation from the second house.

Kawe kōrero:

- Is closely linked to disparaging and mean remarks about others;
- Is a prime cause of much dispute and conflict.

Kei eketia koe e te ope a Hiakai

Hiakai is a metaphor for people, visitors and strangers that may be hungry. While the whakataukī refers to the food situation, its wider application is 'be prepared'. In other words do not let yourself be caught by hoards of hungry people dropping in for a visit requiring you to be hospitable to them. If you are not prepared and you get caught, you will be 'whakamā'. An example of this is seen in the following story:

A rangatira, Paua, had a roving eye, which made him look at another woman. He took up residence with her, forsaking his first wife. One day he received a group of visitors and he decided that he would send his manumuri (his second wife) to the home of his first wife to request some food. When the manumuri went over to the first wife, she said 'no, go find your own food'. Of course that embarrassed him so much he inflicted his own punishment on himself by leaving his hapū. He pretended he was not a rangatira but a 'taurekareka' or tutua, because he did not want people to recognise him or know who he was. People found out who he was though because he acted differently on certain occasions and they felt that this was not someone who was a plebeian or lowborn, but someone who came from a line of rangatira.

Kei eketia koe e te ope a Hiakai:

- Reminds people about the virtue of saving and putting food aside to deal with the unexpected visitor;
- Is similar to the scout motto of *be prepared;*
- Warns that failure to save could prove embarrassing and may cause conflict.

Kei takahia a Tahu

Food played a very important role in all aspects of traditional society. Tahu denotes the cooking fires, as well as food in its raw state. Tangata whenua often take great pride in preparing and presenting delicacies specific to their area for example kererū, mussels, pāua and kina.

Manuhiri are expected not to show by facial expressions or body language that they do not like that food, because the tangata whenua had displayed 'kia marae'. They had gone to great lengths to obtain and prepare those delicacies and tried to accommodate the manuhiri in the most generous and hospitable way that they were able.

Showing that something was wrong with the food through body language and facial expression could evoke strong reactions. Some might say that person was 'whakahīhī'. People have to take care not to trample on the character of Tahu, which means take care not to trample on the character of food. Even though the food is their speciality, trampling on the character of food is an indication that the tangata whenua do not know how to look after their manuhiri, yet that is their speciality.

The implications of 'kei takahia a Tahu' are that:

- Kindness to others is a virtue to be nurtured;
- Kindness receives kindness;
- One should also be thankful for whatever is given and not be critical;
- Criticism can cause offence which is an illustration of takahi mana and whakahīhī;
- Meaness can also cause anger and violence.

Kia marae

The functions of the marae can be listed in the following manner. It serves as a:

- place for karakia;
- cultural library where Māori can read their history;
- tribal icon;
- nest for the young;
- learning institution;
- place to allow manuhiri to enjoy generosity and hospitality; and a
- place which maintains and sustains cultural imperatives.

If someone was to say 'kia marae' to another person, one would expect that person to act and serve in the same way as the marae functions with a strong emphasis on the dispensing of generosity and hospitality. One expects that person to do those things that a marae does anyway but in one's individual life, not in one's collective life.

Kia marae:

- Expresses the importance of hospitality and generosity;
- Involves knowledge of whakapapa and how to make kinship links to manuhiri;
- Requires tangata whenua to respect the mana and tapu of manuhiri;
- Relates to the understanding of marae protocol;
- Can cause offence and conflict.

Kia tau te rangimārie

This relates to a person who is able to control the aggression or is able to sustain a peaceful environment within a debating forum. It is the respect for other people's views and the understanding that a difference of opinion can exist without taking an aggressive approach. Some people can get defensive about the position they take on a matter. They will not give way as they feel that their position is the only position.[296]

Meetings are usually filled with tensions because people are not respecting other people's views, and they do not understand that we can co-exist with different views within a society. The phrase, 'kia tau te rangimārie, kia maranga kei te tiro i ngā taumata ō tātau mātua – let peace be upon us, look up to the lofty deeds (heights) and accomplishments of our ancestors as a beacon to guide us forward' can be used in this setting. You look for guidance from the teachings of our ancestors. Let reason prevail.

Saying 'kia tau te rangimārie' means that you anticipate the difficulties that are going to be faced in the discussion. It means that it is better to think rationally about the issue rather than irrationally and emotionally in order to address the issue properly. This can apply to an individual or to a group.

Kiriweti and Harawene

Kiriweti and harawene are envy and jealousy that human nature is often subject to. An example of this in English literature is:

"To be or not to be that is the question. Whether 'tis nobler in the mind to suffer the slings and arrows of outrageous fortune, or to take arms against a sea of troubles, and by opposing end them. To die: to sleep no more and by a sleep to say we end the heartache and the thousand natural shocks that flesh is heir to, 'tis a consummation."[297]

Envy and jealously were accepted as weaknesses but not encouraged in an individual. How someone entered into a situation governed the way in which a person reacted towards others.

Kiriweti and Harawene:

- Imply that jealousy, envy and often hate can be the cause of many conflicts.

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[296] See Case Study 1 for an example of how a kaumātua maintained a peaceful environment within a debating forum

[297] Hamlet Act III Scene I

Ko tāu rourou

Like 'ahakoa he iti na te aroha' this implies that an offering of food will suffice to feed the multitudes. If it is offered with some other gift then it helps to generate a sense of wealth for the tribal group. Essentially, co-operation tends to bring about conclusions, and co–operation can ease the burden on individuals and individual families. 'Ko tāu rourou, ko taku rourou (ka ora te manuhiri. Ka ora tātou) – your food basket and my food basket will feed the visitors.' This whakataukī encourages people to help one another and that co–operation is better than conflict.[298]

Ko tāu rourou implies that:

- Many hands make light work;
- Co-operation is better than conflict.

Kohete riri

Kohete riri is to scold, tell off or admonish someone.

Kohete riri:

- Is insulting, abusive and harassment;
- Could result in loss of self esteem, confidence and low morale;
- Can cause hate, violence and suicide.

Kohukohu

Kohukohu is a verbal assault of another usually with a number of expletives.

Kohukohu:

- Intent is to insult and to abuse;
- Could result in anger and violence.

Kotete

Kotete refers to an adult using their seniority and power to dominate and take advantage of that child. It is an abuse of their power to interfere with or dominate the child. Kotete is both the act and the person who commits that act. It is sometimes recognised as a weakness in the character of a person and may involve treatment through a community church service or a visit to a tohunga. Both the victim and the perpetrator are dealt with together as a means of arriving at the rebuilding of self-esteem and confidence. Kotete may also be a case of an elderly person taking a much younger person as a spouse, in which case it is the considerable age difference which becomes the issue for the community concerned.

Kotete:

- Is abuse and domination;
- Traits are taking advantage and bullying;
- Could result in embarrassment, hurt and anger.

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[298] See generally the Utu chapter

Kutukutu ahi

Kutukutu ahi is where a person continues to criticise and censure another for no particular reason. Kutukutu ahi is not so demeaning as 'kohete riri' but can be trying and may result in loss of self-esteem, confidence and low morale.

Sometimes kutukutu ahi is when someone enters into a delirious state and begins to nanu or utter meaningless garble. This is recognised as a sign that the person is possessed of a demonic or benign influence and to be treated with karakia. That person will either react or respond to the karakia with violent possessed behaviour or will simply 'slide' out of the kutukutu ahi if benign wairua are identified. Kutukutu ahi is generally associated with kukua or the state of being possessed or 'visited'.

Kutukutu ahi:

- Is insulting, abusive and harassment;
- Could result in loss of self esteem, confidence and low morale;
- Can cause hate, violence and suicide;
- May cause rage, violence.

Mā roto rā e kata

This expression reflects the attitude that you do not publicly show your joy at achieving something. The expectation is that you wait until you are at home amongst your own people and then you celebrate. You can quietly enjoy your moment of triumph, as part and parcel of the activities but you do not give expression to it there and then with outlandish behaviour. 'Mā roto ra e kata' is part of the 'whakaiti' concept in that if you show that you are happy people will tend to think of you as arrogant. So to avoid the arrogant label, you contain your joy until the appropriate time when you then allow yourself the luxury of saying 'we did it, we have triumphed, all our hard work has paid off.'

Mā roto rā e kata:

- Reminds people to reserve their joy of their achievements for the privacy of their family;
- Means to make a public show of your attainments may cause jealousy and hate.

Mākutu

Mākutu is the consequence of an action taken by an adept to cast a spell or bewitch a person by means of incantations or karakia. Its purpose is to weaken the human triad of body, mind and soul. It can be reflected to strike the bewitcher, but that requires mana and skill. It can be fatal or cause a person to 'waste away'.

Manaaki

Manaaki relates to providing hospitality and being generous in caring for others.

Manaaki:

- Is a challenge and reminder to always host visitors appropriately;
- Signifies that giving your best is important;
- Implies that failure to host could result in embarrassment.

Manaakitanga

Manaakitanga, literally translated, is to care for a person's mana. Manaakitanga means to care for a person's well being in a holistic sense – that is physically, mentally and psychologically. It is a concept that extends beyond the bounds of the family and involves all people. It is one of the main factors in judging a person's status as a leader or one possessing mana, and that is by their generosity in taking care of others.

On the marae it is often claimed that it is not what has been said that matters, but how the people have been looked after. That is the essence of manaakitanga.[299]

The respect given to the elders is also an expression of manaakitanga. For it is the elders who are responsible for the manaakitanga (care) of the entire group, based on their knowledge, life experience and wisdom.

Manawa wera

Manawa wera can have the same effect as a 'kaioraora', however tribal members can also apply the manawa wera to their own tribal members. An example is when the women of a hapū admonished a war party for not returning with their husbands and sons. Manawa wera also has the effect of releasing pent up feelings of anger, shame and sorrow for those who perform such tikanga.[300]

Manawa wera:

- Are insulting and derogatory challenges;
- Could result in hate, hurt, anger and violence especially when other tribal groups are involved.

Manawanui

In some ways manawanui relates to 'hūmārie'. The difference is manawanui relates to when an individual or a group is very patient or will persist in whatever endeavour they are involved in. The English expression "patience is a virtue" is what manawanui would express.

The other meaning of manawanui is to persist. In persisting, the following whakataukī is useful, 'kaua mā te waewae tūtuki engari mā te upoko pakaru - don't be turned back by your foot stumbling into a rock, but persist until you've busted your head'.

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[299] See Case Study 7 for an illustration of manaakitanga

[300] See Case Study 3 for an example of when a manawa wera might be used

The expression means 'if you fail, try, try, try again'. 'Upoko pakaru' is synonymous with the persistent element of manawanui.

There is a slight difference between patience and persistence though. Patience is when you take things carefully, persistence is when you are either careful or careless but you persist or try and maintain the path that you have chosen.

Manawanui:

- Is having the tenacity to complete tasks;
- Is also about patience and self discipline.

Matapiko

Matapiko can be expressed through the whakataukī, 'tū ana raeroa, noho ana raepoto – there stands long brow, here sits short brow'. Interpreting this in the matapiko sense is achieved through the following scenario.

Hine is at a table eating when Tama walks in. Rather than inviting him to share the food, Hine only gives him a very cursory glance and continues eating, leaving him to stand there. While she continues eating her head is down. Tama would be raeroa because you can see the full extent of his forehead. Hine on the other hand would be raepoto. She does not want to look up into his eyes because then she will have to share her food so she keeps her eyes downcast and concentrates on her food. As a result Tama cannot see the full extent of her forehead.

Relating this back to matapiko, her face is piko, or downcast. She will not look directly at Tama because she is afraid that she might be forced to share and that is matapiko.

