

OLD MYTHS AND NEW POLITICS – SOME CONTEMPORARY USES OF TRADITIONAL HISTORY.

Apart from the quite proper reference made by the Vice Chancellor to the late John Cawte Beaglehole, I understand it is expected of me that I should open my remarks this evening with a reference to his doughty memory.

To the undergraduate, Beaglehole, with pipe and black beret, was a figure of mystery, quietly moving, utterly self-possessed, between the Victoria Library and the Turnbull Library of my youth. I encountered him directly as a student permitted access to a programme he was teaching on British Colonial History.

I should note that I was by this time, a somewhat older student, shaped a little by the Seaman's Union of Fintan Patrick Walsh, and increasingly conscious that I descended on both sides, Irish and Ngai Tahu, from oppressed people. I was not a naturally amiable candidate for a programme in Colonial History.

Now I am regularly advised, both domestically and more widely, that I am not very observant about people. I failed to note that questions from me brought a somewhat steely glint to the professorial eye when I questioned certain of the figures that peopled his scholarship. How was I to know that some were his saints and some were his villains?

With the prejudiced exuberance of youth, and without any reliance on footnotes, I challenged the motives of James Stephen as Colonial Secretary. How was I to know that the professor, sacked by the University of Auckland because he taught a programme on Marx, was covertly charged with reverence for an evangelically driven imperial bureaucrat. Worse was to come. On another occasion, I solemnly endorsed D'Urville, Malaspina and the Englishman Bligh, in preference to Cook – I should have known better.

And that is the history of how I became a political scientist, a discipline in which, you will be relieved to know, I encountered similar problems, but in which I was subsequently modestly successful.

My last contact with the great scholar was on a calm Picton evening. I was sitting on the deck of a boat splicing rope. He strolled onto the wharf and stood, pipe and beret, looking down that magical evening view. I said "Good evening Prof." The smoke wreathed spectacles glinted in my direction for some time and he said, "Did you really think that D'Urville was greater than Cook?" I said that D'Urville did far better with Maori. "That was not my question" he said. We left it at that. It had been ten years since we had last spoken.

Happily for me, Beaglehole is not my question either. I hugely respect his memory, I remain cautious of his passions. His books have a place on my shelves. Kati – enough!

I wish to comence this address with a political statement. It is a particular kind of political statement and it has been drafted with care.

Ngai Tahu are the people that claim traditional Manawhenua over the vast majority of Te Waipounamu, the South Island of New Zealand. We are Ngai Tahu (Kai Tahu). The origins of our tribe lie in the North Island, and before that, in the islands of Eastern Polynesia. The story of those origins is the story of migration and the New Zealand chapter is one of steady movement southward, triggered by a variety of motives: conflict, marriage, the need for resources, even the simple zest for discovery. There are three main streams of descent which flow together in those histories to make us the tribe known as Ngai Tahu.

In historical order, these streams are, Waitaha, Mamoe and Tahu.

We know from archaeology that Maori people were in Te Waipounamu about a thousand years ago, and we have some idea of how they lived and related to the southern coast and landscape. Until the arrival of the Waitaha people in the ancient Uruao waka, however, we have no secure tradition of them.

It is Waitaha who established our southern whakapapa (genealogy), it is they who named the land and it is they who planted the seeds of our tribally unique mythology in Te Waipounamu.

These early tupuna were typical East Polynesians; they were gardeners, cultivating their precious tropical plants wherever they could, and hunter-gatherers. These southern Maori travelled in small groups over large areas, gardening where they could, and hunting, gathering and fishing on a seasonal round. Theirs was a world rich in resources and their trade in stones, fish, preserved foods, and other treasured products is a feature of our southern Maori history. The southern tribal communities traded amongst themselves and also with the North Island tribes.

It is hard to put a date on these Waitaha arrivals. The whakapapa (genealogy) takes root from the voyaging tupuna Rakaihautu, his son Rokohuia, and their waka Uruao. Rakaihautu is present in traditions of Rarotonga in Eastern Polynesia and in Tai Tokerau. The name of his waka is also that of a star constellation, one of the ancient "star pathways" of Polynesian navigation. The names and the whakapapa are taonga of our antiquity to be lovingly recalled in debate and speculated on and intermeshed with archaeology and anthropology when it suits.

What is important to our people is that Waitaha are the first people in our island and that, in his travels, Rakaihautu and his tribe named the land and the coast which borders it. These are the names we associate with the earliest archaeological evidence. While their numbers were increasing and they were beginning to contest the most favoured areas amongst themselves, these southerners were also expanding into more open and less contested land and resources.

This brings us to the second main stream of our descent, that of Ngati Mamoe (Kati Mamoe). On the eastern North Island coast, a tribal group grew up around our tupuna wahine, Whatua Mamoe, and established two substantial fortified Pa in the region of Napier. Those pa were Otatara and Heipipi. Just to the north, in the Gisborne area, other groups formed with shared descent from the Cook Island Tipuna, Paika and his brother Irakaiputahi. On the Mahia Peninsula about, halfway between Gisborne and Napier, another group associated with the Kurahaupo Waka was forming.

By the early sixteenth century, elements of these tribes were establishing themselves down the eastern North Island coast to the edges of Raukawamoana (Cook Strait). The descendants of Whatua Mamoe from the Hecetaunga (Napier) region became known as Ngati (Kati) Mamoe. In the mid-sixteenth century a small section of them settled on the edge of Raukawamoana (Cook Strait) near Wellington. Shortly afterwards they crossed the Strait and imposed themselves on the Waitaha communities living in the Wairau district near Blenheim. According to our traditions, the Ngati Mamoe were drawn south by the abundant manu (bird), tuna (eel) and ika (fish) resources of the Wairau estuaries and lagoons. Over the years they came to dominate Waitaha by strategic marriages and war, and the southern tribal communities began to become known as Ngati Mamoe over the length of Te Waipounamu, even though they were basically Waitaha.

Meanwhile, back in the eastern North Island another, more substantial, tide of movement was building. The mosaic of tribes was shifting southwards after a round of retributive fighting, and there began a steady migration of groups from within the eastern North Island tribes that was to continue into the seventeenth century. Over two generations, beginning in the early 17th century, several of those groups migrated across Raukawamoana into Te Waipounamu.

They were more numerous in total than their predecessors and migrated in large well organised groupings. The first of them, the Kati Kuri migration, led by Purahonui, comprised six canoes and the later migration of Kati Tuhaitara, comprised eleven canoes. The size of the later groups is not recorded.

These hapu quickly displaced Kati Mamoe from Kaikoura and North Canterbury and settled there and on Banks Peninsula. Over time they formed the principal southern tribe and became known as Ngai Tahu through their linking ancestry to Tahupotiki of the East Coast of the North Island from whence much of their southwards migration had begun. This is the third stream of descent.

These early Ngai Tahu however, were a moderately turbulent people – due, perhaps, to the rich mixture of North Island tribal descent flowing in them. The bonding into a reasonably unitary tribe did not take place until they had been in Te Waipounamu for nearly a century. The story of that century is one of conflict, and conquest, of peacemaking and intermarriage, both with Ngati Mamoe and amongst themselves.

By 1800 the Ngai Tahu tribal area was occupied by an estimated 20,000¹ people, spread from the Kaikoura coast on the East to Tai Poutini on the West, to Rakiura and off lying islands in the South. The iwi lived in widely separated kaika but were connected by a closely woven mesh of whakapapa in chiefly marriages. This political system, woven together and continually reinforced by strategic marriage, is important to understand, because it gave Ngai Tahu singular characteristics not so evident in most North Island tribes.

Despite the importance of hapu identity to individuals their rights of land and resource usage in most of the Ngai Tahu settlements seem to have been organised principally around locational and residential factors. This characteristic of the tribal structure persists to the present day within modern Ngai Tahu.

