

KIA MĀIA KI TE KĀNGA  
O TĀ KOUTOU AHI

KEEPING THE HOME FIRES  
BURNING

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## **ABSTRACT**

This thesis articulates physical activities of tangata whenua occupation and use as being central to the operations of ahi kā and fundamental to the demonstration of mana whenua and mana moana. The focus on use and occupation of land expresses ahi kā as a practical tool, but more importantly, as a catalyst of Māori tribal identity and cultural permanency. The customary framework of Ngā Tātai Ahi Kā is applied to demonstrate intricacies, flexibility and fragility of ahi kā as a holistic tool, symbolic of identity, permanency and well-being. A richer understanding of ahi kā shows that its practical functions exceeds mere occupation and use by contributing to the socio-political, cultural, spiritual and intellectual landscape of Māori tribal peoples.

The visioning of ahi kā casts the indigenous net wider by examining the local context of Mer Islands located in the Torres Strait Archipelago. Meriam customs and practices reveal the Malo ra Gelar framework as a holistic law of organisation, akin to ahi kā. Together, the Ngā Tātai Ahi Kā and Malo ra Gelar frameworks illustrate two complex and pragmatic knowledge systems as an assertion of two indigenous peoples' holistic relationships to their surrounding landscape. The usefulness of this research serves to open up new spaces of inquiry into ahi kā and Malo ra Gelar as holistic applications of self-determination, self-identification, and sovereignty of our future landscape, destinies and realities. Furthermore, its application could extend towards other indigenous nations to continuously challenge their colonial landscapes by privileging their holistic approaches as assertions of autonomy over people and place.

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## **ABBREVIATIONS**

JPS	Journal of the Polynesian Society
MICB	Murray Island Court Book
NZLC	New Zealand Law Commission
TKMB	Te Karae Minute Book
TROTHOR	Te Rūnanga o Te Rarawa Historical Overview Report
WMB	Wairoa Minute Book

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## INTRODUCTION

Growing up with my karani in the small valley of Mangataipa in Te Tai Tokerau, practices on the whenua were very frequent and hands-on, and the efforts and labour required to undertake cultivations the size of rugby fields was intense and rewarding. It amazed me that the frail old bony bodies of my elders could accomplish these activities successfully with the aid of only one piece of machinery, the rotary hoe. Everything else from digging, planting, watering, harvesting and sorting was done by hand. At mid-afternoon when the sun was at its peak, all they would have to eat for the entire time of working would be a piece of parāoa and a jug of hot tea! The biggest meal was consumed at dinner time and it consisted of the previous year's harvest of kūmara, rīwai, peruperu, paukena and sometimes kānga which provided us with a variety of staple foods to sustain our wellbeing. There was no reason to buy produce as the cultivations provided our whānau and hapū with the sustenance we needed. Most of the kai we consumed came from the whenua. In fact, we constantly relied on the whenua for food and water. Every summer, the closest water source would dry up, and we would have to collect buckets of water from the creek as part of our after-school home duties. We depended on the whenua and interacted with it on a daily basis. Through practices such as cultivations, my grandmother and her siblings continued the teachings of traditions and values of their forebears, which were eventually passed on to us.

After spending most of my life growing up on the whenua in Mangataipa with my elders, every bend and bump in the dusty metal road, every watercress site, every fruit tree and garden, every tuna hideout under creek banks and every kūmarahou site became etched in my memory. The landscape was so ingrained that we had no problems finding our way in pitch-black conditions. Our elders taught us to be one with the land and it was not until I left home as an enthusiastic young adult that I realised the importance of our upbringing on our whenua papatupu, the continuing legacy of ahi kā left behind by my tūpuna.



Through an uncanny experience and perfect timing, the 1904 Papatupu manuscripts for Te Karae (which includes Mangataipa) and Wairoa hearings, alongside the Karanga Hokianga publication including the typescript for the 1903 Whakarapa and Waihou hearings, fell into my hands. This was the first time that I had laid eyes on a written history of Mangataipa and other neighbouring areas, and it was such an exciting feeling seeing the names of my tūpuna carved in text. Knowing what I learnt through my experiences of growing up in Mangataipa, I was eager to learn more about the landscape and wider history of Hokianga and I wanted to get a sense of how my ancestors lived on and interacted with the whenua, just as we did when we were children.

Whilst studying the three texts of Te Karae, Wairoa and Karanga Hokianga hearings, I noted that in every claim, the custom and practice of ahi kā was applied extensively as evidence of title to elucidate use and occupation. It soon became quite clear that ahi kā was a practice of necessity in asserting mana whenua and mana moana, which led me to ask: Is ahi kā more than mere occupation? What are some of the complexities of ahi kā? Can ahi kā be measured?

## **AIM**

The first aim of this research is to provide a review of particular ahi kā practices and show how they contribute to mana whenua and mana moana. In the current landscape of Waitangi Tribunal land claims, continuous scholarship on ahi kā and other key customary land tenure practices is necessary for expanding current understandings of the complex, dynamic and flexible nature of customary land tenure. Research on ahi kā, which has a direct impact on land settlements, is an avenue of seeking further ways of engaging with our histories to assist in the submittal and outcome of current and future claims in Aotearoa/New Zealand. One way that this research seeks to further understandings of our histories involves the study of North Hokianga Papatupu Land Committee books, to show use and occupation within a flexible and dynamic framework across multiple levels of complex relationships. Despite an abundance of literature on Māori customary land tenure, very few have utilised North Hokianga Papatupu Land Committee books to elaborate on ahi kā as a multi-dimensional application of mana whenua and mana moana. This research will serve useful in this light, as it attempts to

forge new pathways and create new spaces of inquiry in which ahi kā can be continuously explored.

The second aim of this research is to compare ahi kā with customary practices of an indigenous nation outside of Aotearoa/New Zealand. Part of this thesis was written while I was a visiting Master's student at The University of Queensland in Brisbane. During my six month stay, I had the opportunity to share an office space with Noritta Morseu-Diop, a local indigenous researcher of the Torres Straits. This eventuated in a study on Mer Islands in the Torres Strait Archipelago of their local indigenous customs involving land and sea practices. Colonial official C. Pennefather pointed out the connections between Māori and Torres Strait Islanders as early as 1879, when arguing that "[i]t would seem that the time has arrived when consideration should be given to the question of putting them [Torres Strait Islanders] upon the same footing as say the N.Z. Māori to whom they are so closely akin" (Pennefather 1879: 8). The analysis of the diverse and unique landscape of Meriam customary practices broadens perspectives on asserting Meriam identity and locality in ways that are, as we will see, not too dissimilar to ahi kā, and thus aims to forge connections between Māori and Torres Strait Island peoples.

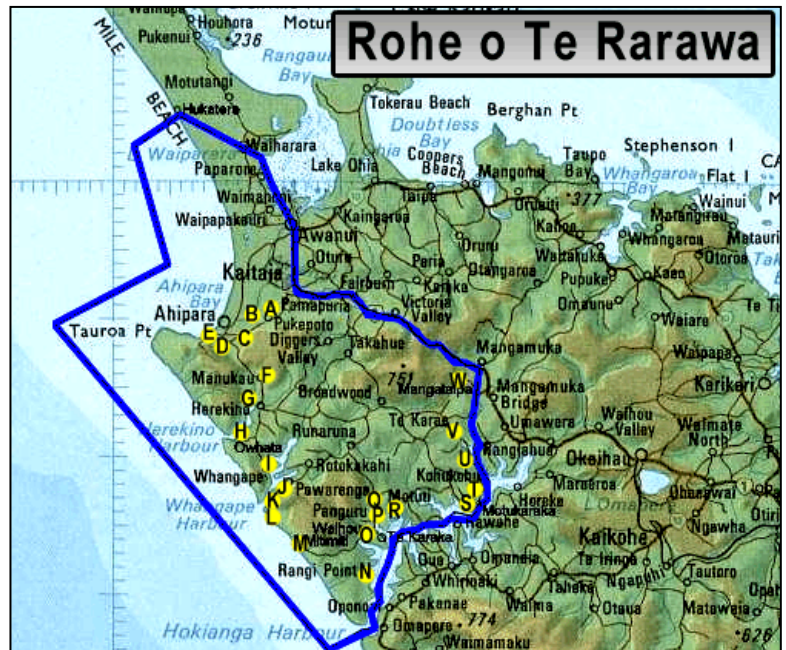
The overall aim of this research is to demonstrate ways in which ahi kā is more than just a physical reality, but contributes socially, politically, culturally, spiritually and intellectually towards securing autonomy of whenua and tino rangatiratanga of culture and identity. If measuring practicalities of ahi kā can contribute to discussions and debates of mana whenua and mana moana, then this research will further understandings on advancing the holistic wellbeing of Māori and other indigenous peoples. An analysis of customary relations and practices in two different locations creates a space in which parallels and differences can be drawn on as evidence of long-standing histories and interactions with local landscapes by local peoples. Casting the focus wider to include a Meriam scope allows for processes of articulation, validation and recognition of indigenous knowledge within indigenous paradigms to be achieved, thereby contributing towards indigenous sovereignty by redefining and privileging our own histories, realities and destinies on our own terms.

## LANDSCAPE

MAP 1: Hokianga Locale



MAP 2: Te Rarawa locale within Hokianga



Map 1: (adapted from Wikispaces, 2005).

Map 2: (Te Rūnanga o Te Rarawa, n.d.).

A brief sketch of tribal kinships and districts is relevant to understanding some of the complexities associated with the physical, cultural, social, political, spiritual and intellectual landscape under study. Te Karae, Wairoa, Whakarapa and Waihou are Papatupu blocks of districts that lie to the north of Hokianga harbour, and come under Te Rarawa dominion. Their landscape and layout gives attention to a significant place in Te Taitokerau called Hokianga. Many northern ancestors trace their lineage to the region of Hokianga, making tribal affiliations a complex thread amongst a complex patchwork of relationships. This is obvious in the entwined relationships between Te Rarawa and Ngāpuhi<sup>1</sup> who both trace descent to Hokianga through eponymous ancestors Nukutawhiti and Ruanui. Writer Jack Lee describes Hokianga as the cradle of Ngāpuhi but points out Te Rarawa as having dominance on the northwest side of Hokianga (2006: 11-17).

<sup>1</sup> Alternative forms are Nga-puhi, Nga-Puhi, Nga Puhi. Debate over whether it should be written as a compound word, hyphenated word or as two separate lexical items with or without macrons will not be entered into as long as the meaning is not compromised. Further occurrences will be written as a compound word 'Ngāpuhi', in line with Te Rūnanga a Iwi o Ngāpuhi standards (see [www.ngāpuhi.iwi.nz](http://www.ngāpuhi.iwi.nz)).

Controversies surrounding Te Rarawa and Ngāpuhi relations in Hokianga are further evident in Lee (2006), Smith (1896) and the Muriwhenua Fishing Report (Waitangi Tribunal 1988), and can be attributed to intermarriage, warfare and so forth. Even though the origins of Te Rarawa lie with Ruanui in Hokianga, it is important to remember ties of affinity to and with Ngāpuhi in the same locale through Nukutawhiti. The simultaneous landfall of Ruanui in Māmari and Nukutawhiti in the re-adzed and re-fitted Ngātokimatawhaorua waka demonstrates intricate relations between Te Rarawa and Ngāpuhi whakapapa. Furthermore, Te Rarawa identity is additionally complicated by other lines of descent which are traceable to ancestors aboard Kurahaupo and Tinana waka (Waitangi Tribunal 1988: 258).

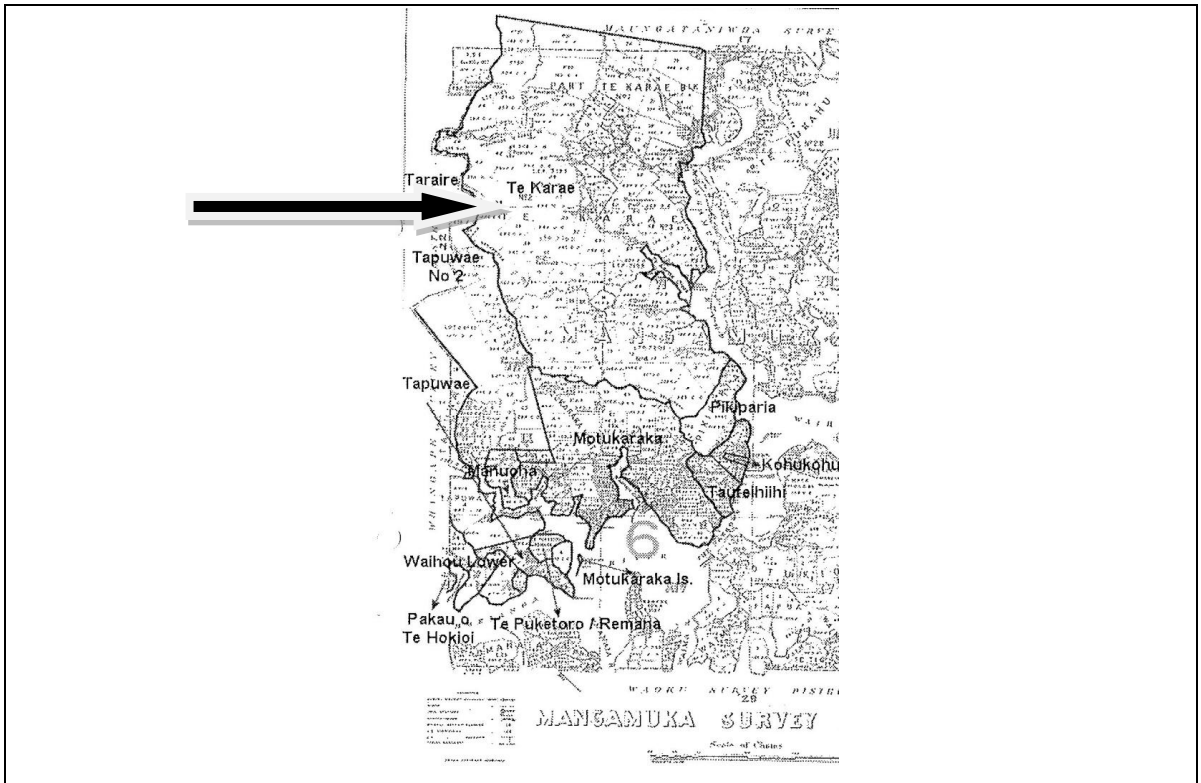
Within the territories of Te Rarawa are a number of smaller hapū. Pre-1900, Te Rarawa had increased in political dominance over particular territories such as Ahipara where Te Aupōuri hapū resided (Tate 1986: 11). Historical narratives project an image of Te Rarawa as a forceful and political unit of North Hokianga area whose dominance extended from Hokianga to Ahipara and Pukepoto, and further to North Cape (Waitangi Tribunal 1988: 259).

Elizabeth Rata (2000: 169-170) delves into political intricacies of tribal jurisdictions as evidenced through early New Zealand 19<sup>th</sup> and 20<sup>th</sup> century maps. Particularly interesting are the maps used by Cowan (1930) and subsequently Kawharu (1977) which reflect on tribal boundaries of Te Rarawa, Te Aupōuri and other groups across Aotearoa/New Zealand. Cowan (1930) defines Te Aupōuri as a principal tribe of 'New Zealand', yet according to Papatupu evidence written prior to Cowan's map, Te Rarawa took over Te Aupōuri dominion of Ahipara which saw it subsumed under Te Rarawa authority (Tate 1986: 11). The complex threads of relations between Te Rarawa and surrounding hapū and iwi have increased Te Rarawa mana and authority, and seen it expand from being a dominant hapū in North Hokianga to a principle iwi in Te Taitokerau. Particular narratives of North Hokianga and its people associated under the tribal affiliation of Te Rarawa are thus the focus of this study.

## **BACKGROUND TO DISTRICTS UNDER INVESTIGATION**

TE KARAE:

MAP 3: Te Karae Block



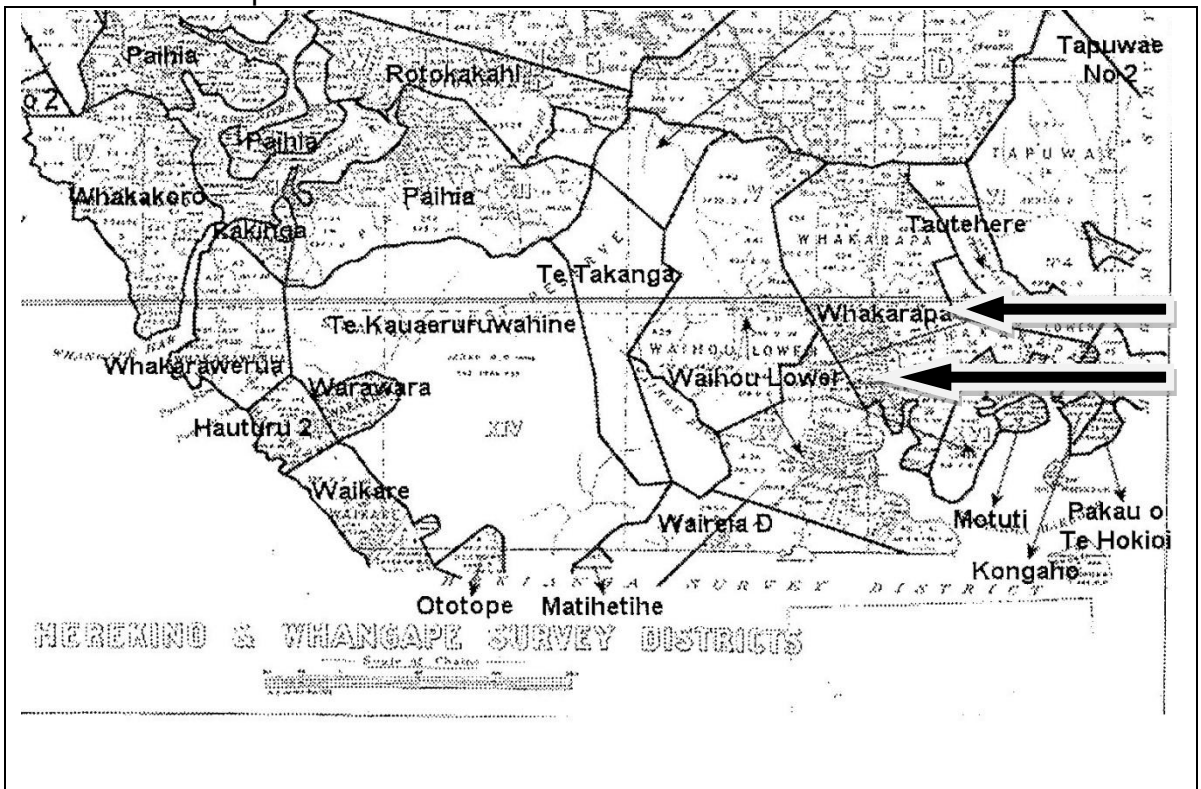
Map 3: (Map adapted from Mangamuka Survey District (SD), N.AK. 23, Wellington Lands and Survey Department, 1937. Māori Land Block (MLB) outlines supplied by Iwi Research and Development Advisory Group, Te Rūnanga o Te Rarawa, c.2004).

Te Karae district is centred on the layout of Te Karae river. The connection of the river to the tidal waters of Hokianga harbour meant that it was once used as a busy traffic highway for transportation of goods and services to and for local communities. Te Karae gets its name from the gull which used to hover around the tidal meeting point of Te Karae and Hokianga rivers in search of small fish to eat (Ihutai Hapū Trust 2008). Even though the gull is no longer seen, the place retains its name in remembrance of particular water activities and flora and fauna in the area.

Te Karae block extends beyond the vicinity of Te Karae and runs from Pikiparia to Mangataipa. Principle hapū within the area include Te Ihutai, Ngāti Toro, Kohatutaka, Te Patutaratara, Ngāi Tupoto, Te Rahowhakairi, Ngāti Hua and Ngāti Here (Te Rūnanga o Te Rarawa Historical Overview Report (TROTHOR) 2004: 26).

## WHAKARAPA AND WAIHOU:

MAP 4: Whakarapa and Waihou Blocks



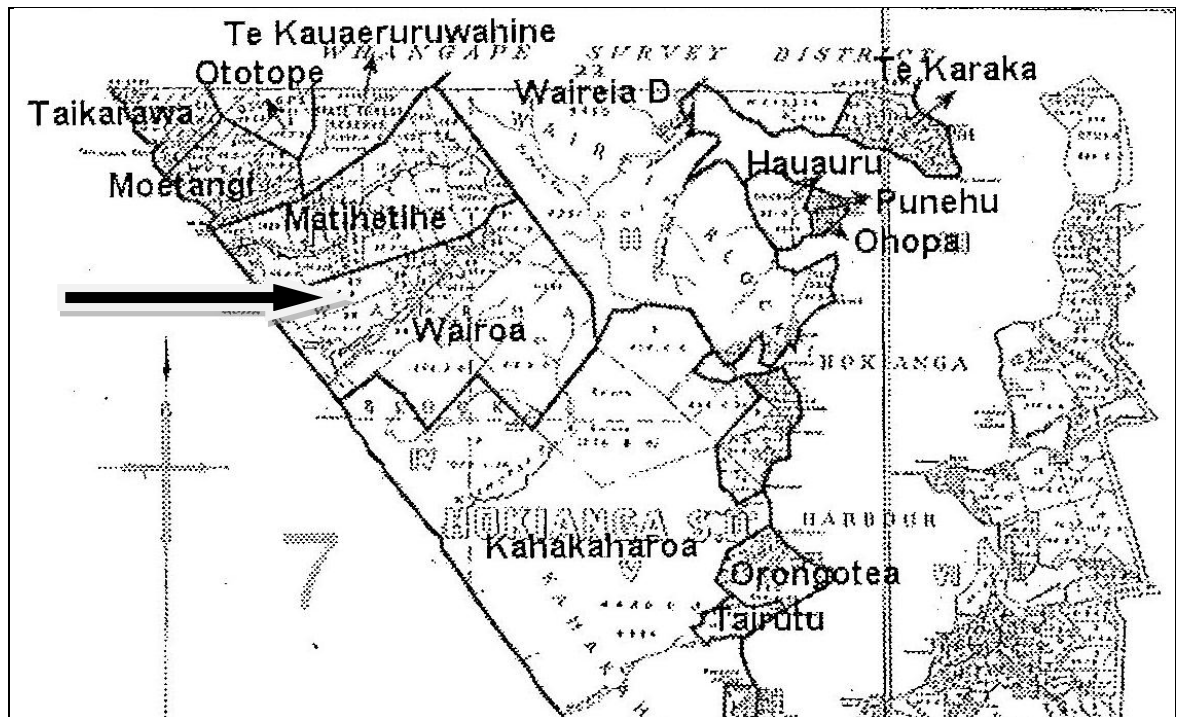
Map 4: (Map adapted from 'Herekino and Whangape SD's, N.A.K. 21 and 22, Wellington Lands and Survey Department, 1927. MLB outlines supplied by Iwi Research and Development Advisory Group, Te Rūnanga o Te Rarawa, c.2004).

Whakarapa takes its name from a particular practice that was maintained throughout local generations. Found extensively near the Whakarapa river, the *kōkōwai* was used to treat wounds, hence the name Whakarapa (Tate 1986: 31). Principal hapū for Whakarapa were Ngāti Te Reinga, Ngāti Manawa and Te Kaitutae (TROTHOR 2004: 26).

In Hokianga, there are two different locales named Waihou. To distinguish between the two, 'roto Waihou', 'Waihou roto' or 'Waihou ki roto' was often used to refer to Inner Waihou or Waihou inland near Mangamuka, and differentiate it from 'Waihou i waho' or lower Waihou which is situated near the sea entrance to the Hokianga harbour (Paremata Māori o Niu Tirenī 1892: 21). The Lower Waihou block is included in Whakarapa, and both blocks were investigated by a Papatupu committee in 1903. The principal hapū for Waihou were Ngāti Te Reinga, Ngāti Manawa and Te Kaitutae (TROTHOR 2004: 26). Whakarapa and Waihou blocks form the base of narratives found in the publication *Karanga Hokianga*. Henceforth, they will be referred to as the Karanga Hokianga hearings.

WAIROA:

MAP 5: Wairoa Block



Map 5: (Map adapted from Hokianga SD, N.A.K. 28, Wellington Lands and Survey Department, 1928. MLB outlines supplied by Iwi Research and Development Advisory Group, Te Rūnanga o Te Rarawa, c.2004).

Wairoa district is situated alongside the Wairoa river near Whakarapa and Lower Waihou. According to claimant Ruka Huru in Wairoa Papatupu, the original name for Wairoa is Wairoa-nui-a-Pari (WMB 1904: 98). Pari was a great ancestor of Wairoa who descended from the chiefly line of Tangaroa Tupu. During Pari's time, he had great authority over Wairoa. His mana is depicted in the following whakataukī "Pari ki Uta, Pari ki Tai" (Tate 1986: 57). Wairoa-nui-a-Pari derives from the event and actions of Pari when he dug drains to extend local waters. The principal hapū of Wairoa are Te Tahawai, Whānaumaai, Ngāti Te Reinga, Taomaaui, Ngāti Ruanui, Ngāti Hinerangi and Te Hokoheha.

### **PAPATUPU BOOKS**

The context of the Te Karae, Wairoa and Karanga Hokianga hearings will be outlined here as careful consideration needs to be taken when utilising Papatupu literature. Papatupu books are a record of minutes originating from Papatupu Block Committee hearings. Papatupu Block Committees operated under District Land Councils which were set up by the Māori Lands Administration Act 1900 to

assist the District Land Councils in managing “unused” or “surplus” lands (Māori Lands Administration Act 1900, S5). Seven District Councils in total were set up in the North Island, and each could assume particular functions of the Māori Land Court (ibid, s9). In the Papatupu Block Committees, five to nine members claiming to be owners of any papatupu block were elected from within the local community (ibid, s16). The responsibilities of Papatupu Block Committees are set out in sections 17 and 18 of the Māori Lands Administration Act 1900:

### **Section 17**

The committee, having due regards to Māori customs and usages, shall make full investigation into the ownership of the block, and, as the result of such investigation, shall cause a sketch-plan of the block to be prepared ... adopting hapū boundaries as far as practicable.

### **Section 18**

The committee is to prepare a report setting forth:

- 1 names of owners of a block – grouping families together, but specifying the name of each member of each family
- 2 the relative share of the block to which each family member is entitled
- 3 the relative share to which each member of the family is entitled in such family's share of the block.

Papatupu Block Committees were vested with the responsibility of investigating title to lands that were still under papatupu or customary status where no investigation of title had been conducted and assigned. The committees were to report to their local District Land Council with a sketch map of the local block under investigation and a detailed report listing names of owners and shares assigned to them. The District Land Councils could also ascertain ownership where Committees failed to do so, but where there was contention, the supreme power of the Māori Land Court would come into operation.

The conduct of Papatupu hearings included a kaiwhakahaere who fulfilled a chairing role, and kaikōrero or claimants. In some cases, claimants put forward spokespersons on their behalf. The meetings were conducted entirely in te reo Māori and as McRae puts it, “...this inspired confidence being a correct and



satisfying way of discussing topics central to Māori thought and behaviour and deep emotional attachment” (1981: 69).

Cross-examination was permitted, however the nature of discourse relied on western practices of interview style questions, which was a pattern set by the Court (see Smith and Morphy 2007). The nature of one-to-one individual inquiry, which was not a common discursive practice of Māori gatherings, would have constrained claimants in their representations, thereby portraying an inaccurate depiction of themselves. Furthermore, evidence required was of a factual nature and, as a consequence, was devoid of a lot of the richness of oratory. The emotional intensity of story-telling and oral narratives was missing as emphasis was placed instead on ‘what’ and less on ‘why’ or ‘how’ (Parsonson 2001: 27). Oral narratives weave together generations of accumulated histories, stories, relationships, often crisscrossing with counter-narratives. However, “to tell stories is to give away knowledge of an area, and this requires the right to impart information about ancestral action” (Magowan 2001: 45). Some kaumātua refused the process because traditionally such knowledge was treated with great tapu, imparted only to the select few of whakapapa status and rank. McRae comments: “[w]ithin the committees Māoris were stepping outside the framework of their own tikanga marae, and, in appreciation of the need for conformity with rules required for successful administration of legislation, applied them strictly” (1981: 69). Specific knowledge was not to be discarded and openly aired for all to hear, thus deeming it of tūtūā or lower class status. As such, knowledge imparted in this way lost its significance in order to meet the standards of a Pākehā legal system.

The Papatupu Committee worked closely in contact with the District Council (McRae 1981: 76), and functioned as an extension of the Māori Land Court. The basic duty of the Māori Land Court was to turn customary Māori Law into recognisable English Law (Boast et al 1999), by deciding “between opposing parties of claimants who, according to Native custom, would have possessed the land and then to apply Native custom to the ascertainment of the individual owners of it” (Smith 1942: 47). Although the Court tried to base its procedure and ethos on customary rights and values (Kawharu 1977: 76), its associated rituals remained a powerful symbol and function of Western Law, and would eventually ‘disintegrate

tribal cohesiveness' of guardianship and custodianship into individual ownership (McRae 1981: 53).