Being matapiko can also cause 'whakamā' for either Tama or Hine. If another person was present and they said to Hine 'oh you should share your kai with Tama', Hine may become whakamā by implication, but Tama could also become whakamā if he was of such a nature that he did not want that to happen. The expectation is that when people come in you should be prepared to offer them something even if you have to get up and make it or share what is on your plate.

Matapiko:

- Signifies greed and stinginess;
- Is a reminder to host manuhiri in an appropriate manner;
- Implies that to ignore others or manuhiri is offensive.

Mauāhara

Mauāhara is bearing a grudge. Te Kooti borrowed Pinepine Te Kura from another tribe and rearranged the words at the end of the song to say, 'ko te mauāhara whakarere atu ēnā mahi kinoi i te iwi e - Bearing a grudge, malice and ill will towards your fellow human beings'. Te Kooti used mauāhara in this context to preach the basic human values,

not necessarily Christian values, to set aside and not bear ill will and malice towards fellow beings.

Mauāhara implies that:

- Bearing grudges retards progress;
- Harbouring ill feeling towards others can be destructive and is likely to cause conflicts.

Maunga ā rongo

Maunga ā rongo means good news, faith, spreading of the faith, the teachings, to all. It is the conveyance of good news. Faith, hope and charity are all contained in this message, less violence and more positiveness. It is often expressed by many people as a preliminary to speeches of welcome, eg, "He honore, he kororia, he maunga-ā-rongo ki runga ki te whenua, he whakaaro pai ki ngā tāngata kātoa". In this context it is an expression of 'peace and goodwill' and as such, serves to lessen tensions and to set a more conducive context within which to conduct matters of contention.

Me Ohu

Me ohu relates to group behaviour and dynamics. It involves working together as a group to make it easier for people to fulfil their physical, spiritual and emotional needs. Me ohu was a reaffirmation of family ties and therefore a signature of solidarity.

In rural areas, whānau would help each other with the workload. If a plot failed, other whānau would contribute to helping the affected whānau. Working together on projects was more effective than working individually or in small groups. It also allowed kin to get to know each other in the process. They learnt that they could rely on each other during times of adversity and crisis. They also had an obligation to help each other out should the need arise. Other groups could benefit from the whānau working together as a group. When kai is harvested it is distributed not only amongst the whānau but also to other groups within that community.

Me ohu governs the way people behave and work together as a group. It is easier to initiate ohu when there are blood relationships as opposed to relationships that are based on common goals and objectives because of the accountability mechanisms and obligations which exist within kin groups.

Me Ohu:

- Expands on the expression, 'many hands make light work';
- Provides opportunities for quality time together;
- Helps with the bonding process;
- Gives time for quality kōrero on a range of issues;
- Implies that a community that fails to help others breeds suspicion and hate.

Mihi

Mihi means to praise. There are many positive connotations attached to this phrase. You can mihi someone and you can 'whakarangatira' someone. Your praise expresses gratitude. There is warmth, love and affection in it. Other cultures have a particular way of doing this. You are focusing on the positive aspect of this work, which is giving recognition and acknowledgement where it is due.

Nanakia

The meaning attributed to nanakia depends on the context it is used in. It is similar to 'taurekareka' when it refers to a mischievous person. However, saying 'tēnā nanakia' can refer to a person in a positive way, when they are fortunate or lucky. Nanakia does not have such a demeaning effect as it used to have and as a consequence is used to report on someone or to describe a person without the accompanying malice that used to be.

Nanakia:

- Is a trait that describes someone as able, skilled and lucky;
- Can be negative in describing someone as shrewd and devious;
- Actions that are devious can cause conflicts.

Ngākau

Ngākau describes people who are generous of spirit. These are people who would set aside some of their crops for distribution amongst the community.

Ngākau māhaki

Ngākau māhaki describes someone with humility and an open heart. When you meet someone with ngākau māhaki you find they have a nice 'wairua' about them, which is open, warm and friendly. This is associated with people who are regarded as exemplars and convey noble and aristocratic behaviour to be emulated by everyone who is part of the community of whānau group. It is an ideal to be aspired to and reflects the generous spirit that individuals ought to exhibit to sustain and maintain the mana of the group.

Ngākau marae

People who have this type of character are highly regarded because they epitomise generosity, charitableness, humaneness and magnanimity. The person reflects the very role that a marae serves when it is used for a particular function in that it dispenses hospitality and must in that role and service represent all the sets of values that a whānau, hapū or iwi hold sacrosanct or imperative.

Ngākau marae:

- Is a highly regarded characteristic;
- Is generally displayed by women but can be attributed to men;
- Is one of the most positive aspects of Māori regard children encouraged to emulate exemplars.

Ngākau ora

The expression, ngākau ora is given to a person who is ready or willing to accept tasks and deal with them. This is someone who is capable of achieving these tasks and who exhibits a positive approach to life. They have the ability to empower others, to shine on others and cause others to shine.

Ngau tuarā

Ngau tuarā is associated with 'te maka kōrero' but 'maka kōrero' tends to be very direct. Ngau tuarā is more malicious because it involves talking behind someone's back about them. Ngau tuarā may arise out of 'kiriweti' and consequently has a negative effect on relationships. 'Tangaroa piri whare' is a metaphorical expression alluding to the constant movement back and forth like the tides, of certain persons between houses creating or carrying and spreading malicious rumour. It may signify disloyalty to whānau and friends. Long time alliances must be sustained and maintained. It is insurance for unforeseen and possibly detrimental circumstances that may arise where the maligned is or are in the best position to help. Ngau tuarā is an evil to be avoided as much as possible.

Ngau tuarā:

- Is closely linked to disparaging and mean remarks about others;
- Is a prime cause of much dispute and conflict.

Ngutungutu

Ngutungutu is synonymous with 'ngau tuarā'. There are a number of meanings of ngutungutu. One instance is where a ngutungutu is given to scolding others. Kuia are sometimes referred to as 'wahine ngutungutu'. However they are an accepted part of the community because they scold people for something that they are not happy with. In every community there were fairly strict people who tried to maintain standards and it was 'wahine ngutungutu' that often set the standards and maintained them. There were exceptions though where people fell outside the accepted norm, and simply enjoyed growling for the sake of growling.

Ngutunugtu:

- Is closely linked to disparaging and mean remarks about others;
- Is a prime cause of much dispute and conflict.

Nihoniho

Nihoniho describes an irritable or short-tempered person. It is a negative term and is often spoken of in rather disapproving terms. It is not an attitude that one would wish to cultivate especially with children who assume the same behavioural patterns that are exemplified by older ones. It can also be a positive characteristic in that a person of this temperament can be a means to effecting the earlier completion of tasks by tardy or dilatory people.

Nihoniho:

- Is destructive of human relations and can cause conflict.

Oriori

An oriori is an educational tool for children. A lullaby is chanted to a child to explain their whakapapa, certain events in the history of their hapū and the expectations of them when they grow up.[301]

Oriori:

- Is a challenge to provide proper nurturing;
- Conveys the values of care, respect and affection as important;
- Connotes the importance of knowing whakapapa and kinship links;
- Failure could result in embarrassment and scorn.

Pai mārire

Tainui use it in their church, 'rire, rire, pai mārire', which literally says "good indeed". In other words pai mārire can mean peace and goodwill. Mostly used in a religious context, it has a strong persuasive effect on behaviour and beliefs or people in their relationships with others. The divine influence is sought in religious services in the supplicatory manner using the words pai mārire. Pai mārire has a positive and often compelling effect on groups and individuals. Pō mārie and ata mārie are derivatives of this expression and like pai mārire are given in salutation, courtesy, civility and graceful gesture or expression.

This is generally regarded as the Gospel. It is sometimes used to mean the Bible and in another context it is good tidings and good news.

Patu, pātuki, papaki, kōhuru

Patu and pātuki is to strike. Patu is also a noun. It is the actual instrument for striking.
Papaki is to slap.
Kōhuru is the deliberate act of assault to cause death.

Patu, pātuki, papaki, kōhuru:

- Are physical attacks resulting in assault;
- Can cause retaliation in anger and violence.

Piripoho and Piripāua

These terms are often given to young siblings who are indulged by the parents, and older members of the whānau. It is about young children in particular, who remain attached, physically and emotionally to the parents (piripāua) or mother (piripoho) for security. It implies a child's strong sense of trust in and love for the mother or parents.

[301] See the Māori Social Structures, and the Mana and Tapu chapters for examples of oriori

The children tend to be slow developers but usually assume very strong family values. These types of children generally benefit from being with the parents longer than other siblings because they are given more "family information" which is often advantageous later in life. The whānau role is to assist in the socialisation of such children, sometimes called pekepoho.

Piripoho and piripāua:

- Are about whakapapa and kin group;
- Are about nurturing and good parenting and maintaining a balance;
- Reflects a child's strong trust in parents.

Poipoi

Poipoi involves inculcating values into a child from conception through the use of terms of endearment, warmth and affection. The parents are responsible for shaping the child's spirit and mind in a positive way. Poipoi is an enduring value, which operates between the parents and kin of a child. The extended family must take part of the responsibility because they have the responsibility to maintain the values of the family group.

Poipoi:

- Is a challenge to provide good parenting;
- Conveys the values of care, respect and affection as important;
- Means that the proper care of children by the extended family has an enduring effect;
- Failure could result in embarrassment and a dysfunctional whānau.

Pōkeka and Pōhuatau

A pōkeka has similar wording to a 'kaioraora' but the rhythm is different. Further, the pōkeka can be a challenge to people depending on the words. Can contain 'hahani', 'tāwai', 'whakahāwea', 'whakawhiu' and 'kanga'. While it can have the effect of modifying behaviour for the better, generally it only generated ill will and anger and often attempts to seek recompense for the injury ended in violence. Compositions of like nature were performed in reply and were often of a more virulent and spiteful nature. Relationships were generally strained and tense.

Pōkeka:

- Is an insulting and derogatory challenge;
- Could result in embarrassment and anger.

Pono

Pono is to have faith and trust. Kia pono expresses the ideal optimum that an individual should cherish in being true to family and tribal values. It is an imperative and a criterion, which establishes a principal person or group, and the basis upon which a negotiating group can place its trust in the other party.

Poupou

It means someone who is a leader. This is usually someone who is of a lesser rank than the 'pou tokomanawa'. For example, an ariki may be the pou tokomanawa while the rangatira would be referred to as the poupou.[302]

Pou tokomanawa

Pou tokomanawa means that a person is considered to be like a pillar. The connotation is if you take away the central pillar in a meeting house, which holds up the tāhuhu, then it is likely that tāhuhu will eventually collapse along with the rest of the house.

"He mate aukaha" is used to describe the death of a child. In this illustration, the rauawa of the canoe holds the rope and the rope represents the child. If the rope breaks, you can replace it with another rope.

"Takere waka haea" describes the death of a woman, more particularly, a childbearing woman. The expression illustrates that if the canoe is badly damaged, it is rendered useless. The canoe sinks along with the whānau, hapū or iwi on board. There is a whole generation lost because a woman has died. She is the waka tangata or whare tangata.

If a man dies, the expression "te pou tokomanawa o te whare" is used. Once a pou tokomanawa falls, the house falls down. Another pou tokomanawa will stand in his place, otherwise you never have a house.

This is a metaphoric use of the term. The actual pou tokomanawa is the pole that stands in a central position of a whare nui. In this sense the persons referred to in these vignettes is likened to the central pou of a whare.