Ngai Tahu had extensive early contact with the Pakcha, particularly on the eastern coast and in the far south in the Murihiku region. In the 1830s the northern areas of Ngai Tahu in Canterbury had suffered enormous casualties from North Island tribal raiders armed with muskets. The settlements of Kaikoura, Kaiapoi and Akaroa had been decimated. The

1. There is extreme difficulty in developing a firm figure for the 1800 Ngai Tahu population. Evidence before the Waitangi Tribunal ranged from 2000 to 20,000 over the period 1800 – 1840. The period encompassed the outset of both musket warfare and disease, and the virtual extermination of some regional populations notably Kaikoura, Kaiapoi and Akaroa in the 1830s. The figure of 20,000 in 1800 contrasts with Evison's figure of 16,000 (Wai 27) based on a wide range of sources. The 1925 Maori Land Court figures for the nadir of Ngai Tahu population in 1848 list by name 1333 persons. There are currently (1992) over 60,000 Ngai Tahu individuals. Addresses are held by the Ngai Tahu Maori Trust Board for 26,342 of these.

Subsequent expulsion of the invaders from Ngai Tahu territory was accomplished very largely by the Murihiku and Otakou sections of the tribe. These were well equipped and provisioned as a result of their trade and success in adopting the new technology available from their dealings with Pakeha whalers, sealers and traders, both in New Zealand and Australia. Through these contacts they had acquired guns.

These events had a significant place in the shift of leadership to Whakataupuka and Tuhawaiki of Murihiku in the decade prior to the signing of the Treaty. The wars of the 1830s had had their outcome in a negotiated peace when Ngai Tahu prisoners were returned to their homes accompanied by their former enemies, now advocates of Christianity. After the initial Treaty signing at Waitangi in February 1840, Governor Hobson sent the Treaty around New Zealand seeking further signatures. Major Bunbury sailed around the southern coasts in the HMS *Herald* collecting signatures and it was not until May 1840 that the Treaty was signed at Akaroa and the following month at Ruapuke and Otakou.

After returning to Cloudy Bay at the northern end of Te Waipounamu, Major Bunbury formally declared British sovereignty over Te Waipounamu, by cession, in June 1840 – almost four months after the initial signing of the Treaty of Waitangi. The Treaty was signed by Ngai Tahu chiefs for and on behalf of their iwi. It was by this means that Ngai Tahu became the Treaty Partner of the British Crown.

The Rohe Potae (traditional area) of Ngai Tahu is all that part of Te Waipounamu (South Island) south of a line curving from Te Parinui o Whiti (the White Bluffs east of Wairau lagoons) to Kahuraki point (on the West Coast north of Karamea), and includes Rakiura (Stewart Island) and offshore islands, notably Ruapuke and the Titi Islands.

The Ngai Tahu tribal community is divided into traditional runanga or sub-tribal groups. These are, in the main, multi-hapu and marae based communities. Some are composed of lesser number of hapu than others. Virtually all contain whakapapa connections to the older preceding tribes of Kati Waitaha, Te Rapuwai, Kati Hawea, and others, whom together with Ngati Mamoe and Ngai Tahu, form Ngai Tahu Whanui.

I earlier described what I have just read to you as a "political statement". It is, of course, a very summary statement. I offered it to you so you would have a platform on which to stand some of the things I am going to discuss in this paper. I believe that every line of that statement can be sustained and supported. I am willing to have it tested by rigorous examination and subjected to scrutiny within the discipline of Maori traditional history and conventional historical method.

It is important for me, that the statement should withstand such examination. If it cannot be sustained in certain important respects, Ngai Tahu lack a basis for regarding themselves as the manawhenua tribe of the traditional area described. They would have no rights under Article II of the Treaty of Waitangi. They would have no rights in fisheries, land and other properties. They would not even have the right to comment authoritatively on the authenticity of placenames within the area. They might exist as a group, but in modern New Zealand, they could have no valid identity other than by the good will of the Registrar of Incorporated Societies, or some other such functionary.

Moreover, Ngai Tahu would not have the standing to bring the Ngai Tahu Claim before the Waitangi Tribunal and, perhaps, almost as important, the Crown would not have a basis for settling that Claim in terms of the findings of that Tribunal.

Whilst my statement is a statement of the past, it directly affects the present and the future. In that sense, it is an intensely political statement. It is an assertive statement. It rests ultimately on evidence.

I turn to the question of evidence and to the character and craft of history.

There are those who take the view, as a result of the relative discomfort of recent years, that the Treaty of Waitangi was an inconvenient basis on which to establish a legal system and a constitution for our Nation.

I want to pay some brief attention to the curious "marriage of inconvenience" that the Treaty debate has thrust upon us - the emergent relationship between history and the law - or at least legal process. This relationship has become open and the issues sharpened as the Treaty Resolution Process drags our history before the Law Courts and Tribunals, notably the Waitangi Tribunal. Historical issues which have not been the subject of litigation, or subject to the Rules of Evidence, are being dealt with in new ways. This has had some extraordinary effects on the profession of historians - quite apart from guaranteeing them a level of income and employability which they would not otherwise command. It has also begun to reshape, or at least, place pressure, upon the way in which they practice their craft - it now has an overtly political purpose. There are direct links between their conclusions and political and economic outcomes. Despite the purity of their personal motives, the fact remains that they are employed to produce evidence that will shape those outcomes. They are now not only involved with what has happened - they are directly involved in what will happen. It is a novel role.

The legal profession also has enjoyed a higher level of employability as a result of the Treaty Resolution Process. Apart from the fees, there has also been the benefit that the profession has the opportunity of becoming more historically literate. These are not however, the only effects. Lawyers and judges and tribunals, are having to grapple with the nature and character of historical evidence to some extent. The criteria which they are accustomed to applying to evidence, is generally designed to deal with matters of the present or very recent past. On the whole, they are not designed to cope with issues a century or more old. Further, their rules are designed to cope more with facts than with judgement, supposition and interpretation.

The emergent relationship between the professional culture of the historian and the professional culture of the lawyer, is tensioned enough – you might think – without the other necessary element of the triangle – the Maori Treaty Partners. The claimant iwi have a culture and tradition of their own. The traditional ways in which Maori have managed their history, have identifiable characteristics which are different from those normally manipulated by the academic historian, and those to which the lawyer is accustomed. It could be said that Maori traditional history, tikanga Maori, Maori customary authentication and the Maori perception of post-Treaty history, are savaged equally by both the professional historian and the rules of legal Due Process.

In the context of Treaty issues, the floor of the High Court and that of the Waitangi Tribunal become a battle ground of the most fundamental cultural conflicts. They are not so much conflicts about facts and issues, as conflicts of mindset.

In that environment, history and culture cease to be recreational or scholarly pursuits. The stakes are too high. The evidence of the conventional historian, the requirements of Due Process and the whakapapa of the Maori, are presented for one purpose, that of a substantial result, achieved or denied, in terms of money, resources or property. I leave justice to one side. My point is that the historical witness and the witness on Maori tradition, cannot escape the pervading presence of the potential spoils. That is the reason, after all, why the lawyers and judges are there. The continuing presence of the outcome, sits like a cloud over the brow of the historical witness. Scholar or mercenary, the choice, like the cloud, is continual.

This is one of the reasons why I am in favour of the emergent policy that the Tribunal should be limited to findings, at least in respect of major cases. Such a policy frees the Tribunal from a direct relationship with outcomes and lifts the pressure of the cloud from its task of making findings on the facts. The outcomes should be a result of negotiation between Maori and the Crown. Anything which distances the Tribunal from the business of settlement, assists the law and history to interact more creatively.