One could argue that Papatupu evidence, although Māori on the surface is fundamentally a product of a colonial structure governed by Western Law. Despite the Papatupu Committee and District Councils being persistent forums from which political actions of Māori have ensued (McRae 1984: 283), top level information was translated and absorbed through the Pākehā lenses of judges, magistrates, presidents and other Land Court officials, who thought, understood and processed via Pākehā understandings before regurgitating this distorted picture back to claimants and wider members of Māori and tribal society. As a result of the Māori Land Court process, traditional styles of communication were sacrificed along with the integrity and responsibility of cultural history and knowledge transmission (see McRae 1984), which can be seen in the shift from oral dependency to reliance on the written word.

Ironically, written narratives such as manuscripts, letters, newspapers and so forth have become one of the major benefits of the colonisation process. As such, Papatupu minutes from Te Karae, Wairoa, and Karanga Hokianga hearings form the contextual analysis of this study. Few researchers have utilised Papatupu Committee books to elaborate on Māori customs, and to date they have been “accorded scant acknowledgment” (McRae 1981: 75-78). Māori Leader Sir Apirana Ngata (1929: 10) noted that the minute books of the Native Land Court period are a source of information for whakapapa, land tenure, mana, and other customs relating to Māori tribal society. The Papatupu books are without a doubt a rich repository of Māori knowledge, and they remain one of the most significant sources of archives for research into Māori understandings and constructions of language, tikanga and history.

## **METHODOLOGY AND FRAMEWORK**

As this thesis is grounded in the discipline of Māori Studies, it is culturally fitting that a kaupapa Māori framework is applied. The importance of kaupapa Māori knowledge frameworks in Māori research have been highlighted by Māori scholar and leading activist Moana Jackson as a sound method of deconstitutionalising,

decolonising and 'demythefying' research approaches and research itself (2008). Methodologies used to undertake research on, with, and within indigenous communities are fundamental in creating positive achievements and outcomes that have value to the research group by extending the group's knowledge base and history. The Māori framework and methodology of whakapapa is a useful tool in tracing lineages of stories to open up new spaces for inquiry. This same approach is adopted in my research, where whakapapa as a methodological tool will be applied to investigate whakapapa of histories and relationships concerning ahi kā.

Whakapapa is used to show connections of life forms (Mead 2003: 343), and is commonly seen and used nowadays to articulate connections or layers of human relationships. Williams defines whakapapa as "place in layers, lay one upon another" and "recite in proper order genealogies, legends..." (2001: 259). Whakapapa is concerned with the culmination of genealogical layers spanning across generations of time and space. Whakapapa as a relational tool can be applied to establish or re-establish connections between diverse phenomena. Whakapapa in this sense will be drawn upon to locate ahi kā within the landscape of tikanga Māori. Since whakapapa is an embedded aspect of tikanga, whakapapa itself directly impacts on principles of ahi kā. Māori scholar Hirini Moko Mead discusses connections between ahi kā and whakapapa and goes on to say: "one has to be located in the right place and be seen often in order to enjoy the full benefits of whakapapa" (2003: 43). Kinship relations between ahi kā and tikanga are stabilised through whakapapa, and in this thesis, will be reinforced through the whakapapa framework.

Whakapapa as a tool can stretch both vertically and horizontally (Loader 2009: 19). Alternative imagery of whakapapa is also seen through lateral lenses, where whakapapa is viewed as layers upon layers. In either view, whakapapa as an analytical tool is capable of investigating phenomena in chronological order beginning with the very inner layer progressing to the outer layer, or vice versa. The binding of each layer is threaded strongly with genealogical narratives of people, events, experiences, time, space and existence. Kinships between these phenomena can be unpacked through the tracing of connections. Human relationships, for example, are connected by male and female lines of descent

which traverse back in time to eponymous ancestors or forward in time to present generations. Using the same method to express connections between two or more relations, occupational practices will be investigated as extensions of ahi kā. Investigating whakapapa relations of ahi kā is a significant contribution towards recounting and privileging indigenous histories, and re-solidifying indigenous narratives in a current context.

Paradoxically, exploring whakapapa can be a hazardous task; for example, uncovering truths may be a reason to alter truths. Similarly, multifarious truths may be uncovered with the potential to cause harm to particular relationships. When investigating whakapapa, care must be exercised to ensure that correct methods are followed to ensure validation and protection of knowledge (see Smith 1999). Exploring whakapapa in this light is useful to question the validity of one's truth and identity. It is thus timely that I locate myself in this research, and connect my whakapapa to the landscape of work, as is appropriate in tikanga Māori. Although this discussion has relevance to my position as a researcher of the Mer Islands scope, I have chosen to outline my stance in the Mer study in chapter five.

Whakapapa provides me with a solid base from which I am able to participate in this research. My whakapapa connection to the field of Māori and Te Rarawa history is evident through my Te Rarawa and Ngāpuhi links, which are traceable to those ancestors featured in Papatupu sources. Supplementary evidence is also present through the occupational practices of ahi kā which I experienced as a child on the whenua papatupu in Te Tai Tokerau. My kinship to the land has consequently encouraged my investigation into researching the ahi kā traditions of my ancestors, who undertook similar experiences on the whenua. Through whakapapa, my present position is placed in the context of past events, forming connections that are traceable and traversable in both directions, from past to present and present to past. As a descendant of Te Rarawa, traversing the road in both directions will reinforce cultural and tribal affinities with the land.

My Te Rarawa whakapapa thus legitimises my connection to the research, and more importantly, allows me to investigate Te Rarawa history as an insider. According to Mead (2003: 43), without whakapapa an individual is an outsider looking in. An outsider can never quite understand or comprehend an inside

perspective without distorting the view, which is what makes disciplines such as anthropology and psychology problematic. This is not to say that non-indigenous researchers cannot participate or engage in indigenous research. However, relationship building with the indigenous group under investigation must be formulated and grounded according to tikanga Māori well before the research journey begins (see Smith 1999 for Māori research ethics on researching Māori people). My whakapapa and my experiences through growing up in Te Tai Tokerau connect me to my past and ground me in the present, thus confirming my place and identity in time and space. It is from this platform that I am able to write with an insider's perspective in the field of Māori and Te Tai Tokerau tribal narratives.

## **THESIS STRUCTURE**

The structure of the thesis is presented in a genealogical-like fashion, using the methodology of whakapapa as the thread to bind together the intrinsic patterns throughout the entire thesis and within each individual chapter. In the opening of this chapter, I used a personal narrative to provide my connection and whakapapa to my kaupapa as a way of locating myself, the researcher, within my research. Its function acknowledges methodologies of Kaupapa Māori Research (see Smith 1999) but it also serves another purpose by using an informal tone to introduce the thesis as a story. According to Cherokee writer Thomas King (2003: 2) "stories are all we are." Research through storytelling is a vehicle in which genealogical narratives can be maintained and carried forth into the future. It is appropriate then that the genealogical narrative of this thesis begins in a story-like manner, where my personal narrative introduces this chapter as a complement to setting the whakaraupapa or order of the thesis' story before transitioning into the plot of ahi kā in the next chapter.

Chapter two introduces ahi kā to the thesis and establishes a conceptual landscape by exploring its associated foundations and concerns. Whakapapa is instrumental in this chapter as it highlights interconnections between common customary concepts and practices relevant to ahi kā. A web framework named Ngā Tātai Ahi Kā is designed specifically to show whakapapa links between

customs and practices. As a core component of the thesis, it is reflected upon in this chapter and all chapters thereafter.

The investigation of these interconnections is applied in chapters three and four, which move the thesis from its conceptual beginnings to a physical landscape by exploring tangata whenua occupational practices as assertions of mana whenua and mana moana. Whakapapa serves as a crucial tool in these two chapters by tracing relations between customs and mahinga practices in order to show the physical realms of ahi kā as having efficacy on cultural identity and permanency in Aotearoa/New Zealand.

Chapter three draws attention to the practice of rāhui, and is positioned in this order to reflect on the strengths of ahi kā as a flexible and pragmatic application of Māori tribal society. Chapter four builds on the notion of ahi kā as a holistic and pragmatic tool by focusing on mahinga practices such as wāhi tapu, pā/kāinga and mahinga kai. Where rāhui aims to highlight associated social and political behaviours of Māori tribal society, wāhi tapu, pā/kāinga and mahinga kai investigate associated cultural, intellectual and spiritual connections. Exploring various intrinsic patterns of ahi kā practices will show ahi kā as a complex and multi-dimensional custom and practice that is capable of validating our indigenous histories and stories alongside the grand colonial voices that continue to exist in Aotearoa/New Zealand scholarship.

In the same way that whakapapa is used to connect human relationships, so too is it applied in chapter five to reflect on another indigenous nation's customary practices. Interconnections are evident in our whanaungatanga ties with the Meriam people of Mer Islands as two colonised indigenous nations seeking sovereignty against grand narrative themes which have been imposed on our 'organic' ways of being, knowing and understanding. As Jackson mentioned in his keynote address at the Critical Mass Conference (2008) 'if knowledge is never-ending like whakapapa where it seeks to find connections between people, then knowledge must seek to find relationships between people and the universe.' Delving for knowledge outside of te ao Māori is a powerful tool in advancing not only voices of Māori, but other indigenous groups such as Meriam people who have suffered and continue to suffer similar fates as ours. However, it must be

remembered that in this study, I am positioned differently as a researcher to what I outlined about my whakapapa which provides me with an insider's perspective when researching Māori and Te Rarawa narratives. I will reflect on this different stance in more detail in chapter five. Nonetheless, writing about Mer Islands' and Meriam peoples' customs and traditions provides an opportunity to arm ourselves, both Māori and Meriam, with the appropriate tools to further empowering indigenous stances in combating colonised narratives that have for too long, been the dominant strands of histories. Investigating connections between Meriam customs and practices will shed light on their interactions to land and sea as an influential source of their cultural identity and permanency.

In the conclusion of this thesis, the importance of indigenous research on indigenous practices will be affirmed with some final thoughts on the customary practices applied in Aotearoa/New Zealand and Mer Islands. Using whakapapa as a methodology not only acknowledges Kaupapa Māori research, it most importantly recognises Māori philosophies and values which ultimately underpin this study. Māori research methodologies and frameworks provide strong a foundation for the analysis of my research in seeking out further knowledge that will move us closer towards securing Māori tribal sovereignty and self-determination of our past, present and future.

## **TERMINOLOGY**

In this thesis I will use terms that recognise and acknowledge western knowledge systems and conventionally require qualification in a Māori system. Terms such as property, possession, ownership, usership, mana whenua and more encode a particular history in the context of relevant literature of Aotearoa/New Zealand history and Land Law. It is inevitable that western terminology arises when approaching customary land tenure, especially in countries that have been stamped by British colonial rule and administration. In these instances, I try to use such phrases in a way that the general principles can be understood or derived from a Māori world view. Renowned New Zealand Anthropologist Joan Metge provides a sound explanation of the difficulties of cross-cultural translations and serves to remind us that:

... it is necessary to recognise that Māori concepts hardly ever correspond exactly with those Western concepts which they appear, on the surface, to resemble. While there is a degree of overlap, there are usually divergences as well. Even if the denotation – the direct reference – is substantially the same, the connotations are significantly different. Commonly, several sentences of explanation are needed to deal adequately with the similarities and divergences. For these reasons it is unwise (though tempting for the sake of brevity) regularly to translate the Māori word for a concept by a single English word or phrase, for listeners inevitably hear the English meaning (cited in NZLC 2001: 29-30).

Customarily, western principles of ownership, property and possession were not present in the Māori lexicon or Māori knowledge system (Stokes 1992: 178). Western philosophies of land tenure did not share the same cultural, spiritual and intellectual views as Māori did of their lands and resources. Pre-european relationships with the land encompassed holistic attitudes of tenure (Riseborough and Hutton 1997: 126). People did not 'own the land' inasmuch as it owned them. In fact, emphasis of relations were focused on 'belonging' to land, and it was "perceived as a source of identity and continuity to be shared between the dead, the living and the unborn" (Ministry of Justice 2001: 2). Caution needs to be heeded when applying western land law terms to a Māori framework as it does not accurately describe and embody applications of customary Māori land tenure.

The same debate is applied to the term *mana whenua* (Meredith 2008). Currently accepted into New Zealand English, the identity of the term *mana* has many shades which have been contestable since the late 1800s right up until present time. Rev. Mr Buddle who was the Superintendent of the Wesleyan Mission quotes *mana* as being "... authority, power, influence ... originally applied to persons and their words or acts, not to land; the word has of late been used in reference to land, and now we hear of *te mana o te whenua* (the *mana* of the land)" (2003: 4). Infamous Chief Judge of the Māori Land Court, Francis Fenton argues the same views of *mana* as a virtue or personal characteristic (cited in Rev J Hamlin 1890: 225). *Mana whenua* has also been under scrutiny by New Zealand historian Michael Belgrave (cited in Meredith 2008: 5) who believes the term did not exist in traditional times. 'Te *mana o te whenua*' and its alternatives are seen as a new application of an evolving concept, and are said to have originated from the establishment and existence of the Māori Land Court.



Similarly, the relatively new term 'mana moana' has undergone shifting contexts. Traditionally, waterways, lake beds and banks were not considered or analysed as separate entities from the water or whenua (Waitangi Tribunal 1999: 23; Wai Māori Trust 2008: 1). However, the present New Zealand Foreshore and Seabed Act 2004 is representative of the distinction made between land and sea. Out of a need to clearly define the inclusion and importance of waterways as a taonga, the term 'mana moana' has arisen, and there is significant evidence in Waitangi Tribunal reports (1984, 1992, 1993a, 1998, 1999) and Te Karae, Wairoa and Karanga Hokianga Papatupu hearings that illustrates claims to water, thereby demonstrating the unity of people with water and its importance to Māori tribal society.

In the Papatupu books, mana whenua is often referred to as one's customary authority over land and resources. Similarly, claims made to ecological domains of the moana demonstrate one's authority in distributing rights to resources pertaining to coastal properties. Despite contemporary debates on mana moana as a 'reinvented tradition' (see Meredith 2008), it is necessary to acknowledge some of the historical and modern narratives around shifting identities of mana whenua and mana moana in order to understand their application and representation in this thesis. Any use and meaning of terms mana whenua and mana moana herein will be applied to embody and encompass the physical, spiritual, cultural, environmental and social values of customary Māori tribal society; that which is founded on intimate and ancestral relationships of people to the land and sea.

## **LANGUAGE ISSUES AND CONVENTIONS**

Since I am working directly with Māori textual sources, it is relevant here to outline some of the issues involved with language and translation issues, both of which play an important role in the analysis, interpretation and writing of this research. The matrix language of this thesis is English and there are many personal, cultural and political reasons why I chose to write from this platform. The following section provides a background to this discussion, and will hopefully shed some light on the difficulties and complexities of language theories and language methodologies in research.

Dealing with multiple languages and cultures in multi-disciplinary work presents many challenges in terms of language conventions and translation issues. One misconception of translation is that a word-for-word correspondence suffices for context, grammar, metaphors, and wairua of source text (Bassnet 1997). Applying such a method often means that what is beautiful in Māori comes across as butchered in English. As Australian Anthropologists Smith and Morphy have pointed out (2007: 3), "... in translating a language – or a set of culturally inflected forms and practices – there is almost always a transformation." Cross-cultural interpretations do not always codify the practical, spiritual, and conceptual aspects of the matrix language which in this case is English, therefore all Māori quotations taken from Papatupu sources will remain in their original form and no translation will be offered. The only adaptations made include the application of macrons in all known places including the replacement of double vowel length, with the exception of personal names which will remain in the form they occur in sources. Formatting, however, will be applied to make for ease of reading and understanding.

From a personal standpoint, I consider myself to be a competent speaker of te reo Māori, which I define as being able to write and speak about general topics without difficulty. However, my competency in te reo and translation skills is not yet at a point where I am able to interpret more than just meaning into English by maintaining the essence of ideas, values and words used in the original Māori text. In a Māori world view, a word has a whakapapa; a word has a story, and stories represent world views, values, beliefs, traditions, language, humour, creativity, and culture. My current knowledge base of te reo Māori and English is not yet at a point where I can do justice to Māori quotations by incorporating not just meaning but a holistic Māori worldview into a system where such a view does not exist.

With English as my first language, my thought processes and capabilities in English far extend the application and capacity of my te reo skills. In making the choice to write in English, I do not trample on the mana of te reo, although some may infer this from my privileging of the colonial tongue. Nonetheless, this by no means suggests that I do not have the capacity in te reo Māori to engage on a personal and critical platform with my sources. Added to this, my linguistic background and knowledge of the structure and syntax of te reo Māori guides me in my interpretation of the way language can be used to construct identity,

culture, struggle and power. My understanding of te reo and tikanga thus provides room to move through and across texts; whereas my comprehension of English allows me room to discuss issues raised by such movements. This, I believe, is a positive force and useful tool in using English in Māori research.

Another point that needs to be made here relates to target audience or readership. This work is intended for an academic audience and it is paramount that a relationship between academia and Kaupapa Māori Research is recognised and present in the academy. Smith describes Kaupapa Māori research as retrieving space by convincing Māori and Non-Māori of the benefits of Māori research (1999: 130). The 'organic intellectual', as termed by well-known Marxist theorist Antonio Gramsci (1997) encompasses Smith's philosophy by engaging oneself with wider society and challenging the status quo. Part of the responsibilities of Kaupapa Māori Research thus involves educating non Māori of our systems of practices and beliefs that constitute our ways of living, being and knowing. Māori knowledge systems have existed for many centuries and are thus validated in this way; one of the purposes of this research is to help bring Māori knowledge systems in line with western frameworks, and highlight that ours is just as valid as any other scientific system that exists, and is adaptable to today's world.

The other method of validating indigenous knowledge within western scholarship involves the application of English as the main text. Research is about advancing the knowledge of whānau, hapū and iwi in order to have a better understanding of our past and better determine our future. Writing in English affords the opportunity for a great majority of the Māori population whose first language is English to read this thesis without too much difficulty that many would face if it was written entirely in te reo. Despite the active choice to leave all Māori quotes in their original form without providing translations, the essence of arguments are summed up within the English discussion. Readers do not need an advanced level of te reo, although it would assist on a deeper level of understanding of the complexities and intricacies of Māori customs, values and beliefs that are strongly fore-grounded in this work.

Finally, this thesis encourages bilingualism through the strong use of te reo Māori. For all Māori words in the text a Māori-English glossary will be provided, more so for our indigenous whanaunga of Mer Islands who may read the international study included in this thesis on their people, the Meriam. Furthermore, any lexical items in Māori that share the same form in English will not be highlighted through the use of italics. Māori words such as 'take' which has a high frequency in this thesis will remain in standard font and efforts will be made to ensure that no ambiguities exist. By using the above techniques, te reo Māori and English are accorded the same status.

Meriam records used in this study are written in English hence no need for a translation. To protect the identities of Meriam people, anonymity will be applied. Pseudonyms will be used for all personal names, except for place names which will be marked by [ ]. A Meriam Mir-English glossary will also be included, making the thesis accessible to a wider audience of academic scholars.

### **SIGNIFICANCE OF THIS RESEARCH**

Hokianga has an abundance of fascinating history awaiting further research. Research provides an opportunity to delve into direct histories of home, the very place that nurtured and grounded me as a child. This kaupapa is personal and meaningful. My identity as Māori, Te Rarawa and Ngāpuhi, and as a wahine undertaking Māori research further commits me to seeking out new understandings of our ways of being and knowing that is useful, relevant and positive to the present landscape of Māori and indigenous scholarship. Drawing more critical attention to indigenous understandings and customary practices allows for new spaces of inquiry to open up in future. This, I believe, will see this as a constructive piece of work in the continuation and affirmation of Te Rarawa and Meriam histories and identities, in the hope of drawing us even closer to securing mana motuhake and tino rangatiratanga of our whenua, tikanga and oranga.

## FOUNDATIONS AND CONCERNS

**INTRODUCTION**

The following extract is taken from the ōhākī or dying wishes of well-respected Te Rarawa chief Te Tai. His final thoughts to his descendants encouraged them to be brave and steadfast in maintaining their ahi kā. The middle part of the ōhākī also represents the thesis title:

...Whai hoki ko te motunga o tā koutou ahi e kā nei, kia maia ki te kānga o tā koutou ahi, kei tikina mai, kei tineia e te tangata (Tate 1986:108-109).

The customary concept of ahi kā<sup>2</sup> literally means ‘burning fire’ which refers to one’s ‘title or right to land by occupation’ (Williams 2001: 3; Sinclair 1977: 90; Asher and Naulls 1987: 6). Ahi kā was held by local hapū members in order to keep their occupational rights to their ancestral land alive, and was the “necessary ingredient, common to all take, which must be proved before a claimant can be said to have established a claim conclusively, namely, occupation” (Smith 1942: 49). Ahi kā is the long standing practice in which occupation was achieved over generations linked by whakapapa and time (Mead 1997: 228), and it was a strong force in keeping one’s ancestral flame alive on land:

Ko taku ahi kā i kōrero mai anō i aku tūpuna, tae noa mai ki au (Tate 1986: 37).

Ahi kā was achieved through continuous generations. The land in occupation either belonged to you originally through ancestral title, or was yours by force or conquest (Asher and Naulls 1987). Those in occupation of ancestral land, who did not have the force or might to protect their rights to land, may have been forced to flee through inter-tribal warfare and settle elsewhere. Those in occupation of conquered land established ahi kā over consecutive generations with the aim of becoming permanent occupants with mana whenua status. Claims to land and resources became even stronger as occupation was held over successive

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<sup>2</sup> Also termed ahi kā roa. Recent literature by Mead (2001) privileges the term ahi kā roa. Both convey the same meaning, that of continuous and long standing occupation.

generations. The following tells of the beginnings of Te Rarawa's mana through conquest of Te Aupōuri lands and sea areas which have been maintained successively right up to the present day:

Ka haere a Te Rarawa ka tae ki Ahipara ... I a Te Aupōuri katoa te mana o te moana, tīmata atu i Ahipara, tae noa ki Muriwhenua ... I te wā i a Te Rarawa e noho ana i Takahue, ka hiakai ki te mea mātaihai. I te taenga atu, e peia mai ana e Te Aupōuri. Nō konā ka puta katoa ngā toa o Te Rarawa. Kīhai i roa e whawhai ana, ka whati Te Aupōuri. Nō te parekua i Te Oneroa ka riro te mana o Ahipara i a Te Rarawa, me te one katoa nei, ka riro katoa i a Te Rarawa rāua ko Te Tahawai (Tate 1986: 11).

If occupation was not maintained, an ahi kā right and the authority to exercise that right were susceptible to being challenged by the original group or another contesting group. The Te Rarawa chief Te Tai knew that conquest was a possibility, hence the warning given to his people on his deathbed. Two messages are clear in Te Tai's ōhākī. Ahi kā needed to be protected and maintained to strengthen current occupation and to prevent conquest. Once ahi kā was extinguished, rights to resources on land were severed resulting in a loss of authority and control over such rights. This brief background of ahi kā has provided a timely introduction to the contents of this chapter. The first section provides a conceptual landscape which includes the introduction of a web model to locate ahi kā within the structure of tikanga Māori. The methodological framework of whakapapa will be used to depict key relations of the web model, and highlight strengths of ahi kā as a customary concept and practice. The web analogy will also identify some concerns of ahi kā, which are further highlighted in the second and third sections that address issues of cultural evolution, mana and degree of occupation. Ahi kā in accordance with common customary concepts highlights how a systematic network proves effective in demonstrating mana whenua and mana moana.

## **CONCEPTUALISATION**

Land is an intrinsic source of Māori identity (Williams 2004b: 50). The rich connection with land is embodied through the whakapapa to primeval parents, Ranginui and Papatūānuku. United through common descent, the relationship between people and the surrounding natural environment is based on beliefs that people, animals, plants, trees, fish and other natural species are all equal descendants of Ranginui and Papatūānuku. Over time and space, Māori values,

customs and beliefs continue to promulgate this intense metaphysical relationship with the land founded on ideologies of reciprocity, respect and mana. Communities therefore feel obligated to maintain inherent links through deep respect, care and management for all living species and their environments with the land, sea or forest.

The Māori word for land is *whenua*, but it carries more than just one meaning and more than just one application. *Whenua* also means ground, placenta or afterbirth (Williams 2001: 494). The placenta or *whenua* of a newborn child is customarily buried within one's own tribal area, often in a place especially designated for that purpose. The return of the *whenua* (placenta) to the *whenua* (land) is metaphorical of reciprocity and interconnectedness between people and the land (Williams 2004b: 50). A physical, spiritual and cultural relationship is thus formed with the land and is an important basis in which Māori identities of belonging are forged and fostered. The analysis of *ahi kā* throughout this thesis will show the importance of customs to human relationships with the land for the maintenance and continuation of Māori identity and cultural continuity.

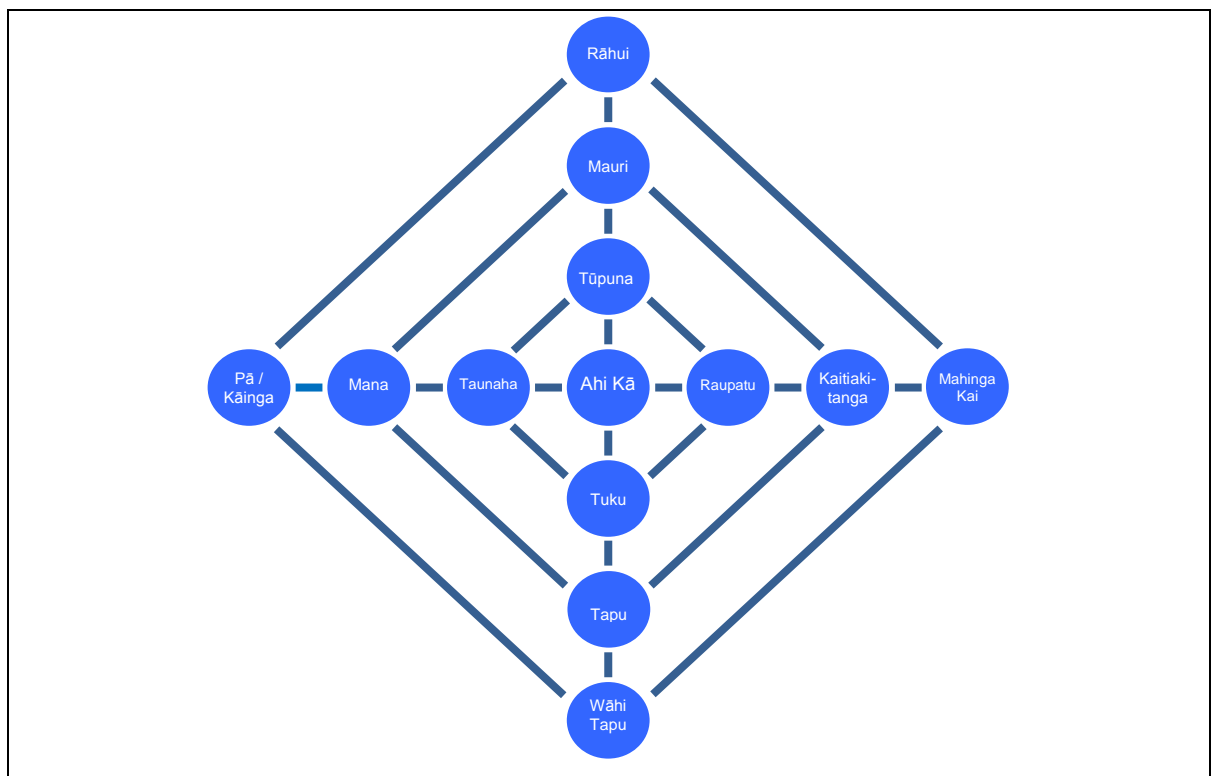
Many scholars have stressed the protection of *ahi kā* as being a key factor in maintaining *ahi kā* (Smith 1942; Sinclair 1977; Asher and Naulls 1987; Boast et al 1999). By taking up arms against all enemies, no other act could surpass putting one's life on the line in order to protect past, present and future generations' rights to ancestral lands. Tregear (1904: 130) claims that *ahi kā* needed to be held in conjunction with an already existing right before occupation could begin to take place. In total, there were five methods in which *ngā take whenua* or rights to land were acquired:

- take *tūpuna* – inheritance from ancestor
- take *raupatu* – conquest
- take *taunaha* – naming during discovery and exploration
- take *tuku* – gifting, and
- take *ahi kā* – occupation (Smith 1942).

*Ahi kā* is a complex phenomenon that needs to be analysed in relation to *ngā take whenua*. In fact, none of the take could exist in isolation; each take needed *ahi kā*

as its co-requirement. According to Norman Smith (1942: 57) “... every right to land, whether it rested upon ancestry, conquest or gift was required to be kept alive by occupation or the exercise of some act indicative of ownership and user.” Ahi kā is therefore considered the necessary ingredient or co-requirement of all take. In conceptualizing this relationship, take tūpuna, raupatu, taunaha, tuku and ahi kā can be portrayed through the following model which I have called Ngā Tātai Ahi Kā:

Fig 1: Ngā Tātai Ahi Kā



A macro-level investigation of the web model will now be explored before delving further into a micro-level analysis. Common Māori customary concepts that have direct relevance to ahi kā have been summarised in Ngā Tātai Ahi Kā, thereby showing the cultural context of tikanga Māori as fundamental to the web model’s operations. Tikanga is defined as:

... a set of beliefs and practices associated with procedures to be followed in conducting the affairs of a group or an individual. These procedures are established by precedents through time, are held to be ritually correct, are validated by usually more than one generation and are always subject to what a group or an individual is able to do ... (Mead cited in NZLC 2001: 16).