Puahaehae/Pūhaehae

Pūhaehae is jealousy and envy without the vindictiveness that is evident in 'kiriweti'. There is not necessarily a feeling of illwill directed towards the recipient of the envy. It is basically synonymous with 'kiriweti'; however, it is considered a more tolerable human emotion than 'kiriweti'. Pūhaehae has the potential to become 'kiriweti' if it is not contained and carries with it animosity and inimicality. Envy is the main element of this emotion, and in whānau relationships it can cause breakdown in the homogeneity of the kin group.

Pūhaehae:

- People interaction and communication is important;
- Breeds suspicion and hate.

[302] See generally the Māori Social Structures, and the Mana and Tapu chapters on leadership

Pūrahorua

This is a traitorous or treacherous act where you appear to be serving one side but are in fact acting on behalf of the other side. It is a serious act as it causes strains in whānau relationship. This is about disloyalty to whānau whakapapa. It is enormously undesirable as it affects kin alliances and through conflict, even loss of land.

Pūrahorua:

- Implies that loyalty is important within a whānau and an iwi;
- The absence of loyalty can cause embarrassment and conflict.

Rei puta

This expression is synonymous with 'taringa huruhuru'. Rei puta is a person of wide and vast experience. A person who has been living for a long time and who has gone, and experienced a whole host of things, can be described as a rei puta.

The expression, "rei puta" is derived from those who have raised pigs. As the boar ages, its tusks begin to grow longer. The expression, "long in the tooth," is also used when referring to a person who has lived long and has a lot of experiences.[303]

Rei puta:

- Recognises the important roles and responsibilities of the koroua in the whānau as role models;
- Recognises the dignity and qualities of the kuia and their important role in the protocols of the marae, their status as leaders and repositories of knowledge;
- Implies that failure to acknowledge these attributes will cause embarrassment and anger.

Reo makere and Ngutu makere

Makere means to put down. The best way to explain reo makere is to use a colloquial expression: 'Shoot first, ask questions afterwards'. It is sometimes used to describe someone who cannot keep a secret or the confidence of a friend. 'Loose lips' is the literal translation.

Reo makere:

- Is closely linked to disparaging and mean remarks about others;
- Is a prime cause of much dispute and conflict.

Ringa raupā

The aphorism is 'moea te tangata ringa raupā – marry the man with the callused hands.'

Ringa raupā relates to 'kia marae' in that visitors and whānau will be adequately cared for and catered for. This value focuses on the industriousness of the individual.

[303] See also 'he rake toetoe' above for a further illustration of the respect kuia demanded

An industrious person is one that will serve the community effectively and bring wealth, health and recognition to that community. This was often signified by the size and number of gardens that groups had and how often they would go off on food-foraging expeditions as in the expression, 'ka tere Rauwa, ka tere Pīpīwhakao – when the people of Rauwa move en masse thus do the people of Whakao'. People who are ringa raupā can afford to be generous as they will go out and work hard to get things.

Ringa raupā:

- Recognises the diligence and industriousness of individuals and their ability to complete tasks;
- Relates to the rewards of hard work as reflected in one's ability to offer appropriate hospitality to others;
- Can cause offence if one fails to be industrious.

Rongo-ā-marae and Rongo-ā-whare

Rongo-ā-marae relates to discussion that takes place on the marae ātea. Discussion is strictly between the men as the marae ātea is in the domain of Tūmatauenga, the kāwai tipuna of war.

Rongo-ā-whare is the discussion that takes place inside the house in the domain of Rongomātāne, the kāwai tipuna of peace. Discussion is usually between the women.

There are different approaches to be taken when resolving a dispute, depending on where it is situated. Discussions on a marae ātea were usually more aggressive. It is in the house where the women would discuss the issues that most resolutions took place. The real decisions were made inside the house with the women.

Here, there are aspects of 'houhou rongo' in that the aim is to bring about a peaceful settlement, and there are aspects of 'kia tau te rangimārie' as there is a control of emotions or aggression.[304]

Rongopai

Rongopai is the good tidings, good news. Rongopai also means Bible.

Taituarā

Taituarā is similar to 'manaaki', however, as a taituarā, a person is guaranteeing their support in a particular event or project. By setting yourself up as the taituarā, ie, the backstop or pillar, you are guaranteeing that you will be there to perform or fill the gaps if needed.

[304] See Case Study 1 for an example of how the wharenui was instituted to resolve a dispute

Taituarā:

- Is a challenge to provide appropriate hospitality;
- Means support and reliance to help are important for durable relationships;
- Failure could result in isolation and loss of confidence.

Takahi mana

The negative effect of takahi mana is that an individual or group may deliberately set out to insult, and as a consequence trample on the authority and standing of an individual or group of people. For example:

> *A group was travelling around New Zealand showing the face of their organisation to different marae to sell the organisation and its programmes to Māori communities. They walked on to one marae and the whole pae was full of people. As they got closer, a member of the group, Pita, could see his father sitting on the pae. The group stood, stopped for a moment and Pita's father vacated his seat, left the pae and went and sat on a memorial stone next to the meeting house. Pita did not see this and when the group had finished paying their respects they sat down and the whaikōrero took place.*
>
> *Once the tangata whenua had finished their whaikōrero, another member of the group, Heta, told Pita to stand up and return the whaikōrero. He refused as his father was on the pae and he did not want to or could not takahi his father's mana. Heta then said to Pita "your father has vacated his seat. He is trying to tell you 'Pita you do what is necessary'". Pita realised then that his father could have stayed and held his seat but his father was trying convey to his son 'it is your turn now, I've had my time'. It was a passing over of his mana to his son, so it was a very emotional time.*
>
> *Had Pita's father stayed in his seat though, Pita would have been quite correct in refusing to stand and whaikōrero because if he had got up it would have been a takahi mana. In other words, he would have trampled on his father's status or authority. Traditions are handed down but you also have to read the signs, and in this case the sign was that Pita's father had decided publicly in front of his own people that it was time for his son to give expression to his own leadership qualities. The group could see how strong the takahi mana was working on Pita when he refused to act. He did not disregard his father's authority but when Heta pointed out that his father had vacated his seat and nobody had filled the gap then it was for a good reason. Pita's father must have told the others to leave that seat vacant and Pita had to read into it what the cultural dictates were.*

By following the takahi mana course, there are consequences and debts to pay in the future. It revolves around the whole notion of reciprocity. By engaging in takahi mana, people have to accept it could come back on them. That is an important point about takahi mana: at some later date something of like manner may be visited upon you unless you take the necessary action to prevent that.

Takahi mana:

- Is trampling on the integrity of individuals or groups;
- Is a verbal, physical or emotional assault on others causing hurt or embarrassment;
- Can be reciprocal in nature;
- Causes embarrassment that results in:
  - Deliberate and calculated abuse of a privilege;
  - Violence, low self-esteem, hate and suicide.

Taringa huruhuru

This expression is synonymous with 'rei puta'. As men age, the hair inside their ears grows longer. Again this is an expression that is used to describe someone of wide experience, vast experience. It is an acknowledgement of that person and of their status. Literally, taringa huruhuru means 'hairy-ears', its free interpretation is 'the hairy-eared person is a wise person'.

"Te taringa huruhuru koe, te rei puta koe, ko koe te rei puta, ko koe te taringa huruhuru".

This expression is often thought of as derogatory, but it is actually recognition of that person's status and experience.[305]

Taringa huruhuru:

- Recognises the important roles and responsibilities of the koroua in the whānau as role models;
- Recognises the dignity and qualities of the kuia and their important role in the protocols of the marae, their status as leaders and repositories of knowledge;
- Implies that failure to acknowledge these attributes will cause embarrassment and anger.

Tātā

Tātā is verbal abuse to hurt someone. Derived from the term to cut (tātā) wood, so that when someone wants to be highly critical they will use the most cutting terms towards another person. It is a deliberate and calculated criticism of the actions of a person. It can be public, or it may be private. The public tātā is the most severe because shame and embarrassment will result.

[305] See also 'he rake toetoe' above for a further illustration of the respect kuia demanded

Tātā:

- Is highly insulting and abusive;
- Could result in loss of face, self-confidence, anger and violence.

Tau areare

The narrow use of tau areare refers to those people who rush to the table rather than wait to be invited to take their place at a meal. It is a question of good manners and breeding and people who have been appropriately conditioned and taught will wait.

The tau areare concept is part of being greedy. Everyone operated under a system that expected people not to be covetous or greedy. An effect of calling someone tau areare, is that it ensured that everyone got their fair share in the distribution of food.

On a group level, it is considered good manners for the tangata whenua to wait for the manuhiri to be called to the table first. They let the manuhiri settle down and enjoy their meal and do not disturb them until such a time as they decide to vacate the eating area. Only then will the tangata whenua be seen to participate in a meal. If an individual rushes to the table before others they are censured by being told, "the food won't run away, it will still be there". It's a matter of being able to control one's hunger and waiting until others have had their full.

On a wider scale, tau areare refers to a person who tries to get in ahead of someone else on an issue that needs to be discussed widely before being dealt with. If someone rushes in to gain an advantage, that is a tau areare no matter what the situation is. So generally speaking it is negative and suggests there should be some invitation to you before you act.

Tau areare:

- Is an illustration of lack of proper manners and decorum;
- Usually are attention grabbers;
- Show no concern for others, are disrespectful and exhibit selfishness and greed to kaumātua and manuhiri alike;
- Can cause embarrassment, anger and violence.

Taunu

Taunu is criticism of an individual or whānau in a very disparaging way with the intention of injuring that individual or family. This is achieved by carefully planning and preparing to criticise them in a marae or wharenui situation knowing that they do not have ready recourse in reply or would find it difficult to react or respond appropriately.

Taunu:

- Is hurtful criticism is the goal;
- Is public censure and cornering;
- Could result in embarrassment, hate and violence.

Tauraurau

Tauraurau is a put down word and is used in the context where someone is of no real consequence, that is, an ordinary person.

Tauraurau:

- Is used in reference to an ordinary person who is not of a high born rank;
- Can be used negatively against people and can cause conflicts.

Taurekareka and Hāwini

Taurekareka comes from the term slave, or 'at your pleasure' but in the everyday context has a number of meanings. It is used negatively to mean anything from lay about, scoundrel, or no hoper.[306]

Taurekareka and Hāwini:

- Is a descriptive status given to certain people;
- Refers to a state of being captured and used as a servant.

Tāwai

Tāwai can mean to put someone down in the company of others through the use of sarcastic language. Tāwai can mean to jeer at or to taunt; that is to provoke someone with mockery, contempt or criticism. It is an abusive and insulting behavioural trait. On the other hand, the term can also mean to bribe, beguile or deceive. For example, "Kei mea mai koutou i tāwai ahau i te pāua i te koura rānei" which means, "All of you may well have thought that I was bribed with either the pāua or the crayfish".

Tāwai:

- Is an insulting and abusive trait;
- Could result in loss of self-confidence, anger and violence.

Te matemate-a-one

Te matemate-a-one is expected of members of a kin group at the whānau, hapū and iwi level. It relates to the sense of belonging that becomes a consuming desire to return to your home district to see whānau and friends, and to revivify and reaffirm your whole identity. It also includes experiencing the totality of that environment, that is, your lands, landmarks and all the historical associations. The expectation is that if you have been vested with the capacity to feel in such a way then you are regarded as having been adequately conditioned by your culture. It is the state that one enters into that tells you no matter where you are that you "must" make the effort to visit the environment and the people with whom you shared your upbringing, which is normally your whānau, hapū or

[306] See the Māori Social Structures chapter for another explanation of taurekareka

iwi entities. When one uses the phrase, "na te matemate-a-one" every other member of that group should understand what the import of that expression is.[307]

Matemate-a-one:

- Rekindles and reaffirms one's spiritual identity;
- Is a reclaiming of your soul and your iwi links;
- Fulfils a craving by taking action;
- Prevents people from becoming "lost";
- Could result in anger and violence.