To illustrate, I select just one example although there are many to choose from. In its report on the Orakei Case, the Tribunal developed of its own volition, the concept of Treaty claims being settled on a basis of present need. It did this because it found a need to justify some measure of compensation for Ngati Whatua. The total was not significant. Treasury, though, seized on the idea with relish, and it was soon incorporated into papers discussing an appropriate basis of settlement for other claims, either being heard or not yet heard by the Tribunal. They saw the notion as a "helpful" device for avoiding settlement on a basis of right. The latter would be shaped by the scale of the loss rather than by the number of people affected. A small tribe claiming large resources could be more easily, and more cheaply, dealt with.

Naturally enough, the example quoted in the officials' internal papers, was that of Ngai Tahu. Compensation on a basis of need, meant that a settlement could be massively discounted. Evidence as to the size of the Ngai Tahu population in 1840, and subsequently, suddenly assumed importance. We industriously searched for every piece of evidence that would enlarge the numbers. We went to great trouble to carefully produce a raw census of Ngai Tahu living today. We pressured our scholars to produce defensible data on our past. The Crown produced witnesses, scholars all, to try and define the same question. None of us said why we were doing it but we all knew.

Ultimately of course, the question is irrelevant, because settlement on a basis of need rather than of right, is almost certainly contrary to the Treaty itself and is a concept that will eventually suffer review in the High Court. Iwi means testing on Treaty rights cannot be sustained as a concept - at least in Article II matters.

In the meantime, means tested settlement on a basis of supposed population will not be far away from the agile imagination of officialdom as Ngai Tahu moves into the negotiation process. It has enormous popular political appeal and will be seized upon by parliamentary demagogues and others hostile to both Maori and the Treaty.

There are statements, by a previous Minister of Fisheries, that to accord Ngai Tahu all the Maori fisheries quota off the Te Waipounamu coast, would be grossly unfair to northern tribes. He thought that a small number of people should not have rights to a large amount of fish. Given that there has been no proposal to offer Ngai Tahu a share in Waikato coal, the Minister's view of fairness, is heavy with irony. Despite that, fairness is an important popular idea and it is very much shaped by people numbers. The quality of demographic evidence may shape outcomes worth millions of dollars.

There are other kinds of evidence though, which are more a challenge to Due Process and historical method. Their outcomes are less directly evident.

The respected president of the Waitangi Tribunal, Chief Judge Edward Durie, tells the story of a witness giving evidence in a well-known North Island Tribunal Hearing. The witness stood before the Tribunal, surrounded by his kaumatua and his people. There were layers of lawyers and bureaucrats, all earnestly believing they were gathered to contribute to the bi-cultural future of the Nation. The witness was old. He owned two ties, one was around his neck, an unaccustomed place, and the other was holding up his trousers – he was almost a stereotype of the rural Maori elder. And he stood before the Tribunal and spoke in fluent Maori for a very long time indeed. In the course of his address without looking at a note, he recounted the origins of his tribe, the relationships of his tribe, the deeds of his ancestors, the tikanga and custom, the manner in which they had managed and controlled their resources, the manner in which they went to sea, the placenames of his forebears and where they were buried. He presented it in the manner of his tupuna.

This all poured from him in a systematic orderly way, complete with whakapapa when appropriate and reference from waiata as it was needed. His people looked to him with pride, that any one of them should know so much. The lawyers looked to him with admiration and respect because it was indeed an oratorical performance, a feat of memory such as they had seldom encountered. The air was heavy with cultural respect. He came to an end and looked at them.

The Tribunal was just about to compliment him on the extraordinary quality of his presentation, when he reached around and pulled from his back pocket a book. Holding it up, he said to the Tribunal in English, "and I can support every word I have said because I got it from here!" He held up a book written by a recent Pakeha writer who had been studying the traditional histories of his region.

Everyone smiled, and the huge impact of his evidence, so recently created, dissolved around him.

What though, was the status of his evidence?

I turn to another instance a little closer to home during the Ngai Tahu Tribunal Hearings, when a well known and senior member of the Ngai Tahu community, stood before the Tribunal recounting the history of his ancestors, and in particular, that of our Waitaha tupuna and their origins. The authority he was relying on was that of his grandfather and great-grandfather, noted figures in our history. The difference between him and the North Island

kaumatua was that he read his evidence in English directly from two books,^{2 33} written by a Pakeha. The Pakeha scholar had transcribed the content from his forebears during his grandfather's lifetime. Again, different from the North Island kaumatua, my relation could not pronounce correctly the Maori names of the people and the places featured in his account.

It was apparent that his evidence vastly irritated the Tribunal to a point where, eventually, after his third or fourth appearance, the word was gently put to the Claimants that his appearance as a witness was damaging their case. There was an immediate, somewhat distressing, end to it.

Now the status of my relation's evidence, and the basis for it, was no different from the old man from the North. The two were received though, in an entirely different manner. Both were almost certainly discounted, yet it may well have been, on careful enquiry, that the content of both proved to be substantial. It's all a question of packaging.

One further example. Ngai Tahu were recently able to bring to bear, before the Maori Appellate Court, in the Ngai Tahu Cross Claim, a manuscript dictated, late in life, by one Paora Taki which gave an account of his participation as a young warrior, in the battles against Te Rauparaha and Ngati Toa in their raids down into Canterbury, and their near extermination of the Canterbury Ngai Tahu.

Paora survived that time of trauma and joined the southern chiefs as Ngai Tahu assembled, for once united, to drive the northerners from Te Waipounamu and back to the land from whence they had come. In his manuscript he gives a detailed account of all of those proceedings, right down to the dog faeces on the beach at Wairau, the warmth of which revealed the ambush that lay in wait for Te Rauparaha. Paora Taki's manuscript together with his lists of those who participated and those who died is a remarkable taoka of our people, but more, in the Appellate Court Case, it was solid evidence. Moreover, it is doubtful that a lawyer could be produced competent enough to cross examine.

The author had been an actual participant. His memory for detail of what had happened in the days of his youth, was clear. The manuscript passed all sorts of tests as to its authenticity and its veracity. It was better than anything the other side could bring to bear, and it clearly carried great weight. The fundamental content of each of the three examples I have given, was probably testable to the same standard as history. To the best of my knowledge though,

2. H. Beattie, *The Maoris and Fiordland*, Dunedin, 1949.

3. H. Beattie (ed), *Folklore and Fairy Tales of the Canterbury Maoris told by Taare Te Maitoroa to Maude Goodenough Hayter*, Dunedin, 1957.

It was not tested. It was either accepted or discounted on the basis of the manner in which it was presented.

Many judges and lawyers, conscious of their duties in terms of the Treaty, are only too well aware of the cultural prison their professional experience condemns them to. It is difficult to escape from, and when the pressure is heavy, they revert to the disciplines they know. The lawyers of course, are there to win and the judges are there to decide who wins. They rely on their rules because they know that is the only defence they will have from an enraged populace which believes they are about to be dispossessed of the settler asset. The cloud of politics hangs over them, just as it does over the historians. They too are conscious of the highly political character of straining history through Due Process.

I have discussed Due Process and its "marriage of inconvenience" with historical evidence. I now wish to consider the evidence two broad parts:

Firstly, there is the 19th century evidence, which concerns the world just before the Treaty and the events which have taken place since the Treaty.

This body of evidence draws on historical documents, recorded observations and events of which there were a number of surviving witnesses. It is relatively straight forward, although it has some notable gaps, and, it is more or less accessible to conventional historical method. There are documents, there are diaries, there are claims, petitions, and in the House of the enemy, there is Hansard.

It is not exempt from the difficulties I have referred to on the part of lawyers and historical witnesses. But at the end of the day, I believe, it can be handled by a more bi-culturally developed Due Process.