Leading Māori scholar and former Chief Judge of the Māori Land Court, Sir Edward Taihākurei Durie, has viewed tikanga as a social system that was traditionally pragmatic, open-ended and practical by nature (1994: 17). Tikanga served as law and order of society and was mutually upheld and enforced by all members who were united in beliefs, customs and traditions. Other scholars such as Kawharu (1977) and Mead (2003) have shown tikanga Māori as rigid in principle and flexible in practice, which is vital to understanding the solid framework that governs ahi kā. The security of Ngā Tātai Ahi Kā is analogous of the strength between Māori customary concepts and customary land tenure applications such as rāhui and mahinga. A web analogy is a systematic tool in applying the methodology of tātai whakapapa to articulate key relationships of interconnectedness and flexibility of Māori concepts relating to ahi kā.

On a micro level, the central theme of ahi kā is located at the core of the web, and represents direct kinship and interrelatedness to the central layer of land tenure titles. The strength of this kinship highlights relationships of interdependency between take tūpuna, tuku, raupatu and taunaha as the necessary base or reason of ngā take whenua, complemented by ahi kā as the co-requirement and practical function of customary land tenure. Take tūpuna, tuku, raupatu and taunaha share a common and significant relationship to ahi kā which was necessary to achieve successive title to whenua. Papatupu hearings show take tūpuna and ahi kā as the common method of mana whenua and mana moana. Similar customary land tenure philosophies are found in the Tuamotu Islands where “kinship and residence were preconditions for access to ancestral land” (Ottino cited in Rapaport 1996: 34). Ahi kā and the four base take therefore share a mutually dependent connection where title and practice go hand in hand in demonstrating mana whenua or mana moana. Ahi kā is thus placed centrally to emphasise connections to ngā take whenua. The rigidity, and paradoxically, flexibility of the framework displays an overall important function of holding all relationships in place. Each thread of connection is held firmly in place and assists further in the security and maintenance of the web structure.

The second layer encompasses common institutions of tikanga Māori that have direct relevance to the social, cultural, spiritual, intellectual and political milieu of ahi kā. Mana, tapu, mauri and kaitiakitanga are highlighted as core threads of ahi

kā, and were fundamental mechanisms in Māori tribal society (Williams cited in New Zealand Law Commission (NZLC) 2001). Although tribal variations exist in the application of tikanga (Smith 1942: 38), the essence of ahi kā remains centred on solid foundations embodied by strong cultural values of tikanga Māori.

The outer layer of the web depicts physical relationships and practical functions of ahi kā. Each of the three layers when combined together in this diagrammatic form provide a fluid interpretation of ahi kā but expose some complexities which will be observed in greater detail in the latter part of this chapter and subsequent chapters. Similarities in the above diagrammatic model can be cross-referenced to Rangihau's diagrammatic representation of Māoritanga (cited in Ka'ai and Higgins 2004: 16). Rangihau (ibid) favours a model that also stresses interrelations of Māori concepts to each other. The significance of both models emphasise the need to observe some tikanga Māori components in relation to each other rather than in complete isolation. The nature of the web model as a multi-layered paradigm reflects ahi kā as an intrinsic operation of Māori world views that has cultural relativity to other tikanga Māori aspects. The methodology of whakapapa will be used to emphasise this point further.

In its original form, whakapapa concerns relationships of things united through common ancestry (Williams cited in NZLC 2001: 31). All animate and inanimate things in the physical world can be classed as being of the same kin, united through common descent. Kawharu explains further:

... whakapapa is the process by which space and time transcend layers of potential and expansion in ordered sequences (or states of being) so that layers of gods and demi-gods are followed by layers of human and animal strands. Human, environmental and animal life all find common origin by being connected to divine forms (Kawharu 1998: 16).

Using whakapapa as a theoretical framework allows for relationships to be forged where there is a shared or common experience. The whakapapa displayed through each thread of the web symbolises close knit ties between each cultural component, and reflects relationships of reciprocity between ahi kā and ngā take whenua. This behaviour is an attribute to the strength of ahi kā relations, and a testament to generations of collaboration and mutual understanding of tikanga Māori.

One of the concerns of a web analogy relates to the vulnerability as exposed by the very own nature of a web. On the one hand, a web when exposed to nature's elements is durable enough to maintain its natural form, and flexible enough to sway to and fro in the wind. In the case of ahi kā, a web is a perfect model for showing interconnectedness and balance of relationships between customs and practices. Furthermore, its rigidity and flexibility emphasise a temporal location to which the success of ahi kā is attributed. The traditional context which saw times of stability and security amongst Māori and tribal society is therefore accredited with securing Ngā Tātai Ahi Kā firmly in place.

On the other hand, the fragility of threads reminds us that connections can easily be destroyed. In the case of ahi kā, rights to land were severed if one did not undertake occupation, and occupation could only ensue if a base right existed. A whakapapa needed to exist between ahi kā and one or more of ngā take whenua to enable rightful occupation. Is this still the process for present and current applications of ahi kā? How does the web model account for current applications of ahi kā? Is the fragility of the web model perhaps a depiction of contemporaneous applications? Does the analogy prove problematic for ahi kā today?

One of the dilemmas in assessing the historiography of occupancy and land practices is in response to time and cultural evolution. Cultures that adapt to changes will flourish and it can be assumed conversely that cultures that remain stagnant die. Even though Aotearoa/New Zealand has been settled intensively and customary occupation maintained over many generations, Māoridom has undergone massive change which has impacted severely on customary ways of being and knowing. European influences have been adapted into Māori culture and practices and are evident in the evolution of language, housing and religion, to name a few.

Māori have continued to occupy their lands despite outside influences. Based on cultural change then, is occupancy a product of evolution to be assessed over a fluid timeframe, to be read as something reflective and prospective, moving fluidly along a time continuum, changing, evolving and shifting as a result of external influences? Or is it a stagnant thread, fixed in time and retrieved from memory or

paper as suspended snapshots of land use evidence? Or more importantly, should occupation be viewed in accordance only with the timeframe of the land claim in question thereby privileging its temporal location over past and post locations of occupancy, or should it be viewed as a continuous ball constantly moving, shaping and rolling through time and space? Biggs (2006: 12) refers to the former behaviour as static description which is the stance that non-indigenous peoples encapsulated in their first ethnographic descriptions of Māori in Aotearoa/New Zealand. Events were temporally located and recorded as snapshots of time rather than as reflection of change. Due to limitations in understanding holistic worldviews of Māori language, culture and society, non-indigenous peoples have observed Māoridom through warped lenses, and it filtered into their writings where the end product was often a misled or misunderstood version of what actually happened.

Evaluating ahi kā within a temporal context can be observed as comprising two halves; the first relates to the physical dimension of occupation, and the second refers to its definition or intended meaning. The physical practices of ahi kā in Hokianga and throughout other tribal areas have been and will continue to be affected by internal and external influences of Aotearoa/New Zealand as is seen in the examples of housing and cultivation practices. As part of cultural change, ahi kā yesterday, ahi kā today and ahi kā tomorrow and can be identified as in motion, adapting to the needs of society as they arise. Our understanding of practices of ahi kā will continue to shift along with our understanding of customary land tenure.

The definition of ahi kā however, remains constant or fixed in a meaningful sense and through the observance of local customs, habits and traditions, ahi kā continues to support and align with the social, political, cultural and intellectual aspirations of Māori people. Māori culture and traditions continue to exist and that is constant, however, the form that they exist in has been neither stagnant nor suspended or subsumed in time; rather Māori customs and traditions have changed adopting and adapting to new methods and ideas. In theorising the workmanship of a web, a spider's skills are metaphorical of the adaptation of Māori customs, traditions, values and beliefs. When a spider spins its web, it works within the confinements of its surrounding environment. It adapts to its surroundings and works within the limitations of its situation. I believe that this is

also the case with modern usages of ahi kā which underpin the relationships between individual urban Māori and their traditional rural communities. Ahi kā is part of a cultural wave, suspended by its own existence and yet catapulted by time and evolution in the face of Māori permanency and survival. Ahi kā is symptomatic of the cultural process and must be viewed in relation to the wider context where previous understandings and usages are taken into consideration. In looking to future research, the web model is one method in which understandings of ahi kā can be further fleshed out. Using the web model to assess strengths and weaknesses of traditional and contemporary ahi kā applications warrants additional research into understanding further complexities, dimensions and usages of ahi kā.

#### MANA AND AHI KĀ:

The significance of mana for ahi kā will now be explored in light of Papatupu hearings. I will investigate the transgression of mana via whakapapa, and explore its various shades in terms of geography of mana and social orientation of mana. Introducing common customary concepts of relevance to ahi kā will demonstrate the quintessential application needed in attaining a status of mana whenua and/or mana moana over territories. Comprehensive discussions over the evolution of mana, mana whenua and mana moana will not be entered into although the Papatupu hearings do provide rich sources of arguments to add to current debates (see Hamlin 1890; Meredith 2008).

Mana is one of the most important customs and underlying principles of Māori tribal society. According to Marsden (1992: 120), mana derives from the gods and refers to their spiritual authority which is imbued within human agents to act on their behalf “and in accordance with their revealed will”. Various types of mana exist, and some of the more common terms coined by Waitangi Tribunal hearings include mana whenua and mana moana. The expression of mana in Papatupu narratives illustrates intense social and political relationships amongst Māori tribal society serving as a reflection of its highly influential nature on Māori social organisation (Ka’ai and Higgins 2004: 14). Whakapapa dictated inheritance of mana (mana tūpuna), which could be increased further through personal achievements and attributes (mana tangata) (Mahuika 1992: 45). The transmission of mana along with whakapapa is of significance to ahi kā, as it

allowed for the passing on of rights of resources to land and coastal areas. Papatupu narratives provide sound evidence of mana inherited via mana tūpuna and whakapapa:

Ko taku mana ki runga o tēnei whenua ehara i te mea hōmai nā te tangata engari nō aku tūpuna mai tae noa mai ki au nei (TKMB 1904: 220).

I te wā i a Te Reinga, i a ia anake te mana o Whakarapa me Waihou. I te wā i a Maruwhenua, mokopuna a Te Reinga, ka riro te mana i a ia o Waihou me Whakarapa me ngā ngahere katoa, arā, me ngā manu, kiore hoki o ngā ngahere (Tate 1986: 45).

Ko Ngarowiwi tō tūpuna i whai mana ai koe ki tēnei whenua?  
Āe (WMB 1904: 33, q1).

The intense relationship between mana and ahi kā is of a reciprocal nature and can be likened to a weigh scale. A two-way relationship exists that is highly dependent upon equal balance of each other's needs. Both aspects are highly influential of each other, and where an imbalance occurs consequences arise. For example, if an individual member of mana status has rights of access to resources, but does not meet the criteria of ahi kā through lack of continuous occupation, rights along with mana were diminished:

He aha te take i kore mana ai ēnei tūpuna?  
Nā te mea kāhore i noho ki tēnei poraka (WMB 1904: 33, q6).

Nā te haerenga o Hinurere i kore ai ia e whai tika ki te whenua nei. Mei moe a Te Hinurere i ngā hapū o te whenua nei katahi anō ia ka whai mana ki te whenua nei (TKMB 1904: 155).

In analysing the first example, Wairoa claimant Ngakuru Pene Haare disqualifies the mana of Kiritai, Kiriwhakangahu and Waiarangi for not upholding ahi kā practices in Wairoa. Despite being direct descendants of great Te Rarawa ancestor Pari through whom they inherited mana tūpuna, their mana was expelled through lack of occupation.

One key expression of mana that is alluded to in Papatupu hearings, and that emphasises further relations of ahi kā, concerns the transplantation of mana onto a specific geographical location. The following definition provides an illustration:

He aha te tikanga o tēnei mea o te mana?  
Ko te mana ki te wāhi i ngā mea o runga o te whenua (TKMB 1904: 129, q52).

According to the Te Karae classification, the definition of mana is associated with having absolute power and authority to designate rights to resources amongst the local hapū. Someone of this class most likely displayed characteristics of both mana tūpuna and mana tangata and was highly influential, quite often a leader such as a rangatira of the tribe. The application of one's mana not only had authority to assign rights, but by nature of one's status and influence could extend across geographical locations and resources encompassing interior and exterior ecological domains. Wairoa claimant Hotene Karaka demonstrates authority his ancestors held to inland and coastal areas:

Me pēhea oti e mōhiohia ai he tangata mana nui ō tūpuna ki runga o te whenua nei?  
Nā te mea ko te mana o ngā mea o uta, me ngā mea o te moana i aku tūpuna  
(WMB 1904: 19, q19).

Similar claims are also found in section 2.12 of the Ngāi Tahu Land Report where claimants recount their rights based on mana tūpuna and whakapapa, to wakawaka<sup>3</sup> resources inland and at sea, including lakes and spits (see Waitangi Tribunal 1991). This ties in well with the practicalities of mana whenua and mana moana where both terms exercise a clear geographical sphere of authority and influence over rights pertaining to ecological domains of resources either inland or at sea. Papatupu evidence, therefore, distinguishes practices of both mana whenua and mana moana in connection to demonstrating geographical spheres of authority, whether it is over land, sea or both.

Moving from a geographical state of mana to one informed by social orientation, the identity of individual and collective mana is briefly explored to illustrate its highly influential nature on social and political relations of ahi kā. As mentioned earlier, mana could be inherited or achieved. Inherited mana privileged senior lines of male descent (Mahuika 1992: 42), which resulted in a status of mana rangatira. An individual chief with mana rangatira status stood as leader of hapū, and through kinships of whakapapa and his status of mana, local hapū members were entitled to occupy whenua:

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<sup>3</sup> “major divisions of land and sea, each of which could encompass numerous mahinga kai” (Anderson 1998: 112). Refers to mahinga kai sites.

I ngā iwi e noho nei i runga o tēnei whenua, tae noa mai ki tēnei rā, kei a wai tō rātou mana rangatira, kei a Pari rānei, rāua ko Kaharaukoro? Kei a Ngarowiwi (WMB 1904: 11, q43).

According to Wairoa claimant Peita Wharetohunga, the people of Wairoa gained occupation based on mana rangatira of local chief Ngarowiwi. Although control and authority of geographical locations further advanced a chief's mana through acts of conquering and continuous occupation, this did not give him any greater right to resources than any other citizens of the tribe (McDonnell 1888: 226). A feature of the leadership system of Māori tribal society was of a dual nature based primarily although not exclusively on whakapapa and talent/skill:

Effective leaders in war or in peace were those of proven merit, but overlaying technical skill and forceful personality was the ascribed factor of kinship status. A man could lead without it; but genealogical seniority wedded to prowess in the field conferred superior rank. The system was not rigid. It balanced respect for hereditary potential against a down-to-earth pragmatism (Kawharu 1977: 40).

Simultaneous representations of mana tūpuna and mana tangata were desirable characteristics of an effective leader. A successful chief was one that ensured interests of all members of the hapū society. The increase in mana could enhance the prestige of a chief and further contribute to their success as social and political leader. The following displays chiefly characteristics of mana rangatira:

Ko āna kupu ki ana tuākana; “Kia atawhai ki ngā iwi, kia tika te whakahaere i te whenua. Tā te rangatira whenua ki a ia, tā te mōkai whenua ki a ia” (Tate 1986: 101-102).

The well-known Te Rarawa chief Te Hira spoke these words to his elder brothers telling them to administer land correctly amongst the upper and lower levels of social organisation in the hapū. Te Hira seemed well aware of the importance of slaves or commoners in his hapū society. Their interests needed to be looked after just as much as their social counterparts in order to continue out their responsibilities towards hapū welfare. Te Hira's attitude of respect and high regard towards his people serves as a reflection of his mana in ensuring the wellbeing and safety of his people.

Collective mana was another avenue in which ahi kā was further solidified (see Meredith 2008: 18). There are many instances in the Papatupu narratives where groups shared land and resources based on collective mana through the



unification of common ancestors. Particular terms such as mana huihui, kai huihui and noho huihui were used to convey the aspect of collectivisation in the Papatupu hearings:

I te wā e **noho huihui** ana a Tangaroa Tupo, a Tarauaua, a Koromaiterangi, a Tuwhenuaroa ki Maukoro, kotahi a rātou whakaaro. Ko tā rātou noho, e noho pakanga ana rātou (WMB 1904: 15).

Ehara rānei i te mea ko te mana o Rikihana he **mana huihui** nō ōku tūpuna, me ōu tūpuna i nui ai tāna rangatiratanga ki Te Tuauru nē?  
Ko te āhua o te mana i noho ai a Rikihana ki Te Tuauru, i haere i runga i ngā tūpuna e toru kua paiheretia nei (WMB 1904: 34-35).

Mana was claimed from a combination of ancestors who joined forces often for particular purposes. As is evident in the first example, a united front was called upon to aid them in warfare. All three ancestors had equal mana and no one had more 'whai kaha' or importance over another. Note that equal mana did not necessarily equate to equal portions in land, as indicated in the following example:

Rite tonu te mana o ngā tūpuna nei ki tēnei poraka a Tama, Tohu Kakahi, Parangia, Ruawaha, Umutahi. Kāore e riterite te nui o te whenua nei ki ngā tūpuna nei (TKMB 1904: 155).

I riterite rānei te mana o ēnei tūpuna e whā ki te whenua nei?  
I rite anō ki ngā wehenga ki a rātou (TKMB 1904: 234, q7).

Mana was not judged on the size of one's lands and this aligns with the notion that mana did not originally apply to lands but to a person and their words or acts (Buddle 1860). The above examples affirm some chiefs as having bigger or smaller shares of lands than others, but each chief's mana was of equivalent status.

Mana and ahi kā share a two-way relationship where mana through ancestral power affirms ahi kā, and ahi kā through occupation enhances mana. Claimants who could prove that their ancestors had mana rangatira as descended through mana tūpuna on top of evidence of ahi kā solidified their claims immensely. Proving descent from a chiefly line especially one of mana rangatira status increased the legitimacy of a claim. However, it must be remembered that mana alone did not automatically entitle rights. Mana legitimised one's place on whenua which needed to be backed up with ahi kā. A group might have had mana but this

did not entitle rights unless continuous occupation had occurred and been maintained.

The sphere of mana can also be categorised in terms of geographical locations, or more specifically, ecological domains. Mana whenua and mana moana are examples of authority exercised over resources inland and at sea. Furthermore, variations of mana could extend to social orientation, whereby individual or collective authority formed legitimate claims, therefore enhancing one's rights to inland and coastal areas. Exploring connections between mana and ahi kā foregrounds mana as a fundamental concept with varying shades and meanings. This is by no way an extensive review of mana, but it does present a snapshot of usages in Hokianga, and provides a platform in which discussions concerning its highly influential nature of social and political relations may be explored further.

#### DEGREE OF OCCUPATION:

The degree of occupation in which ahi kā is assessed is another complex factor worth mentioning here. Although ahi kā seems like a straightforward practice, varying degrees of occupation have been called into question as having great influence and sway on ahi kā. This section explores some concerns in assessing traditional ahi kā which has consequential effects on contemporary and future ahi kā evaluations.

A claimant whose evidence encompasses a degree of absence raises many questions about degree of occupation and labour. If a leave of physical absence was permissible of ahi kā, how did this affect the validity of claims? How long was it acceptable to be away from lands and still sustain ahi kā? What was the rate of frequency in which one needed to return to maintain ahi kā? If one exerted quantitative labour into land, did that permit a leave of long absence? What is temporary? Days? Months? Or years? What is long term? Decades? Generations? How were such decisions arrived at?

Most sources are in agreement about how rights under the system of ahi kā were lost and under what circumstances they could be rekindled. Inspired by early land court judges' opinions, Smith (1942) formulated a model known as the 'three generation rule' which focused on loss and restoration of rights when one migrated

away or when occupation was interrupted. In his view, absence for one generation did not materially affect a claim. Absence for two generations meant that a claim was seriously weakened. Absence for three generations would extinguish a claim completely, and could only be rekindled upon the acceptance of an invitation from the local hapū group.

The term used to refer to the weakening of an ahi kā right is ahi tere. For example, when one left their ahi kā, their flame became ahi tere or unstable and weak (Smith 1960: 95). This was often the case when one married outside of their traditional locality and tribal group (Sinclair 1977: 90). In Te Karae (TKMB 1904: 149), Hinurere married outside of her hapū, and left Te Totara to live with her husband in Waima. Her ahi kā status had become ahi tere, and could only be reactivated if one of her uri reasserted ownership. If her ahi tere turned into ahi mātaotao which is the term given when an ahi kā right has ceased to rekindle after three generations, similarly the validity of the claim faded and became extinct. Whilst it is evident that Hinurere's children could quite easily revive her ahi kā status by returning to the whenua papatupu and undertaking occupational practices, there is less evidence to suggest that grandchildren could do so, or in that case, great-grandchildren. According to Māori Land Court Judges (cited in Smith 1960: 94-95), "there is no doubt that the great grandchildren cannot do so unless they are expressly invited and welcomed by the tribe." Boast et al (1999: 35) have thus provided cautionary advice when approaching "hard and fast rules" which is regarded as being "too tidy and inconsistent with the dynamics and flexibility of Māori Customary Law." The three generation model is a prime example of a 'hard and fast rule' that does not allow for flexibility as is required of tikanga Māori protocols. As Chapelle sums up nicely: "[t]he single most obvious and important feature of the traditional tenure systems was flexibility. For every 'norm' selected, there were exceptions permitted. For every right there were limitations and subsidiary rights" (1978: 87). Boast et al (1999) further comment that there were a wide range of factors that could influence whether or not one was permitted back into the hapū community.

Whilst all authorities agree that ahi kā did not equate with actual residence or did not rely solely on permanent occupation of land, there is less consensus about the degree of occupation needed to keep a claim alive. Absentee ownership (Asher

and Naulls 1987; Mead 2003) was a possibility within the traditional application of ahi kā, however, there is still much contention and confusion surrounding the temporal and permanent degree of occupation associated with absenteeism. Firstly, the term 'absentee' can be viewed as problematic and contradictory as it assumes an active intention of an individual or group in remaining away from land. However, for the purposes of consistency and conformity, the term absenteeism or absentee will be applied in this thesis.

Secondly, there is uncertainty surrounding the parameters of assessing absenteeism. According to Native land court Judges Mackay and Scannell (cited in Smith 1942: 53), "there was no rule of native tenure which fixes the degree of occupation necessary to establish a complete title." Where this was the case, ahi kā could be evidenced by ancillary acts through hunting or cultivations within hapū locality (Smith 1942: 53-54; Boast and Erueti 1999: 34). Even though seasonal acts of occupation were not sites of permanent occupation, they were nonetheless viewed as another exception to the rule. The continuous and frequent labour expelled was sufficient enough to prove and denote ahi kā. Such practices were undertaken by members displaying absentee ownership who often resided outside of hapū territory or away from actual sites of residence, but still wished to maintain right of ahi kā. Firth highlights a prime example of absentee behaviour under whenua tautohetohe or debateable lands<sup>4</sup>. According to Firth, debateable lands were "hotly contested, each party endeavouring to establish ownership, though not actually occupying the land" (1959: 385). Regardless of one's physical location, it was absolutely paramount that ahi kā practices were undertaken even whilst away from whenua in order to retain mana whenua:

He aha te take i kore mana ai ēnei tūpuna?  
Nā te mea kāhore i noho ki tēnei poraka (WMB 1904: 33, q6).

A wide range of evidence constituted support for ahi kā. Through absenteeism, something short of actual residence was qualified and considered satisfactory of an ahi kā claim. The semi-nomadic lifestyle of Māori and tribal societies and the transient nature of occupation and housing meant that food sourcing practices were stronger evidence of occupation than actual places of residence (Manatu Māori 1991: 24). Land and sea based activities involving hunting, snaring and

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<sup>4</sup> Underlying borders between two groups.

cultivations of a seasonal nature in Te Karae, Wairoa and Hokianga provide strong arguments in ahi kā claims:

Ko taku ahikā tonu ki runga o te whenua nei kei ngā mahi rāhui patu manu, kiore, aku tūpuna tae noa mai ki au ... Kāhore he papakāinga o te taha o te kereeme tae mai ki au i runga o te whenua i kereeme nei au. Kāhore he wāhi tapu o taua whenua. Kāhore he pā (TKMB 1904: 45).

Claimant Nui Hare of Ngāti Here and Ngāi Tupoto hapū upholds his claim of ahi kā through food sourcing practices of a transient-like nature as opposed to other ahi kā practices requiring permanent residency such as pā, wāhi tapu and papakāinga.

On the contrary, Smith strongly believed that transient occupation did not encompass the intention of taking ownership whereas permanent occupation had the intention of remaining on land permanently (1960: 92). This fundamental difference seems to align well with Wairoa claimant Tupaakihi Kamira, who provides the perfect analogy of Smith's polarised views of permanent and transient occupation:

Ko tēhea te mea whai mana o te noho tūturu rāua ko te noho?  
Ko te noho tūturu te mea whai mana.  
He aha te noho tūturu?  
Ko te noho i ara mai i ngā tūpuna, tae mai ki ngā mātua, ki ngā tamariki, tae mai ki tēnei wā (WMB 1904: 74, q1-2).

Tupaakihi Kamira classifies noho tūturu as the act of permanent settlement handed down through generations, held successively up until present time. Noho tūturu can be likened to permanent occupation, and noho to transient occupation as defined by Smith. It was through noho tūturu rather than noho that mana to reside on whenua was obtained. One of the delimitations of Smith's scope is that it does not account for the 'transient-like' behaviour or absentee occupation evidenced through ancillary acts where one could come and go over lands whilst still maintaining a continuous right of occupation. Questions seeking clarification on the degree of occupation in land court discourses reflects a fluidity that judges or Papatupu committee panels would have faced in ascertaining ahi kā. Assessing for example, the intention of occupation, length of occupation, labour, and mana whenua of an individual undertaking rat traps through absentee occupation versus an individual planting gardens through actual residence highlights intricacies that would have made for complex decision-making by all involved.

Further discrepancies are found over degree of occupation adding further layers of confusion to the identity of ahi kā:

E whakaae ana koe hei rite tahi te tika o ngā uri noho tūturu ki te tika o ngā uri noho tawhito?  
E kore au e whakaae (WMB 1904: 106, q2).

Noho tawhito is alluded to as long standing occupation through invitation by specific hapū members. Ballara (1998: 199) provides examples of various hapū in Hawkes Bay and Hauraki areas who fall into this category. She concludes that temporary or permissive occupation of this nature did not equate to ownership because they were not deemed as being of membership status. They could use the resources, but they could never claim ownership or mana whenua of land, and if they did, they would be seriously challenged. Such actions needed to be monitored closely by all members of the hapū especially where occupation occurred over multiple generations. Outsiders' general occupation was based on the notion of utu or exchange where it was required to reciprocate terms of occupation with catch or crops. Outsiders who were given rights and even allowed to live within tribal borders were only of a transient nature and resided on terms stipulated by hapū:

Ka kī atu a Koroweo “E kara, me mutu tō mahi i te whenua nei, me hoki koe.” Ka mea te kaumātua rā, “E koro, e tika ana tō kupu.” Ka mutu te mahi a te kaumātua rā. Nō konā ka aroha ia, ka mea atu, “hoianō, perea tō mahinga.” Katahi kā pere anō ngā kaumātua rā, ka maea a rātou uwhi, me ā Koroweo mā, e tīni ana. Kāti, ka utua a Ngāti Hauaa i a rātou uwhi, katahi ka hoki. Ka mahue Motuti (Tate 1986: 101).

In the above example, Ngāti Hauaa were invited to reside in Motuti. There they planted their yam cultivations and after some time they were finally asked by local kaumātua to return to their own tribal locality. They collected their crops and without hesitation, departed Motuti. Occupation via invitation is clear cut in this example, but through intermarriage or other kinship relations for example, the original intention of stay could easily be forgotten about causing major complexities for adducing ahi kā claims.

The issue of absenteeism in relation to degree of occupation is a complex matter that remains indistinct due to its very nature which varies in different cases when governed by changed circumstances (Smith 1960: 89). This provides all sorts of

complications for those trying to provide some sort of fair assessment of an ahi kā claim as was experienced by Māori Land Court judges and Papatupu boards in making their decisions. It is fair to assume then that in assessing the validity of testaments and conflicting evidence, inconsistencies from the Māori Land Court would have developed resulting in unbalanced judgments across the board. Adding to the already myriad of discrepancies of the Māori Land Court system, recognition of absentee ownership was another fatal step that the court took by allowing children to inherit equal shares, land interests from both their parents, often in localities where ahi kā had long gone out (Asher and Naulls 1987: 46). “The principle of ahi kā and preference for intergenerational transmission...were no longer relevant” (Sinclair 1977: 44-45), and is seen as one of the main characteristics of fragmentation of Māori lands today.

What is clear though is that an element of physical absenteeism was acceptable and practiced so long as contact with whenua was made regularly to maintain ahi kā. Many practices constituted ahi kā and varied from absentee ownership to actual residence. The problems addressed in evaluating ahi kā emphasise a practice which moves fluidly between physical absence and actual residence but proves difficult in ascertaining between practices of an intentional versus unintentional nature. Therein lays the dilemma for major implications in reviewing and revisiting past as well as current and future claims of ahi kā.