Te matua pou whare

The English equivalent of te matua pou whare is 'there is no place like home'. It is related to 'te matemate-a-one' but the focus is more specifically on the whānau group as such. Pou are the poles that were stuck in the ground to erect a house. Holes in the ground at a specific place would signify that the tīpuna of a certain kin group occupied that place. That had historical and sociological significance in that in due course you will, have and must return to your home district. It is the land, the house and the people that you need to return to. That is the place that will receive you if all else around you fails. In the final analysis home is the place that has to take you in no matter what.[308]

Te matua pou whare:

- Illustrates the importance of keeping family links;
- Endorses the idea that family support is durable and eternal;
- Implies that failure to keep ties could result in loneliness, isolation and a burdensome wairua.

Te puia nui

"He wharetū ki te wā, kai ngā whea – if you isolate yourself, you can be consumed by fire". This expression relates to the notion that if you maintain your whakapapa links and utilise the strength of the collective, in times of adversity you will be supported.

Te puia nui emphasises the role of the whānau in community activities. It is similar to 'me ohu', but it has more emphasis on the whānau. 'Me ohu' gives the idea that sharing tasks will lighten the load, whereas te puia nui demands that you understand the idiosyncrasies of your own whānau group by understanding where the group's weaknesses and strengths are and when to act. This is determined by the way in which you behave towards others. As an individual you are expected to understand the principles of te puia nui by maintaining and sustaining the relationships in a viable way and as a collective you are expected to work towards that.

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[307] See the Whenua chapter generally to appreciate the relationship Māori have with their land

[308] See generally the Māori Social Structures and the Whenua chapters

Te puia nui:

- Emphasises the value of whakapapa and the whānau;
- Is about getting to know your neighbours and making friends;
- Involve obligations and responsibilities;
- Implies that failure to understand these notions could result in being isolated and a loss of self-confidence.

Te toto o te tangata, he kai; te ora o te tangata, he whenua

'The blood of humans is food; the well being of humans is the land'. Without land you cannot have food. People can always use the sea as a source of food but without ownership or control of land they do not have the fruits of the earth and in order for humans to survive they must eat.

The implication in this expression is that land is important to people: economically, socially, culturally, and spiritually. For humans to maintain all their institutions and beliefs, they need the land to cultivate the food. If they are dispossessed of land they are dispossessed of the means of survival. If you have the land you can survive.[309]

The expression contains the following elements:

- Land is a vital element in the Māori world;
- People come and go, land endures;
- With land you are able to provide for your whānau and manuhiri;
- Implies that failure to provide is a sign of weakness and instability;
- Implies that failure to host manuhiri appropriately can cause offence.

Te whiu kōrero and Te maka kōrero

Maka kōrero can be tied up with 'whakahāwea'. Maka kōrero was usually the spreading of malicious rumours with malicious intent. Sometimes the words uttered were not malicious but people could find themselves in trouble because they had not carefully thought out what they were going to say. It was not a considered opinion and as a consequence could create some problems for other people whether it be between two individuals, whānau, hapū, or iwi. Bad mouthing others also reflects on one's whānau group and creates 'whakamā' for others.

Te whiu kōrero and Te maka kōrero:

- Is closely linked to disparaging and mean remarks about others;
- Is a prime cause of much dispute and conflict.

Tiro mākutu

Tiro mākutu is behavioural and involves staring at others. This is a form of behaviour which was discouraged because it was considered bad manners to be staring at people.

[309] See the Whenua chapter generally to appreciate the relationship Māori have with their land

Staring in its more traditional form could constitute a mākutu karakia, which was the silent casting of a spell on someone to affect that particular individual in some way.

In former times staring intently at a person constituted a breach of good manners and could easily be construed to be an act of bewitchment. That could lead to counter cast spells that will be detrimental physically, mentally and spiritually on any of the parties involved including innocents. Contemporaneously, it means "staring someone down" and is either bad manners or simply, the strongest will prevails.[310]

Tiro mākutu:

- Is a sign of bad manners;
- Such behaviour is considered an insult and may cause conflict.

Toka tū moana, toka tū whenua

Toka is a rock; toka tū is a rock that withstands most of the violent forces of nature, for example an earthquake or flood. The rock can either be in the sea where it is being pounded by huge waves and the ceaseless tide, or it can be a rock on the land exposed to the elements. The imagery promotes the idea of being able to lead, of being able to withstand trials and tribulations just as the rock at sea or on the land does. It is the ability of a person to withstand pressures in order to achieve an objective. The desirability here is one of strong leadership, perseverance and stability.[311]

Toka tū moana, toka tū whenua:

- Implies that honest, firm and quality leadership is important;
- The absence of good leadership could lead to conflict and violence.

Tono

Tono has both a positive and negative meaning. Tono can mean to request a favour or personal support or help from someone. In a way, to tono for someone's support or help can be regarded as a formal request. This request can be seen as placing an obligation or onus upon the services of that person who is being asked. Tono does fit into the Māori way of reciprocity. The tono of the person who is being asked may be reciprocated in the future. The word tono can also be used when requesting the hand of another in marriage. The man and his whānau make the tono for the woman to her whānau.

Tono can also mean to send or even to drive away.

Tono:

- Is a challenge to provide good parenting;
- Conveys that the values of care, respect and affection as important ;
- Means that the proper care of children by the extended family has an enduring effect;
- Failure could result in embarrassment and a dysfunctional whānau.

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[310] See the related 'mākutu' and 'kanga' above

[311] See generally the Māori Social Structures, and the Mana and Tapu chapters on leadership

Ui mākihoi

Ui mākihoi relates to the situation where a person asks a question although they already know the answer. This trait indicated that the person asking questions of this nature was mischievous. That type of question was not encouraged whether it was asked in public or private. It was not used in ceremonial process but could be used during debates.

Ui mākihoi:

- Is an undesirable trait which can be used as a tool to take advantage over others;
- Is offensive and can cause conflict.

Ūkaipō and kōingo

Ūkaipō literally means, "to feed". This relates to women breastfeeding someone else's baby during the day if need be, while at night the mother would be available to look after and nurture her own child. Being suckled on your mother's breast essentially means you are being suckled in your own home, on your own land, amongst your own people and the culture, history and tradition that you will be brought up in. It is not just the physical nurturing of the child, but also the spiritual and emotional nurturing which serves to eventually make the adult.

The expression "kua hoki mai nei ki te ūkaipō" extends the meaning of ūkaipō because it relates to when the pito is buried in the whenua or Papatūānuku. When one uses the expression they are recognising that the child is also being nurtured in a spiritual and emotional sense as a tangata of that whenua or kāinga.[312]

Ūkaipō and kōingo:

- Is about nurturing and child rearing;
- Is about homeland and your identity;
- Creates obligations and responsibilities;
- Implies that failure to maintain ties could result in loss of identity and self esteem.

Waiho mā te tangata e mihi (Kāore te kūmara e kōrero mō tōna māngaroa)

An illustration of 'waiho mā te tangata e mihi', is where the tangata whenua of a marae stand up at a poroporoaki and praise their cooks in front of the manuhiri. Self-praising is an undesirable trait in traditional Māori society. It is synonymous with the expression 'kāore te kūmara e kōrero mō tōna māngaroa – a kūmara does not talk about its own sweetness' ie, self-praise is no recommendation. It is desirable to allow others to speak of your good points, hence the tangata whenua should let the manuhiri take the opportunity to say, "look you've treated us so well." When the tangata whenua praise themselves it is 'whakamanamana'.

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[312] See generally the Māori Social Structures and the Whenua chapters

Waiho mā te tangata e mihi:

- Requires letting others praise and recognise you and your achievements;
- Requires discipline in publicising your achievements;
- Can cause jealousy, hate and anger.

Wairua

Wairua is an expression of forces beyond those of this world. While there is an important relationship between life and death, so there is also a crucial relationship between the physical and the special.

Māori acknowledge the wholeness of life in which the wairua is ever present. It pervades all Māori values.

Whakahāwea

Whakahāwea is the characteristic of being critical, cynical and belittling. It is not a rangatira act or characteristic to be whakahāwea towards anybody other than your "own". When referring to other groups, people have to take care in what they say by choosing their words carefully. The exception is where a person entering into a whakahāwea situation is critical for a particular purpose.

Whakahāwea:

- Is the use of language to demean another person;
- Could either be slanderous or plain rude or insulting;
- Behaviour is offensive and can result in violence.

Whakahīhī

In its positive form, it is the pride that a person has in family, the self, history or all those other factors that lead to an individual deriving the greatest satisfaction from having an association with the source of pride. In its negative form it is arrogance which is overbearing to the point of being disrespectful, scurrilous, insolent and presumptuous. Indeed it is quite the opposite of 'whakaiti'

Whakahīhī:

- In its negative form this is a much discouraged behaviour;
- Can lead to conflict and violence;
- Can be displayed by individuals and groups;
- Is used as an indicator of family, hapū and iwi values i.e. whether an individual or group is rangatira in behaviour.

Whakaiti

Whakaiti has two aspects to it. The first aspect relates to being humble and self-disciplined and affects an individual or a group. This humility is a cultural desire or value. An example of whakaiti is where a potential rangatira could have enjoyed some powers of

leadership through his inherited mana, but he did not exercise his power and kept a low profile of himself.

The other aspect of whakaiti relates to 'whakamā' and can be used for the purpose of belittling or humiliating someone. Whakaiti is also related to 'whakahāwea'. It is not a rangatira act or characteristic to enter into a process whereby an individual or a group is disparaged or ridiculed through criticism.

One outcome of whakaiti is that it can prevent personal progress in an individual. If you whakaiti someone often enough, they can lose their confidence. Whakaiti can test your character; you can either rise above it or you can let it hinder your progress.

Whakaiti:

- Relates to humility and humiliation;
- Is a virtue that is much admired and it can attract respect and adoration;
- Can be displayed by individuals and groups;
- Can be inhibiting to an individual and it also can be used as a shield or an excuse.

Whakamā

Whakamā gives the notion of embarrassment and shame. It can occur at an individual or a group level. If whakamā occurs at individual level, the wider group will become involved eventually.

The actions of an individual can bring about collective whakamā, which can affect the whānau, hapū and iwi. The intensity of that whakamā depends on the action and the event. If the group has great pride in their tribal and whānau origins and connections, the whakamā can be quite intense. Thus if you are representing a particular group, you must act in a manner that does not bring disgrace on them.

Whakamā can also be intense on the individual. Individuals are affected by the way in which the rest of the community acts towards them because of their behaviour or actions. The shame or the embarrassment brought upon an individual is due to the sanctions or decisions of his or her group or some other group censuring the individual for a particular deed they may have done. The notion of 'locking out' or admonishment is one form of sanction.

The consequence of whakamā is either violence or withdrawal from a group or an individual. In traditional times, whakamā has been known to contribute to suicide. Whakamā works on the individual because they are conscious of the feeling that is felt when they have transgressed the values of their community. The embarrassment or shame felt is an extremely powerful and emotional force. [313]

[313] See Case Studies 3, 4, 5, 6, 7 and 8 for illustrations of how whakamā can affect both the individual and the collective group

Cultural dictates will also determine the extent of a person's whakamā. For example in Māori culture, children are taught not to stare someone in the eyes, whereas other cultures encourage it. Māori tend to look away and this creates whakamā for the "offender", as culturally it is not appropriate to look at someone directly.[314]

Whakamā:

- Is about shame and embarrassment;
- Can affect individuals and groups;
- Can result in violence, withdrawal, suicide and lockout or ostracism.