I have been impressed by the measure to which the Waitangi Tribunal has been evolving that Due Process and by the good-hearted efforts of the High Court and the Court of Appeal. They have come a long way since Prendergast and his rat-nibbled nullities.

This post-Treaty evidence is, as I have said, intensely political, because it is ultimately concerned with remedies. Every taxpayer has an interest, and most have an opinion. One of the biggest problems of this generation of evidence, apart from paper management, is in the public relations sector.

The second broad area I refer to, is the post-Tribunal phase. This is the phase when the Tribunal or the court, emerges from its conclave, with findings, and, possibly,

recommendations. Questions of remedy and settlement throw up a whole new area of claim and counter claim – a whole new spectrum of issues.

Now my personal preoccupation has not, until relatively recently, been with historical issues which were politically laden. I have been more concerned with our traditions than with our histories. My interest has been with who we are and from whence we came. I have luxuriated in the very ancient past and have been fascinated by the interaction of my studies of traditions with the newer disciplines which today are capable of making some contribution to our perception of that ancient past.

I am no longer able to luxuriate however, in an apolitical sector or backwater of history. The reason is thrown up by the process of Treaty settlement. On the whole, there is not too much objection when someone undertakes the enormous financial and human task of bringing a case before the Tribunal. There is considerable unity. But, after the hearings, as a part of the remedy process, the Crown begins to ask another set of questions. I will leave to one side the suspicion that its motives may not always be genuine and that the questions may be designed to avoid the necessity for settlement, or to shape or affect that settlement, or to stall it beyond yet another election.

The questions come:

'But who is the iwi?

Who is Ngai Tahu?

What are their traditional boundaries?

What is the basis for that statement?

How many of them were there anyhow?'

The evidence now required is of a different order. Generally it is to do with ancient history. It is not about what happened between Maori and the Crown, it is about who and what are the iwi, which tribe is the Treaty Partner and what territory and resources are traditionally associated with that iwi. These are the questions that the Crown is anxious to have answered, because it and the power culture it largely represents, have a recurring nightmare – settling a Claim in one generation and having it return in the next. A major part of the politicians concern is with the overall political effects of a settlement. It is the politician who ultimately has to sell it. If finality is in doubt, there is little chance.

I divert:

The politicians, and other more systematic philosophers, gnashing their teeth about the "evils of tribalism" – if not separatism – and pointing to division and structural disarray in the Maori world, have only their own Parliament to blame. It was the New Zealand Parliament

which knowingly and with full and clear intent removed the legal personality of the Crown's Treaty Partners and, in so doing, actively created most of the troubles faced today in ordering the development of Maori.

The settler politicians, Sewell, Stafford, Fitzgerald, Whittaker and their ilk drove a series of Acts through the House between 1858 and 1865⁴ all aimed at destroying the "communism" of the Maori. The primary intent was to individualize property and fracture the fundamental element of the tribe - common ownership. It was the foundation on which Maori dispossession was constructed. It may well be that the legislative theft and other chicanery, which have later posed as government, may be yet seen to have been minor sins compared to the effects of obliterating the legal existence of the Crown's contracting partner - enough. I will return to this question.

The need for this new or different evidence in the post-Tribunal finding phase, is that the issues of remedies and settlement, may create divisions, and these, in turn, create new questions.

The unity of common cause begins to crack. The tribe starts to divide. It may divide regionally, on a hapu base, on a marae or runanga base. The division may be a mixture of these factors. But these are the ordinary splits and cracks within a tribal fabric of its established parts. It is a process which is to be expected and which, on the whole, Maoridom is accustomed to dealing with. Its solution depends largely on negotiation, trust and the evolution of confidence.

There is a traditional process, amoeba-like, of division and reassembly. Over time the overall iwi collective remains reasonably unitary. This process of division and reassembly is, in respects, a direct outcome of the policies of iwi Development that have been advanced by the government in recent years. As a general rule, if the Crown creates a pot of money, a committee will be formed somewhere to assist in the spending of it, and in the recent years, we have had a proliferation of such competing committees. These are the people I call "Ngati Putca" or, "add water, instant iwi".

The policies of the recently deceased government, and to some extent, the policies announced by Winston Peters as Minister of Maori Affairs in 1991, rely very substantially on iwi to deliver them. Control of the distribution of state resource, is not - in the first instance - a

4. Examples of such legislation are: The Native Territorial Rights Act 1858 (subsequently disallowed by the Imperial Government), The NZ Settlements Acts 1862 and the The Native Lands Act 1865. The preamble to the 1865 Act contains the words '... to encourage the extinction of such proprietary customs and to provide for the conversion of such modes of ownership into titles derived from the Crown ...'.

Treaty-based issue. However, it rapidly becomes one if a state funded group asserts its identity as the authoritative voice of an iwi and claims the right to speak for and manage taxpayer money in competition with the established tangata whenua structure.

The Runanga Iwi Act introduced by Labour in 1990 and abolished with great speed by National in 1991, set out a procedure for validating the status of such bodies in Treaty terms, through the Maori court system. It set down criteria by which an iwi should be able to be recognised for the purpose of delivering government goods. The applicants were queued up waiting when the new Minister of Maori Affairs announced that he was abolishing the Act.

The process of assertion of a right to control resources, almost certainly means competition with others. There is competition within the tangata whenua, and there is competition between the tangata whenua and Maori groups that have come from outside. Then, like a lot of scagulls, there are all the non-Maori groups that for various reasons want some process of Maori consultation and association. These can range from regional government through to church groups, government departments, local government and - even - university councils.

The aspirate iwi cluster around them competing for their attention, because they are a source of funds and the non-Maori groups generally try to select people from among the Maori aspirants that suit their prejudices or their particular concerns. This gives rise to what I have called the "scones and taxi-chit syndrome". Some government agencies compete very strongly for Maori attention by applying substantial resources to such groups. We have had some instances in the South Island where a government agency has actively sought to use its resources to create runanga as a part of its own engagement in the political distributive processes. There are always candidates, willing and able to be bought.

One of the more interesting developments in the south, of this behaviour, has been the re-emergence of a group calling itself "Waitaha". It is difficult to say what numbers of people it represents, but it has been strongly asserted, well resourced from the public purse and claiming a measure of priority on account of the ancient character of that name. It has been able to attract significant funding and to achieve a certain measure of regional position.

I should hate you to think that issues of this kind are confined to Ngai Tahu and Te Waipounamu. The ancient Ngati Kuia of Pelorus Sound are currently rising against their 19th century conquerors and asserting property rights in fish and land. A section of Ngati Kahungunu ki Wairarapa, originally, Ngai Tara and Ngati Ira, are thrusting from beneath Kahungunu manawhenua and calling themselves "Rangitane". Ngati Porou are having difficulty with a group calling itself Te Runanga o Paikoa. Te Whanau a Apanui contend with an entrenched group of dissidents against the majority of their tribe. Further north, in Te

Tai Tokerau – perhaps the Lebanon of the Maori world – there is claim and counter claim about who and what is the iwi and whose boundaries are where.

Why must we persist with these questions? The answer is simple. The mass assimilation of Maori has clearly become impossible and it is therefore plain that there must be some administrative structure that enables Maori to manage their own affairs within our own world. All analysis shows that there is only one rational base for that to take place on, and that is of the iwi. I willingly grant that there may be questions within an iwi about the relative status of its parts – of hapu and runanga.

One of the things that greatly complicates matters, is the emergence of new groups, posing as iwi, sometimes using old names and claiming some sort of status because of that, as aboriginal tangata whenua.