Another concern that has relevance to the degree of occupation concerns the social structure of Māori and tribal society and its correlation to use rights. For example, different use groups laying claims to the same block may do so on the basis of different structured rights. One group may lay claim to trees for use of waka whilst an individual may lay rights to particular rat traps and bird snares in the same vicinity as the trees. How was ahi kā considered in these circumstances? What characteristics counted towards securing ahi kā? Firth (1959) made the discovery that various kinds of occupation were governed by social organisation. He was well aware of the interconnectivity of rights and how different levels existed and operated in Māori tribal society. For example, a rat trap could be owned and run by an individual, a garden could be cultivated by a whānau, and a waka could belong to the entire hapū. Consequently, the rights of the waka belonged to the hapū and were used for hapū purposes, the right to the gardens

and produce belonged exclusively to the whānau, and the right to the rat trap belonged to the individual. In Firth's view, the 'pure' existence of a 'communal' society was too simplistic:

The tribal territory was in reality made up of the lands of the various hapū, each jealously and exclusively maintained, while further segmentation gave private rights of many kinds to family groups and individuals (Firth 1959: 378).

Even though the land was fundamentally communal, differing levels of use rights to resources were distributed amongst individuals and groups which corresponded with the social make-up of the hapū. Based on this nature, use rights remained confined to hapū membership through whakapapa. With the passing of each generation, use rights were inherent with whakapapa:

Ko ā rāua rāhui i roto o Waihou, o Whakarapa, o Motuti, o Whangapatiki, ko ngā rāhui anō ā ō rāua tūpuna, ā ō rāua mātua, kua mate atu rā (Tate 1986: 97).

Local rangatira Te Hira and Te Tai of Ngāti Manawa inherited their rāhui use rights to Waihou, Whakarapa, Motuti and Whangapatiki through their ancestral whakapapa, which entitled them to uphold and continue the practical aspects of their ancestral rāhui. The next example identifies Tohu, a well recognised ancestor amongst the people of Te Karae, who had mahinga rights of an exclusive and communal nature:

Ko Herekareao he mahinga nā Tohu me āna tamariki. Ko Pukekohe he mahinga nā Tohu me tōna iwi me Te Patutaratara ... (TKMB 1904: 72).

Differing levels of use rights of an individual, collective and communal nature thus existed amongst tribal lands, and all rights were subject to the needs and interests of their tribe. According to Marr (1997: 9) "Māori concepts therefore recognised a balance between individual and community rights, with the community taking precedence in times of necessity." Individuals or groups had usership rights, but the tribe had full guardianship of the land and resources which were communally owned and operated.

The correlation between a use right and an occupational right is interwoven into the fabric of ahi kā, and is evident in the earlier example involving Te Hira and Te Tai. Their permission to access and use the rāhui site implied permission for them



to occupy and continue the practical functions of their rāhui. The interrelatedness can be further examined in Karanga Hokianga, where in Ahipara, Te Rarawa had communal gardens for their members who remained there to protect their ahi kā (Tate 1986: 54). Te Rarawa's association with their communal rights can be viewed as inextricably linked to their ahi kā by remaining in permanent settlement of Ahipara. Furthermore, the socio-political dominancy of Te Rarawa would have further reinforced their sustenance, security and mana whenua over large areas in North Hokianga.

If different levels of rights existed alongside different levels of social organisation, ahi kā must be assessed in light of both of these variables. It would be unfair to view ahi kā in light of only one variable without taking into consideration the effects of the other variable. For example, in thinking about the make-up of a hapū jurisdiction which was composed of many individual, group and communal use rights, ahi kā of this jurisdiction must recognise the interconnected layers of usership rights which were not always of one particular nature. Furthermore, other variables such as absenteeism, mana and ngā take whenua had an influential nature on ahi kā, and must also be regarded in this manner.

## **CONCLUSION**

This chapter has located ahi kā within literature of customary land tenure, and has highlighted foundations and concerns of this significant practice of Māori tribal society. I applied a web analogy to depict key relationships between ahi kā and ngā take whenua where the latter forms the base title and ahi kā the practice or application. The framework of the web is bound fiercely by tikanga Māori which provides flexibility and stability of ahi kā. Paradoxically, the web analogy reflected the vulnerability and susceptibility of ahi kā. Occupation was always the liable question, no matter the circumstances. Regardless of one's physical location, absentee ownership was practiced so long as the intention was permanent.

The brief analysis of a tribal landscape was composed of many interests held across various social levels with varying degrees of occupation. The social structure heavily influenced behaviours of occupation which could vary in acts from an individual, whānau or hapū nature. One rule or law would not have been a

successful measure in determining ahi kā due to the many complex facets and intricate layers of relationships regarding degree of occupation, absenteeism and social organisation of Māori tribal society. Collectively, these concerns highlight some of the complexities that need to be taken into consideration when making future assessments and measurements of ahi kā.

#### NEXT CHAPTER:

The conceptual landscape outlined in this chapter provides a fluid transition into the next two chapters which address the physical realms of mahinga practices such as rāhui, wāhi tapu, pā/kāinga and mahinga kai. I will draw on Ngā Tātai Ahi Kā to articulate practices of rāhui in the next chapter, and wāhi tapu, pā/kāinga and mahinga kai in the subsequent chapter. The focus on tangible applications allows for an examination of the importance of use and occupation and its effects on the social, political cultural, spiritual and intellectual landscape of Te Rarawatanga. The exploration of the physicalities of ahi kā will not only show that ahi kā is more than mere use and occupation, but is a reflection of holistic well-being.

## CONSERVATION PRACTICES

**INTRODUCTION**

The following Papatupu evidence identifies rāhui as a food-sourcing practice significant to ahi kā:

Ko taku ahikā tonu ki runga o te whenua nei kei ngā mahi rāhui patu manu, kiore, aku tūpuna tae noa mai ki au (TKMB 1904: 45).

The literal meaning of rāhui is to “preserve, protect” (Best 1982: 185) or “prohibit” (Dieffenbach 1843), and its concept and practice refers to “prohibiting a specific human activity [single or group] from occurring or from continuing” (Mead 2003: 168). Rāhui was applied to a specific resource site or land/sea space to restrict all human access and act as a protective measure for the site itself against intruders. If a resource was deteriorating or under threat, the practice of rāhui cordoned off the area to all human traffic and allowed for the produce to rejuvenate again in its natural habitat, without external interference. This chapter will examine the practice of rāhui as a core application of ahi kā. The first section will link back to the previous chapter by providing a conceptual landscape of rāhui in reference to Ngā Tātai Ahi Kā where concepts such as mauri, tapu, mana and kaitiakitanga will be highlighted. The second section will then delve further into the practical landscape of ahi kā by exploring rāhui as a holistic application of mana whenua and mana moana. The layout of rāhui types will utilise Mead’s classification where rāhui are grouped into pollution, political and conservation themes (1997).

In the Papatupu books, the custom of rāhui is not described in its entirety, nor was there a need to. Although this may present itself as a limitation to the study of rāhui, the intention is to illustrate the practice of rāhui as a significant application of ahi kā and mana whenua and mana moana.

## **CONCEPTUALISATION**

Rāhui has been recognised as a practice throughout wider Polynesian society (Mead 1997), with similar and varying characteristics and uses in each nation. In pre-european times, the efficacy of rāhui was widespread and frequent in the daily lives of Māori tribal society and it displayed a sure physical sign of ancestral belonging which entitled occupation and use of land and coastal areas. Through the introduction of the Māori Land Court setting, practices of rāhui became frequent narratives in land claims and details of activities were used to provide further evidence of occupation and use of land. Many claimants in Te Karae, Wairoa and Karanga Hokianga hearings identified rāhui as a food-sourcing practice significant to a general claim, including one of ahi kā:

Ko taku ahikā tonu ki runga o te whenua nei kei ngā mahi rāhui patu manu, kiore, aku tūpuna tae noa mai ki au (TKMB 1904: 45).

E kereeme ana ahau ki tēnei poraka, ki Wairoa. Āku take he take tūpuna, he pā, he wāhi tapu, he rāhui, he mahinga, he noho tūturu (WMB 1904: 39).

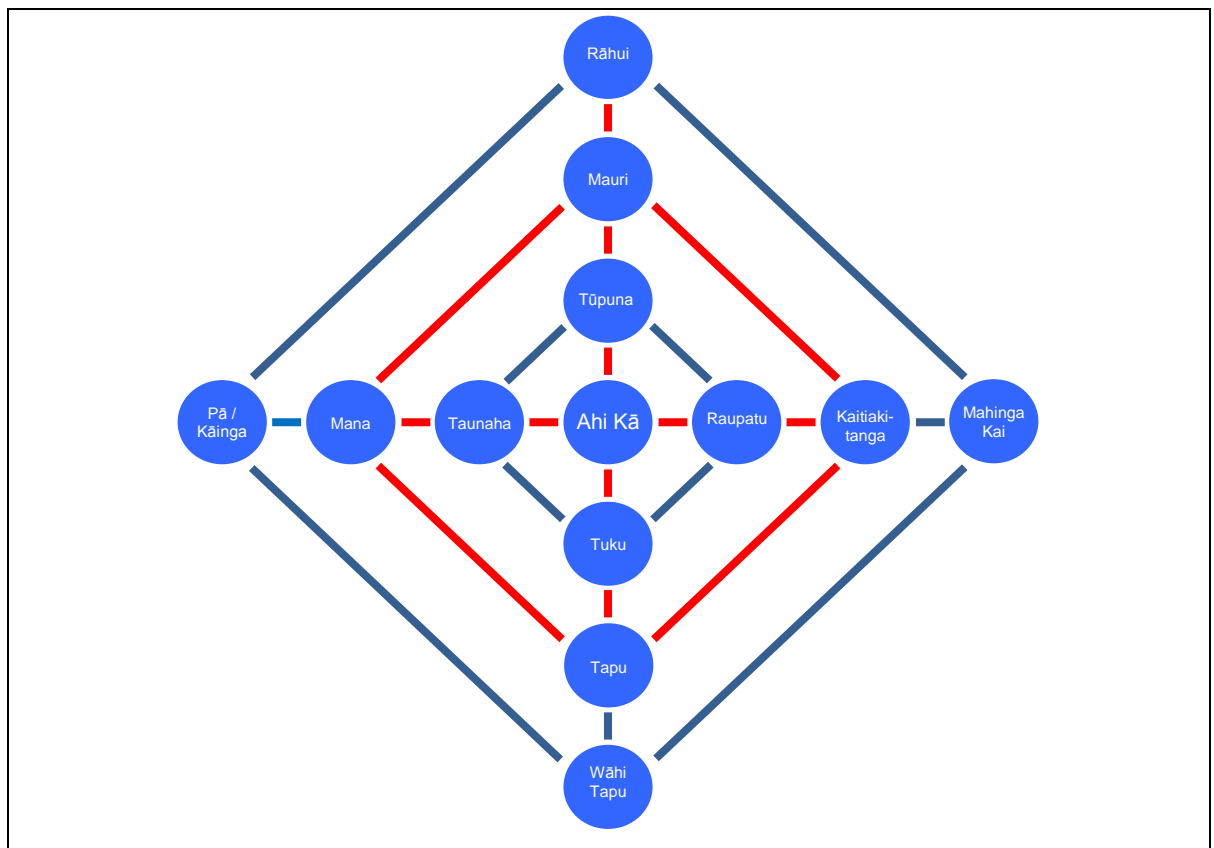
Taku take ki tēnei whenua e whai ake nei. He take tūpuna, ko Te Reinga. Tuarua, he pā. Tuatoru, he ringa kaha. Tuawhā, he raupatu. Tuarima, he rāhui. Tuaono he ahi kā. Tuawhitu, he wāhi tapu. Tuawaru, he mana rangatira (Tate 1986: 63).

Rāhui were implemented over natural food sources and sites inland and at sea and served a variety of functions including the preservation of resources from spoliation, the preservation of vitality and fruitfulness of environment, and the exhibition of power to destroy intruders who attempted to meddle with such products (Best 1924: 393). Further literature by Polack (1976), Firth (1959), Mead (1997) and others have also highlighted the extent to which rāhui was practiced. Complex characteristics and associated protocols depict a practice heavily influenced by tikanga Māori. The application of customary concepts such as mauri, tapu, mana and kaitiakitanga in rāhui reinforce a kinship between concept and practice as depicted in the second and third layers in Ngā Tātai Ahi Kā. Exploration of the aforementioned concepts will now highlight their effectiveness in the overall management of rāhui.

The highlighted pathways of connections between ahi kā and rāhui are the focus of this chapter. The second layer of Ngā Tātai Ahi Kā shows common concepts such as mana, mauri, tapu and kaitiakitanga as being inextricably linked to the

third layer of ahi kā practices. The single thread of whakapapa linking all highlighted pathways of ahi kā to rāhui will be examined in detail to show how the strength of this bind is held together and intact via these customary principles.

Fig 2: Ngā Tātai Ahi Kā pertaining to Rāhui



Customary concepts of mana, mauri, tapu and kaitiakitanga will be observed in rāhui practices. These tikanga principles are intrinsic in all whakapapa connections of Ngā Tātai Ahi Kā, and form the procedures in which practices such as rāhui were conducted and informed (Mead 1997). The whakapapa strand between concept and practice is also symbolic of the relationship between people and the environment, which was founded on these principles, and informed people's approach to protecting and respecting the whenua and its resources. This relationship was sustained through tikanga principles which were applied vigorously to maintain a holistic approach to wellbeing by reinforcing kinship bonds to the land. The custom of tapu is one common concept that replicates this behaviour. Through customs and traditions, tapu was deeply embedded in human existence, and it regulated behaviour and conditioned human relationships of people towards others and their environment (Firth 1959: 263; Kawharu 1998: 20). Any transgression of tapu resulted in punishment, vengeance, sickness or even

death (Best 1924; Marsden 1992; Kawharu 1998). As a custom of prohibition, rāhui served to protect the whenua through the application of tapu (Higgins 2004: 162). The institution of tapu deemed the prohibition of rāhui effective, and acted as the protective force over area.

Members of society were well aware of the serious consequences associated with entering a rāhui site still under tapu and as a consequence an element of fear was entrenched within members, thereby reinforcing respectful behaviours towards traditions, customs, values and beliefs (Firth 1959). Firth was of the opinion that fear of consequences such as death was a method through which trespassing behaviours were discouraged. However, there is an instance in Wairoa narratives where the status quo was challenged, resulting in the ultimate price of death:

Te taha ki raro o te wahapū o Wairoa he rāhui nā Papa. Ko Karaa te ingoa. He rāhui i tū ki Ngapotiki nā Papa. Ko te rāhui tēnei i makuturia ai a Papa (WMB 1904: 28).

Ruka Huru, who was a spokesperson for claimant Hoori Harimana in the Wairoa hearing, was questioned about the circumstances surrounding Papa's death. Apparently Papa had meddled with his own rāhui at Ngapotiki by fishing there. He later consumed his catch, and subsequently died (WMB 1904: 88, q16-19)<sup>5</sup>. Once a makutu<sup>6</sup> had been administered no safety measure was available to shield a trespasser, and in this instance it proved fatal against Papa. Mead (2003: 201-202) states traditional punishment as direct sufferance that involved the affliction of some wasting disease caused by makutu. The rāhui practice in Wairoa shows that direct punishment still followed a traditional routine which assisted in the stabilisation of a society through restoration of balance and order. Rāhui can be viewed as a type of wāhi tapu that was set aside from normal everyday use for reasons applicable to the needs and benefits of both people and their surrounding environment.

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<sup>5</sup> Note that subsequent questioning by Ngakuru Pene Haare, who suggests it was Maiwhitu that died rather than Papa sees Ruka agree with Ngakuru.

<sup>6</sup> Makutu is the infliction of physical and psychological harm through use of karakia (Te Whanake 2003). The more tapu the karakia, the more harm inflicted upon trespasser. It served as a sound method against human access and guaranteed disaster to those who meddled with it.

The kinship bonds between people and land is also evident in the customary principles of kaitiakitanga and mauri. According to Māori beliefs, all living and non-living organisms in the natural world descend from common ancestry and thus share a deep kinship. “Humans and the land are seen as one, and people are not superior to nature” (Royal cited in Ministry for Culture and Heritage 2005a). Human relationships with the land and surrounding environment are based on intimacy and reciprocity where respect and acknowledgement for each resource is reinforced through kinship ties. This forms the basis of kaitiakitanga which means to preserve, protect, guard or shelter (Royal cited in Ministry for Culture and Heritage 2005b). Based on harmonious relationships with the natural environment, the role of a kaitiaki or guardian is to maintain balance through positions of responsibility. Human existence relies on the continuous function of the natural world and is in a position of responsibility to ensure preservation, conservation and protection of resources. As guardian or steward of the environment, one of the fundamental duties is to ensure the vitality of the mauri or life force of the ecosystem: “When the mauri is strong, fauna and flora flourish. When it is depleted and weak to those forms of life, they become sickly and weak” (Royal 2003: 70). Mauri is the essence of vitality which sustains life and productivity of crop. The customary practice of rāhui is a common and successful strategy used to address sickly resources and restore the mauri of object to full health. Various customary protocols such as karakia and tapu ensure the success of ban from human access which allows mauri to rejuvenate without external interference. As a result, two successful outcomes are present; customary practices such as rāhui protect and preserve the natural environment, and they simultaneously reinforce customary values and traditions through continued practices of tikanga. The act of rāhui becomes protector and preserver of tikanga Māori whilst the practice of rāhui serves to protect and preserve health and wealth of the environment. The application of tikanga in Ngā Tātai Ahi Kā thus reinforces the strength of the rāhui application within the practice of ahi kā, and is symbolic of the kinship between people and the land and people’s duty in maintaining balance and order with the environment.

In chapter two, mana was explored as a fundamental custom of ahi kā. The same type of relationship is present between mana and rāhui where mana plays a central function in rāhui practices, especially surrounding protocols. Rāhui were

instituted by people with mana so that the tapu nature of their karakia would 'sharpen teeth' of rāhui and destroy those in disregard of practice (Best 1924: 392). The intensity of rāhui was measured as being equivalent to the mana of the person who instituted it. Best (1904: 83) likens the depth of karakia to a digging pit. The greater the intensity of tapu instilled by karakia, the deeper the descent of death for the trespasser. Te Karae, Wairoa and Karanga Hokianga sources talk about single and multiple authorities to 'whakatū rāhui' or implement reserves, and were referred to as kaiwhakatū or instigators of rāhui. In Karanga Hokianga, two chiefly members established rāhui over Wairoa, Moetangi, Taikarawa, and Kokopurawaru and all tribes and land in these areas came under their power and authority (Tate 1986: 96). The same dual authority occurred in Wairoa where two local chiefs implemented rāhui at Te Tuāuru (WMB 1904: 39, q32). In Te Karae, a claimant fore-grounded his own mana by focusing on his authority in erecting kukupa and kiore enclosures on his whenua (TKMB 1904: 121). The installation of rāhui therefore highlights one's mana and prestige amongst hapū in displaying authority over resources, despite the high risks involved in breaking their mana through a hapa, a remedial mistake or a whati, a more problematic offence<sup>7</sup>. According to Gudgeon (cited in Firth 1959: 270) tapu was "contingent in Māori eyes upon the mana, the psychic power, of the person who recited it, and upon the method of his delivery." However, if successful, the benefits for personal enhancement of mana would increase. There were gains to be made and consequences to be had for the individual, groups or hapū instituting rāhui.

Another example illustrating the influential sphere of mana on rāhui can be seen in use rights. Individuals or groups who had mana whenua status could initiate a rāhui to show their right to utilise resources as they deemed fit<sup>8</sup>. However, use rights were a contentious issue and were always challenged, as is evident through the quarrels between descendants of More and Ngarowiwi over the gathering of karaka berries and fern root in Wairoa (WMB 1904: 42). The application of mana whenua meant having power to dictate and control usage and access to rāhui. As a consequence, mana in association with rāhui was a useful method in exerting authority and occupation which were two strong characteristics of mana whenua

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<sup>7</sup> Williams (2001: 35) defines hapa as 'crooked', and whati (2001: 491) as 'be broken off short, be interrupted'.

<sup>8</sup> see Richard Taylor (1870: 172) who notes similar behaviour of chiefs who would lay a ban upon whatever he felt disposed, except in some instances the chief could use his own prestige to do as he pleases for his own advantage sometimes out of inconvenience to his hapū.



and mana moana. In Te Karae, Toki Pangari illustrated his mana through banishment and rāhui:

Ko taku mana he mana ki te pei atu i te tangata, he mana ki te whakatū rāhui i runga o te whenua mō ngā kūkupa me ngā kiore (TKMB 1904: 198).

Due to the inland nature of Te Karae block, rāhui conducted within this locale relied heavily on food from the forest and included a variety of birds such as the tītī, kukupa, and kiwi. Traditions surrounding rāhui were passed down through generations and were a method of maintaining ahi kā status over lands. Although places of rāhui were rarely occupied, the labour encountered by the methods of snaring, catching and managing sites coupled with the constant visits to rāhui and hunting areas was sufficient evidence to denote occupation. According to Smith (1942: 48-49):

It would be sufficient if he could prove that he had kept his fires burning on the land, that is, protected his rights, by the exercise of some periodical or regular act of [use] consistent with ownership such as fishing, hunting, bird snaring, cultivation and so on, in addition of course to his ever readiness to safeguard it against intruders.

Through occupation and practice, rāhui activities solidified place on whenua and showed active intention of remaining there permanently. Tangitupua Tipene provides evidence of his ahi kā by highlighting specific rāhui activities undertaken on his whenua in Te Karae (TKMB 1904: 43). Such activities could only be achieved if the status of mana whenua was present and current. Tangitupua's evidence contributes towards the regularity and commonality of rāhui practices in Te Karae, and shows strong physical, spiritual, cultural and intellectual contact with whenua as a source of holistic nourishment and wellbeing.

The exploration of mana shows how pertinent a custom it is to the institution of rāhui and to the overall application of ahi kā. The relationship of mana with rāhui is multifarious in the sense that it affects all areas of the rāhui practice, from implementation to use rights. Mauri, tapu and kaitiakitanga also share this complex relationship which is deeply embedded and observed in all rāhui practices. The relationship shows how customary concepts constitute balance and order in the rāhui application, which is symbolic of their physical application in reinforcing human relationships with the whenua as a spiritual, physical, cultural and

intellectual source of identity, kinship and belonging. These rāhui relationships will be investigated further in the next section by drawing on inspiration from specific rāhui practices to show their contribution to the overall function and holistic application of ahi kā.

## **PRACTICAL LANDSCAPE**

The layout of this section privileges Mead's 1984 classification of the three different types of rāhui which he categorises in terms of their take or purpose. Of the three types, the pollution rāhui which is associated with tapu, and the conservation rāhui which is associated with mauri, are the more common applications of rāhui found in Papatupu literature. According to Mead (1997: 169) both the pollution and conservation rāhui are interlinked where "one implies the other." The third type classified as the political rāhui is associated with mana, and will be touched on only briefly. Together, the various rāhui applications will demonstrate how significant a practice rāhui is to the overall function of ahi kā, mana whenua and mana moana in North Hokianga.

### **POLLUTION RĀHUI:**

The pollution rāhui involves restrictions over land and water areas which have become contaminated by the tapu nature of death. The pollution rāhui was particularly common with drownings, misadventure and warfare and often involved implementation over staple food sites (Mead 1997: 169-171). Firth (1959: 259) declares pollution rāhui as mild in form, that which was set up without 'soul-destroying spells' of magic and was not particularly dangerous or life threatening. Māori customs and beliefs saw it necessary to separate people from accessing the polluted area and any of its products for fear of infection or sickness from the tapu nature of death. Only until the area had been declared profane through rituals and incantations, was human access permitted. The pollution rāhui was commonly practiced throughout Aotearoa/New Zealand, and examples can be found in written tribal narratives such as manuscripts, books and reports (see Best 1924 for Tūhoe examples; Waitangi Tribunal 1983 for Te Ātiawa examples). Re Te Tai in Karanga Hokianga (Tate 1986: 125) speaks of the pollution rāhui which was administered when Wi Tana's child had capsized in his boat on the far side of Toungarangara, and died. A rāhui was placed where he overturned and the waters

from the Waihou River right out to where the rāhui was enforced was made tapu for a substantial period before the restriction was uplifted. During this time, all human access was prohibited, and it is implied that no one could gather food products, fish or use the water in any way, shape or form due to the contamination of tapu associated with death:

Te tamaiti ā Wi Tana, i tahuri ki te moana, ko Te Whareoneone. I tahuri ki waho ake o Toungarangara nei. Ka rāhuitia te wāhi i tahuri ai tana tamaiti, ka whakatapua, mai anō i roto o te awa o Waihou, puta noa mai ki te wāhi i tahuri ai tana tamaiti, me konei katoa i tapu. He roa e tapu ana ka whakanoangia anō e māua. Ko tēnā āhua o mātou, i tīmata mai anō i ngā tūpuna rā anō (Tate 1986: 125).

The pollution rāhui was a customary method which allowed for the sanctity of a site and its resources to return to its normal order (Mead 1997: 170). As Re Te Tai points out, the site was placed under rāhui for a substantial time, which would have allowed for the “radioactive nature of the pollution to dissipate into the atmosphere and become harmless” (ibid: 170). Once the tapu was lifted and the site made noa or free from restrictedness, access resumed as normal. The pollution rāhui was a staunch tradition that was practiced by Re Te Tai and his ancestors, and the mana in administering rāhui protocols were respected and held intact by current descendants.

Protocols relating to the length of time that pollution rāhui were in place depended upon a number of circumstances, quite often reliant on descent and social rank of deceased person (Mead 1997: 169). Someone with profound status and substantial mana who was treated and acknowledged with great respect in life was regarded highly even more so in death, thus incurring a rāhui over a considerable period of time:

Ko Te Hira rāua ko Meri, kāore i kawea ki ngā wāhi tapu nunui ... I tana matenga [Te Hira], ka rāhuitia te moana nei, kia tae mai i te awa o Waihou, puta noa mai ki waho nei. E toru tau i takoto ai rāua i te whenua nei ka whakaarahia ... Nō tana hahunga ka whakanoaia te moana nei (Tate 1986: 102).

Te Hira was a well-known Te Rarawa chief with substantial mana. When he died (his wife Meri also passed away at the same time) a pollution rāhui was placed on the Waihou river which extended across all waters out towards the open sea. The rāhui lasted three years right up until the time their bodies were disinterred. Although Re Te Tai does not stipulate overtly in this evidence the purpose of the

rāhui, it is implied due to tapu nature of death that no human access was permitted on the waters and all collection of food sources within the rāhui site was prohibited.

Similarly, a pollution rāhui was laid in Te Karae over the death of Taiaroa who was a young vicious warrior of Te Kohatutaka, Te Mahurehure and Te Rarawa. During the battle which cost him his life, Taiaroa had fought against Ngāti Toro in an attempt to banish them from his whenua. Upon his death, Taiaroa's brother took revenge by capturing and killing a Ngāti Toro woman by the name of Kiri. Taiaroa's death was acknowledged by the laying of a rāhui at Toupatatai, and all hunting and snaring activities there were restricted until the tapu had been released through the process of whakanoa (make free of restrictions). A specific time was then agreed upon by local hapū Ngāti Hua and Te Kohatutaka for them both to uplift the ban:

Ko te utu mō Taiaroa ko Kiri. Ka peia a Ngāti Toro i runga o te whenua nei haere ana kāhore anō i hoki mai ... Ka rāhuitia e aku tūpuna taua whenua mō te matenga o Taiaroa kia kaua e kainga ngā kiore me ngā manu. Ko tēnei rāhuitanga nā Ngāti Hua rāua ko Te Kohatutaka. Ka whakaritea e ēnei hapū he wā mō rāua e haere tahi ai ki te whakanoa i taua rāhui (TKMB 1904: 138).

Best (1904: 84) talks about the extent of death as having some significance to protocols. He notes an example where a group of warriors were slain and their blood had infiltrated the clear waters, thus calling for a pollution rāhui to be erected. During the whakanoa process, a special ceremony was held involving a human sacrifice which was later cooked and eaten by the local people. In the previous example where Kiri was taken hostage and killed, the fact that revenge was sought highlights the extent of Taiaroa's death as having great significance to his people who survived that battle and were successful in banishing the enemy hapū of Ngāti Toro from Toupatatai. His mana was further acknowledged in the collaboration of his people from both Kohatutaka and Ngāti Hua who worked together in deciding the right time to uplift the rāhui ban. Taiaroa's actions recognises his authority in protecting his mana whenua status, and this is confirmed and consolidated by his people in their upkeep of rāhui traditions in North Hokianga.

Tregear's view of the length of rāhui which he states as generally a one year period (1904: 134) seems to completely ignore the fact that the length of time laid

in a rāhui depended on a number of circumstances such as descent and rank. Such a timeframe can be criticised as being too restrictive in principle and it is well reflected in previous examples that an appropriate time frame was considered based on the context of each individual situation and the circumstances surrounding the whakapapa and mana of deceased person, as well as the whakapapa and mana of the person that instigated the rāhui. Firth (1959: 261) talks about the removal of rāhui as a process of increasing mana of the person or people who imposed rāhui in the first place. The mana of the person could only be increased if their karakia were potent enough with tapu to 'bite' those in disregard of ban. In all aspects of pollution rāhui, the customs of tapu and mana embody the practical functions of rāhui protocols and provide the effectiveness in which connections to whenua were maintained and mana whenua secured through ahi kā practices.