Whakamanamana

Whakamanamana reflects the notion of people promoting their own self-interests or increasing their prestige at the expense of others. It can also be used as a tool to put others down. An expression coined to whakamanamana is 'mana munching', which is an inappropriate use of a power.

Whakamanamana can be related to foisting yourself on someone not necessarily as an individual but maybe on behalf of a group. This is closely related to 'takahi mana'. It is increasing your standing even to the extent of takahi mana by walking over others at any cost.

Whakamanamana:

- Is self elevation above others;
- Can be a tool to put people down;
- Can attract jealousy, hate and violence.

Whakaminamina

Whakaminamina means to entice, to tempt, to solicit, to make want or to cajole. Whakaminamina can happen in a friendly way like with a child. "Ka whakaminamina te tamaiti i tōna hoa i te merengi kia haere rāua ki te kaukau – The boy tried to bribe his friend to go swimming with some watermelon." Another example is a mother trying to cajole her child to eat certain food by offering other rewards. At the other end of the scale one may try to entice someone to enter into a commission of a hara.

The base word minamina can mean to desire, to feel an inclination. For example, "Ka kite ia i te huka ō runga ō Tongariro ka minamina ia ki te piki atu – When he saw the snow on top of Mount Tongariro it made him feel like climbing to the top."

Whakaminamina:

- Is a challenge to the integrity and self-discipline of individuals;
- Could result in embarrassment and anger.

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[314] 'Tiro mākutu' above is one reason why Māori are taught not to stare

Whakanui and Whakarangatira

Whakanui is where you respect others and praise or laud them where it is due. You give recognition to others either by way of speech or by treating groups or individuals with reverence and respect.

Praising a group involves entering into the rhetoric, which is the expected action of giving recognition to that group. Tribal aphorisms and honorific language are used as part of sustaining and maintaining mana and rangatiratanga in the traditional sense, ie, that people who hold rank should be accorded the appropriate addresses and treatment. The traditional ties that exist between groups are maintained by speaking of those relationships and by alluding to whakapapa, historical events, outstanding leaders and whānau or tribal landmarks, for example, mountains, rivers, marae, and pā.

The process of whakanui is twofold in the sense that it reflects not only on the person receiving praise but also the person giving praise because when you act in that manner people eventually act in like manner to you. It is reciprocal in its nature. The two possible outcomes of whakanui are that the person receiving the praise will become either 'whakahīhī' or 'whakaiti'.

Whakanui and whakarangatira:

- Is about praise and recognition of others;
- Can affect individuals and groups;
- Requires discipline, self-control and balance;
- Can be used in a negative sense as a tool for sarcasm;
- Is reciprocal in nature.

Whakapae

To accuse or make accusations against someone.

Whakapai

To praise, to recognise, to give thanks.

Whakapapa

Whakapapa is genealogy and is the basis on which an individual or a group of people determines their identity. A person can draw on their whakapapa in order to forge links with their tīpuna. Whakapapa may also determine the role and relationships an individual operates under within their whānau, hapū and iwi.[315]

Other cultures have strong kinship ties, which operate in ways beyond the nuclear family. An example is the clan system which still operates amongst Scottish and Irish people.

[315] See Te Ao Māori Tawhito, the Māori Social Structures, and the Mana and Tapu chapters generally for a further understanding of whakapapa

Whakaparahako

Whakaparahako is similar to 'whakahāwea' in that a person uses demeaning language, and debases someone verbally. Whakaparahako can either be done to someone's face or through 'ngau tuarā', 'kawe kōrero' or similar method.

Whakaparahako:

- Is the use of language to demean another person;
- Could be either slanderous or plain rude or insulting;
- Behaviour is offensive and can result in violence.

Whakapohane

In pre-European times, whakapohane was the act of baring your buttocks towards your enemy. It was a physical act of derision with the intent of insulting the person. The act of whakapohane has been used in contemporary times as a mark of significant disrespect.

Whakapohane:

- Is the cast of an insult at another;
- Could be the cause of embarrassment, amusement, hate or violence.

Whakarewa

To elevate. This can be in relation to an individual, a take, or a thought. Where a person is concerned, the intent is to give the individual obeisance, acknowledgement, elevation and to 'raise one's spirits'. Where a matter or issue is concerned, it is to highlight its importance. Where a particular thought or idea is being discussed, it is to be given every consideration no matter the status of the individual. It is recognition of a group or individual's worth.

Whakatika

Whakatika is to correct, rectify or mend. You can also change a negative thing into a positive thing, in terms of amendment. Where behaviour is concerned, it refers to the responsibility of whānau members to ensure that kin members act, behave or think responsibly. Whakapapa vests a freedom in whānau members to correct anti-social behaviour, to maintain whānau values if a member is deviating from normal patterns of behaviour, and to maintain an even balance in relationships.

Whakatumatuma

Whakatumatuma is very much a negative trait and can mean to harass, intimidate or even to bully. An example of whakatumatuma would be for someone to make repeated gestures or threats of physical retribution without actually carrying them out. The purpose of these threats is to frighten or intimidate the other person. The person who is threatened with physical retribution is usually the result of that person having done something that has annoyed or offended others.

Whakatumatuma:

- Is insulting and abusive;
- Could result in anger and violence.

Whakatūpuehu

Whakatūpuehu is a person who is an agitator, a stirrer even to the extent of 'takahi mana'. It literally means, 'to stir up the dust', and it can be read in both negative and positive terms. For example, in a politically charged situation it may be necessary to raise the dust to make a point. It can also be used as a tactic to gain recognition or to command attention.

Whakatūpuehu:

- Can cause jealousy, hate and violence;
- Is a tactic used to gain recognition or command attention;
- Refers to people who are stirrers, agitators, troublemakers or attention seekers.

Whakawhetai and Whakamoemiti

This means to pay a tribute. Whetai means to give thanks. Whakamoemiti is similar, however it is used in a different context. Whakamoemiti means to give thanks, to be thankful.

To whakamoemiti requires you to do this with the openness and the fullness of your heart. The expression, "kia māhorahora tō wairua me tō mau te ihi me te wana o ngā kōrero", shows your gratitude, thanks and appreciation. They are used in prayers to reflect the spirit of the appreciativeness of an individual or group.

Whakawhiu

Whakawhiu is a degree of 'kanga' without the same intensity or severity and permanence of the 'kanga'. It is a verbal act of derogatory comments about someone with the intent of injuring them. It does not have the same degree of malice as a kanga. It is also a punishment administered for an act or omission on the part of an individual or group. Some punishments may be quite severe.

Whakawhiu:

- Is an insulting and derogatory disciplinary action;
- Could result in anger and violence.

Whanaungatanga

Whanaungatanga is derived from the word 'whānau' and describes people with common blood. The whānau is the basic unit of the Māori tribal structure. Whanaungatanga allows people to make links with kin and is the key principle that binds together the whānau, hapū and iwi. Whanaungatanga can be observed taking place between people in different situations. It exists in the speeches delivered during a powhiri. The tangata

whenua and manuhiri relate to each other and establish their whanaungatanga through the linking of whakapapa.[316]

Whāomoomo

This is the specific act of nurturing, whether it be tending to someone who is ill, young or old. By being seen as a person who tends to others, you reinforce other people's views that you are a person who is an 'awhi', 'manaaki' and 'aroha' etc.

Whāomoomo:

- Is the action of providing pastoral care to all manner of persons;
- Conveys that the values of care, respect and affection as important;
- The absence of care could result in loneliness and isolation.

[316] See the Māori Social Structures chapter and the Case Studies generally for a further explanation of whanaungatanga


ΤΟΙ ΤΕ ΚΥΡΙ
ΤΟΙ ΤΕ ΜΑΝΟ
ΤΟΙ ΤΕ ΨΗΕΝΑ

Appendices

Appendix 1: Chronology of Events for the Māori Perspectives on Justice Project

1996

The project on Māori Perspectives on Justice was first discussed in 1996 on the appointment of the Director, Māori, just after the establishment of the new Ministry of Justice. The Māori Perspectives on Justice project was part of the Ministry of Justice's overall plan to establish its own frameworks and processes to assist in developing appropriate and high quality policy advice.

Initially it was felt that the objective of the project was to examine how Māori communities operated in terms of maintaining integrity, balance, harmony, law and order in pre-European society. At the outset the project was seen as reconstructing or reinventing pure Māori tradition as traditional culture (tikanga Māori tuturu). The final objective became clearer later on in the process.

At the same time, the Law Faculty of Waikato University was launching a similar type of project to take into account both colonial and Māori origins of New Zealand society. The project was entitled "Laws and Institutions for a Bicultural Aotearoa/New Zealand". In summary, the Waikato University project proposes to 'develop new political and legal institutions which reflect socially-inclusive bicultural norms, principles, organisation arrangements and processes and actualises the partnership explicit and implicit in the Treaty of Waitangi'. The Ministry was represented on the Waikato University Project Advisory Committee, which allowed the Ministry to compare and define terms of reference that would complement the Waikato University project.

After much consideration it was decided that the Ministry project was more broad and complex than what was first envisaged and it would require more financial resources than were available at that time. Trying to define indigenous Māori society's system of justice in its 'purist' form through the eyes of present-day New Zealand society is a major undertaking. As a result of the estimated costs and the sheer magnitude of the project, it was decided to put the project on hold.

The Ministry's efforts were redirected to addressing other initiatives that would assist the Ministry in increasing its capability in the area of responsiveness to Māori. The setting up of a Māori Focus Group/Consultative Panel to the Ministry of Justice, the development of Guidelines for Consultation with Māori and preparing a staff training needs analysis relating to tikanga, te reo Māori and take Māori, were some of the initiatives carried out.

1996/1997

In 1996/97 the Pacific Islands Senior Advisor set up a similar project on Pacific Peoples' Perspectives on Justice. Two Auckland University academic consultants were commissioned to undertake the project, which involved a literature search of information relating to perspectives on justice of six of the Pacific Island nations. The methodology applied in developing the project and the final outcome was of particular interest and value to the way in which the Māori Perspectives on Justice project was to be managed.

1998

The Māori Perspectives on Justice project was reactivated in 1998. The project was resubmitted to management in conjunction with a recruitment initiative involving Māori undergraduates called the 'Tangata Whenua Student Work Programme'. The main aims of this programme were:

- to provide the students with work experience in different parts of the organisation;
- to assist students in learning about the core business of the Ministry and to gain some understanding of the machinery of government; and
- to provide students with the opportunity to work on a special Māori-related project that would be of value to the work of the Ministry.

Thus in 1998/99 it was decided that the Māori Perspectives on Justice project would be the special Māori-related project that would be carried out.

The main resource allocated to the project were the three part-time undergraduate students and a full-time project co-ordinator. All four staff plus the Director, Māori made up the project team. The students and the co-ordinator also assisted with work in other parts of the Ministry as part of the Tangata Whenua Student Work Programme.

The scoping of the project involved meetings with the Ministry of Justice Māori Focus Group/Consultative Panel and people from other organisations involved in similar projects. The input from Dr Alex Frame a member of the Waikato University Project Advisory Group, Professor Margaret Bedgegood of Waikato University and Law Commissioner Denise Henare was valuable in helping to decide on the scope and structure of the project. From these discussions and following a review of the literature available on pre-European society, it was decided to narrow down the scope of the topic to simply 'Dispute resolution in pre-Colonial Māori society'.