The Crown and the power culture stand on the sideline, smiling forgivingly, while the tribe attempts to sort the matter out. However, they don't stand idly by. The world does not stop turning while Maori negotiate with each other. There are all sorts of things requiring ongoing involvement between the state and iwi. The planning process goes on, the legislative process goes on, fisheries management continues to be restructured – it all requires consultation, someone has to speak for the tribe's interest. The power culture covers its position by speaking to its acknowledged Treaty Partner, and as well, the new contenders – just in case they may turn out to be the winners. The process of mutual capture and ensnarement, proceeds apace.

The Runanga Iwi Act, although primarily designed to provide audit-proof welfare plumbing, would have solved this problem to some extent. It provided for the authoritative voice of an iwi, to be the only voice with which the Crown would deal in a given region. It provided for a contestable process of validation of the various pretensions of a tribal group to speak as the tangata whenua in that region. To some extent it provided for the restoration of the legal personality of the tribe, the destruction of which, by Scwell and his fellow settler politicians between 1858 and 1866, is one of the great unsung Treaty crimes.

The abolition of the Runanga Iwi Act, deprives us of a forum for the settlement of such issues.

I offer you now, two examples of the problem that Ngai Tahu has in this area. As I do, I ask you to remember that the identity of Waitaha is a fundamental element of the origins of Ngai Tahu, that it is recognised and identified as one of the original elements of our people. The

two examples that I am going to offer you, both wander abroad under the name of "Waitaha". They are distinct although connected.

The first is a body called the Waitaha Management Group Incorporated. This group first appeared out of the Southland area with a certain amount of penetration onto the West Coast of the South Island.

It was largely established for the purpose of capturing various central government monies distributed through the ACCESS and MACCESS training programmes. It was not successful in capturing these resources, but that has not diminished its sense of pursuit. The Waitaha Management Group engaged itself with various other runanga-centred elements within Ngai Tahu, which were themselves engaged in the capture of Social Welfare Department money through the form of Community Organisation Grant Scheme (COGS) and Iwi Transition Agency funds as well as other community funding schemes.

One of the more imaginative propositions in which it was involved, was participation in a proposed company which was going to take control of the resources in forestry, land and fisheries, to be derived from the Ngai Tahu Claim before the Waitangi Tribunal. The proposed Directorship of this company included two ex-Cabinet Ministers, a Maori MP and at least one high official in the regional Maori bureaucracy.

The target of the company was a sum of money (approximately \$1 million) that was extracted from the death-throes of the Board of Maori affairs at the time when that was being abolished in the term of the previous government. The target was the capture of the million dollars in order to capitalise the company and have it in an operational position where it could contest, with the existing Ngai Tahu tribal structures, including the tribal Trust Board and the various runanga involved, the control and management of post-Claim assets.

Unfortunately, it seems that the million dollars did not get to the company and it has lapsed. But the concept itself was interesting. The collapse of the company has not deterred the ongoing survival of the Waitaha Management Group incorporated. It appeared before the Waitangi Tribunal in association with a West Coast fishing company and had various proposals for the development of Maori fishing rights on the West Coast of the South Island. The fishing company of course, was interested in finding someone to acquire its assets as a way of 'cashing up' - there are many such companies on the New Zealand market today.

The Waitaha Management Group Inc. has appeared in various public conflicts with the Department of Conservation over its assertion of eel fishing rights in Fiordland National Park

lakes. The prospect of prosecution seems to have dwindled away, due to official fear of challenge in the courts.

The particular appeal of the Management Group has been its claim to advocacy in "trying to do something for the people" or "trying to get something going for the young people". It is the sort of argument which brings a warm, and uncritical, response from just about any Maori community leader.

The Waitaha Management Group has moved around the country for the last three to four years and has been nothing, if not, successful in surviving. How has it done it?

It early on registered its intention to apply for Iwi Authority status under the Runanga Iwi Act. By this mechanism, it was able to continually draw on funds from a sympathetic Iwi Transition Agency and from various other community sources, such as the COGS Scheme of the Social Welfare Department and has continually sought support from a variety of funding agencies. All of that is ordinary enough. In terms of my thesis, if funds are available, groups will continually form to capture them. What is important here is that this group, in order to clothe itself with a non-Ngai Tahu identity, has, for the purpose of capturing resources, dressed itself in the cloak of the ancient Waitaha people.

The whakapapa, of the small group involved, is no more Waitaha than for any other part of the tribe, and in fact, the leading lights derive their wide, but not extensive interests in Maori land, through descent from some very well known names of 19th century Ngai Tahu. One of these, Karetai, was a signatory to the Treaty and a leading light in the fighting against Te Rauparaha. Interestingly, the whakapapa of northern tribes feature as well. This group, with the active involvement of the Iwi Transition Agency, has actively courted northern Maori now living in Te Waipounamu - Maata Waka.

The actual facts of descent however, are not important. It is apparently possible now, if you call on an ancestral identity or name, far enough removed in antiquity, to make some extraordinary assumptions about yourself and your cultural identity. Some of these assumptions are available to us in print through the editorial columns of various southern newspapers. One notable letter denies the authentic existence of Ngai Tahu, argues that Ngai Tahu did not come to the South Island until after the Pakcha arrived, and claims that Waitaha are the true tangata whenua of the South Island and that Ngai Tahu are usurpers. Ngai Tahu readers, noting the signatory of the letter, and knowing that person's whakapapa, roll about laughing and do nothing. But there is invariably somewhere a civil servant or a local government functionary who takes it seriously.

Another such letter, written shortly after the 1990 Commemorations to mark the Treaty signing at Ruapuke, by the member for Southern Maori, argues that a grave insult was accorded to Waitaha by "those responsible" in not inviting them to the Treaty Commemoration. This letter goes on to discuss the non war-like character of Waitaha and accords them all sorts of virtuous qualities. The MP further implies, that the tabernacle of traditional spirituality rests within the breast of Waitaha. There, is no mention of COGS or ACCESS funds.

In itself, a group like this, although it may claim an historical base, does not and cannot rest its position on historical or traditional evidence. The closest it gets to an historical base is assertions in the letters columns of the *Southland Times* and the *Timaru Herald*.⁵ The only value that history has to them is to provide some sort of cover, a cloak, to adorn their real object.

On the whole groups such as the Waitaha Management Group, are unimportant. They provide a useful meeting point for those who are opposed to the Ngai Tahu tribal structure, or, to the personalities inhabiting it. They are a useful vehicle for people who walk a larger Maori stage, to play their covert politics through. On the whole, they are dependent on state money and their continued existence depends upon its capture. As the state money dries up, I believe inevitably, they will dry up. I will come back to their appeal to the wider society and their usefulness to a certain class of bureaucrat or local politician shortly.

I turn now to the Elders of the Ancient Nation of Waitaha. They are a more interesting phenomenon in terms of the uses of history.

Some three years ago, a well known academic formed a relationship with a Maori person of Nga Puhi descent, and another of Ngati Tama descent. The academic was widely respected within Ngai Tahu for various studies he had carried out in the past. An approach was made to one of our elderly kaumatua seeking his endorsement and support for a study, and eventual publication, of a book on the way in which South Island Maori had interacted with the Te Waipounamu environment, largely relying on archaeological evidence.

This project rapidly escalated, with a series of sub-projects, into the concept of publishing a major book of much larger scope. There was considerable concern within certain of our runanga and approaches were made to the Ngai Tahu Maori Trust Board, by the runanga, to express their concern and to try and bring the project under control. The Board then faced the task of trying to find out what was actually happening.

5. *Timaru Herald*, 25 January 1991. '... reminded that Ngai Tahu arrived in the South Island after the Pakeha and that Waitaha are the manawhenua of Te Waipounamu. R.R. Karaitiana.'