#### POLITICAL RĀHUI:

The purpose of the political, no-trespass or aukati rāhui (Mead 1997: 172) is considered by Best (1904: 84) to stop people from using a particular pathway. The term 'aukati' provides a reference to its general purpose which means to "prevent one from passing" (Williams 2001: 22). The reasons for which a political rāhui was set up were strictly political; in this manner, motivations contributed significantly to the socio-political landscape of tribal affairs. In Karanga Hokianga, tension had been growing between leaders Moetara and Muriwhenua over a number of issues to do with the whenua:

Ngāti Korokoro began to make their presence felt by building canoes at Motukauri, but Muriwhenua had these canoes destroyed. Ngāti Korokoro dug drains to establish boundaries, but these met a similar fate and were quickly filled in by Muriwhenua and his people. Muriwhenua then established reservations in the area to discourage Ngāti Korokoro from coming on to the land to fell trees (Tate 1986: 92).

The political rāhui was stimulated for political motives to discourage Ngāti Korokoro from defining tribal areas and entering Ngāti Manawa territory and taking use of the local resources. The nature of political rāhui was a means of social and political control against local or enemy hapū and served as a flexible and practical application in a variety of contexts especially concerning disharmonious relationships amongst feuding groups.

Another example of a political rāhui in North Hokianga covertly refers to the exclusive nature of rāhui in permitting access to resources for particular groups. However, in this example the rāhui was implied to limit access so that only particular groups could have exclusive admission to the site. According to Tate (1986: 8):

... the reserving and preserving of sea areas in particular, the bush and sea areas, was carried out by the stronger tribes. They banned certain areas to other tribes and gave themselves exclusive rights to snare and catch the forest birds, to fell trees, to gather shell fish, to net fish, and, in later years, to hunt pigs. The violation of these reserves inevitably lead to battle, and compensation being sought.

Rāhui manu, rāhui rākau, rāhui mātaimai and rāhui poaka were set up by Ngāti Manawa and others to prevent Te Hikutu, Ngāti Korokoro and Te Rarawa from taking any of their supplies. A pou rāhui or post was set up to mark the rāhui rākau at Motukauri and was a signal to non-local people that trespassing was prohibited. Firth (1959: 258) describes the pou rāhui as an essential process of rāhui protocols, and it was the responsibility of a local chief or someone with mana to erect it. The tohunga would then proceed to 'sharpen the teeth of the rāhui' by his karakia so that it might destroy intruders. Anyone who meddled with the rāhui would be slain by the tapu of the karakia. Whilst this was one method in which revenge and destruction was sought against enemies, in the case of Ngāti Korokoro and Te Rarawa challenging Ngāti Manawa, another method involving confrontation occurred which resulted in warfare. According to Mead (1997: 176) "defending the rāhui was clearly linked to defending the integrity of the group." Ngāti Manawa stood their ground against enemy groups and managed to secure their position as a strong socio-political unit within North Hokianga. The application of the political rāhui which saw Ngāti Manawa defend their territories as a means of protecting their ahi kā is analysed as a useful political tool which helped solidify their mana whenua and mana moana status in North Hokianga.

## CONSERVATION RĀHUI:

The more popular form of rāhui which was practiced extensively throughout North Hokianga is the conservation rāhui. Described by Mead as a mild form of rāhui, the core purpose of the conservation type is to restore, replenish and restock the mauri of resources, and revive productivity of land (1997: 171). The benefits of conservation rāhui allowed for the rejuvenation of food and other useful products such as trees to grow in abundance for the benefit of long-term health and wellbeing of whānau, hapū and iwi. Protocols of the conservation rāhui will illustrate the physical, spiritual, cultural, economical and intellectual importance of rāhui traditions to ahi kā and holistic wellbeing in Northern Hokianga society.

Conservation rāhui served as an integral function of resource management and preservation of economic resources. For the environment to be continually productive, the land, sea and forest areas needed their mauri replenished by allowing sites to rest, refuel and restore their energy. The practice of conservation rāhui allowed for food sites to remain untouched and allow for a sufficient time of rejuvenation. The idea and practice of limiting resources, especially during times when products were weak or low in supply, provided adequate time of rest so that regrowth and regeneration could occur. The breaking of rāhui was considered a serious offence and there are many examples in Papatupu narratives where retribution occurred. Depending on the intensity of the tapu which was invoked by the kaiwhakatū, intruders were either slain by the force of the tapu if the level of intensity was high, or by hand if it was low. This follows Mead's classification of conservation as being mild in form as the punishment that was often carried out in North Hokianga was by physical force rather than the spiritual force of karakia. Violators were punished accordingly and as the following example exhibits, death was the ultimate price of revenge. According to Heremia Te Wake, Matangi, Irihau and their younger siblings had established a rāhui on Panguru for tītī, taiko, kiwi, kiore and kukupa. Upon a return journey to Panguru, they saw that the tītī caves were all empty. They tracked down the trespasser and eventually killed him (Tate 1986: 7).

In Te Karae, rat and bird hunting were strong traditions and naturally, the practices surrounding these activities were taken seriously. When breaches were made, the ultimate retribution was sought. Rangihaki suffered this fate after being caught stealing rats by Te Pouriuri in Te Karae. A portion of land was then gifted to Te Pouriuri as compensation for his good deed (TKMB 1904: 110, q2). The administering of control and management of conservation rāhui places huge significance on human responsibilities as kaitiaki of the environment. Together with other common customary concepts, they reinforce the social, cultural and spiritual connection between people and the land. Mutual respect is essential to looking after the whenua so that it can look after people in return. Establishing strategies of protection against trespassers was a successful method in upholding duties of kaitiakitanga to allow mauri of food stocks to replenish without interruptions.

Another avenue of regulation employed in North Hokianga rāhui practices involved the management of exploitation of resources during seasonal times. In South Island practices, seasons imposed reasons of resource management (Williams 2004a: 98). Kiore for example was a seasonal product. When rāhui kiore were imposed during seasons of breeding, people refrained from snaring until the conservation rāhui had been uplifted (Best cited in Maxwell and Penetito 2007: 6). In the Papatupu narratives, there is a plethora of evidence to show that rāhui kiore and manu were extensive throughout North Hokianga. H. K. Tawiti testified to an incident which saw some two hundred tītī birds stolen from Ngāti Eke and Tutaewhakairi (TKMB 1904: 134-135). In other evidence, the infamous female ancestor Hinurere was said to have been left behind in Orawau by her husband's rat expedition canoes because she was menstruating (TKMB 1904: 4). Hinurere was well-known for undertaking and upholding rat traditions in Te Karae and she continued this tradition with her sons until they were of age to manage this practice themselves. Hinurere was well-informed of the right times to exploit rats to ensure longevity of produce. The multiple canoes that journeyed from Waima to Orawau paint a picture of a successful hunting expedition, ready for exportation back to Waima for socio-economic purposes. Furthermore, the observation of tikanga can be adduced in Hinurere's case. Food practices on the whenua were governed by tikanga and care was exercised to ensure that Hinurere's state of tapu caused by her bleeding remained separate from the noa state of food. This is a prime



example showing practices and tikanga as going hand in hand. Careful actions were undertaken by Hinurere and her husband so as not to bring about retribution or bad luck through ignorance and disrespect. This attitude constantly reinforced and cemented tikanga and practice as normal applications of day to day routines. The exploitation of stock during seasonal periods ensured maximisation of produce during times of abundance rather than during a time of restoration or breeding, thereby abiding to conservation rāhui protocols.

As mentioned previously, the core aim of the conservation rāhui was to revitalise the mauri of a produce. In doing so, products were harvested for particular purposes. Best (1924) mentions non-food products such as trees and harakeke were used to make necessary items such as mats, cloaks and baskets which were a core activity to the hapū. Trees were also needed to build waka, and through western settlement, were depended upon for timbers to build infra-structure. In Waihou and Whakarapa, trees were fast becoming a commodity, and the local kaumātua there were becoming concerned at the rate of trees disappearing from the whenua. They decided to erect a committee to protect further milling of pūriri and koroī trees so that re-harvesting could occur:

I te mea kua haere nui te mahi pūriri ki runga i te whenua nei ka whakaaro au e kore e roa kua pau ngā pūriri o runga ... Ko taku hiahia kia whakatūngia he komiti mō ngā rākau o te whenua nei me kore e toe ētahi o aua rākau ... Nō konā ka whakatūngia he komiti. Ko ngā kaumātua katoa o Waihou me o Whakarapa ngā tāngata o taua komiti nei ... I te whakahaerenga o tēnā take, ka nui te pai, ka kore hoki te tangata e haere pokanoa ki te mahi i aua rākau ... I mua atu, ka tae mai a Te Rapihana, a Te Kirihihi, a Hone Tana, a Naru Ngawaka, a Aperahama Te Pukewa me Herewini Te Toko ki konei. I haere mai kia rāhuitia ngā koroī o Whakarapa, kia kaua e tuakina. I whakaaetia tēnā mea e mātou ko aku teina, engari i mea mātou mō ngā rākau katoa o te whenua nei, kia oti rā anō te whakawā, ka tuatua ai. He roa e mana ana tēnā rāhui ā mātou mō ngā rākau o te whenua katoa nei, tīmata ma i Matangawhi tae noa mai ki Matamata. Ko Hone Tana rāua ko Te Herewini ngā kai-tiaki i ngā koroī. Ko mātou ko aku teina ngā kai-tiaki i o Waihou nei. Ko mātou anō ko aku teina me ō mātou tūākana i tae ake nei me Te Herewini ngā kai-tiaki i o Whakarapa ... He roa e mana ana tēnā take ... (Tate 1986: 123).

Towards the latter quarter of the 19<sup>th</sup> century, strong impacts of western settlement and commerce began to take over in Hokianga, and the need for timbers increased drastically. Sawmilling had arrived in full force and had become “the industry that was to support the majority of the growing population of the harbour...” (Lee 2006: 216). The objective of the conservation rāhui that was implemented by local Waihou and Whakarapa kaumātua was to stop further human traffic from

cutting and milling the trees. The committee was set up to control access so that the mauri of the trees could regenerate to produce further supplies for future use. The kaumātua were concerned about the wellbeing of the trees and how this would in turn affect the overall wellbeing of the hapū. The committee were fulfilling their duties as kaitiaki of their whenua by protecting their natural surroundings. Ultimately, duties of kaitiakitanga reinforced one's ahi kā on whenua by carrying out practices of conservation rāhui which involved management of resources and customary protocols in line with customary concepts such as mauri and kaitiakitanga.

## **CONCLUSION**

The previous chapter provided a model in which the intellectual landscape of ahi kā could be explored by articulating foundations of ahi kā in association with customary concepts. This chapter has extended the gaze of Ngā Tātai Ahi Kā, by focusing on customary concepts highlighted in the middle layer in association with rāhui on the outer layer of Ngā Tātai Ahi Kā. Rāhui has been addressed as tangata whenua occupation that contributed to the assertion of authority and control over inland and coastal areas. Customary concepts such as mana, mauri, tapu and kaitiakitanga were explored and illustrate the nature in which intimate connections with land were secured, and ahi kā, mana whenua and mana moana solidified through spheres of influence over territories.

Physical activities were primary evidence of land use and constituted a claim of ahi kā. Although rāhui were sites involving seasonal occupation rather than permanent settlement, the labour undertaken of rāhui was adducible to ahi kā. Rāhui was an effective management tool that contributed to a long-term strategy of ahi kā. The pollution, political and conservation rāhui were implemented to preserve food resources and other products of necessity to the wellbeing and functionality of hapū. Protocols showed that customary concepts were influential in safeguarding both the product and people from harm. The pollution rāhui highlighted tapu as an influential method in protecting people from infected sites. The political rāhui showed mana as its driving force in determining socio-political relationships, and the conservation rāhui fore-grounded mauri and kaitiakitanga, which were instrumental in the conservation, restoration and regeneration of produce. The

significance of customary concepts outlined in Ngā Tātai Ahi Kā were demonstrated in rāhui and show their intrinsic nature in relationships concerning people and the environment. The efficacy of rāhui is illustrated as a reinforcement of tikanga and an instrument application of ahi kā. Through the assertion of mana whenua and mana moana, the demonstration of rāhui practices serve as a significant contributor of socio-political and conservational identities within Māori tribal society.

## OCCUPATIONAL PRACTICES

**INTRODUCTION**

Mahinga practices such as wāhi tapu, pā/kāinga and mahinga kai have been highlighted in Papatupu narratives as sufficient evidence of ahi kā. In the Wairoa hearing (1904: 14), R. T. Puhipi asked Peita Wharetohunga; “Hoi anō te tino take, ko tō take tūpuna mō Wairoa?” Peita responds; “Āe, me a rātou mahinga.” In the Te Karae hearing (1904: 112), Makene Kere identifies mahinga practices such as wāhi tapu and mahinga kai as evidence of his authority to land at Te Karae. In Karanga Hokianga hearing (Tate 1986: 63), Re Te Tai recognises take mahinga such as pā, rāhui and wāhi tapu as evidence of his ancestral mana to whenua in Waihou.

This chapter privileges the application of mahinga. The term mahinga is derived from the root word ‘mahi’ which has both verbal and noun properties. The verbal meaning is ‘to work, to make, to do, to perform or to procure’ and its noun counterpart is ‘work, occupation, industry, practice or function’ (Williams 2001: 163). Mahinga thus is associated with occupational practices involving labour and force exerted within and upon the natural environment. As identified by claimants, mahinga refers to working spaces and places on land, waterways and forests, and varies in application from food sourcing activities such as mahinga kai,<sup>9</sup> and non-food activities such as pā/kāinga<sup>10</sup> and wāhi tapu<sup>11</sup>.

Given the abundance of Hokianga narratives on mahinga activities, this chapter looks at the relevance of mahinga to ahi kā and its contribution to mana whenua and mana moana. How do the practicalities of mahinga contribute to the intellectual, cultural and spiritual landscape of ahi kā? Furthermore, how does this

<sup>9</sup> Food sourcing practices such as planting, harvesting, collecting and maintaining tribal food resources in and on the whenua including lakes, rivers, estuaries, bays, inlets and open sea.

<sup>10</sup> Dwelling sites and settlements

<sup>11</sup> Sacred sites and places. Other mahinga practices have been highlighted in Papatupu narratives such as mahi para which were acts of clearing lands (see Tate 1986: 30, TKMB 1904: 77, WMB 1904: 16), and mahinga rākau or tree felling, both of which were acts of settlement purposes. I have chosen to focus on the more customary types of mahinga such as wāhi tapu, pā/kāinga and mahinga kai.

reflect ahi kā as a holistic application of overall wellbeing? In the first section, Ngā Tātai Ahi Kā will be drawn on to demonstrate a conceptual relationship between mahinga and ahi kā. The second section will then explore the physicality of this relationship in relation to customary principles to show the significance of mahinga to ahi kā, mana whenua and mana moana. Mahinga practices such as mahinga kai, wāhi tapu and pā/kāinga will be analysed to show the retention and conservation of cultural and intellectual knowledge of Te Rarawa in Hokianga. Emphasising physical, social and political realms of mahinga in Hokianga will address its intellectual, cultural and spiritual impacts on Māori and tribal identity and permanency on whenua.

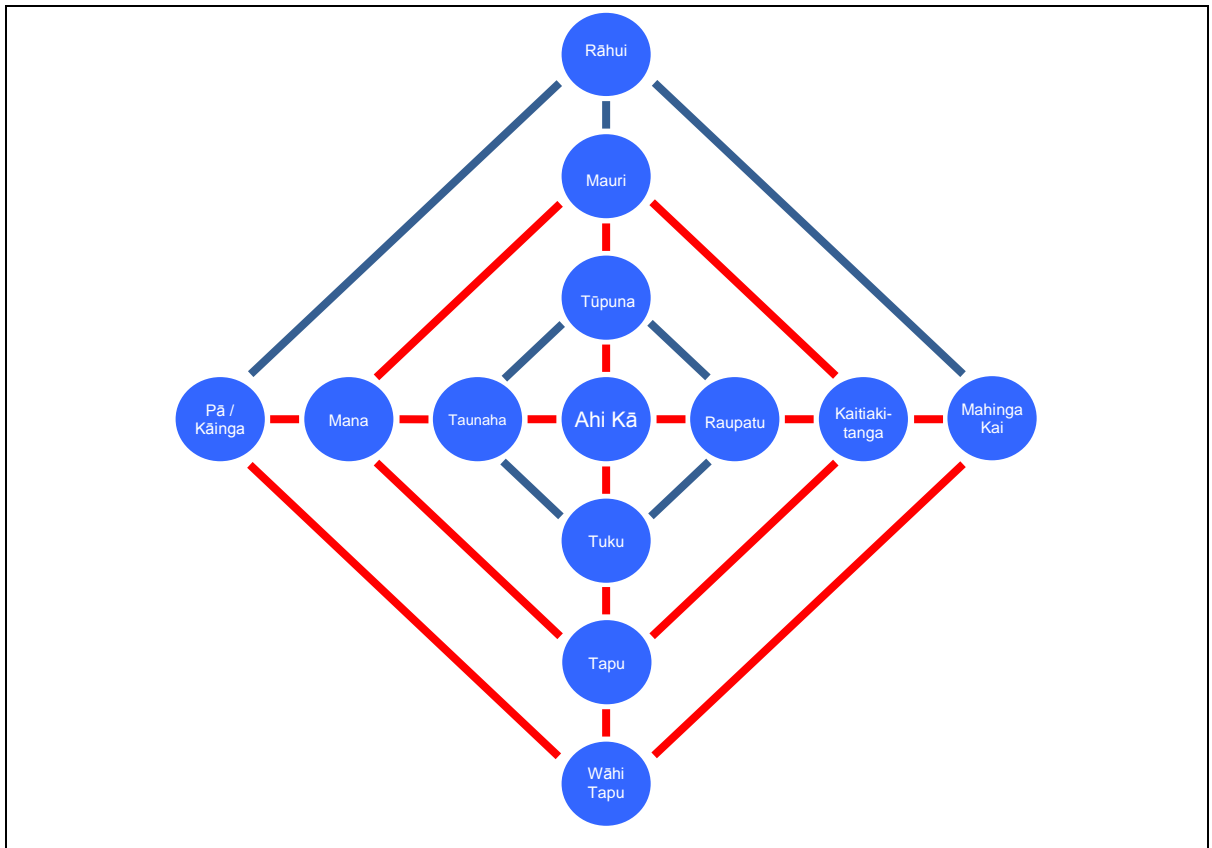
### **CONCEPTUALISATION**

Mahinga is one method in which intense relationships with the land are carved out. Many of the Waitangi Tribunal reports bear testament to mahinga as a central strand of cultural identification for many iwi (Waitangi Tribunal 1985; Waitangi Tribunal 1988; Waitangi Tribunal 1991; Waitangi Tribunal 1993b). Tipa and Nelson highlight the physical realm of mahinga kai as having impacts on the cultural realm of a Māori reality:

Mahinga kai remains one of the cornerstones of Māori existence and culture because for many, survival was and is dependent upon knowledge of mahinga kai and the ability to gather resources from the land, waterbodies, and the sea (cited in Panelli and Tipa 2009: 459).

Mahinga, is therefore, viewed as more than just a physical necessity. Ngā Tātai Ahi Kā bears testament to the interconnected relationships between cultural and physical interfaces:

Fig 3: Ngā Tātai Ahi Kā pertaining to Mahinga



The highlighted strands between the customary concepts in the second layer and the physical practices on the outer layer are the pathways of inquiry in this chapter. The whakapapa between the centre layer of ahi kā and the outer layer of mahinga types reflect a direct kinship where the relationship is reciprocal and simultaneously inter-dependent. Māori Land Court judge Norman Smith reiterates this point in his book on Māori Land Law (1960: 92-93): “the expenditure of labour on the land was the necessary accompaniment of the occupation. The labour and the occupation were mutually inclusive and proof of the one usually bore out the other.” The following example taken from Te Karae Hearing bears reflection to Smith’s argument:

E whakahē ana ahau ki ngā uri o Hinurere mō tēnei wehenga ... E whakahē ana ahau ki a Te Matapo mō te whenua i runga i te korenga e noho e mahi ki runga o tēnei whenua. I mate a Te Matapo ki Waima (TKMB 1904: 140).

Te Matapo was the son of well recognised female ancestor Hinurere. According to Te Karae narratives, Hinurere married outside of the locale and never returned to maintain her ahi kā. Similarly, Te Matapo followed suit and his death in Waima signalled no efforts or desire to return to the whenua papatupu in Te Karae. Local

claimant Hipirini Kiroa saw this as fair grounds to protest against Te Matapo's descendants' claim to whenua, based on the lack of activities and occupation by both Te Matapo and his mother in Te Karae. Whether these activities eventuated or not is not of concern here, but what is of importance is that Kiroa's comments reflect an understanding of the necessity to labour and occupy the land in order to sustain use rights and effective ahi kā. Interrelations between mahinga and ahi kā therefore resonate a kinship close in proximity where each is extremely influential on each other's capacity and capability in achieving overall ahi kā status. This relationship establishes the foundation of the next section, in which customary concepts in the middle layer of Ngā Tātai Ahi Kā will be highlighted alongside three of the practical applications of mahinga located in the outer layer of the model. Rāhui will not be discussed explicitly, as it has already been addressed independently in the previous chapter. The objective of this chapter will show the efficacy of mahinga to ahi kā as a holistic concept and practice of Māori tribal society.

## **PRACTICAL LANDSCAPE**

This section will draw substantially on mahinga kai narratives, supported by shorter detailed discussions on wāhi tapu and pā/kāinga practices. Wāhi tapu will be analysed first, followed by pā/kāinga and then mahinga kai. The exploration of each practical application will highlight particular functions that contribute to mahinga as a catalyst of ahi kā.

Mahinga practices formed an integral part of Māori and tribal lives in pre-European days (Downes 1928: 37; Firth 1959: 56; Waitangi Tribunal 1991). Early writings by Colenso (1880), Best (1924) and other New Zealand ethnologists (Firth 1959), classify particular mahinga practices such as mahinga kai as a form of agricultural behaviour. The term 'agriculture' which is eurocentric in origin, will not be privileged in this thesis as it only refers to specific mahinga behaviours of a 'settlement' nature, and does not embrace nor embody other physical applications such as wāhi tapu and pā/kāinga which have significant cultural relevance to ahi kā. Hence the use of the term mahinga, which is more culturally fitting as it embraces all occupational activities including non-food applications such as wāhi tapu and pā/kāinga.

In North Hokianga, mahinga efforts were being carried out extensively. Contextual mahinga evidence can be extrapolated from Papatupu hearings and drawn on to supplement arguments of mahinga as an assertion of ahi kā, and a cultural marker of identity. Te Karae, Wairoa and Karanga Hokianga hearings outline to some degree the following details pertaining to mahinga kai, wāhi tapu and pā/kāinga. They are as follows:

- name of mahinga and sometimes origin of name
- type of mahinga and/or associated product
- owner/s history (previous, current, future)
- place of location
- boundary lines
- usage, and
- historical details of activity (event based information such as warfare, arguments or relationships that have arisen over mahinga).

Sinclair (1977: 67) introduces the consideration of local knowledge as evidence of ahi kā. The ability to recite whakapapa, events, names and location of urupā, wāhi tapu and so forth all added strength to an ahi kā claim. According to Manuka Henare:

In Māori thought, to name something is the means of establishing a relationship, namely a whakapapa, between the person or group doing the naming and the thing named. It is the basis upon which connections are made, identity clarified and asserted, and mana over that thing is generated (cited in the Waitangi Tribunal Report on the Crown's Foreshore and Seabed Policy 2004: 10).

Naming mahinga practices such as wāhi tapu, pā/kāinga and mahinga kai after important events or ancestors was a method of asserting kaitiakitanga rights (Kawharu 2000: 364). To link a name to a particular event is to preserve and protect key historical narratives of tribal history which could be contested at any time. Names therefore symbolise the protection of intellectual, cultural and tribal knowledge, rich in information on language, culture, customs and beliefs:



Ko Waikapu, ko Tangihangapihe, ko Puketapu, ko Pariroa, i ngā rā i a Marunui, nōna ēnei pā. Ko tēnei pā ko Waikapu, i tae mai a Te Hauanui ki reira, i haere mai i a Pukerahi. Tae mai ka tono i te tamaiti kia haere ki Pariroa. Ka mea atu a Marunui, “Kāti au i runga i te ao noho ai, kia kotahi ki tētahi taha, kia tītiro au ki te tai o Waireia. Kia tītiro au ki te tai o Wairoa.” Ka mea atu a Te Hauanui, “E noho i runga i tō pā. Me kapu ki tō ringaringa he wai mōu e inu ai koe i te wai.” Koia tēnei ingoa a Waikapu. I a Marunui e noho ana i tēnei pā i Waikapu, ka whakatakoto ia te rohe. Arā atu i Puketutu, mārere atu i Ngapotiki, ko te taha ki raro i a Te Hauanui me āna tamariki. Te tahi ki runga kei Waihopai te rohe (WMB 1904: 81).

A name can be classified as a memory marker, used to mark and remember a particular event or story. They are like ‘survey pegs of memory’ (Parsonson 2001: 29) or post markers, embedding the history and cultural identity of people and events surrounding such times. In the above example Ruka Huru describes the event from which the pā name Waikapu arose. In the telling of this story, Ruka reveals a genealogical narrative of people and place, and imparts local and cultural information that addresses more than just the meaning of a name.

An example in Karanga Hokianga hearing (Tate 1986: 87) shows names as reflecting customs and protocols. Te Umukiwi was a bird hunting place where birds were caught by Te Huakioterangi and Timunga and Te Ahikiwi was the site where their birds were procured and cooked. In another example, Re Te Tai in Karanga Hokianga talks about the time when Ngāti Miru landed ashore at inner Waihou. Their nets were cast there and they named that place Te Taatainga o te Kupenga o Kaipara. They continued on to the north to cast their nets again. This time, one hundred sharks were caught. This event formed the basis of the name Mangonui (Tate 1986: 72). Memory markers are clear techniques of oral transmission which help codify and retain specific narratives such as local and cultural histories. “As each area and all the species in it are marked with important ritual names and owned by clan members, to know the ecology is to know the land and the names and identities of those it sustains” (Magowan 2001: 45). Such names are symbolic of an event or protocol, and serve to remind us not only of important historical moments, but also the significance of cultural tools as markers and protectors of intellectual, cultural and tribal knowledge systems. The Papatupu sources which continue to breathe life into names of mahinga are thus a central badge of cultural continuity and identity, and are symbolic representations of genealogical narratives reflecting strong connections between the past, present and future. Wāhi tapu, pā/kāinga and mahinga kai will also reinforce this point in each of their respective sections.

## WĀHI TAPU:

Wāhi tapu is defined in the Historic Places Act 1993 (s 3) as “places sacred to Māori people in the traditional, religious, ritual or mythological sense.” Wāhi tapu is concerned with sacred spaces and places of cultural significance and relevance to each tribal district. The concept of tapu plays a pivotal function in the practice of wāhi tapu and in the daily lives of Māori and tribal society. According to Best (1982: 89) its influence was ‘far-reaching’, so much that it permeated all facets and activities of life. The efficacy of tapu came from the atua or gods (Best 1982: 17), and based on their mana, different intensity levels of tapu and mana could be established for different purposes. The influence of tapu thus originated from the spiritual realm and had major impacts on the day to day activities of the physical realm.

In Papatupu literature, there are many descriptions of wāhi tapu sites, the more common forms being urupā and rāhui. Despite the overlap of wāhi tapu and rāhui applications, this section will only focus on wāhi tapu of the urupā type as rāhui has already been covered. In all Papatupu hearings, wāhi tapu are a common take used as an assertion of one’s mana whenua:

Ētahi atu o aku take he noho tūturu, he pā ... he mahinga, he wāhi tapu (WMB 1904: 26).

Āku take ki tēnei whenua he take tūpuna ... he ahi kā ... he wāhi tapu ... he pā, he rāhui ... (TKMB 1904: 64).

Taku take ki tēnei whenua nei, ki te poraka o Whakarapa he take tūpuna, ko Tangaroa Tupu. Tuarua he wāhi tapu ... (Tate 1986: 56).

In the latter example, Amuketi Himona outlines his claim to the entire Whakarapa block. Aside from his ancestral right, he places emphasis on wāhi tapu and other mahinga activities as a means of exercising influence and authority over his lands and coastal areas. In his narrative of wāhi tapu, he provides the names of urupā and who they belonged to, as well as some of the people buried there. The naming and claiming of wāhi tapu is a process of asserting mana whenua. By outlining his whakapapa links to his ancestors buried there, Amuketi asserts wāhi tapu as a significant mark of his ancestors’ mana and identity. His ancestral wāhi tapu served as a long term occupational practice, and consolidated their right of ahi kā to the whenua. By privileging wāhi tapu, Amuketi marks his cultural and

tribal identity of his people to land. Asher and Naulls (1987: 3) state that “the continued occupation of a piece of land was the most obvious sign of a link between generations, between those dead, those living and those yet to come.” Amuketi’s claim to wāhi tapu binds him to the whenua, and serves as a tangible link and connection to his past and his future. The importance of this connection shows the spiritual realm of Amuketi’s ancestors as being continuously linked to the physical realm of Amuketi’s existence. Wāhi tapu is therefore framed as a continuous link between the past, present and future, and the assertion of mana ensured the survival and development of Amuketi’s cultural and tribal identity.