The reconstruction of traditional Māori society is a prime focus of the project. Individual Māori people who have been brought up in communities where some aspects of traditional Māori cultural values and principles operated would assist much of the reconstruction.

1999

Professor Wharehuia Milroy of Waikato University and Wiremu Kaa of Victoria University joined the project team as expert advisers. Their appointment benefited the project because of their expert knowledge and understanding of Māori language and tikanga. Also their respective professional backgrounds, namely law and education, provided another dimension to the project.

Appendix 2: Māori Perspectives on Justice Project Terms of Reference

MĀORI PERSPECTIVES ON JUSTICE 1998

(Draft)

Introduction

In assessing the most significant challenges that the Ministry is likely to face over the next three to five years, our role in providing justice policy advice with particular regard to the Māori dimension is at the forefront. The justice system operates in a context which is determined by many factors including economic, political, social, cultural and constitutional perspectives.

In Aotearoa/New Zealand, an enduring and critical perspective is that of Māori. Both the Treaty of Waitangi and the high proportion of Māori who encounter the justice system are compelling reasons for ensuring Māori views, aspirations and needs can be met by the system. The rationale for the proposed project on Māori perspectives lies in:

- the Treaty of Waitangi; and
- the high rate of Māori:
  - contact with the police, courts and with Community Corrections;
  - incarceration;
  - recidivism; and
  - victims;
- the low rate of positive participation by Māori.

Project Description

To understand a society, one must look inside its thought concepts, philosophy and underlying values and avoid interpretation from an outward appearance.

It is the values that establish the cultural norms of a society. Also it is upon these values that the integrity, harmony and balance of a society is based. Values may represent ideals not necessarily achievable but rather something to which we collectively aspire.

Perspectives on justice are derived from the values and beliefs of the society; much of which is expressed in customs. Interestingly, the term for Māori custom is 'tikanga' as a derivative of 'tika' – that which is fair, true, just. Generally speaking, the Māori value system is described in terms of criteria like whanaungatanga, manaakitanga, aroha, rangatiratanga or utu, the maintenance of harmony and balance.

The primary focus of the project is to develop a description of Māori Perspectives on Justice which is capable of being infused into criminal justice policy. This is not trying to get a description of Māori values in order to say how the criminal justice system of

New Zealand might work. Instead, it is an overview of the Māori perspective of 'tika' or 'rightness'.

The approach will involve an examination of literature embracing both pre-European and post-European Māori society. One stream of information would be the work of some of the earlier authors like Firth, Best and the more contemporary writers like Metge, Ritchie, Barlow, Ward, Patterson, Belich, Salmond and others, extending across a range of academic disciplines. The second stream would be drawn from Māori classical poetry, songs (waiata), and whakataukī (proverbs), legends, idioms and forms of speech making. *Ngā Moteatea Volumes One, Two and Three* – a collection of Māori classical waiata, will be a useful source, along with other recommended texts.

The work of Māori writers like Ranginui Walker, Eddie Durie, Mason Durie, Moana Jackson and others would also provide a valuable source of information.

Process

The information will be gathered by a small team of part-time Māori university students and co-ordinated by a full-time Māori graduate under contract to the Ministry. This information will then be discussed, debated and eventually supported by the Ministry of Justice Māori Focus Group and also a selected team of Māori experts before committing the material to a final draft report.

Content

The proposed report would provide a description of Māori justice values and could also include a commentary on the evolution and development of these values over time, and the holistic framework within which Māori justice values exist.

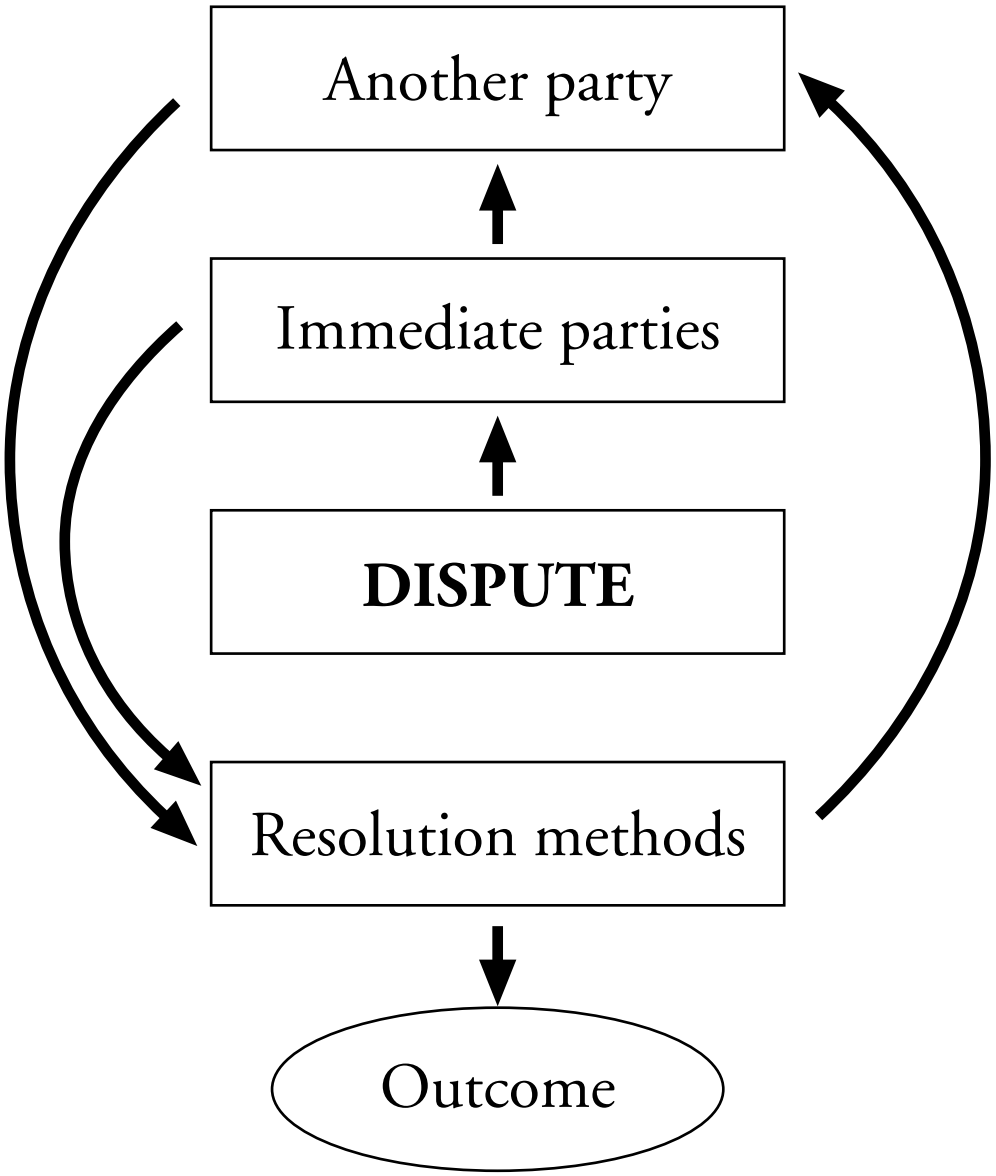
The report could potentially be very broad. For reasons of simplicity and consistency, the following reporting template for the description of Māori justice values could be adopted.

Pre-European Māori Justice Values	**Post-European Māori Justice Values**
• Summary description of the value – Māori perspective – Non-Māori perspective	• Summary description of the value – Māori perspective – Non-Māori perspective
• Purpose	• Purpose
• Origin	• Origin
• Points of consideration	• Points of consideration
• Context/circumstances for application	• Context/circumstances for application
• Operating structure for the value	• Operating structure for the value
• Associated values	• Associated values
• Relevance today	• Relevance today

Outcome

The report would be used as a resource document for policy advice and development. It would be of major importance to the Ministry of Justice in terms of considering the application of Māori values as part of the development of the concept of justice.

Appendix 3: Original Framework as Developed by the Māori Perspectives on Justice Project Team



Causes Of Disputes

- Breach of mana
- Breach of tapu
- Rāhui
- Manaakitanga
- Kawa
- Koha
- Kaupapa

Parties Involved

- Individuals
- Whānau
- Hapū
- Iwi

Whether the disputes between the parties are inter-party or intra-party.

Methods of Resolution Employed

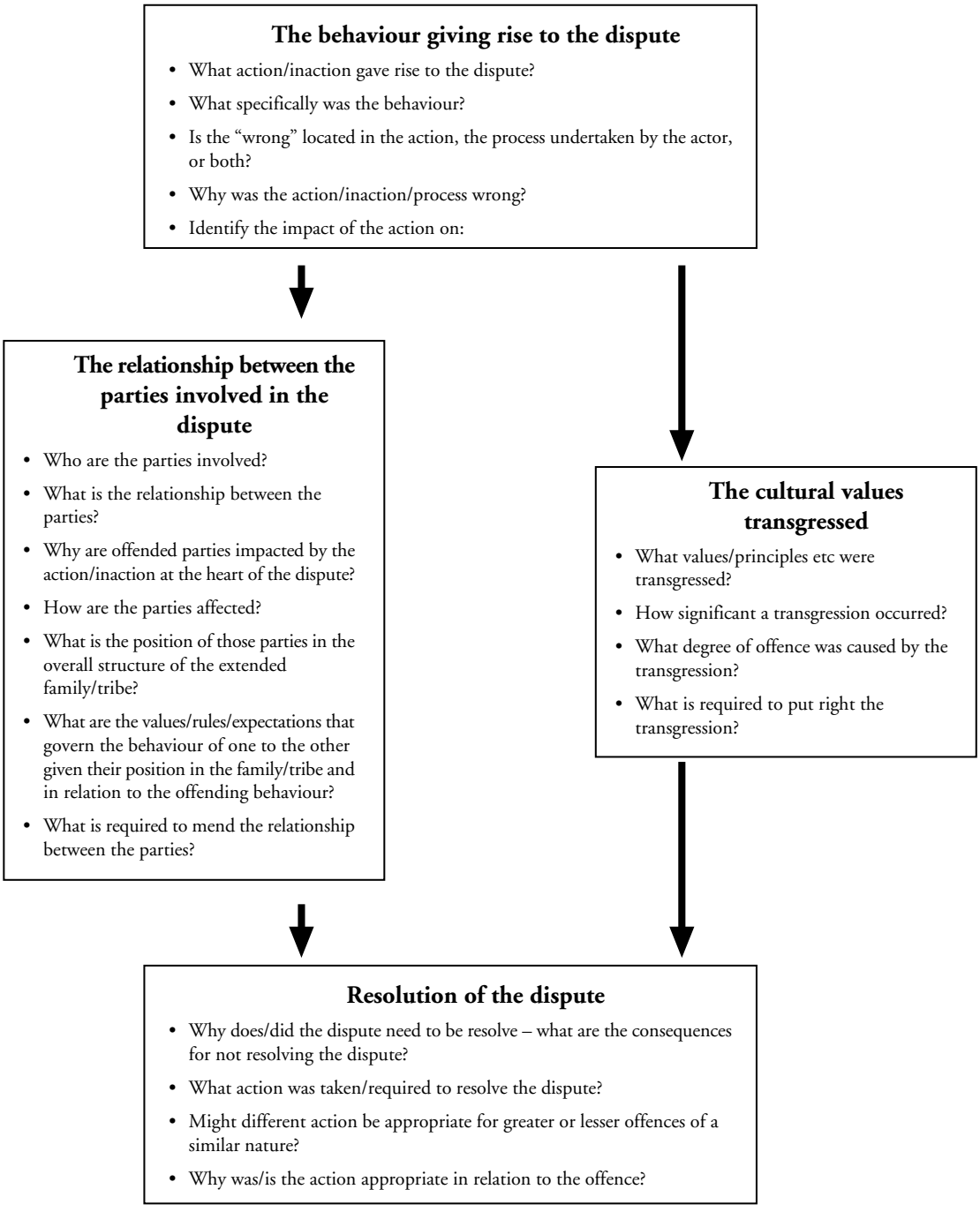
- Utu
- Muru
- Rāhui
- Decrease of mana
- Marriage alliances
- Hui

Are the methods employed at, for example, a whānau level, the same as those employed at an iwi level?