There was a proposal to have its contents monitored by a group of kaumatua. This monitoring was not sought by the promoters, but was a compromise achieved because of past relationships. By the time it was considered in a formal way, the group had clearly adopted a non-Ngai Tahu base and to do so, had seized upon the ancient history of Te Waipounamu and begun to call themselves "Waitaha". Some considerable runanga time was spent debating the fact that the two Maori members of the trio were not of Ngai Tahu descent and had no standing in terms of our histories. The assertion that one of them did have, and had in fact claimed such descent before the Waitangi Tribunal, occasioned much debate. That however, was something of a side-show. Everyone now claims direct descent from Rakaihautu, the Polynesian forebear of the ancient Waitaha - so all more recent genealogical connections are no longer relevant, because it is that which connects them to the ultimate spirituality in the mountains and the trees.

This group were able to capture very considerable resources from the then Ministry of Education. This was achieved by contacts at a high political level. These resources, which included the continuation of substantial educational salaries, were added to by support of a major motor company and from various other sources. As Ngai Tahu reservation and indeed, hostility, began to emerge, this group became increasingly fixed on Waitaha culture and began to publicly place itself above the crass and lowly stress and contentiousness of current Ngai Tahu debates with the Crown.

The publishing project being undertaken is now promoted as a gift to the people of New Zealand, because the elders of the Ancient Nation of Waitaha have decided that the time has come to reveal to the people the secrets that they have contained and carried within them for centuries. These are to be published in a volume which will be circulated to every school in New Zealand. A pounamu adorned special edition in leather, will be available at a much higher price. The overall figures that I have been able to identify, suggest a total in the order of \$500,000 for this project - which those of you who have any experience of the publishing business, will recognise as a very substantial enterprise.

What I wish to focus on however, is not the money, it is the idea. Some blunt questions have been asked. Where have the secrets of the Elders of the Ancient Nation of Waitaha been hiding for the last century and a half? Who are the elders of the Ancient Nation of Waitaha? What is the character and nature of their secrets in which this substantial investment should be made? What is the authenticity of the knowledge in Maori terms, which is to be made available to every child in New Zealand?

These questions have been driven from different angles. The concern of the Ngai Tahu runanga is the authority and mana of the proponents in this issue of tribal heritage. This issue

has been raised previously in different contexts, in other publishing projects. They have exhibited grave doubts about the authenticity, indeed the sanity, of the participants.

There have been questions driven from the more narrow considerations of academia, such as to sources and references and again, authentication. And there have been questions from the funding sources looking with doubt on the issues of authenticity and concerned with the evident lack of support from the wider community of interest.

The answers have been instructive. I was present in a presentation that was made to a major national funding source by the Elders of the Ancient Nation of Waitaha. As I had a conflict of interest, I had to stand a little removed, but I found the interaction fascinating. Some very elderly and distinguished Maori from other areas arrived in support, and it was plain that the Elders of the Ancient Nation of Waitaha was no longer just a southern phenomenon, that it had developed the notion that Waitaha were the tangata whenua and precursor of many tribes and they had been travelling through the North Island as far as Te Rarawa in the Kaitiaki area and meeting on marae and advancing the ancient whakapapa. Interestingly, this is a quite feasible position, given that Rakaihautu, the founding ancestor of the Ancient Waitaha, appears in whakapapa in a number of tribal areas, as well, as I have said, in Raratonga and Polynesian tradition.

The advocacy had been quite effective, as there were "Elders" present from different parts of Maoridom, all fronting up in a Wellington tower block, to support the application for a very large parcel of funds.

Again the questions were asked – "what are the secrets?" – the answer was given, "well under certain conditions, we will allow someone, approved by us, to look at the documents and satisfy you that they are valid and authentic".

"Where have these secrets been hidden for the past century and a half?"

"They have been handed down, entrusted to only a few special people through the generation."

"Who are these few and how is it that they've remained unknown to our kaumatua and our people?"

Slight forgiving smiles, the kind reserved by believers for the not yet fortunate.

"These secrets have been hidden in the land, in the trees and in the stones. They are available only to those who have the sacred knowledge to talk to the trees and to the stones and to understand their replies."

I do not propose to go much further, other than to note that there is now a sizable file of press interviews⁶ and other documents which expands on responses of this order.


The Nga Puhi person, the Ngati Tama person and the Pakeha who are driving this project, have long since abandoned any endorsement by Ngai Tahu. The two Maori are now direct descendants of Rakaihautu of Waitaha. Furthermore, they are endorsed by people who, when we first knew them were Ngai Tahu, hold their Maori Land through Ngai Tahu descent, but who are now "Waitaha".

Admittedly one of their leading supporters is a Ngai Tahu of well known Waitaha descent – the man who read his Tribunal evidence from a Pakeha book. His elder brother is one of our greatly respected Ngai Tahu kaumatua and, until recently, Upoko of one of our papatipu runanga.

I point out to you the extraordinary appeal of mysticism and remind you of the manner in which it overcomes nearly all rational activity. In human behavioural terms, there is little unique in the dreams of the Elders of the Ancient Nation of Waitaha. But it is mysticism and it is hostile to the hard, grinding business of producing solid evidence about our past and the development of a disciplined scholarship of Maori.

In terms of that scholarship of the Maori, the phenomenon of the Elders of Waitaha, is not new either. Most of you are aware of the way in which Elsdon Best and S. Percy Smith combined with Whatahoro to produce for us, what David Simmons called, the "Great New Zealand Myth", and how we have had generations of our children fed on the Great Fleet of seven canoes and all the associated stories that go with it. Simmons and Bruce Biggs, in their careful analysis of Smith's *Lore of the Whare Wananga*, peeled back for us, by scrupulous manuscript research, the creation of that myth. It is now relatively rare for schools to teach that content, but it has taken more than half a century for us to cleanse it from the curriculum.

We then have the difficulty of "The United Tribes of New Zealand", led by one Te Riria, with whom Simmons, by some peculiar irony of history, later, was to become associated. That relationship resulted in a considerable amount of publication, largely entombed in the Records of the Auckland Institute and Museum, based on Te Riria's beliefs and theories about Maori history and tikanga. Te Riria claims to be the Paramount Chief of a considerable number of tribes and has maintained a regular correspondence with Buckingham Palace on

6. *Dominion Sunday Times* (DST), 9 December 1990. 'New book will reveal secret history of the Maoris.' *The Press*, Christchurch, 22 May 1991. 'Book to counter claims about Ngai Tahu.' *The Press*, 23 May 1991. 'Ngai Tahu "too greedy"'. DST, 28 July 1991. 'Challenge to Ngai Tahu.' DST, 4 August 1991. 'Waitaha make their stand'. *The Press*, 5 November 1991. 'Quarry "threat to ancient cemetery"'.


that basis. Some other Paramount Chiefs have not taken kindly to his pretensions, particularly when they involve their own positions. After "Honorary Ariki" began to be inducted at the Auckland Institute and Museum and various other difficulties occurred with major North Island tribes, matters were pressured into silence through the influence of senior figures in the Maori world.

From the wellspring of Te Riria and his scribe, we now have two books – one on moko, and one on carving – published by a very reputable publishing house, which contain huge amounts of arrant nonsense about those two sacred forms of Maori art. A noted Maori artist and carver, on reviewing the carving manuscript, hurled it from his house in disgust, but flatly refused to comment on it. The Ngai Tahu Maori Trust Board sought an injunction to prevent publication, only to learn that one cannot, in New Zealand law, defame a tribe or its heritage. The problem continues.

In the learned journals, in the formal publications of museums, in books standing on our library shelves, we now have available for the general public, a considerable volume, of what is in effect, mystical and invented nonsense. It will sit there on the shelves for the generations to forage through. It is indeed, something of a triumph for the mystics, that, despite all the careful work of the last century, we have sitting in our libraries, from our own generation, work which is far worse than the inventions and extrapolations of the Best and Percy Smith era. It is as if we have learnt nothing.