One of the urupā protocols often glossed over in Papatupu narratives refers to the practice of hahunga tūpāpaku or exhumation of the dead. According to Oppenheim (1973: 65) the hahunga process was a matter of prestige associated with chiefly families. Because of level of prestige placed on human bones and the insulting procedures that could be done to bones (see Buck 1949: 425), any existing conflicts between the deceased and enemy groups made it necessary to conceal bones in a cave or site to avoid any political troubles that could arise. The traditional methods of hahunga and kōiwi (the burial of bones) are highlighted in Wairoa hearings:

Ko Parengaroa he wāhi tapu hou tēnei. Ko ngā tūpāpaku i takoto ki tēnei wāhi tapu he kōiwi nō ētahi atu wāhi tapu. Ko ngā tāngata i hahua mai ai ēnei kōiwi ko Atama Paparangi, ko Pauro Wharerua, ko Tupaakihi Kaamira, ko Pako Wharerua, ko Mataitaua. Ko tēnei wāhi tapu nō Te Wheoki. Ko Te Wheoki he uri ia nō Ngarowiwi (WMB 1904: 41).

Mō te taha ki ngā tūpāpaku kōiwi, ngā tūpāpaku o Ototope, nā mātou i mau mai. Ko Te Toupuhau, ko Wharerua, ko Matatini, ko Te Raraku, ko ēnei tūpāpaku, e rua rau kei Parengaroa e takoto ana. Ko ngā tūpāpaku o Otuhianga, nā mātou i mau mai ki Parengaroa. Ko ngā tūpāpaku o Ototope ngā tūpāpaku kua takoto tuatahi ki Parengaroa. Ko ngā tūpāpaku o Otangihia e whitu tekau, nō ngā uri o Marunui tēnei wāhi tapu, me ngā uri o More, o Ngarowiwi. Ēnei tūpāpaku katoa e whitu tekau, he mea hahu mai i Tangihia ki Parengaroa (WMB 1904: 65).

Ko Waikapu he wāhi tapu tawhito. Kāore au e mōhio ki ngā tāngata i takoto tuatahi ki reira, engari ko tōku whaea, ko Te Waiuhinga, i tanumia ki reira. I muri o tēnā ko ngā tamāhine a Te Toko ko Ngahemo, ko Pupuni, ko Koangi. I te hahunga o ēnei tūpāpaku, he mea mau ki Te Ramaroa. Ko Te Ramaroa, ko ngā uri anake o Marunui tēnei wāhi tapu ... Ko ngā wāhi tapu katoa kua kōrerotia nei e ngā kai kereeme, koia rā ngā wāhi tapu o ngā uri o ēnei tūpuna, o More, o Marunui, o Ngarowiwi. (WMB 1904: 82).

All three examples shed light on different protocols involved with hahunga tūpāpaku. In the first example, Wikitera Reone of Wairoa provides the names of the people who were actually responsible for the exhumation and re-interment process. Being descendants of the great ancestor Ngarowiwi, their obligations to their dead and to their ancestral areas are likened to their duties as kaitiaki. Connections between the living and the dead are reinforced in this protocol where whānau and hapū exercised rangatiratanga and kaitiakitanga over their areas through wāhi tapu practices. Wāhi tapu thus acted as a catalyst in which mana and kaitiakitanga could be expressed.

In the second example, Tupaakihi Kaamira recalls hahunga practices undertaken by him and his whānau in Wairoa. On one occasion, there were approximately seventy people exhumed at the same time. On another occasion, there were two hundred people! According to Buck (1949: 425), it was not uncommon to exhume a group of bones at one time, especially if there were direct whakapapa connections. Oppenheim classifies burial places as “an identifying feature of land ownership” (1973: 120). The physical expenditure of labour taken to exhume seventy or even two hundred corpses, coupled with the tapu customs and protocols of hahunga would have contributed physically, culturally and spiritually to the establishment and maintenance of mana whenua. Hahunga demanded both labour and occupation, both of which characterise the application of ahi kā, thereby allowing for land rights and use to ensue.

In the third example, Ruka Huru describes associated wāhi tapu in Wairoa. In the second to last and last sentences, Ruka highlights aspects of exclusivity of wāhi tapu. He claims Te Ramaroa wāhi tapu as an exclusive site for Marunui descendants only. One of the main functions of wāhi tapu ensured local occupants could return to their local urupā to be buried along with main ancestors from whom ancestral rights and ahi kā status were derived. Marunui was a great ancestor of Wairoa and he provided the ancestral link and ahi kā for his descendants to belong and return to the whenua in Wairoa.

In the last sentence of this example, Ruka alleges all mentioned wāhi tapu in Wairoa hearings as belonging to descendants of the three known tūpuna of Wairoa, that is, More, Marunui and Ngarowiwi. Carmichael et al (1994: 4) has

found that sacred sites are “intimately linked to gender, status and role.” Papatupu evidence follows a similar pattern showing the designation of urupā according to whakapapa, social rank and role. Te Ramaroa urupā along with the rest of the aforementioned wāhi tapu in Wairoa hearings are clear examples of wāhi tapu being inextricably linked to whakapapa. Other examples of wāhi tapu in Wairoa and Hokianga show characteristics of status and role:

Ko Waiparera he wāhi tapu hou tēnei, nā Kaamira Te Kakaa i hanga tēnei wāhi tapu. Ko tēnei wāhi tapu he wāhi tapu motuhake mō ngā tamariki o Kaamira me āna mokopuna. Ko ngā tūpāpaku kaumātua kei tēnei wāhi tapu ko Mirima Kaamira, ko Kare Hoani (WMB 1904: 41).

Ko Pukepoto taku wāhi tapu tūturu. Ko Kohinemataroa te tūpāpaku tuatahi i takoto ki reira ... Muri iho ka takoto ko Matauturangi ki reira. Muri iho ko Te Reinga ka takoto anō ki reira ... (Tate 1986: 117).

Some wāhi tapu were established for the sole purpose of children whilst others were for adults. In the first example, Waiparera wāhi tapu in Wairoa was established by Kaamira Te Kakaa for the sole purpose of his children and grandchildren. It is interesting to note the two elders who were also buried there, perhaps acting as kaitiaki of the children. In the second example, Re Te Tai claims Pukepoto as the oldest and foremost of his wāhi tapu. His buried ancestors provide evidence of Pukepoto’s temporal location and link to status and role. The members buried there all stem from the same chiefly whakapapa. Kohinemataroa, granddaughter of eponymous Ngāpuhi ancestor Tauramoko, was the first woman to set foot in Whakarapa. In Karanga Hokianga (Tate 1986: 66-69), she is discussed as a woman with great mana who was active in securing the well-being of her whānau and hapū. Her grandson Matauturangi and great grandson Te Reinga were also instrumental in local hapū affairs. During Te Reinga’s adult life, Ngāti Reinga was established “whose influence covered Waihou, Whakarapa, Motuti and Whangapatiki” (Tate 1986: 74). The Pukepoto wāhi tapu therefore exerts social rank and mana as transcended through chiefly lines of whakapapa, and highlights the overall application of wāhi tapu as being intrinsically linked to whakapapa, status and role. Whakapapa provided the ancestral connection to land and allowed for the practice of wāhi tapu to occur as part of ahi kā requirements. The significance of wāhi tapu to ahi kā and mana whenua has been explored through kaitiaki protocols, and thus shows strong relations between life and death, past and present, and people and land. Connections between all three

phenomenal relationships depict wāhi tapu as a vehicle through which the continuation of intellectual culture and tribal identity are achieved and secured.

#### PĀ/KĀINGA:

Pā/kāinga are settlement sites. Despite historical and recent debates over the core functions of pā and kāinga (see Firth 1925; Buck 1949; Best 1924; Sutton et al 2003), the common characteristic of both saw them as constructions in which some form of occupation occurred. Claimants from Papatupu hearings give evidence of pā as part of an assertion of occupational practices undertaken on land:

Taku take ki tēnei whenua, koia ēnei e whai ake nei. He take tūpuna, ko Te Reinga. Tuarua he pā ... (Tate 1986: 63).

Aku take ki tēnei whenua, he take tūpuna ... wāhi tapu, he pā ... (TKMB 1904: 174).

Āku take he take tūpuna, he pā, he wāhi tapu, he rāhui, he mahinga, he noho tūturu (WMB 1904: 39).

Best has observed pā as a space of temporary site for warfare (1975: 3-4) as opposed to Firth who saw it as a permanent site and base of social and economic life (1925: 78). Debates of this nature show parallel concerns to those addressed in chapter two on ahi kā and degree of occupation, where occupation encompasses both temporary and permanent characteristics. Sutton et al (2003: 229) concluded that pā were not places of settlement in the usual sense, for occupation was not continuous and people did not routinely live there. Mobility being a feature of transient occupation, Sutton et al argued that pā were not of a permanent or continuous nature due to the highly frequent activity of transitivity. People migrated across their lands according to the fruits of the season, and the only time local inhabitants returned to the protection of pā was during a time of threat. Pā were only resurrected when it was necessary, otherwise they stood empty and in decay until the next threat arose. It seems clear then that the function of pā was moulded to suit the environment and subsistence relative to each tribal group. Ready access to water was one feature that dictated site of pā (Best 1975: 101). The function of a pā shows correlation to degree of occupation. The following evidence observes pā as defence structures whose function extended beyond warfare:

Ko te pā anō o Ngāti Manawa, ko Te Rewa, kei te wahapū o Waireia; he pā whawhai ki a Ngāti Korokoro, he ārai, kei puta mai ki te hī ika, ki te kōhi pipi hoki i te moana, ā kei reira anō ngā rākau o taua pā e takoto ana ināianei (Tate 1986: 3).

He pā aha te pā i kōrero nei koe? He pā whawhai (TKMB 1904: 85).

Ko ētahi o ngā pā o ngā uri o tēnei tangata, o Ngarowiwi, ko Te Ahiaua, ko Puhikaiwhare. Ko ēnei pā he pā whawhai nō Te Runanga ki ngā uri o Ngarowiwi rāua ko Marunui (WMB 1904: 82).

Pā whawhai or warfare pā were common throughout Whakarapa, Waihou, Wairoa and Te Karae. Pā whawhai were physically built with the expectation of social and political engagement across groups. The first example shows Ngāti Manawa using Te Rewa pā as a space to engage in warfare, should Ngāti Korokoro cross their boundaries and take their food supplies. The nature of warfare relied on the eruption of disputes or disagreements, hence the need for pā as a designated space and place for engagement to occur.

Davidson (1984: 185-188) suggests pā as being more than a reflection of settlement and warfare. She claims pā functions were dependent on locality and social and economic relationships, where the former was organised due to the natural landscape. According to Williams (2004: 52), each hapū needed access to at least two fundamental ecological domains: water has been mentioned, the other 'ecotone' is land resources. In Te Karae and Whakarapa, hapū boundaries included rich land terrain, fresh water and shallow coastal waters. Major activities for these areas centred around the ngahere and cultivated foods. In Wairoa, the close proximity to the coastal landscape of Te Tai o Rēhua<sup>12</sup> relied heavily upon tidal resources, and it provided a sound economic base for pā and kāinga located around the coastline. Congregating near the domains of land and water for the purposes of mahinga kai "is evident in the many wars fought for the possession of fertile lands, swamp areas, or prolific forests in the vicinity of which the tribe wished to settle (Firth 1959: 56). One example of this is exemplified in a battle that erupted between Ngāti Awa and Ngāti Te Reinga over the fish at Te Tuauru. Ngāti Awa were in occupation of Marokopa pā in Whangape until Ngāti Te Reinga came along and stormed that pā by forcing members inside and burning it down. The significance of this historical event is marked by the tribal name Te Aupōuri, and

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<sup>12</sup> Māori name for the Tasman sea.

represents the survivors who then moved away from Whangape to Ahipara to settle (Tate 1986: 75).

Writers such as Mihaljevic 1973; Marshall 1987; and Barber 1996 have interpreted pā as expressions of mana and tribal identity. The previous examples have shown pā as being pertinent to social, political and economic relationships where it functioned as a kind of boundary marker to prevent the deprivation of economic resources by enemy groups. The need to protect pā sites was in essence about maintaining one's mana and tribal identity over area. The following is a similar example taken from Wairoa hearings:

Ka mate a Marunui ... Ko Tangihangapihe, ko tēnei pā i muri i a Marunui. Ka noho ōna uri ki reira. Ko ngā tāngata whai ingoa i roto o tēnei pā ko Pokaanga, ko Whakatau, ko Koheroa. Ko ngā hapū i raro i ēnei tāngata ko Ngātimahore, ko Ngātikutia, me Te Matuawhengawhenga. Ko te mahi ā ēnei tāngata he tiaki ngā roi o Whakapaeamanu. Ki te pokanoa te tangata, ka murua, i runga i te huihuinga ki ngā uri o Ngarowivi (WMB 1904: 81).

After the death of their leader Marunui, Pokaanga, Whakatau and Koheroa inherited the mana of Marunui's pā and it was their responsibility to protect the roi or fernroot produce in Whakapaeamanu. If anyone dared meddle with their fernroot supplies, retribution would be sought. Pā protocols were a means of defending one's pride and one's economic base (Barber 1996: 877) which was in essence the kaitiaki role that Pokaanga, Whakatau and Koheroa were upholding. As leaders of their hapū and pā, they needed to protect their resources and defend their authority. If one's economic base was destroyed, then mana was also damaged. Mana whenua had to be protected for ahi kā purposes, but also as an enhancement of tribal identity. The exploration of pā beyond the warfare debate characterises it as a social, cultural and political symbol that reinforced physical permanency, authority and identity on land.

Kāinga on the other hand, were sites of a more permanent nature, "a place of residence or home" (Best 1924: 304). The term is derived from 'kā' 'to burn', and refers to the place where fires burned, which is also the genesis of ahi kā. Being a site of stable habitation, kāinga were inextricably linked with mahinga sites such as cultivations as well as wāhi tapu and so forth. Commonly, the kāinga was the hub of activity where gardens grew and everyday activities were undertaken, and the



pā, as has already been observed, served as the protector of people and resources. Evidence of kāinga and mahinga sites are demonstrated in Papatupu narratives:

Ko Mangataipa, Omakura, Orawau, Te Karae, Te Mataa, Urungaio, Hauai he kāinga nō ngā uri o Tama tae noa mai ki tēnei wā. Ko ngā kāinga kua kōrerotia nei e au he mahinga kai katoa kei reira mō ngā uri o Tama, he mahinga tawhito mai nō mua tae mai ki tēnei wā. He wāhi tapu anō ōku tūpuna kei runga o te poraka nei. Kei Omakura, Te Mataa, Te Karae, Hauai (TKMB 1904: 160).

He kāinga nō Tokorua a Motukauri, he mahinga hoki, tae noa mai ki ngā uri o Tokorua, i Motukauri o rātou kāinga me ā rātou mahinga, i Whangapatiki hoki tae noa atu ki Te Hiahia. (Tate 1986: 56).

Both examples identify particular kāinga, their owners, and the associated mahinga kai and wāhi tapu sites. Like pā, kāinga had an enormous effect on the socio-economic and cultural bearing of the group in occupation. Barber (1996: 876) discusses pā as “spectacular and enduring visual re-creations of border, order, identity and ancestry.” The above examples show kāinga as being maintained over time, within exclusive whakapapa lines of descent. Tama, in the first example, and Tokorua, in the second example, are recognised as the original owners of their kāinga, which were passed on and maintained by their descendants. Visualizing kāinga as physical markers of whakapapa is metaphoric of mapping out cultural spaces of identity. The kāinga is where tribal identity was protected through its exclusive whakapapa lines, hence the need to protect kāinga and pā so that tribal identity remained intact. The pā/kāinga landscape was more than just a social hangout space or battle field. Pā/kāinga were occupational sites that demanded a high level of physicality, but more importantly, their physical presence functioned as social, political and cultural markers of tribal identity and history.

#### MAHINGA KAI:

Mahinga kai practices encompass food sourcing activities pertaining to all natural and cultivated food resources in and on the land and coastal areas. This aligns with Ngāi Tahu’s expression of mahinga kai as “places where food was produced and procured” (Waitangi Tribunal 1991: section 2.12), and can be grouped according to ecological domains such as natural foods from the forest and waterways, and cultivated foods from the land. Another definition of mahinga kai is provided by Tipa (cited in Panelli and Tipa 2009: 459):

Mahinga kai literally means food works. It is an all inclusive term that encompasses the ability to access the resource, the site where gathering occurs, the act of gathering and using the resource, and the presence and good health of resources.

There are numerous examples in tribal histories that illustrate practices and protocols of mahinga kai as a contributor to cultural landscapes. The summary on mahinga kai in the Ngāi Tahu Land Report speaks of mahinga kai in a holistic way, where ancient practices such as mutton birding served as “an integral part of Ngāi Tahu society,” and associated knowledge and protocols were thus “greatly valued and carefully guarded” (Waitangi Tribunal 1991: section 2.12). Mahinga kai practices saw the acquiring of food play a significant role in the socio-political domain of Māori and tribal societies. Erecting cultivations or snaring and hunting sites offered an avenue to solidify occupation and use of land on a regular basis and strengthen settlement over time. Mahinga kai practices symbolised existence and occupation and exerted authority over inland and coastal properties. The following whakataukī demonstrates Pari’s authority over all foods inland and out at sea:

Te take o tēnei ingoa o Te Papa, he rāhui nā Pari, me Oruaanui, he rāhui anō nāna ... Ko te rāhui i Te Papa, he rāhui mō ngā mātaimai o te moana. He rāhui hoki i ngā kiore me ngā manu te rāhui i Oruaanui. Ki te hiahia a Tupoto mā ki ngā mea o te moana me ngā mea o te ngahere, me haere rawa ki a Pari ka tika ... Nō konei ka takoto ēnei kupu mō Pari; Pari ki Uta, Pari ki Tai (Tate 1986: 57).

Pari’s sphere of influence in Whakarapa extended over mahinga kai practices of the whenua and moana. Anyone who wanted access to inland and coastal food sources needed permission from Pari. Although Pari’s authority refers to rāhui practices, its essence highlights food sourcing protocols which are symbolic characteristics of mahinga kai. The concept of mana is clearly epitomised by Pari whose status is forever embedded in the whakataukī ‘Pari ki Uta, Pari ki Tai’.

Whakataukī, whakatauākī and pepeha are cultural markers of Māori and tribal history (Te Taura Whiri i te reo Māori, n.d.). They comment on aspects such as religious life, conduct, ethics, land, warfare, love, marriage and death. There are many examples of whakataukī, whakatauākī and pepeha in tribal histories which emphasise power and jurisdiction over particular geographical areas (see Mead and Grove 2001). Cultural markers play an important role in ascertaining mana whenua and mana moana and are often used as vital historical evidence in land

claims. Here is another whakataukī taken from the Wairoa hearing; “Ka oti taku māra ko Rangatetaua taku ora ki tua<sup>13</sup>” (WMB 1904: 30). According to claimant Ngakahu Pene Haare, this whakataukī belonged to Horotini who was an ancestor of the Wairoa block. The garden metaphor used by Horotini is not only symbolic of his physical sustenance of occupation, but is also representational of his spiritual, cultural and political permanence on whenua.

In both Pari and Horotini’s case, authority over jurisdictional areas and mahinga kai resources inland and on coastal properties highlight aspects of tikanga Māori surrounding mana, whenua and ahi kā, all of which illustrate their permanency and authority on whenua. Language and culture pedagogy has been observed in detail by numerous writers such as Fishman (1991), Kramsch (2004), and Risager (2006) among many others. According to well-known sociolinguistic expert Joshua Fishman, language and culture are intimately associated where language is both symbolic and a part of culture (1991: 20-21). Both must be recognised as important in maintaining indigenous identities and histories. One aspect of language literature uses devices such as similes, metaphors and alliteration to provide enrichment, codification and substance to narratives. Similarly, Māori literature devices such as pepeha, waiata, whakataukī, whakatauākī and kīwaha are used as Māori and tribal cultural devices to imbed, impart and preserve intellectual and cultural knowledge systems of customs, traditions, values, philosophies, mythologies and histories.

Ruth Panelli and Gail Tipa (2007; 2009) have done extensive research looking at the application of mahinga kai as a model of well-being. Their research on links between culture and place/geography to well-being is extended to include indigenous relationships between people and land as an ongoing record of kinship and identity:

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<sup>13</sup> It is unclear in narratives whether Rangatetaua is the general area where Horotini’s garden grew, or whether it is the actual name of the garden. The latter seems to be the case since it was very common for mahinga to have names.

While the resources sustained by tribal lands and waters contribute to the physical well-being of those reliant on the resources, we explained how tribal lands also nourish a sense of continuity between generations, reinforcing spiritual well-being in the form of whakapapa, sacred maunga, and ancestral rivers. Recognizing the types of relationships ... can act as a record of ongoing kinship linking cultures and ecosystems that might sustain ... indigenous identity and wellbeing (Panelli and Tipa 2007: 456).

Mahinga kai practices are shown to extend across individual and group politics involving social and environmental responsibilities. Using the methodological tool of whakapapa, deep connections can be depicted between past, present and future generations by tracing whakapapa of mahinga kai from previous ancestors to current descendants. Whakapapa is useful in this way to ascertain the origin and identity of a particular phenomenon. The same formula is applicable to mahinga kai in a way that reflects identity of a person, generation or whakapapa line to whenua using mahinga kai as the measure. Occupation of whenua through laborious initiatives show maintenance, connection, and commitment to whenua, thus reinforcing identity and permanency of ahi kā. Mahinga kai can be viewed as a growing genealogical record with a dual nature, extending both vertically and horizontally. The vertical axis canvasses current generations who are descendants of previous ancestors, whilst the horizontal axis embodies names of spaces and places often grown out of historical actions and events. Lands that had been occupied by previous ancestors affirmed current descendants' autonomy of place and space, and land use was an application of staunch affirmation. The whakapapa methodology is a useful tracking device to trace vertical and horizontal descent of mahinga kai from past to future and vice versa:

A rātou mahinga kai, arā a Tangirau, a Timunga, a Te Huakioterangi i Whangapatiki, ko Ngamatawairenga. Ko Whangapatiki nā Te Huakioterangi tēnā. Kō atu ko Te Whiti, nā Tangirau. Kō atu ko Hapehape, nā Timunga. Kei Te Hiahia he whenua kai huihui tēnā nā rātou. Ka ngaro rātou ka tupu ngā uri. Ko Haututu nā Te Huakioterangi. Ko Pakoro nā Timunga. Ko Te Tukituki nā Tangirau. Ka mahi rātou ki te whenua nei ki Motukari, ki Te Awapuru hoki. Mai anō i ō rātou mātua te mahinga ki ēnā wāhi, tae noa mai ki a rātou, kāore he iwi kē e eke mai ana ki runga i te whenua nei (Tate 1986: 87).

Re Te Tai of Waihou and Whakarapa provides extensive evidence of cultivations of local leaders Tangirau, Timunga and Te Huakioterangi. His format of delivery privileges the methodology of whakapapa whereby he acknowledges site names and the transgression of those sites from past to present users and down to future users. The whakapapa of mahinga kai runs parallel to the whakapapa of human

relationships. Makene Kere of Te Rahowhakairi, Kohatutaka and Ihutai hapū, portrays these two links in his extensive narrative of mahinga kai activities in Te Karae:

Ko Hauai he mahinga kai nā Ruawaha tae iho ki o mātou mātua me mātou hoki. He paenga kāinga anō kei reira i tēnei wāhi nō Te Oneroa, nō Kawhi me Waata me ētahi atu. Ko Te Hapanga he papamahinga i mua nā Kaamira mā, nō Te Kaiatua me ētahi atu. I rongo au i mahi a Rawiri mā ki reira me taku matua me Kere me Te Tiahuia me ētahi atu. Ko Hoturona he mahinga kai nā Ruawaha tae mai ki taku matua, ki a Te Taitainga me ēnei hapū me Te Pehikauri me Te Rahowhakairi i mahi ki reira. Ko Te Weranga he papamahinga mā mātou ko ēnei hapū kua kōrerotia ake nei e ahau. Ngā mahinga i te wahapū o Te Weranga tae noa ki Rākaupakeke he mahinga nā Te Kohututaka, Te Rahowhakairi me Te Pehikauri. Ngā mahinga i Te Rākaupakeke ki Waimahee he mahinga nā ēnei hapū nā Te Rahowhakairi, Te Kohatutaka, Te Pehikauri me Kaamira mā. I mahi anō a Horopapera ki Waimahee. [114] Ko Te Puaatauahika he mahinga anō nā Kere me ētahi atu. He mahinga, he paenga kāinga o mātou kei Urungaio. He mahinga anō, he kāinga kei Te Parakete nō Te Taitainga me Te Tiahuia. Ko Te Takapau, he mahinga nā ngā tūpuna tae mai ki a Te Taitainga me Te Tiahuia. Ko Patehetehe he mahinga nā Te Taitainga rāua ko Kere. Hoi anō ngā mahinga (TKMB 1904: 113-114).

Makene Kere's narrative begins with Hauai mahinga kai, which belonged to Ruawaha and was then handed down to Makene Kere's parents and to him. At the time, there were a series of homes belonging to Te Oneroa, Kawhi, Waata and others. He continues in this fashion, outlining the historical whakapapa of sites, some of which were individually owned, and some under communal and group ownership. The use of whakapapa allows the exploration of human relationships and associations to land via mahinga kai sites. Framing mahinga kai as a genealogical record is symbolic of one's spiritual connection to land which is manifested throughout each generation. It simultaneously acts as a genealogical reminder of past and current realities showing kinship with land as a strong source of intellectual and cultural identity.

Another method of analysing mahinga kai sites to show permanent connection to land visualises each site as having its own personal identity. Bell and Valentine (cited in Panelli and Tipa 2009: 456) make comparisons about food practices engaging connections with multiple places, people, meanings and power relations. Mahinga sites engaged multiple relationships within and across hapū borders, allowing access to individuals or groups from other tribes (Asher and Naulls 1987: 5). In Karanga Hokianga, one mahinga site engages power relations fused with people relations:

E rima tekau pea ngā tāngata o Te Hira i te wā e ora ana ia. Ko rātou ki te mahi kai. Ko ngā mahinga ā tēnā tangata a Te Hira e tino nunui. Whai hoki he tangata atawhai ia ki te tangata. Ka mutu ka mahi huihui anō rātou ki Te Totara, arā a Muriwhenua mā. Ko Te Tai anake te mea e mahi ana. Ko Te Hira kāore i mahi, hoianō, āna kaimahi kai ko āna tangata e āmī haere nā. Kei tana tapu i pēnā ai. Kei tana rangatiratanga tētahi take i noho tahaki ai ia (Tate 1986: 107).

The success of the above mahinga kai sites are attributed to the success of power relations and personal traits of well-known Te Rarawa chief Te Hira. In fact, so high was his level of tapu, that he remained isolated from everyone else and refrained from any labour efforts. At one time, Te Hira had approximately fifty people under his guardianship, working massive cultivation sites for the benefit of his people. Te Hira was known for looking after his people, and together they were successful in implementing gardens in Te Totara amongst other areas in Waihou and Whakarapa. The communal nature of Te Hira's gardens reflects an identity that saw it not uncommon of cultivations to serve combined interests based on power relations. Te Hira's vision in bringing his people together and providing a sound economic base for them collectively is emblematic of his mahinga, reflecting his socio-political identity, a sure physical marker of occupation and authority.

The potentiality for multiple identities to exist upon a cultivation site recognises complex relationships of social organisation tied up with complex relationships of use rights within a land tenure system. Panelli and Tipa (2009: 456) highlight case studies undertaken in Britain, Mexico and the US which show eating sites such as public eating venues and workspaces as areas where meanings and identities are 'incorporated' or contested via different 'communities of practice' (Valentine cited in Panelli and Tipa 2009). In Wairoa and Karanga Hokianga, various communal gardens and communal resources reflect the unification and recognition of several local chiefs' mana combined under one front. The combination of social status forces was a method of security against enemies, and allowed communities to reinforce whanaunga ties with each other:

I te wā i a More e mahi ana ia me ngā tāngata o tōna whakatupuranga ki ngā mahinga kua kōrerotia nei e Ngakuru Pene. I muri o te matenga o More ka mahia huihuitia ēnei mahinga e ngā uri o More, o Ngarowiwi, o Marunui, tae noatia mai ki tēnei rā (WMB 1904: 42).

Kotahi anō o rātou mana ki runga i ēnei whenua...[h]e kai huihui tā rātou kai i ēnā whenua (Tate 1986: 54).

In observing the above examples, mana whenua had a direct impact on use rights and the possibility for interruption in human relations was ever present and current, especially where or when power relations became unclear. In the first example, power relations of More, Ngarowiwi and Marunui were combined which enabled for each of their communities of practice to incorporate use rights. Their mahinga kai sites can be seen as exuding particular identities of these leaders and their communities of practice. The level of mana of each leader and the particular individual and group identities of each community of practice reveal a complex patchwork of identities and relationships associated with sites. This phenomenon is also seen in the second example, where the combination of mana under one umbrella casts a unified identity on those particular mahinga kai sites. Different relational threads contribute to the overall distinctiveness of mahinga kai sites reinforcing Te Rarawa permanency on land. By articulating relationships of power, people and place, they collectively dictate mahinga kai as a staunch symbol of social, political, cultural and tribal identity.