Why Would Another Social Group Intervene in the Dispute?

- Severity of the crime
- Status of victim/s or offender/s
- Failure or inability to resolve the dispute

Appendix 4: Māori Case Studies Framework for Analysis



Appendix 5: Methodology for Conducting Interviews with Kaumātua Informants

Earlier this year the Māori Perspectives on Justice team conducted a range of interviews with kaumātua focusing on methods of dispute resolution in traditional and contemporary Māori society.

The objectives of these interviews were:

- to gain insight into traditional resolution methods of Māori society;
- to extract and encapsulate principles inherent in Māori perspectives of justice;

  – to determine causes of dispute in traditional Māori society;

  – to seek information as to how Māori sought fairness and justice, according to customary law.

The material from the interviews was used to illustrate statements made in the various concept papers, and provided some case studies for analysis.

Respondent Selection

The selection criteria of the kaumātua was based on selecting kaumātua who had grown up immersed in Māori tikanga, and who also had extensive knowledge and information about Māori society.

Interview Methodology

Following consultation with a Principle Adviser of the Ministry of Justice research team, an open interview methodology was selected for the interviews. The informed consent of kaumātua was obtained prior to interviewing. Interviews were conducted kanohi ki te kanohi with kaumātua. This method provided the opportunity to cover all aspects of a questionnaire, which was semi-structured and revolved around prompting answers and points from the kaumātua.

Questionnaire

A brief questionnaire was designed around the objectives of the research. The questionnaire focused on the nature and dynamics of dispute and dispute resolution in traditional and contemporary Māori society.

Consent and Interviewing

A letter was sent to kaumātua to fully inform them about the nature and content of the research. Incorporated in this letter was information informing the kaumātua of the background, purpose, and aim of interviews as well as their rights as participants. Embodied in this letter was a request for consent to the recording of the interview with a dictaphone. The need to record these interviews were made clear in the letter, and the kaumātua were informed of their rights regarding the transcript of the interviews and their right to see the transcripts and make amendments or deletions. Arrangements were made for interviews to take place with kaumātua who agreed to participate. Pairs of the Māori Perspectives on Justice team members conducted interviews.

The interviews were conducted in the homes of the kaumātua. At first contact, the interviewers introduced themselves, then ran through a standardised consent procedure and briefing. This process enabled the kaumātua to make an informed decision about whether or not they wished to participate. The interviewers asked the kaumātua a range of points regarding their rights as participants in the interview and how their information would be managed. If the kaumātua understood all points and agreed to participate in the study they were then asked to sign the consent form.

It was more important in the process of the interviews that the questionnaire be used to prompt further discussion about each topic and theme. Each interview took approximately 1.5 – 2 hours to complete. Following the interview each interviewee was thanked for their time and whakaaro.

Data Collection

Dictaphones were used to record the interviews. Members of the Māori perspectives on Justice team transcribed the interviews.

Once the transcripts were completed, they were sent to the interviewees who were asked to check, comment, and/or amend the information they provided. The transcriptions recorded accurately and precisely the information presented by kaumātua and was analysed by members of the Māori Perspectives on Justice team.

In accordance with the Ministry of Justice information management policy, the data from this research will be destroyed after two years.

Meeting On Interviewing Processes

Date: 24 February 1999

Present: Alison Chetwin, Ramari Paul, Hui Kahu.

Purpose:

To discuss with Alison the techniques and the ethical issues of the interviewing process.

Method:

When interviewing a person, an outline will be given about the project and what we intend to do with the information they provide us:

- Why the study is being done;
- How their information is to be used;
- What will happen with the information - Emphasise to the interviewee that the information will go into a report for the Ministry.

In the initial stage of the interviewing process, the interviewee needs to be made aware that:

- At any time they can stop the interview if they want to;
- They can see the final outcome of the report;
- The information they provide will be confidential;
- We can provide them with the transcript of the interview.

When recording the interview, we must let the interviewee know that:

- The interview will be transcribed;
- The information will not be given to anyone other than the Māori Perspectives on Justice group;
- The tapes will be destroyed after two years.

Our responsibilities before, during and after the interview:

- Ask where they want to be interviewed;
- Establish a suitable time for the interview;
- Be friendly and respectful;
- Make them feel comfortable, let them tell us what they know;
- Ask questions in a conversational manner;
- Respond to the interviewee during the interview.

When recording and note-taking:

- Take note of the distractions within the environment and move away if it is necessary;
- Make sure the notes are eligible.

Hint: Use a shorthand notebook and write on every second line.

At the conclusion of the interview, we should give the interviewee an opportunity to raise other matters that they wish to discuss. We may also want to consider giving them a koha in return.

Letter to Interviewees

Tēnā rā koe i runga i ngā āhuatanga o te Ao Māori tae atu ki ngā mate huhua mai i tēnā wharuarua i tēnā wharuarua puta noa i te roanga o te whenua. Kāti ngā mate haere atu rā, haere atu rā. Tēnā rā tātou o te Ao Tangata.

MĀORI PERSPECTIVES ON JUSTICE PROJECT

The Ministry of Justice is currently conducting a project on Māori Perspectives on Justice. This involves examining traditional Māori society and the values that governed that society. In terms of examining Māori society, we are looking specifically at traditional dispute resolution processes, focussing on how Māori maintained law and order in society and the way in which they sought justice. Part of the research in relation to this project involves interviewing people with knowledge of traditional Māori society. I would like to invite you to participate in the interview process.

The team involved in this project consists of myself as Director Māori for the Ministry of Justice, a recent graduate, Ramari Paul, and three undergraduate university students, Jason Ataera, Hui Kahu, and Te Hapimana Te Kani. There will be two people involved in the interviewing process at any one time. Professor Wharehuia Milroy and Wiremu Kaa are guiding us through the project and providing a major input into the information that we are developing.

As a result of the interviews and the research pertaining to the traditional Māori dispute resolution processes, the information will be documented as a resource paper to provide the policy analysts within the Ministry an understanding of the processes involved in resolving a dispute within traditional Māori society. Furthermore, this paper would aid the policy analysts in their involvement with Māori issues in the Justice sector.

Please find enclosed an outline of the interview process conducted by the Project team. If you have any reservations concerning this process, please do not hesitate to contact me.

Your agreement to participate in our research would be greatly appreciated. We will contact you in this regard.

Heoi anō

John Clarke
Director, Māori
Public Law Group

Māori Perspectives on Justice Disputes Resolution Information Sheet

The Ministry of Justice wishes to undertake research to ascertain how Māori resolved disputes in both traditional and contemporary society. This information will feed into the Māori Perspectives on Justice Project. The final project is intended as a resource document for the policy teams/groups of the Ministry of Justice. It may also be distributed to other government agencies or members of the public if they request the document under the Official Information Act 1982.

Interviews will take place in late March and will take up to two hours. Two people from the study team will interview you if you choose to take part in the interview process. With your permission we would like to tape the interviews as well as take notes. This will ensure that the information you have provided us with will not be taken out of context.

If you take part in the study all information you provide will be confidential between you and the study team. You do not have to answer questions that you do not want to and can pull out if you decide at any stage that you do not want to be involved. We will give you the opportunity to decide on what identifying details we use when using material you provide us. You may also state whether we can use direct quotes in the final report.

Information collected about and from you during the course of the research will be stored securely at the Ministry of Justice. Identifying information will only be available to members of the project team. In line with the Ministry of Justice information management policy, research data will be destroyed after two years.

If you wish, we will provide you with a transcript of the interview to give you an opportunity to check what has been transcribed and delete any information that you do not want to be included in the report. We will send you a copy of the draft report to provide comment on, and you may also request a final copy of the report, which we expect to be completed by the end of July 1999.

For further information or queries please contact:

John Clarke Director, Māori

Ramari Paul Team Leader

Jason Ataera

Hui Kahu

Te Hapimana Te Kani

Format of Interview

Explain about the Māori Perspectives on Justice project.

Tell them the concepts we have examined and why, i.e. whakapapa, tapu, etc.

Get them to sign permission slip.

Tell them we are looking at traditional society but can refer to contemporary examples.

Questions

What were the causes of disputes?

How were disputes resolved?

What values were being protected?

In terms of justice in the Westminster system (may have to explain what this is) they use compensation, reparation, restoration, etc. What was the Māori way of seeking fairness and justice in their society?

How did Māori recognise positive contributions to society?

Māori Perspectives on Justice Interviews

This research is being undertaken to find out about dispute resolution processes in Māori society.

(Give respondent an information sheet)

Here is a copy of the research information sheet. This was sent to you with our introductory letter. The sheet contains information about this research and the interview process.

Before we can start we need to make sure you know your rights as someone who is taking part in a research project. Please answer the following questions with yes or no.

(If respondent answers yes – tick the box, then ask the next question, if the respondent answers no – answer any questions they have about the issue and ask the question again)

Have you been given information about the study?

Do you understand that you don't have to answer any questions that you don't want to, and that you can pull out of the study at any time?

Do you understand that the information you provide is confidential between the research team and yourself?

Do you understand that how you will be identified in the report is your decision?

Do you agree to take part in this research under these conditions?

Please sign this sheet to confirm your answers to these questions.

Signed _____

Interviewee Thank You Letter

Tena koe e

Māori Perspectives on Justice Project

I would like to take the opportunity to thank you for participating in the interview process for the Ministry of Justice's Māori Perspectives on Justice Project.

The information that has been gathered in relation to the project is vitally important for the development of policy affecting Māori within the wider justice sector. For this reason we are grateful that someone of your standing and knowledge has given us the benefit of your wisdom.

The project team thoroughly enjoyed talking with you and gaining an insight into some of your experiences. We will now be able to use the information you provided us to feed into the document.

Please find enclosed a copy of the transcript from your interview. Any identifying details of individuals and places will be changed in our report. We ask that you read through it and delete any of the information that you do not want us to use. You may also add any information as a further background to the information already provided. Once a draft of the Māori Perspectives on Justice Report has been completed, we will send you a copy.

Also please find enclosed a koha for the time you have given us in respect of this project. I look forward to talking to you again soon.

Heoi ano

John H Clarke
Director, Māori

Appendix 6: Māori Experts Seminars

Throughout the duration of this project the Māori Perspectives on Justice team has had various seminars with a Māori advisory panel comprised of Professor Wharehuia Milroy and Wiremu Kaa. Both are experts in the area of Māori tikanga. These seminars were held at least once every two to three months, over a period of 10 months.

The Māori advisory panel was established to offer guidance and direction to the Māori Perspectives on Justice team. This guidance included providing comment and advice on all areas of the project. The aim of these seminars was to provide a forum for discussion and analysis of the various concepts and cases researched by the Māori perspectives on justice team.

The seminars were open and semi-structured. This enabled the Māori Perspectives on Justice team to gather and extract all relevant information from the discussions and information provided in the seminars. This information was then incorporated into the relevant sections of the report.