The fear that I have is, that the current surge of mysticism, reflected by the Elders of the Ancient Nation of Waitaha, is going to have a similar effect, and that the years of development of formal study in Maori tradition, the attempts to develop a rigorous and systematic basis of scholarship in Maori Studies – that work undertaken so painstakingly by Apirana Ngata and Piri Te Hurunui Jones – and the accumulated scholarship of those who have followed their example is to be, once again, placed in danger. I am confident though, that in the long run, authentic content will survive. I am confident that in the very long term, the careful and systematic methodology of scholarship will prevail over mystical nonsense. The trouble is that it is a very long term, and there are a lot of lives and a lot of cultural identity, fed with inadequate and wrongly based knowledge, in the meantime.

It is important to note that both of these groups are not dealing entirely in the mystical. I have already suggested that some aspects of their activities are extremely effective in the gathering of funds and resources. There is more to it than that though. By taking a name which is a part of authentic tradition, they attempt to clothe themselves with the aura of that tradition. Again the antiquity of the name, lends an atmosphere which is difficult to penetrate. It is a name and a package of tradition locked quite deeply in the past. It is a tradition, largely

accessible in a formal way, only through the whakapapa, manuscripts and transcriptions of 19th century Ngai Tahu.

Much of the surviving knowledge which can be traced back to Waitaha within our traditions, is esoteric, and therefore subject to a considerable amount of interpretation and, indeed, a variety of opinion. These are rich pickings for the would-be mystic, and it is a relatively simple process, to bring groups of would-be believers around a set of notions, describing an ancient peaceful people, driven by a spirituality seen to be inherent in nature, and to have them wandering through the world in full communion with it and each other, in a spirit of love and trust with the gods. It is a somewhat simplistic version of the "noble savage" – turned pacifist.

Ironically, our evident joy in our uniquely southern tradition, serves to reinforce and strengthen the aura surrounding the name "Waitaha" and feeds the position of those who claim it.

A case in point is the Aoraki Creation Tradition. Modern Ngai Tahu would always argue that those early traditions, unique, in New Zealand Maori terms at least, to this Island, derive from Waitaha culture and that Ngati Mamoe and Ngai Tahu came south and married into them. The bulk of the placenames were put on this landscape by our Waitaha forebears. A huge proportion of those names, were directly translated here from the North Island and from further back in East Polynesia. Some of them may not have come via the North Island, but directly. That is a matter for a lot more scholarly unpeeling.

There is disagreement though, that anyone other than our traditional runanga, or persons endorsed by them, should be considered as speaking authoritatively for our heritage that is in the land, in cultural or Treaty terms. There is no disagreement that the names that are in the land and the regionally unique myth, are associated with our Waitaha tradition.

A speculation:

The Waitangi tribunal found that Te Reo was an Article II taonga. Article II involves a property right – "exclusive use and possession." It would be fascinating to apply the same principle to placenames, to history, and to consider the implications.

Apart from the aspect of exclusive guardianship, and the implied denial of Ngai Tahu connection to our Waitaha heritage, Ngai Tahu can have no real objection, you might say, if these people wish to walk the hills, having their conversations with the trees and the stones. The difficulty is that their assertions are increasingly being read as assertions of manawhenua – and that is an assertion that conflicts with Ngai Tahu's Treaty-based manawhenua.

I have received in my mail recently, a package of beautifully produced, very well printed material on the forthcoming visit to New Zealand of Gurumayi Chidvilasananda, who is the living Siddha master of an ancient lineage of perfect beings. A reading of the Guru's prospectus, shows some remarkable similarities with the documents and papers emerging to support the publication of the secrets of the Elders of the Ancient Nation of Waitaha. Many of these documents, drafted in the pursuit of funds, are now accessible through the Official Information Act. Regrettably, the secrets of the Elders are not yet in that category.

The "power culture" has not stood idly by while all this has been going on. Within post-1990 New Zealand, there are many people who warm to concepts such as the "ancient treasures of the Maori", who, themselves yearning for some kind of religious certainty, are drawn to notions of the eternal truths which lie in the land, in the mountains and in the sea, and who are relatively easy to persuade in favour of the wider dispersal of such ancient understanding. The Elders of the Ancient Nation of Waitaha have many willing allies.

There are people in the wider community who are focussed on conservation, concerned with resources, asking some very fundamental questions about the way we relate to our environment. Many are prone to exploitation by those who would promote the inherent spirituality of our world and the need to reconnect with it. When they can see, again in the spirit of 1990, that this process somehow meets some vague concept of the fulfillment of the Treaty, they become quite irrepressible. In recent times, this has become a significant issue for government agencies, as members of regional authorities and local councils, on the whole hostile to the posturings of Ngai Tahu before the Waitangi Tribunal, because on the whole that has the promise of being expensive, have been advocating a place for the Elders of the Ancient Nation of Waitaha and its supporters in their attempt to fulfill the increasing number of injunctions coming from statute and government policy about consultation with Maori and participation of Maori in their processes. We have seen the laying of plaques at Queenstown to commemorate various Waitaha events, we have seen those extraordinary commemorations carting stones up the Waitaki - the yearning for symbolism beats ever present within us and the secrets of the Elders of the Ancient Nation of Waitaha, yet to be revealed, are a promise that quite good-hearted people in the larger community, respond readily to.

The difficulty is of course, is that none of it can be regarded as Treaty based, and it is perhaps one of the great ironies, that the year that saw the 150th commemoration of the Treaty of Waitangi should also be the year in which funding flowed towards a movement, which, of its nature, is fundamentally subversive of the Treaty relationship. I will not dwell on the question of personalities and cashflows associated with that commemoration. Suffice to say

that the Ancient Nation of Waitaha had its first really substantial dip into the public resources of the modern Nation of Aotearoa, in the year in which the Treaty was commemorated.

I return to the mundane business of applying scholarly standards to Maori tradition and history.

I do so because it is, at root, the only weapon we have to defend the integrity of the Maori memory. And I do so specifically to challenge those who believe they can safely wallow in mysticism because ancient tradition is so far removed in the past that it is not, as a consequence, susceptible to rigorous and proper scholarly examination.

I have spent quite a proportion of my professional life working with traditional evidence and I have pondered it a lot. I have come to some views of Maori, and Polynesian, evidence which are by no means unique – I owe a debt to the scholarly generation I find myself in.

On the basis of the evidence and the methodology involved, the examination of Maori traditional history does not require a deep esoteric knowledge or the deep spiritual insights of the guru. The basic frame of such study is really relatively simple. One has to recognise, as with any history, that a document or a recorded tradition has been recorded in its particular frame for a particular purpose. Very few things stand alone and unsullied without any direction or preceding shape directing the subject of enquiry.

The mode of presentation of evidence is always driven by a purpose and that is particularly so in the case of whakapapa. Whakapapa is not a mystery – it is essentially a task of intellectual management. Whakapapa can be stated to demonstrate a direct line of descent from an ancestor, and that is something that is actually quite possible to teach to a parrot or even to a computer. What is not accessible to a parrot, or indeed I suspect, a computer, is the network of lateral relationships involved, by which an understanding of whakapapa can illuminate or, indeed, be the vehicle of history. It is the relationships between people and the way in which the whakapapa links them and stores that information, which is the critical element in the study of traditional history.

The point is that in Maori tradition, one requires the skeletal framework of whakapapa to authenticate the historical tradition. Tradition that cannot be supported by whakapapa, which cannot be cross-referenced to other whakapapa, is tradition that has to be regarded as suspect.

This leads to the next important point, that any one presentation of whakapapa has been assembled in a particular form for a particular purpose, to show a descent or a relationship. It

is impossible to put all of the people involved and related and connected to one person in any one direct line of whakapapa.