## **CONCLUSION**

Ngā Tātai Ahi Kā has enabled mahinga to be analysed in a way that reveals occupational practices as a dominant expression of ahi kā. Mahinga practices formed an integral part of Māori tribal societies, and was physically achieved in a variety of ways which commonly involved the set up of wāhi tapu, pā/kāinga and mahinga kai. In the previous chapter, rāhui was addressed in association with common customary concepts to show intrinsic practices and relations concerning people and the environment. Social and political functions were highlighted to show its efficacy on ahi kā, mana whenua and mana moana. In this chapter, wāhi tapu, pā/kāinga and mahinga kai have articulated cultural expressions of mana and kaitiakitanga. These practices have been observed as social, political, cultural, spiritual and intellectual markers of ahi kā that show intimate connection to land and occupation, symbolically contributing towards mana whenua and mana moana.

Relationships concerning mahinga activities have contributed significantly to the cultural and intellectual integrity and identity of Te Rarawa. Human relationships within and across borders depict a complex nature of inter- and intra-relations of power, place, people and meaning. Multifarious relationships over particular

resources have manifested down through the generations, and the traditions and stories continue to live on in current Te Rarawa narratives. Power relations between individuals and groups are clear examples of multiple identities of communities of practice that weave together human responsibilities of people towards the environment. The importance of seeking connections between mahinga practices and people to land allows for a richer and more holistic understanding of mahinga overall, one that looks beyond sustenance and survival as its only core functions. The Papatupu narratives provide an excellent forum which showcase mahinga and its impact on cultural identities of Te Rarawa. The visioning of mahinga thus frames ahi kā as a holistic tool of identity and wellbeing in a way that contributes to long-term maintenance and security of health and wealth of mana motuhake and tino rangatiratanga.



### INTRODUCTION

Whereas all previous chapters lent weight to a Māori tribal lens, this chapter looks further afield to explore kinship and land and sea ties with our indigenous neighbours, the Meriam people of Mer Islands. The importance of casting the focus wider will hopefully broaden indigenous and non-indigenous perspectives on the importance of customary practices as tangible markers of cultural maintenance, security of location, and identity.

Firstly, however, it is of utmost importance to locate myself within the context of this study before proceeding to its core. Whakapapa as an investigative tool allows me to express interconnections to Mer Islands, which came about firstly through whanaungatanga ties. My friend Noritta Morseu-Diop spent six months within Māori Studies at Victoria University of Wellington undertaking fieldwork for the Māori scope of her PhD dissertation. She reciprocated the hospitality by inviting me to The University of Queensland, which eventually led to the idea of incorporating a study of Mer Islands within this thesis. I am not of Mer descent nor have I grown up within Mer society. My research could therefore be viewed in a light similar to the many non-indigenous narratives that continue to dominate indigenous discourses. On the other hand, my whanaungatanga ties to the Mer landscape transcend multiple layers of connections, firstly through personal ties, secondly through indigenous links, and thirdly, through the exchange of knowledge shared between Noritta and I in terms of her research on Māori and my research on Mer. Even though I am positioned as an outsider, based on my whanaungatanga ties I was able to apply indigenous sensitivity, specifically through practices such as exercising intellectual care and consulting the right sources. As mentioned by the Department of Aboriginal and Torres Strait Islander Policy and Development (2000: 19), “it is crucial to keep in mind that ... the process is as important as the outcomes.” Determining who the appropriate sources are is stated as one of the consultation and negotiation strategies necessary for effective communication with Torres Strait Islanders. Appropriate

methodologies used to undertake research on, with, and within indigenous communities are fundamental in creating positive achievements that have value to the communities in question. Adopting Torres Strait methodologies of research within this study is key to contributing effectively, ethically and respectfully about Torres Strait histories and scholarship.

Meriam people have been in long-standing occupation of Mer Islands since time immemorial (Sharp 1996). During the Mabo case<sup>14</sup> which debunked the notion of terra nullius and introduced the Native Title Act 1993 in Australia, a solid grounding was provided for the high court's decision in declaring that "Meriam people are entitled as against the whole world to possession, occupation, use and enjoyment of the lands of the Mer Islands" (High Court of Australia 1992). Meriam owned the land and belonged to the land and therefore had a dual-relation of right and responsibility towards the land (Sharp 1996: 9). Through responsibilities of ownership and caretakership, constant interactions were exhibited to maintain balance and harmony of people to environment. Long-standing connection, application and experience will henceforth be considered in this chapter as evidence of interconnections between Meriam people and their environment. To achieve this, the next section sets the scene by providing a background narrative to the landscape of Mer before proceeding into discussions on the conceptual framework of this chapter. The conceptual landscape provides a synopsis of Meriam customs and practices that are inherent in the conceptual framework, followed by a practical analysis of land and sea protocols. The essence of the conceptual framework will be explored as the driving force behind Meriam's sustained existence and cultural identity, thereby functioning as a holistic application of Meriam sovereignty, one not dissimilar in nature to ahi kā.

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<sup>14</sup> Mabo vs. Queensland land case 1992.

## MER ISLANDS LANDSCAPE:

MAP 6: Torres Strait Islands Language Groups Map



Map 6: (RMIT University 2009).

Mer Islands are a cluster of three small islands located in the eastern islands group of the Torres Strait Islands. The descendants and first inhabitants of Mer, Waier and Dauer islands are known as Meriam people, and their original ancestry can be traced to the Fly river area of Papua New Guinea (Shnukal 2001: 22). As depicted in the language map above, Meriam people have their own diverse language Meriam Mir, and various social and religious customs such as Bomai-Malu<sup>15</sup> which sets them apart from the rest of the island groups in the Torres Strait. Although the Torres Strait Islands are similar in culture, they are not a homogeneous society; there are stark differences between the Eastern Island group and other groups, in particular the display and exercise of social customs and practices. Well-known and recognised linguistic expert of Torres Strait Creole Anna Shnukal says that “[p]re-contact Torres Strait Islanders were not a single homogenous or unified group and until this century did not think of themselves as one people ... each group considered itself separate from its neighbours and maintained its cultural and linguistic differences” (2001: 22). One of the

<sup>15</sup> Sacred religious group based on the great mythological ancestor Malo, also known as Malu, Bomai, Malu-Bomai, and Bomai-Malu which acknowledges his various identities throughout mythology.

contributing factors that reinforced social, cultural and political practices in Meriam society is attributed to isolation dictated by the physical landscape of island culture.

Being an island group with a reputation for rich and fertile soil qualities (Shnukal 2001: 22), gardening activities and garden culture have thrived successfully for many generations. Food sourcing practices in Mer Islands were made easy by geomorphographical features which boosted land-based food activities such as yam cultivations as well as sea based activities such as fish cultivations. Surrounded by the Coral Sea to the south and the Gulf of Papua to the north, there was no shortage of food supplies, for Meriam people worked out hunting, fishing, gardening and foraging in response to the local conditions (Beckett 1987: 28-29).

#### EARLY CONTACT HISTORY:

The Torres Strait Islands early contact history begins some four hundred years ago and gains its name from Spanish navigator Luis Vaez de Torres, the first European to sail through the Strait in 1606 (Burton 2007). According to European anthropologist Alfred Cort Haddon in his major exploration and study of the Eastern and Western Islands group under the umbrella of the London Missionary Society in 1898, the island of Mer was much less affected by outside influences than other islands in the Torres Straits due to its inaccessibility (1901: 3). Although this was probably the case in earlier times, the 19<sup>th</sup> century was time of influx for the Torres Strait Islands and many external influences were felt through constant contact with European, Asian and Polynesian ways. One of the major events that impacted on Torres Strait society and changed its history forever, occurred in 1879 when all islands of the Torres Strait became annexed to the Colony of Queensland (Burton 2007). By now, Mer Islands were well under legal jurisdictions of a Westminster system that was to have severe effects on local Meriam customs and traditions and beliefs.

#### MURRAY ISLAND NATIVE COURT:

After the annexation to Queensland, infiltration of western law began to make its mark within Mer Islands. Through 'indirect rule' the Murray Island Native Court on Mer was officially established in 1898 by the Queensland government to deal with local criminal and civil behaviour. Local European government teacher J.S. Bruce

was a respected man of the Meriam community who oversaw the operations of the court from 1892 until 1928. Being a well-respected man of Mer community, the locals claimed that the process was guided by Meriam customs and local traditions (Screen Australia 2008b). Meriam society was not stagnant nor did Meriam traditions subsume, rather it adopted and adapted to new methods and ideas as Meriam society saw fit at the time (Mullins 1995: 6). Some of the new customs can be seen through the evolution of language, housing and religion to name a few (Burton 2007). Others can be seen in the recognition of two legal systems co-existing side by side, that of Customary Lore and that of European Law.

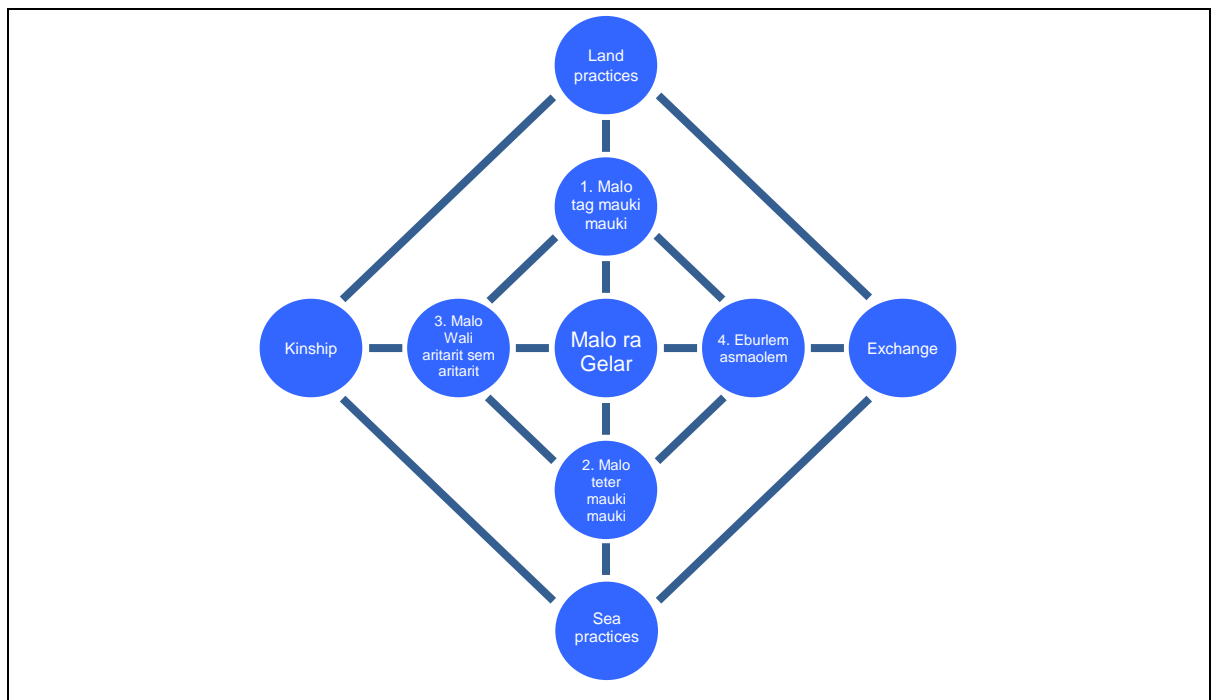
The Murray Island Court Book (MICB) which records claims submitted before the Murray Island Native Court, is a primary source of text for this inquiry, and on many levels is similar to the Papatupu books in North Hokianga. One of the other recommended sources of this study relies on anthropological evidence undertaken by anthropologist A.C. Haddon and his team, who studied customs and practices of Mer Islands in 1898. Haddon produced what is known as The Reports of the Cambridge Anthropological Expedition, which entailed a collection of six reports. Despite the western perspectives and frameworks which Haddon and his team operated under, Meriam are very much grateful for the historical works undertaken by Haddon and in fact, narratives from the reports have been used as evidence in the well-known Mer Island land claim known as the Mabo case. Where applicable, this knowledge will be drawn on to supplement arguments of customary practices in Mer.

## **CONCEPTUALISATION**

One of the most well-known and well-recognised beliefs of Meriam people is that of their great immortal god and ancestor Malo (Hunt 1899; Sharp 1996). When Malo made final landfall on Mer, he set about establishing Malo ra Gelar, which became the law of the land and the essence of Meriam life (Sharp 1993: 49). Malo ra Gelar distinguishes socially acceptable behaviour from disorderly behaviour, and it dictates a code in which to conduct oneself appropriately. Like tikanga Māori in Māori and tribal society, social, cultural, political and spiritual obligations in Meriam society were enforced by the strict value system of Malo ra Gelar which was founded on Meriam customs, traditions and beliefs.

It is patent then that Malo ra Gelar forms the heart of the conceptual framework on which this chapter is centred. Similar in nature to the Ngā Tātai Ahi Kā, the Malo ra Gelar framework makes use of the web metaphor to show interconnections between local customs and practices central to Meriam identity:

Fig 4: Malo ra Gelar Framework



One central thread of significance to Malo’s traditions and Meriam history is that of oral narratives. Like many other oral cultures, Meriam traditions are documented in Meriam literature such as songs, dances, chants, stories and proverbs, and they play a significant role in the continuance and maintenance of Meriam culture. One type of oral device included in the Malo ra Gelar framework encompasses four well-known proverbs which are also recognised forms of Malo’s Laws<sup>16</sup>. The four laws, as they will be referred to henceforth, form the inner layer as extensions of Malo ra Gelar, and are positioned in this way to show intimate connections between people and the environment. A brief definition of each law is outlined here, and will be discussed in more detail in the next section of the chapter:

- |   |                                 |   |
|---|---------------------------------|---|
| 1 | Malo tag maukimauki             | Malo keeps his hands to himself             |
| 2 | Malo teter maukimauki           | Malo keeps his feet off other people’s land |
| 3 | Malo wali aritarit sem aritarit | Malo plants everywhere, even under trees    |

<sup>16</sup> see Sam Passi and Marau for a list of Malo’s Laws (in Laade 1973).

The essence of the above laws encapsulates two fundamental concepts: that of kinship and exchange which are located on the outer layer of the Malo ra Gelar framework. The four laws in conjunction with the two Meriam customs will allow for the exploration of occupancy via land and sea-based activities. The exploration of occupancy will show its importance and function to Meriam relationships with the land and sea as a significant source of location and identification.

Kinship and exchange are two universal principles sustaining Torres Strait Islander culture (Dept of Aboriginal and Torres Strait Islander Policy and Development 2000: 8). In Meriam society, kinship and exchange pervaded all aspects of life, and as Wilkin of the Haddon expedition discovered it added elements of complexity to land ownership and occupation (see Wilkin 1908: 163-184). Kinship influenced inheritance, which saw it natural for the eldest son to hold guardianship of rights on behalf of his younger brothers and sisters as well as the responsibility of allocating lands and resources accordingly (Sharp 1996). Although it seems that patrilinealism was the preferred method of inheritance, there are many instances where succession has been complicated through matrilinealism and other factors such as intermarriage and adoption (Beckett 1995: 13).

The latter practice was a frequent custom in Meriam society that heavily influenced rights and occupation, and it added to the already complex workings of social relations (Haddon 1908: 177). Adoption did favour direct kinship of blood relatives; thereby children acquired the same rights as natural children. This is seen in the famous case of Eddie Koiki Mabo who was adopted to his mother's brother Benny Mabo and his wife, and through Ailan Kustom<sup>17</sup> he bore the same rights as if he was their natural child. The custom of adoption was compounded by other well-versed local customs such as secrecy, where care was taken not to expose the natural parents (Sharp 1996: 20)<sup>18</sup>. Kinship knowledge surrounding adoption was treated with high prestige hence the code of silence, another one of Malo's practices, and a fundamental principle intrinsic in Meriam behaviour and culture.

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<sup>17</sup> Ailan Kustom has been recognised in the Torres Strait Islander Cultural Heritage Act 2003 as customary law. It refers to "the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular community or group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships" (section 9: p12).

<sup>18</sup> Claimants in the Mabo case spoke in court of the nature of the secrecy law pertaining to Mabo's birth parents. See Sharp (1996: 239-240) for further evidence.

The essence of Meriam secrecy helped keep the peace among Meriam people, especially concerning inheritance. Meriam relations with the land were fiercely bound and protected by Malo ra Gelar which Meriam people, through their Ailan Kustom, observed and followed routinely.

The impact of exchange on occupation is evidenced in MICB narratives surrounding customs of usership and caretakership. Similar to the ethos of ahi kā, in the event of prolonged absence from land, a guardian or caretaker was appointed in order to maintain and uphold the existence of rights:

Tilly who lives at [ ] came here to arrange about caretakers for Tauki's (deceased) land as [?]. Meb and Marigold his wife to be caretakers of the portions of land named [ ] and have the right to the fruit and food growing. They are also to take charge of the portion named [ ]. Bua to have charge of the bush portion named [ ]. Tom to have the use of the building allotment at [ ]. Anthony to have a building site at [ ] for five years from this date. All the above portions belonged to Tauki. Meb, Bua, John and Peter who have building allotment on Tauki's land at [ ] are each to look after their own portions without interference from any of the other persons except Tilly (MICB 1912: 72).

Tilly is seen here distributing her husband's estate to various people who were to act as caretakers of the land. In exchange, they were given rights to access and utilise resources on designated portions such as food and infrastructure. Appointing a caretaker was a common responsibility handed over to the select few, and was a successful method employed in keeping rights to land alive. Wilkin (1908: 166) talks about customs of 'lending' gardens in exchange for simple maintenance of the area. Though, in the absence of lands for too long a period, owners risked losing their rights which could be inherited by the caretaker through their long standing occupation. The following extract involves Tilly and Tauki from the previous example:

Adam claimed that the land belonged to him. Tilly held that the portion belonged to Tauki, her deceased husband. Adam admitted that the land belonged to the deceased Tauki, but that he had been guardian of the land for so many years and lived on it, that he thought he had a claim to it. It was decided the land was a part of Tauki's and that his widow Tilly should have possession of it (MICB 1912: 69).

Adam, who had been appointed caretaker of land, claimed land based on permanent residence through physical occupation and guardianship of land. However, he seems to have forgotten that the use of the land and resources in his



occupation was based on customs of caretakership and exchange, similar in nature to that of *whenua tuku* or gifted lands in Māori tribal society which was governed by *utu* or reciprocity (Williams 2004b: 53). Through the reciprocal process of exchange, customs regarding ownership and caretakership added to the complexities of occupancy and the distribution of land and resources.

Exchange or reciprocity has been defined by Sharp (1993: 4) as “a two-way relation between two persons or other dualities which does not involve a radical abstraction from the you and the me of human relations and their place and context in life.” In relation to Meriam society, the exchange process can be seen in customs of adoption, occupation, and in the many ceremonial and ritual practices (see Haddon 1908). Exchange also had implications on social and political relations. Wilkin described in his chapter on property and inheritance that Mer Islands were a scene for lending, loaning, selling and exchanging of house sites, gardens and land (1908: 163-168). Meriam owners lent rights to users on a usufructuary basis, and a share of the first fruits would suffice as payment (Hunt 1899: 7). The process of exchange, where something was lent and something given in return, was a common practice of Meriam culture, intrinsic to Meriam ways of thinking, doing and being.

Exchange customs in regards to gardens involved the *su le* or owner of the land, and the *kebe le* who was the appointed guardian. The *kebe le* who was appointed by a voting system, would increase his prestige by administering to the gardens of the *su le*, with pride and skill so as to ensure a successful crop, even to the point of abandoning his own cultivations (Wilkin 1908: 166). The importance of produce and exchange played a huge part in the various ceremonial and religious rituals associated with community life (see Haddon and Myers 1908: 281). During these occasions, food was often the centre of attention of social customs, especially when it came time for the feast. Other social gatherings such as the *Tama*, *Aiswer* or *Mam* ceremonies (see Haddon 1912: 310-311) involved the exchange of foods within and across villages. An example of food distribution in Mer Islands was witnessed by J.S. Bruce involving nearly half the population (Wilkin 1908: 166). Produce were distributed over two days, with the first shares going to the *su le*. *Kudos* was given through growing and distribution of foods. One example of this can be seen in Haddon’s writings where a custom of encouraging bananas to

mature and ripen for a funeral feast gained a reputation for producing an abundance of produce (1912: 147). The process of exchange allowed for social and political relations to increase or decrease in status depending on success of the produce, thereby fostering elements of elitism. The threads linking exchange directly and indirectly to all processes in the Malo ra Gelar Framework are representative of dual relations bound up in a complex layer of kinship networks, held securely in place by Malo ra Gelar. Tracing relations of exchange or reciprocity in Meriam customs and practices will emphasise Meriam philosophies and relations towards land and sea as significant markers of their identity.

In the next section, the four laws in association with land and sea practices will articulate Meriam relationships with the environment, and reveal Malo ra Gelar as a reinforcement of Meriam's social, political, cultural, spiritual and intellectual ways. The embodiment of Malo ra Gelar as a system of both law and lore will appear symbolic of its holistic capabilities in securing and preserving Meriam well-being into the future.

## **PRACTICAL LANDSCAPE**

This section will explore all threads of the Malo ra Gelar Framework. The four laws observe customs of kinship and exchange in land and sea practices and hence show the relevance of occupation in Meriam society, and its influence on cultural continuity.

The diagram illustrates the concept of **Malo ra Gelar**, centered around a blue circle labeled "Malo ra Gelar". This central node is connected by red lines to eight surrounding blue circles, forming a diamond shape. The surrounding circles are:

- Land practices** (top)
- Sea practices** (bottom)
- Kinship** (left)
- Exchange** (right)
- 1. Malo tag mauki mauki** (top inner)
- 2. Malo teter mauki mauki** (bottom inner)
- 3. Malo Wali aritarit sem aritarit** (left inner)
- 4. Eburlem esmaolem** (right inner)

Malo tag maukimaui means “Malo keeps his hands to himself” (Sharp 1996: 261). Many burgeoning layers of hidden meaning can be elucidated from this law. One interpretation privileges the law as a code of conduct, dictating human behaviours between people and the environment. Another translation projects a warning against theft. In keeping one’s hands to oneself, one keeps to one’s own pathways and land. Both understandings are entwined, as it was a cultural characteristic of Meriam behaviour to refrain from stealing from other people. This behaviour can be observed in the practice of boundaries which encouraged people to keep to

their own pathways and refrain from taking produce from other people's lands. Boundaries in Mer were very much similar in structure to those exhibited in Māori tribal society. Physical boundary markers consisted of natural features such as trees, piles of rocks or mounds of rotted vegetable waste and shell. Invisible boundary lines joined the aforementioned topographical features to denote a boundary and such lines were not of a straight nature, but were composed by the topographical and natural landscape of the land (Rice and McIntyre cited in Screen Australia 2008a). Over time, mounds in particular became hidden, hence the necessity to continuously labour and maintain the area to keep it clear. (Beckett 1995: 21). Constant attention, energy and commitment was required to ensure recognition of boundaries especially by neighbours, individuals and groups whose lands lay in adjacent areas. Evidence from the MICB attests to many boundary disputes which were constantly threatened and contested, especially where properties were adjoined:

Trevor summoned Palai for encroaching on his land [ ]. He and his witnesses held that their boundary between Trevor and Palai was the proper boundary as handed down to him from his forbears. Palai said he knew his boundary as the correct one and had worked and planted the land from the time he got it from his mother Babai when he got married ... The councillors decided that Palai's boundary between he and Trevor was the correct boundary (MICB 1912: 71).

Palai's narratives show a strong assertion of local knowledge of the boundary lines coupled with occupation, which no doubt led to the success of his claim. The Murray Island Court can be seen as a facilitator of *Malo ra Gelar* which helped reinforce the metaphor of keeping to one's path and land. Ceremonial customs such as the *saibri lu*<sup>19</sup> were also practiced extensively and they helped keep thieves from stealing one's crops (Haddon 1908: 229). By ensuring the visibility of boundary markers, the idea of keeping the land bountiful reinforced connections with the land through use and occupation, and contributed towards the maintenance of social order and peace amongst Meriam.

Another layer of meaning that can be expanded upon from the previous discussion looks at pathways as a metaphor for connection between one phenomenon and another. As mentioned by Mabo claimants, keeping to one's path also meant following in the steps of one's father (Sharp 1996: 95). Following the correct

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<sup>19</sup> A ceremonial object used to look after or protect oneself, and was used to kill or heal (Morseu-Diop 2010. Translation given to her by her Mer elder and uncle Bua Mabo).

pathways is symbolic of land transmission and inheritance. Another Meriam proverb is often used to show the importance of genealogy and land: "Stars follow their own path across the sky" (Sharp 1996: 8). Malo's regulation refers to the genealogical connection of a person to place. Everyone has their own place and their own path. Meriam people applied this rule to their land tenure system ensuring inheritance followed the correct kinship pathways of transmission. Haddon's expedition noted paternalism as the custom of inheritance, however, there are many cases where land was inherited by females especially if they were the eldest and only child (Hunt 1899: 7):

Olai wished to get possession of a portion of land on the small island of [ ]. She held that the land belonged to her mother and that Sally had no claim to it. The councillors were unanimous in their decision that the portion of land named [ ] on [ ] belonged to Olai (MICB 1913: 85).

Adoption customs which were strongly practiced in Meriam Islands followed the same kinship pathways as natural children. According to Rivers (1908: 169) "every man claims to belong to a certain village which is the village of this father, either by descent or adoption." An adopted child therefore attained an identity and genealogical connection that ensured their place and pathway within Meriam society. However, adoption is not without its complexities and intricacies. Governed by the law of secrecy, adoption had a massive impact on land transmission and consequently occupation and use. The MICB highlights many disputes between adopted identities and 'natural' identities concerning inheritance:

Ariag wished to get the possession of four portions of land ... Ariag and his witness showed that the land was given to him by his foster father Jones and that his own father Jim and his elder brother Ame had no right or claim to the portions of land. Kamis held that his father Ame and his uncle Ariag had given the land to him and he had planted and cultivated the land for some years. It was decided that the four portions of land belonged to Ariag and that Kamis had no claim to them. Ariag had only given him the use of the land because he was a near relative. It was also decided that Kamis should have the use of the four portions of land for the term of 12 months and to have the exclusive use of all foods grown on them, and to be at liberty to remove any plants for replanting but not to injure or remove any trees. Ariag to have possession on 23rd November 1910 (MICB 1909: 42).

The custom of transmission which is likened to following the pathway taken by one's father required the teachings of local knowledge to be passed on from father to children, adopted or natural. According to Wilkin (1908: 163) "the father usually went over his gardens with his children pointing out to each child the portions that

are to be his or hers.” Ariag’s claim to land shows that his adoptive father followed the customary practices of land transmission by allowing his adopted son to inherit as he naturally would have had he been his biological son.

Principles of land inheritance and ownership can be ascertained through the pathway metaphor which is comparable to that of whakapapa or kinship used in Māori methodologies of research to investigate chains of genealogical narratives. Another extract from the MICB shows inheritance as following its correct pathway through ancestral connection:

Bua claimed that the portion of land named [ ] belonged to him and that Bala was claiming that portion as his. The evidence on both sides showed that the portion [ ] belonged to Bua’s forebears who were originally residents of Miriam and was held by successive guardians in Bua’s line until it was handed over by Sule to Bua after his marriage with Uliana (MICB 1916: 116).

Malo tag maukimaui is not only metaphoric of customary inheritance and kinship, but also a reinforcement of cultural continuity (Kebi Bala cited in Sharp 1996: 95). By following the correct pathway, Meriam customs pertaining to land transmission are maintained and administered correctly according to principles of Malo ra Gelar. The custom of “keeping one’s hands to one’s self” allowed for the actual practice of customary inheritance to continue, and it helped secure one’s place firmly on land and in society.

Another aspect of Malo tag maukimaui encompasses rights of speech. In keeping to one’s own land, one has the privilege to speak on behalf of one’s self, but not of others (Sharp 1996: 95). Links can be made to the previous discussion of succession and inheritance, which dictated rights of speech based on kinship ties. As was displayed in the Mabo case, some claimants chose not to give evidence as it was customary not to talk about other people’s business. Malo’s law of secrecy or silence encouraged people to stick to their own pathways and not wander off gossiping about others. Freedom of speech came from within one’s own backyard, a right inherited through ancestry. By controlling human behaviours, protocols of this kind kept the balance amongst Meriam people. When asked to give evidence in court about Mabo’s adoption, Sam Passi replied; “I have nothing more to say because of our rule, the Malo rule” (cited in Sharp 1996: 95).

In the MICB, many claimants were speaking up for themselves, especially where land and resources were wrongfully distributed. The metaphor of keeping to one's pathway is likened to permitting rights of speech about one's own land:

Klaini and her sister Olai wished to have the control of the portions of land which belonged to her father and of which her uncle has acted as guardian ... (MICB 1909: 39).

Gadodo wished to get possession of two pieces of land named [ ] and [ ] which he held rightly belonged to his family ... (MICB n.d: 164).

Based on ancestral inheritance, Klaini, Olai and Gadodo can be seen as speaking up for themselves and asserting some level of authority. A speech right which is inherent through their genealogy allowed them to voice concerns about their own pathways. Their freedom of speech permits them to give evidence based on the law and practice of speaking about their own pathways and not that of others. This is comparable to take tūpuna and ahi kā in Māori tribal societies. Take tūpuna is similar to Meriam ancestral inheritance, and ahi kā to freedom of speech. In Māori tribal society, through take tūpuna, permission was granted for ahi kā which allowed for freedom of 'speech' via occupation to ensue within one's geographical boundaries. Ahi kā occurred within one's own backyard and any transgression of this behaviour upset the social fabric of local society. The observance of Malo ra Gelar in Mer Islands and tikanga in Aotearoa/New Zealand can be seen as strong codes of behaviour which shaped one's relationship with others and with the natural surroundings. Based on mutual respect for their customs, traditions, values and beliefs, Meriam and Māori existence is secured through their efforts to maintain synchronicity and balance in their environment.