The Māori advisory panel advised the project team on:

- content;
- tikanga;
- behaviour; and
- structure.

In relation to the content of the project, the Māori advisory panel highlighted the need for the project team to interview kaumātua who would be able to provide knowledge from their personal experiences of Māori society. The understanding was that a greater insight into how Māori society operated would come from those who have been involved in Māori society throughout child and adulthood, and whose overall upbringing had been pervaded by Māori tikanga.

The project team believed that these interviews would uncover traditional and contemporary examples of dispute resolution in Māori society, and that these examples would be excellent illustrations of the way Māori society operated and functioned.

The Māori advisory panel consistently advised the project team in the areas of Māori tikanga and custom. The information discussed in these meetings would highlight and expand on different aspects of Māori custom stated by the project team. It was the understanding of the Māori advisory panel that these aspects of tikanga and custom should be incorporated into the papers of the project and this would raise awareness to some of the issues involved in Māori tikanga and practices.

It was decided that an insight into Māori thinking and behaviour might be of benefit when discussing Te Ao Māori. It was proposed that a section be incorporated into the project to accommodate the need to better understand Māori thinking. This section was entitled

A Collection of Behaviours, Philosophies, Emotions and Cultural Influences. The Māori advisory panel was heavily involved in the development of A Collection of Behaviours, Philosophies, Emotions and Cultural Influences segment of the project, and provided the bulk of the substance contained in that section. Some of these forms of behaviour are found in all cultures and highlight the universal nature of Māori society.

The Māori advisory panel also acted as a quality control group. They constantly monitored the progress and development of each part of the project through the various developmental stages. The Māori advisory panel would check the work of the Māori Perspectives on Justice team and make comment where applicable.

These comments were mostly concerned with the content and substance of the research. The Māori Perspectives on Justice team referred to traditional Māori illustrations of concepts and used academic commentary as evidence to these statements. It is in this area of analysis that the Māori advisory panel seminars were of a great benefit and effect. The Māori advisory panel helped develop an indigenous flavour to add to the project. This 'flavour' in effect changed the way in which the paper would be viewed by the target audience and also accorded credit to traditional Māori society as opposed to the authors on Māori custom.

GLOSSARY

Kāwai Tīpuna

Aitu	Revered ancestor of disaster and death
Haumiatiketike	Revered ancestor of uncultivated foods
Hineahuone	The first female created by Tāne
Hinenuitepō	Revered ancestor of the resting place. Believed to be Hinetītama
Hinerauwhārangi	Associated with Hineteiwaiwa and Rukutia. Responsible for imbuing a young woman with the strength she needed throughout her married life
Hineteiwaiwa	The revered ancestor who was the exemplary figure of a wife and mother. She provided the precedence for all women who follow
Hinetītama	The daughter of Hineahuone and Tāne. On finding that she was actually the daughter of Tāne after their marriage, she fled to become Hinenuitepō
Ikatere	The grandchild of Tangaroa and the progenitor of fish
Maru	Revered ancestor of disaster and death
Māui-Pōtiki	The name given to Māui which attributes him to being the youngest child
Māui-tikitiki-a-Taranga	The name given to Māui which attributes him to being an aborted child cast away on the ocean by his mother Taranga, in the topknot of her hair
Murirangawhenua	An ancestor of Māui, responsible for giving him the enchanted jawbone that she possessed and all the powers it possessed
Papatūānuku	Earth mother, female parent
Ranginui	Sky father, male parent
Rongomātāne	Revered Ancestor of cultivated foods
Rukutia	Associated with Hineteiwaiwa and Hinerauwhārangi. Responsible for imbuing a young woman with the strength she needed throughout her married life
Tamanuiterā	The Sun who was snared by Māui

Tamanuikiterangi	Great tipuna of Māui who reared him
Tāne	Revered Ancestor of forest, flora and fauna
Tangaroa	Revered Ancestor of all water-dwelling creatures
Tāwhirimatea	Revered Ancestor of the elements
Tonganui	Grandson of Tangaroa
Tuhuruhuru	The first son of Hineteiwaiwa
Tūmatauenga	Revered Ancestor of man
Tutewehiwehi	The grandchild of Tangaroa and the progenitor of reptiles

A

Ahi kā	Literal meaning, "Site of burning fires"; continuous occupation
Ahi mātaotao	Literal meaning, "Die out or to be extinguished"
Ahi tere	Literal meaning, "Wandering fire", loss of customary lands by letting "Ahi kā" burn out
Aotearoa	Literal meaning, "Land of the Long White Cloud"; Original name of New Zealand
Ariki	High born chief
Ariki tapairu	Female Chief
Arikinui	Paramount chief
Aroha	Love, concern, compassion, sorrow
Ātete	Oppose, resist, affront, insult
Aukaha	Fibre, string, lashings of dressed flax which fasten the rauawa to the body of the canoe

I

Iho	Umbilical cord
Ira tangata	Life principle of mortals
Iwi	Tribe
Iwikore	Without strength, feeble

O

Onetapu	Sacred clay from Papatūānuku used to form the first human

Oriori	To lull to sleep, chant a lullaby, chant, song

U

Ūkaipō	Source of sustenance, offspring, descendant, blood relationship
Uri	Descendant
Utu	Return for anything

H

Haka	Dance
Hapa	Error, omission
Hara	Offence, transgression
Hapū	Sub tribe
Hau	Essence of the kāwai tīpuna
Hauora	Health, well being, wellness
Hawaiki	Ancient homeland
Heru	Comb
Hīnau	Tree – Elaeocarpus dentatus
Hongi	Greeting by pressing noses together
Hui	Meeting, assembly

K

Kai	Food
Kaiārahi	Helper/ adviser
Kaiāwhina	Helper, assistant, attendant
Kaikōrero	Speaker
Kaimahi māra	Gardener
Kāinga	Home
Kaitiaki	Guardian, controller
Kākā	Native parrot
Kanohi ki te kanohi	Face to Face
Karakia	Incantation, prayer, ritual

Karengo	Edible Seaweed
Kaumātua	Respected elder/elders
Kaupapa	Rules/norms
Kawa	Procedure/protocols
Kāwai tīpuna	Revered ancestors
Kawe ngā mate	Convey the wairua of the deceased
Kererū	Wood pigeon
Kete	Basket
Kina	Sea-urchin
Kirimate	Near relative/s of deceased person
Koha	Gift
Kōrero	Dialogue
Kōrero tawhito	Ancient traditions, oral traditions
Koroua	Old man
Korowai	Cloak
Kōtuku	White heron
Kuia	Old woman
Kūmara	Sweet potato

M

Mahi	Work
Mākutu	Bewitch, spell, incarnation
Mana	Prestige, power, authority
Manaaki	Show respect or kindness to
Manaakitanga	Hospitality
Mānāpau	Tree
Mana whenua	Customary authority and title exercised by a tribe or sub tribe over land and other taonga within the tribal district
Manawa wera	A composition to express someone's pent up feelings of anger, shame and sorrow

Manuhiri	Guests, visitors
Mānuka	Tea tree
Marae	Enclosed space in front of a house, courtyard, village common
Marae ātea	Marae proper
Marae kawa	Protocol of the marae
Mātāmua	Eldest born
Mate	Deceased person
Mate Māori	Psychosomatic illness where some of the symptoms manifest in a physical way
Maunga	Mountain
Mauri	Life force, life principle
Mihi	Greet
Moko	Tattoo
Mokopuna	Grandchild, descendant
Muru	Confiscate, recompense

N

Nā te kūare	Ignorant
Noa	Free from tapu or any other restriction

P

Pā	Village
Pae	Horizon
Pakeke	Adult/Elder
Parapara	Unclean waste
Paremata	Return feast for one previously given
Pārera	Duck
Patu	Instrument, weapon, prized-club
Pāua	Shellfish – Abalone
Pekepoho	First born child

Pirau	Rot
Pito	Umbilical cord, navel, end
Pono	To believe, to trust, to have faith
Poroporoaki	Farewell
Pōtiki	Youngest born, last born
Pou	Post, pole
Pou tokomanawa	The post supporting the middle portion of the ridge pole of the meeting house
Pōwhiri	Welcoming ceremony
Puhi	Virgin
Puia	Spring
Pūremu	Adultery

R

Rāhui	Reserve, preserve
Rangatahi	Young Adults
Rangatira	Chief
Rarohenga	Final resting place
Raruraru	Problems/Issues
Rauawa	Attached sides of a canoe
Reo	Language
Riri	Anger
Rohe	Boundary, district, area, region

T

Tahā	Calabash
Tāhuhu	Ridge pole of a house
Take	Cause, issue, matter
Tangi	Weep, cry, salute
Tangihanga	Mourning ceremony

Taniwha	Guardian, protector
Taonga	Treasures, prized possessions
Tapu	Sacred, restricted, prohibited
Tangata whenua	People of the land
Tapuhi	Midwife
Taua	War party
Taumata	Resting place of the kāwai tīpuna
Taunaha	To bespeak
Taurekareka	Slave, servant
Te hekenga mai o ngā waka	The great migration
Te Ao Mārama	World of life and light
Te Kore	The first phase of creation, period when there was nothing and the world was void
Te Pō	The second phase of creation, a period of darkness and ignorance. Words associated with this are darkness or night
Te Ika a Māui	Literal meaning, "The Fish of Māui", the name given for the North Island
Teina	Kinship term for junior line
Tekoteko	Carved figure of a meeting house
Tika	Rightness, correct, politically correct
Tikanga	Customs
Tiki	A carved pendant
Tipua	Gifted one
Tipuna/Tīpuna	Ancestor/s
Tīwakawaka	Faintail
Tohi	Ceremony concerned with a new-born infant
Tohu	Mark, sign, proof
Tohunga	Expert

Tohunga whakairo	Expert carver
Tohunga tā moko	Expert tattooist
Toki	Axe, adze
Tokotoko	Staff, rod, walking stick, support
Tuahine/tuahine	Sister or female cousin of a male
Tūāhu	A sacred place, consisting of an enclosure containing a mound and marked by the erection of rods or poles, which was used for the purposes of divination and other mystic rites
Tuakana	Senior line
Tungāne	Kinship term for a brother of a female
Tūpāpaku	Corpse
Tūrangawaewae	A place where you have the right to stand and be heard
Tutua	Commoner

W

Wāhi tapu	Sacred place
Wai	Water
Wai kino	Spoilt water
Wai māori	Fresh water
Wai mate	Dead water
Wai ora	Healthy water: applies to both salt and fresh water
Wai puia	Hot spring
Wai puna	Spring
Wai tai	Salt water
Wai tapu	Sacred water
Waiata	Song/Sing
Wairua	Spirit
Waka	Kinship group, boat or canoe
Waka tangata	Womb, bearer of the next generation
Wānanga	Debate, discuss

Ware	Low in the social scale, a person of no consequence
Whaikōrero	Make an oration, speak in a formal way
Whakamā	Shame, embarrassment
Whakapapa	Lineage, genealogy, to layer
Whakataukī/Whaka tauākī	Proverbs, sayings
Whakawā	Accuse, bring a formal charge against
Whānau	Family, descent group, to give birth
Whanaunga	Relative, blood relationship
Whanaungatanga	Relationships, kinship
Whare	House
Wharekai	Dining room
Whare kohanga	A house erected to accommodate pregnant women, nestling house
Wharemate	The house of mourning or house of death, bereaved family or chief mourners, building of the tūpāpaku
Wharenui	Sleeping house, meeting house, big decorative house
Whare Runanganui	Public meeting house
Whare tangata	Womb, bearer of the next generation

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