A critical task therefore, in looking at a whakapapa, is to assess for what purpose it was assembled – what was it attempting to show. This is a critical tool of analysis because no whakapapa stands alone.

Now this is not a peculiarly Maori problem. It is one that a huge range of historical resources suffer from and it is a relatively simple task to approach the question in an orderly way.

It is important also to understand that whakapapa has an order and a consistency in its internal rules which give it a very considerable capacity to be cross-referenced with other similar evidence, and in that way authenticated. The observations of Edward Shortland in *The Southern Districts of New Zealand* ⁷ in which he recounted his 1840 travels through this island, have to be extremely reassuring to the modern scholar.

My "political statement" at the commencement of this address, in which I attempted to establish the sequence of events recorded in South Island history and tradition, is explaining how, when, who and why the island, or at least the major part of it, was occupied by the people now known as Ngai Tahu, can be tested against the sort of evidence to which I am referring.

I think it is important also to bear in mind, that the extraordinary flowering of Maori manuscript in the 19th century which came with the adoption of writing, is a valuable and important source. It should be accepted that it was an attempt to record the state of oral tradition at the time, and that, to some extent, it concretises that tradition at that stage of its development. In this respect, it is not particularly different from the medieval manuscripts on which so much early European history has been built. There is a reasonably well established set of disciplines within the scholarly world, of managing such tradition. In New Zealand we have a remarkable seizure of oral tradition and its translation to writing in the 19th century and, I suggest, it may be tested by rules broadly similar to those already established.

This turns us to the authentication of the sources, the qualities of the transcriber and, of course, the ability subsequently, of the translator, if we are going to consider that material in English. The extraordinary industry of the 19th century transcriber Herries Beattie, is one of our great taoka, one of our great treasures.

7. E. Shortland, *Southern Districts of New Zealand. A Journal with passing notices of customs of the Aborigines*, London, 1851.

In analysing what Beattie recorded, rather than what he published with the encouragement and editorial assistance of Percy Smith, we are dealing with material, much of which can be reasonably reliably traced to source, and we can form some careful judgement about the quality of the material. 8

Although the tools are different, and the difference needs to be accepted and understood by conventional academic historians, the evidence, in my view, should be subject to a similar standard of tests to that which conventional historical content is exposed to. The tool of rigour may be a chisel made of steel, or it may be a chisel made of pounamu – they are handled differently, but they have, properly handled, comparable results.

Again, the study of Maori tradition is now able to be informed and enriched by some of the newer disciplines. Archaeology brings in a more precise chronology as well as a host of other evidence. Ethnohistory and the comparative study of other cultures can help us learn much of the character and processes that are at work in Maori tradition. Other areas from anatomy to ethnobotany, can all greatly inform our understanding and our awareness of the material assembled in the 19th century from the earlier oral tradition.

One other area has to be examined here. There is a natural tendency for Maori to regard themselves as the cultural proprietors of Maori culture, and in particular, to feel particularly proprietorial about tribal and whanau knowledge. This poses questions of sensitivity and, admittedly, some are not easy questions. I believe, however, that with the development of a wider understanding of the rules of studying Maori tradition, our communities will be much better placed to manage their cultural heritage in a wider New Zealand context. This will enable them to better fulfil the duties which fall upon them as a result of the Rangatiratanga provisions of the Treaty of Waitangi. This is necessary because the relationships involved with the wider community, in local government, catchment management, conservation and coastal zone management, really require a basic understanding, not only of tikanga, but also of history. To be well managed, the assertion of rangatiratanga requires that understanding and that information. It is largely a matter of thorough competence in Maori history and Maori studies.

I remain to be convinced that our universities have as yet, adequately grappled with the scholarly issues involved. Indeed, if I look at the fact that we spent nearly two generations untangling and unravelling the damage created from a base of authentic tradition by Percy

8. The Beattie papers including Maori transcripts and whakapapa are in the Hocken Library Dunedin. It is a wonderfully focused collection of Southern Maori material. A selection of his publications is: The Maoris and Fiordland, Dunedin, 1949. Our Southernmost Maoris, Dunedin, 1954. 'Traditions and legends collected from the Natives of Murihiku', Journal of the Polynesian Society (JPS), 25 (1916), JPS 29 (1920), JPS 31 (1922). Tikao Talks, Wellington, 1939.

Smith and his colleagues in the creation of the Great New Zealand Myth, and I observe similar processes occurring with the performance of Te Riria and the United Tribes of New Zealand, the Ancient Nation of Waitaha and various other such movements, I almost despair that we will be able to hand on to our children, quality information able to be defended in the courts and capable of earning the respect of our fellow New Zealanders.

My despair is not sufficient reason for failing to persist with the effort. All I ask is that both the historians and the lawyers, accommodate the process of development that Maori scholarship is going through, and that the "power culture" in the meantime, should not be tempted to depart from the Treaty base and the 1840 rule, by toying with the mysticism on the sidelines. It is a difficult task I know, to prevent rubbish from being published, but when it is, I believe it behoves the academic community and the tribes to very clearly denounce it as such, and if possible, to prevent its ongoing dissemination. The cultural damage that has been done in the past by poor scholarship, has brought much Maori cultural knowledge and heritage into disrepute. The ongoing retreat into mysticism that I have referred to tonight, carries that danger that we will do more such damage in future.

If a stupid public wants to insist that it be duped into the misuse of its funds to sustain and promulgate fantasy and misconstruction, then we must have defences. By defences I mean mechanisms which prevent them from destroying our culture by the public adoption of Maori content which cannot be sustained, or is not able to be exposed to the ordinary standards of scholarly rigour. I have no objection to someone talking to the stones, I have no objections to the stones talking back – what I do object to is that public funds should ever be brought to the support of taking the respective messages to our children.

Why am I concerned about all this? Why not regard the Elders and Te Riria and their kind as phenomena which will disappear because they are ultimately ridiculous?

I am concerned because I believe that Ngai Tahu heritage and history is part of our Rangatiratanga and that our runanga are the guardians of that. I believe that Rangatiratanga is being subverted.

I am concerned that iwi must find ways to bring the intellectual and cultural property of Maori, under some greater cultural control, and I am, conversely, terrified of the implications of what Atholl Anderson once called "a committee of cultural commissars."⁹

9. A. Anderson, pers comm 1982, in response to a discussion of control of authentic traditional material.

I am concerned that the professional historians will become mercenaries in the courts and tribunals, with their judgements and interpretations shaped by the client that can pay most handsomely.

Most of all, I am concerned that in this great intersection of law and history, to which the Treaty and its outcomes have condemned us, we might begin to so devalue our past, that our history and tradition become mere opinion, blown by political winds. The only protection is a rigorous and culturally inclusive scholarship and our ultimate duty is to protect it.

TIPENE O'REGAN

J. C. Beaglehole Memorial Lecture

New Zealand Historical Association Conference, Christchurch, 11 May 1991

WEST COAST CONSERVATION BOARD

MEETING 24/25 MAY 1992

OLD MYTHS AND NEW POLICIES - BACKGROUND READING

Mr Tipene O'Regan has asked that the attached paper be circulated to the Conservation Board before the next meeting in May. While the paper was written for a lecture given at the New Zealand Association Conference, it contains useful background material to the address by Tipene O'Regan and Maika Mason of the Ngai Tahu Trust Board to be made to the Board on the evening of Sunday 24th May.

Recommendation

That the Board read the attached paper as background to the upcoming meeting with Ngai Tahu Trust representatives.

Wendy Evans
Executive Officer

*Copied → Bd
M 21/5.*

OLD MYTHS AND NEW POLITICS
- SOME CONTEMPORARY USES OF
TRADITIONAL HISTORY.

J. C. Beaglehole Memorial Lecture

Tipene O'Regan

New Zealand Historical Association Conference
Christchurch, 11 May 1991