Malo teter maukimaui is another of Malo's Laws, often cited together with Malo tag maukimaui. Malo teter maukimaui means "Malo keeps his feet off other people's land" (Sharp 1996: 261). Its essence can be seen in the 'teter' or 'feet' metaphor which refers to encroachment or trespassing. Overlapping meanings can be adduced with Law One, as is evident in the discussion on boundary practices, which was a physical form of preventing unauthorised access. Other applications highlighting trespass will be favoured in this discussion.

In Meriam society, the custom of trespass pervaded all occupational behaviours. Laade (1973: 160) assumed that Malo's Laws were "primarily concerned with regulating behaviours pertaining to land practices which the Meriam Islanders were well-known for." However Mabo claimants also applied Malo ra Gelar routinely in sea practices. According to Koiki Mabo, permission needed to be sought before going to catch fish:

You can go and fish over there but not here because that's not your fishing area. You can utilise your gardens for growing this but not those gardens because they belong to the next fellow (Screen Australia 2008a).

Koiki was referring to the teter metaphor where one could not enter or trespass on someone else's area. If encroachment occurred, sorcery would prevail. Religious practices such as the Bomai-Malo cult instilled great fear amongst members in the same way that transgression of tapu instilled fear in members of Māori tribal society. Meriam peoples' understanding and respect for their Malo ra Gelar customs thus was bound by fear of the power of Malo himself. The following example highlights trespassing behaviours:

Akoko charged her uncle Meb with pulling banana plants and root out yams from land which her father Billy had given her to plant a garden at [ ]. Meb held that the portion of land belonged to him and not to his brother Uniuni ... Decided that the land was Uniuni's. Meb fined five pounds for destroying plants (MICB 1913: 73).

Akoko's uncle Meb can be seen as breaking Malo's Law on two accounts: by trespassing on his niece's pathway and by taking produce, both of which required Akoko's permission. Although this example shows the trespass custom as alive and proves on one level that the Murray Island Court did in fact function according to customary laws of Malo ra Gelar, it paradoxically shows that the court did not administer punishment according to Malo's Laws but through western practices, that is, through a fee payment. Nonetheless, the example does highlight that every rights holder had their own pathways and it was common knowledge not to trespass on someone else's property, or take produce without the owner's permission.

Stone fish traps were a common activity of Meriam society, and they encompassed exclusive rights which were sometimes divided into bights or



corners to be owned, used and managed by various people<sup>20</sup>. Not only were stone fish traps a resource tool to trap fish, their fence lines served as geographical boundary markers which helped manage trespassing behaviours. Traditionally, “[o]wners had exclusive rights to hunt in their fish traps and intrusion into another clan or family area could result in punishment by death” (Screen Australia 2008c). According to Kaba Noah (Screen Australia 2008a), permission had to be attained if one needed to walk across someone’s foreshore or fish in someone else’s fish trap. Jack Wailu (Screen Australia 2008a) also supported this behaviour by stating: “before you go out to another man’s lagoon, you have to ask. I think this is the best way, the way I’ve been taught. That’s our custom.” Jack’s statement showcases his pride in his Meriam identity, and his respect for Meriam ways. Malo ra Gelar was incorporated into Meriam life and was inseparable from practical applications of both a land and sea based nature.

The essence of the trespass law can be extended further to include trespassing of an intellectual nature. Intellectual trespassing was bound by the Meriam law of silence or secrecy. The practical lessons behind secrecy meant that you kept to your own land, did not trespass onto others’ property, and minded your own business. Meriam plaintiff Dave Passi believed this custom is what sustained social life (cited in Sharp 1996: 20). Malo! Tag aurir aurir means “Malo walk in a special way on your toes, with arms and hands stretched” (cited in Laade 1973: 160). This law embodies characteristics of silence that one needed to abide by when visiting cultivations. Sam Passi recalled his uncle walking in a particularly silent manner with “stiffly stretched legs, almost on toes, putting his feet very softly down. His arms were stretched down and his hands were stretched too...” (cited in Laade 1973: 162). The point of walking in this manner was to refrain from disturbing produce and any other natural elements. The same conduct can be applied to knowledge where care is taken not to encroach on other people’s beliefs and understandings. A perfect example of intellectual encroachment can be seen in the western approaches taken by the London Missionary Society on their expedition to study and record the object of the native. My position as an outside researcher could be reflected upon in the same token. On the other hand, this is something that can be countered through adopting Torres Strait methodologies of

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<sup>20</sup> See MICB for a claim on a stone fish trap with multiple identities of ownership and caretakership.

research by continuous engagement and relationship building with Torres Strait people long after the research journey ends.

In returning to the example on intellectual encroachment, in Haddon's introduction on the Eastern Islands group, he writes of difficulties encountered with the locals in voicing their customs on 'magic and religion'. He comments:

... there was reluctance on the part of the natives to talk about certain subjects, partly because the latter [magic and religion] were originally of a secret or sacred character (and the native even now is very reticent about such matters) (1908: xix).

Meriam people were well-known throughout the Torres Strait Islands for their extensive ritual practices, and these filtered into all aspects of daily life. Haddon, however, claimed that the 'natives' were led to believe by the white man to be ashamed of their traditional ways, hence their stance in pleading ignorance and remaining silent. There is perhaps some truth in Haddon's words, which is no doubt echoed throughout other colonised indigenous histories across the world. Nonetheless, what can be adduced from Haddon's statement, and is perhaps something that he himself was ignorant of, is that the customary way of Meriam silence was one method of protecting their intellectual knowledge from trespassers, in this case the white man. The law of silence combined with the law of trespass were successful measures in protecting one's land and resources, and more importantly, they contributed towards the longevity of cultural and intellectual customs and traditions of Meriam society.

Malo wali aritarit sem aritarit means "Malo plants everywhere, even under trees" (Sharp 1996: 261). One of the main threads woven into this law covers that of conservation. Meriam people were scientific experts of their environment and were viewed as both horticulturists and saltwater people (Sharp 2002: 73). Local Meriam claimant Au Bala (cited in Sharp 1993: 80) talks about his ancestors' skills in reading nature like a book: "They used to read the atmosphere, the clouds. They knew the right time to plant cassava, banana, yam, sweet potato, water melons and pumpkin." Meriam customs were applied when observing the natural calendar for it aided Meriam in their cultivation, use and management of natural resources.

Nature therefore dictated Meriam ways, and it served as a reference point in relation to which Meriam people defined themselves (Sharp 1993: 54). The land, sea, stars and wind determined the type of practices needed to conserve the environment and sustain islander life. Various words in *Malo wali aritarit sem aritarit* provide immediate signs of an association to conservation and thus resource management. *Wali* and *sem* refer to two types of wild trees with a soft wooden texture that are able to grow in very confined areas (Laade 1973: 161). *Aritarit* refers to the act of planting (Sharp 1993: 50). The nature of the *wali* and *sem* trees shows capabilities of growing in all environments, where soil is sufficient. The essence of this law encourages Meriam to 'use every bit of soil' to sow and conserve land and resources, thereby enhancing their way of life. Interestingly, well-known Meriam elder Marau speaks of flora and fauna being alive like humans with eyes and ears, alluding to a close connection in kinship and equality in status. Comparisons can be drawn with Māori tribal philosophies in terms of plants and humans being regarded as living organisms, embedded with the life force of *mauri*, and treated as equal counterparts. In Mer, the custom of silence which entailed specific walking practices as mentioned earlier, enhanced the productivity of one's land (cited in Laade 1973: 165):

Marau: You (would) annoy your place, you annoy your plants. You make him ( = the plants) to jump (in terror). Don't disturb him, don't disturb the plants, yam or garden. You go quiet. They see you, all these yams and all these -, that's what the old people tell me. They get a eye to see you, they get a ear to hear. Well, you go quiet. When you come up there, well, - they know. They put their head now away : "Yes, our boss he come, yes." They are all happy. They are all happy now. They all go ( = grow). If you make noise they jump. Like when you (noisily) come now (they) said, "Who is that? Who is that? Ho!" That's their way ... You go quiet. You make you place (be) come rich – by quietness.

Laade: You walk slowly so that you don't touch fallen leaves?

Marau: Yes that's it. Up there, - don't break it. Keep him (unbroken) ... (Marau and Laade in Laade 1973: 165).

Conservation behaviours for Meriam meant treating living organisms with respect by not breaking branches or standing on fallen produce. A two-way relationship was expected whereby respect shown was respect earned. There are instances where people were taken to court for pulling out plants and trees, thereby transgressing *Malo's Law* (see also Sharp 1996: 89):

Naba, Ben, Waier charged with breaking down branches of trees also of coconut palms (shade trees on the road) and scattering the branches on the road for nearly half a mile after the roads had been cleaned. Fined 2/6 and to clean up the road (MICB 1916: 117).

Another instance highlights the nature of pollution which goes against the grain of the conservation ethos:

Summoned for allowing a child of his to pollute the well at [ ] by dropping soap into it. The evidence showed that the pollution was not wilfully done but accidental (MICB 1916: 119).

Being an islander nation surrounded by tidal waters would have increased the importance of fresh water. Wells were set up amongst villages and were the common source where locals sourced their fresh water from. Wells were communal property, and days were set aside for each community to clean them. Water was a significant source of daily life and care was taken to conserve it and keep it clean at all times. Although the court ruled the transgression as accidental, it nonetheless shows a Meriam mentality of resource management which was observed routinely in association with Malo ra Gelar.

Other conservation efforts undertaken by Meriam are observable in a practice akin to rāhui. According to Australian Law, “Native Title may involve rights to exclude access and permit or deny activities on the land” (Commonwealth Australia 1993: 62). A rights holder’s duty could permit or deny access to one’s own cultivated and non-cultivated resources and food gathering activities. In the register of Births, deaths and Marriages recorded by J.S. Bruce, he writes: “The Mamoose [government chief/head man<sup>21</sup>] made a law in August that no young nuts were to be taken from the trees, but to be allowed to mature for food, the taboo was taken off at Christmas” (Bruce 1897). Sharp (1993: 50) also provides evidence of rāhui-like behaviours in Meriam society. A form of gelar or tapu was placed on particular food resources by the head of a nosik, and restricted access was applied. Physical signs were erected in prominent areas to alert members of the nosik that a gelar was in place. Malo ra Gelar encouraged Meriam to conserve their resources and environment, and for a period of time, it prohibited the taking of any food or other resource on that land (Haddon 1935: 147; Sharp 1993: 50). Dual relations based on reciprocity were a requirement for land management which saw humans treat

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<sup>21</sup> Translation taken from Beckett (1995: 17).

the environment with love and care, so that the land would provide sustenance and life in return.

Meriam people are well-known throughout the Torres Straits for their skills in gardening and horticulture (Sharp 1996). Meriam relied on their many customs to sustain their conservation efforts and enhance their overall wellbeing. Haddon (1908) describes many rituals pertaining to food which would ensure a successful crop. Local members would approach the zogo le or spiritual leader for their powers to ripen cultivations. Hunt lists charms such as bananas, coconuts, yams and turtles which were given to the zogo le representing the specific food under crisis, and in return, the efforts of the zogo le were reciprocated with foods such as nuts. Food played a distinctive and central role to social customs of Meriam. Gatherings increased the need for produce, which in turn intensified the exertion of labour and occupation undertaken on cultivations to cater successfully to occasions. Conservation was a self-fulfilling cycle in looking after the environment so that it could, in turn, replicate the same behaviour by providing for the many social and cultural gatherings integral to Meriam society. The success of customs such as secrecy and other ritualistic incantations which were enshrined in Malo's law provided an effective resource management system to control and improve vegetation or food sources. Through the application of Meriam scientific knowledge accrued from many years of observation and experiment, Malo ra Gelar has embraced philosophies of conservation as is embedded in Malo wali aritarit sem aritarit, and it encouraged unity, reciprocity and permanency of Meriam and their place in the wider landscape of the Torres Strait Islands. Emphasising conservation practices shows one method in which Meriam people assert their autonomy over place and customs, thereby defining their own identity, reality and destiny.

A similar message of conservation is encoded in the fourth law Eburlem esmaolem which means "let it drop and rot on the ground" (Sharp 1993: 50). During Marau's conversation with Laade, Marau describes the importance of this law to Meriam society:

Laade: The law means: if you touch the fruits of your own garden then you will also touch the fruits of other people's gardens?  
Marau: Yes.  
Laade: Then it is simply education?  
Marau: Education (Laade 1973: 164).

According to Sam Passi, the essence of Eburlēm esmaolem was self-discipline (cited in Laade 1973: 162). In practice, it meant that one had to refrain from picking one's own ripest fruits or produce, by letting it drop and rot on the ground:

If you can refrain from touching whatever attracts your attention you will be able to not put your hand on more valuable matters like garden crops. And if you are even able to let rot your own best and most appetizing bananas, yams or other garden produce, then you will certainly feel not particularly attracted by other men's goods (Laade 1973: 162).

The lesson behind the above practice served to educate one against gluttony. If one could resist taking the best produce from one's own garden then this attitude would permeate other behaviours where self-discipline was required. Lessons of this kind were not mere triflings of an idle society; their purpose was functional, practical but also intellectual. On a practical level, the idea of letting food drop and rot on the ground shows land management initiatives towards harvesting and re-invigoration. By letting the best produce filter into the ground, the best nutrients were given back to the earth allowing for the regeneration of richer soil which would in the end provide better economic returns in the long term. Abiding by the lesson of self-discipline thus had benefits for both the land and people, and it promoted Meriam education as a valuable and integral custom and tool. Using the previous discussion to draw on, eburlēm esmaolem highlights intellectual education and its role in the continuance of Meriam customs and culture.

The significance of land and sea practices to occupancy highlights one method of Meriam's society's 'meaningful' connection to land and sea use. Due to favourable conditions in Mer Islands, gardening was the subsistence of Meriam economy which made Meriam people staunch defenders of their territories where every person "knew exactly how many gardens he possessed (Wilkin 1904: 284). As an owner, there was a level of expectation and responsibility to know names, boundaries and places of one's own cultivations in the same way that was demanded of claimants in Papatupu narratives, where local knowledge of one's

borders, practices and authority contributed towards ahi kā, mana whenua and mana moana:

Beau claimed to be put in possession of a portion of land named [ ] which is at present held by Pele. Beau in his behalf said that the land originally belonged to his father Billy, and when he died his eldest son Eddie, and on his death he Beau inherited the portion [ ]. Pele said that he had held possession of the land for over 30 years, it was given to him after his marriage by Eddie as his mother's share (Waila) who was a daughter of Tauki, an elder brother of Billy. It was decided that the portion of land named [ ] was Waila's share and belongs to Pele (MICB 1994: 91).

Pele uses ancestry, coupled with occupation, to prove his claim. As was customary of inheritance, senior lines of kinship were privileged over junior lines. By recalling his ancestral seniority, Pele exerts knowledge of customary ways of inheritance, thereby coming across as more informed and educated than his counter-claimant Beau. Pele also gives evidence of occupation, a sign of long-term connection and interaction with land. Pele's knowledge of customary ways coupled with his knowledge of practices observable in his occupational behaviour identifies him as an educated man of his Meriam ways. As a practitioner of his education, he reinforces Meriam customs, traditions, values and beliefs and contributes to the overall sustenance and continuance of Meriam culture and identity. The metaphor of education can be seen as a vehicle in which Meriamness is preserved, exercised and carried forth into the future.

Horticulture of land but also sea has impacted on the vitalisation of Meriam customs. The sea for Meriam held the same cultural, spiritual, political and physical elements as did the land. Sea imageries are found extensively in Meriam oral histories portrayed in songs, dances, sayings and stories. Gelam for example which is the hill on Mer, represents a dugong. It is a large marine mammal that had great cultural and economic significance for people of the Torres Strait, and is commonly recognised in local myths and legends. Occupational activities such as fish farming also played a significant socio-economic and cultural role throughout Torres Strait Islands. Privately owned crayfish houses made of coral were a common horticultural practice. In Hawaii, similar customary practices of fish farming are also evident, where it formed a large part of their subsistence economy and contributed to the socio-cultural system of hierarchy and political control (Costa-Pierce 1987: 322). The continuity of practice is symbolic of the continuity of Meriam education. The practice of conservation, trespass and

inheritance was also about the conservation of practice. Meriam people's education supplemented by their continued applications, has kept their narratives, their histories and their knowledge systems alive and active, whilst showing meaningful connections to the environment as a central source of Meriam identity, as it still stands today.

## **CONCLUSION**

The web metaphor applied in earlier chapters was utilised to articulate interconnections between local customs and practices central to Meriam identity. Malo ra Gelar was expressed as the heart of the web metaphor, as it pervaded all aspects of Meriam life and dictated protocols of land and sea practices. Four of Malo's laws in conjunction with customary concepts of kinship and exchange elucidated themes of inheritance, trespass, conservation and education. Inheritance was underpinned by kinship and it dictated the correct pathways to follow in terms of land transmission and rights of occupation and use. Inheritance influenced peoples' place of belonging and served as a reinforcement of identification and location for Meriam people.

The trespass law showed successful measures of protection of resources, both tangible and intangible. Customarily, any transgression of either behaviour resulted in punishment or death. Trespass of a tangible nature saw the establishment of boundaries to help manage trespassing behaviours. Trespass of an intangible nature relied on the law of secrecy to prevent intellectual encroachment. The belief and practice in both laws reinforced customary land tenure attitudes, thereby contributing towards the continued maintenance of cultural and intellectual customs and traditions of Meriam society.

An exploration of conservation illustrated similarities with Aotearoa/New Zealand in terms of resource management philosophies. Meriam treated their flora and fauna as humans, similar to Māori acknowledging mauri in their produce, and care was taken to disturb produce as little as possible. Protocols were put in place, one practice akin to rāhui. Conservation efforts showed Meriam as successful resource managers of their environment, and through their occupational activities they asserted authority and control over their land and sea domains. Conservation



philosophies and practices are methods in which Meriam continuously defined their own identities, realities and destinies according to their customary traditions, values and beliefs.

The fourth law explored education as a metaphor for the conservation of customs. In applying customs to specific activities, Meriam reinforced their customary education, the knowledge instilled in them since birth. The continued practice of conservation, trespass and inheritance contributed towards the conservation of their very own customs. By upholding the customs and practices of their forebears, Meriam have kept their narratives alive whilst showcasing their environment as a central reference to their identity and permanency in Mer Islands.

Malo ra Gelar has shown the environment as an influential source of the Meriam landscape. The four laws of Malo affirmed sacred authority to rights through inheritance, cultivation and land management through conservation, obligations and behaviours towards others and land through trespass and secrecy laws, and preservation of customs and culture through education. The reinforcement of social, cultural, spiritual and intellectual links with Meriam's physical landscape reveal Malo ra Gelar as a holistic application of Meriam identity and sovereignty, similar in nature to ahi kā. Malo ra Gelar thus remains a significant reference point in which Meriam identity can be sustained and carried forth into the future.

In this thesis, I have applied a web metaphor named Ngā Tātai Ahi Kā to explore the Māori customary practice of ahi kā. The customary framework of whakapapa was used to investigate threads of the web metaphor in order to depict interconnections and interrelations between ahi kā customs and practices. Articulating relationships in a web format allowed ahi kā to be framed in a way that encapsulated complexities and intricacies of customs and practices as Māori laws of organisation, each with their own culturally intrinsic patterns. This format showcased ahi kā as a highly technical and successful dense web of interconnections operating within an indigenous land law system. Common Māori customary concepts with direct relevance to ahi kā were imbedded into the web framework Ngā Tātai Ahi Kā to highlight the importance of tikanga Māori as the frame which holds ahi kā firmly, yet flexibly in place.

Where whakapapa was used on a macro-level to reveal interconnectivity of ahi kā in the thesis as a whole, it was also applied on a micro-level to show other relational aspects within each subsequent chapter. In chapter two (the introduction being chapter one), I grounded ahi kā within foundations of Māori customary land tenure, whereby ahi kā symbolised practices coupled with ngā take whenua which formed base rights. Together, ngā take whenua and ahi kā purported a relationship of inter-dependency where ahi kā was the necessary ingredient to securing overall mana whenua and mana moana. The strength and success of ahi kā within this conceptual landscape was argued and attributed to its historical reading/location. A contemporary outlook also raised concerns about the vulnerability of ahi kā as a cultural system susceptible to cultural change. Exploring temporal connections between historical and contemporary gazes has revealed ahi kā as a multifaceted phenomenon, and any future analyses need to take into consideration the many cultural and evolutionary processes that may impact on its current, present and prospective future location.

The following chapters located ahi kā within a physical landscape of mahinga, and argued for use and occupation as strong assertions of mana whenua, mana

moana and tino rangatiratanga in Te Rarawa. In chapter three, the practice of rāhui, in connection with mana, mauri, tapu and kaitiakitanga, was addressed as an extension of ahi kā. Intrinsic patterns showed rāhui as a facilitator of social, political and conservational relationships, in which intimate connections with land were secured, and ahi kā mana whenua and mana moana solidified.

Chapter four expanded the argument of use and occupation by investigating whakapapa strands of other mahinga practices, namely wāhi tapu, pā/kāinga and mahinga kai. Intrinsic patterns revealed mahinga as cultural, spiritual and intellectual markers of Te Rarawa identity and permanency. The articulation of intrinsic patterns allowed for a richer understanding of mahinga and simultaneously ahi kā as more than just necessary practices of customary tenure. The privileging of a practical lens has enabled me to express ahi kā as a tool of mana whenua and mana moana, but more importantly, as a holistic tool of Māori and tribal society, symbolic of cultural identity, permanency and wellbeing.

In chapter five, I applied the same web metaphor to a study of Mer Islands to show Meriam customs as intrinsic in their behaviours of land and sea practices. Threads of the Malo ra Gelar framework were investigated, which allowed for connections and relations to be articulated between Meriam people and their environment, showing Malo ra Gelar as a holistic law of organisation, akin to ahi kā.

The visioning of ahi kā and Malo ra Gelar as two multifarious knowledge systems solidified Māori and Meriam's physical, socio-political, spiritual, cultural and intellectual relationships with the land and sea. Not only does this visioning highlight our strong connections to our past, it shows us as autonomous peoples who are capable of expressing and defining ourselves in the present and future. One avenue of expressing our stories and making them accessible to a current audience involves the validation of our indigenous knowledge systems in western scholarship. Spending six months at The University of Queensland provided an opportunity to critically engage and privilege another indigenous group's histories and narratives within the backdrop of a western institution. Similarly, the background of Māori Studies at Victoria University of Wellington implicates the validation of Māori knowledge within western scholarship. The two indigenous knowledge systems are thus recognised, realised and re-identified within western

scholarship as cultural tools of empowerment, capable of moving Māori and Meriam peoples closer towards securing self-determination of customary ways of being, thinking and knowing. Re-visioning ahi kā and Malo ra Gelar as holistic applications asserts Māori and Meriam peoples' permanency and identity as dictated and defined by their own realities and destinies. As colonised indigenous societies, this re-visioning aims to contribute to current understandings and scholarship of ahi kā and Malo ra Gelar, but moreover its holistic approach could serve useful in future applications on maintaining and reclaiming sovereignty of social, political, cultural, spiritual and intellectual well-being of not only Māori and Meriam peoples, but other indigenous nations who have suffered imperial and colonial fates similar to ours.

In closing I want to return to the title of this thesis, which was derived from the ōhākī of well-respected Te Rarawa chief Te Tai:

Whai hoki ko te motunga o tā koutou ahi e kā nei, kia maia ki te kānga o tā koutou ahi kei tikina mai kei tineia e te tangata (Tate 1986: 109).

The sentiments of Te Tai's words challenge us to be fearless in asserting our ahi kā, so that the holistic essence of who we are is not lost or extinguished but carried forth into the future.

## MĀORI-ENGLISH GLOSSARY

ahi kā	right of occupation, long-standing occupation
ahi kā roa	long-standing occupation
ahi mātaotao	extinct right of occupation
ahi tere	unstable right of occupation
atua	gods
aukati	prevent one from passing
aukati rāhui	no-trespass restriction
hahunga	exhume
hahunga tūpāpaku	exhumation of the dead
hapa	remedial mistake
hapū	geopolitical unit, subtribe
harakeke	flax
i waho	outside, lower, refers to location
iwi	tribe
kā	to burn
kai	consume, food
kai huihui	collective gathering of food
kaikōrero	speaker, claimant
kāinga	home, permanent settlement area
kaitiaki	guardian, protector, preserver
kaitiakitanga	guardianship, custodianship
kaiwhakahaere	Papatupu Committee chairperson
kaiwhakatū	instigator
kānga	corn
karaka	type of berry
karakia	incantations
karani	grand-mother
kaumātua	elders
kaupapa	subject, topic, issue
kaupapa Māori	Māori issues
kiore	rat

ki roto	within, inland, refers to location
kīwaha	idiom
kiwi	native bird
kōiwi	human bones
kōkōwai	type of healing ailment
koroi	type of tree
kukupa	pigeon
kūmara	sweet potato
kūmarahou	native shrub with healing ailments
mahi	work, to do, occupation
mahi para	acts of clearing lands
mahinga	work sites
mahinga kai	food sourcing practices, eg:- cultivations, gardens
mahinga rākau	tree felling
mana	prestige, authority, control, influence
mana huihui	collective/combined control, influence
mana moana	autonomy of waterways
mana motuhake	having autonomy of one's destiny
mana rangatira	chiefly status
mana tangata	power and status earnt through personal attributes
mana tūpuna	power and status earnt through whakapapa
mana whenua	autonomy of land and resources
mākutu	powerful incantation used to inflict physiological harm
Māoritanga	Māori culture, practices, beliefs
maunga	mountain
Mauri	life-force, essence
moana	sea, coastal area
ngahere	forest, dense bush
ngā take whenua	land rights
Ngā Tātai Ahi kā	ahi kā web model

noa	ordinary, free from restrictedness
noho	sit, occupy
noho huihui	living collectively together
noho tawhito	long-standing occupation through invitation
noho tūturu	permanent settlement
ōhākī	dying wishes
oranga	holistic well-being
pā	fortified village
pā whawhai	warfare pā
papakāinga	long-standing home
papatupu	ancestral land
parāoa	bread
paukena	pumpkin
pepeha	tribal sayings
peruperu	type of Māori potato
pou rāhui	post set up to mark reserved area
pūriri	type of native tree
rāhui	temporary restriction, reserve
rāhui kiore	rat reserve
rāhui manu	bird reserve
rāhui mātaimai	shell-fish reserve
rāhui poaka	pig reserve
rāhui rākau	tree reserve
rangatira	leader
rangatiratanga	sovereignty
rīwai	potato
roi	fern root
roto	inside, within
taiko	black petrel
tangata whenua	people of the land, indigenous people
take	right, title
take ahi kā	occupation title
take mahinga	working title

take raupatu	conquest title
take taunaha	discovery title
take tuku	gifting title
take tūpuna	ancestral title
taonga	tangible and intangible resources
tapu	prohibit, restrict, sacred
tātai whakapapa	interconnections
te ao Māori	Māori worldview
te mana o te whenua	the mana of the land
Te Rarawatanga	Te Rarawa identity, customs, beliefs and practices
te reo	language
tikanga	customs
tikanga Māori	Māori customs
tikanga marae	customs pertaining to the marae
tino rangatiratanga	self-determination
tītī	muttonbird
tohunga	expert, priest
tuna	eel
tūpuna	ancestors
tūtūā	commoner, ordinary person
uri	descendant
urupā	burial ground
utu	exchange, reciprocity
wahine	woman, female
wāhi tapu	sacred spaces and places
waiata	song
waka	boat, canoe
wakawaka	divisions of land and sea
	encompassing numerous mahinga kai
whai kaha	importance
whakanoa	make free of restrictions
whakapapa	lie flat, genealogy, lineage
whakaraupapa	order



whakatauākī  
whakataukī  
whakatū rāhui  
whānau  
whanaunga  
whanaungatanga  
whati  
whenua  
whenua papatupu  
whenua tautohetohe  
whenua tuku

proverb where author is known  
proverb where author is unknown  
implement reserves  
family  
relations  
relationship, kinship  
broken off, short, interrupted  
land, placenta, afterbirth  
ancestral land  
debatable lands  
gifted land

## **MERIAM MIR-ENGLISH GLOSSARY**

Ailan Kustom	customs, traditions, observances and beliefs of Torres Strait Islanders
Aiswer	type of ceremonial ritual
aritarit	the act of planting
Bomai-Malu	sacred religious group based on the great mythological ancestor Malo
dugong	sea cow
kebe le	appointed guardian
Malo ra Gelar	Malo's Laws
Mam	type of ceremonial ritual
Meriam Mir	Eastern Islands language
nosik	clan
saibri lu	ceremonial object
su le	owner of the land
Tama	type of ceremonial ritual
teter	feet
zogo le	spiritual leader

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- McIntyre, Greg., [www.mabonativetitle.com/info/clearlyDefinedBoundaries.htm](http://www.mabonativetitle.com/info/clearlyDefinedBoundaries.htm)
- Noah, Kaba., [www.mabonativetitle.com/info/tagMaukiTeterMauki.htm](http://www.mabonativetitle.com/info/tagMaukiTeterMauki.htm)
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