

4. CULTURAL PRACTICES

4.1 Role of the Crown

The previous chapters of this report have considered the impact of general government policy on Maori cultural knowledge systems and on te reo Maori as a vital aspect of cultural expression and knowledge transmission. This last chapter explores aspects of Crown policies mentioned in the research commission with regard to cultural practices, especially tohunga, rongoa, education and the suppression of religious customs. As noted in chapter 1, a Waitangi Tribunal Inquiry cannot attempt to assess the role of the Crown in relation to an unmodified traditionalism of classic pre-contact Maori social formations. Before 1840 cultural practices had already been affected by a number of outside factors – commercial interactions between hapu and traders from Europe, New South Wales and the United States of America; the introduction and frequent use of musket technology; the presence of Pakeha Maori; and the missionary zeal of a number of different and competing Christian denominations. Some hapu would have been less receptive to and less affected in their cultural practices by the post-contact social upheaval than others. However, the impact of new diseases, new weapons and new ideas did not depend on the first arrival of Pakeha in remote regions. Previously unknown communicable diseases, for which the Maori population had little or no inherited immunity, were spread each time a hui was held. Forms of Christian prayers were being recited in villages long before representatives of missionary societies first reached them. Muskets radically altered the nature of inter-hapu and intra-hapu conflicts and led to a vast increase in the mortality rate resulting from warfare. Cultural practices and beliefs could not remain static in an environment of such rapid and dramatic social change and disturbance. As Raeburn Lange put it:

Long before the Maori were subordinated politically or overwhelmed numerically, their culture had been irretrievably changed. Snowballing changes in social customs and economic patterns had quickly developed from even the first small adoptions of material culture. The way of life evolved over centuries now became important to

follow, but until the Maori worked out a satisfactory adjustment to the new circumstances, there was much social confusion.¹

On the other hand traditional Maori social structures and cultural practices did survive the 'social confusion'. Nineteenth century Crown policy was to amalgamate Maori and thus prevent the physical extermination of the race by carrying out cultural extermination in the name of civilisation. Amalgamation did not succeed in its aim of cultural extermination. Sorrenson summed up the situation at the end of that century with this paragraph:

It seemed that at least a significant number of Maori were responding to European culture, becoming, for better or worse, 'civilized'. But this is an unduly Eurocentric view. Maori often took up European things with enthusiasm, but having experimented, just as quickly dropped them. Other aspects of European culture were incorporated into Maori culture, into a surviving, and in some respects expanding, social system. Despite all the forms of social interaction that occurred, the most significant development in race relations in the second half of the nineteenth century was the survival of the Maori as a distinct ethnic and social group in New Zealand, co-existing with, but not rigidly segregated from, the Europeans. Sometimes Maori and Pakeha lay in the same bed; more often they were in separate beds within the same house. But the Pakeha had got hold of the house.²

The failure to eliminate Maori cultural practices and religious customs in their totality no doubt had much to do with willingness of many Maori to experiment, and to incorporate into tikanga Maori some elements of Pakeha culture but with modifications or adaptations that seemed appropriate to Maori themselves. This chapter will seek to identify merely a few examples of Crown policies designed to 'get hold of the house' by the deliberate imposition of laws and policies that adversely affected cultural practices.

A major feature of Maori cultural expression has been the rise of a diverse range of religious movements that re-interpreted Christian belief systems in a manner that resonated with Maori customs and beliefs. For some, this was problematic. Thus Te Rangihiroa's 1910 thesis wrote of 'retarding influences':

1. R T Lange, 'The Revival of a Dying Race: A Study of Maori Health Reform, 1900–1918, and its nineteenth Century Background', MA thesis, University of Auckland, 1972, fol 17

2. M P K Sorrenson, 'Maori and Pakeha', in *The Oxford History of New Zealand*, 2nd ed, G W Rice (ed), Auckland, Oxford University Press, 1992, p 166

The greatest factor which retards the progress of the Maori in health matters, is the influence of the past. Though every tribe is under the influence, more or less, of Christianity, though tapu and makutu do not loom so large upon the horizon and though there are Native Schools throughout the land, the Maori has not altogether divorced his mind from the terrors of the past. The parents and grandparents of the present generation, are influenced by the teaching and current opinions held in the days of their youth. They were taught that certain diseases which afflicted the Maori, had a purely Maori etiology. Though Rewharewha, Karawaka and many diseases were introduced by the European, there are others again which afflict the Maori only. The mana and tapu of the ancients has not been altogether obliterated by the invading White man. The European bible and the God of the missionaries though accepted, have not been entirely successful, as yet, in ousting the Maori 'atuas'. Though the ritual and ceremonies of propitiation have vanished, the fear of the gods of disease still lurks at the back of the Maori mind. Though the great nature gods and the powerful gods of battle are forgotten, the caeco-demons which afflict man with disease are still remembered. The reason is not far to seek. War and the old sacred observances which were governed by the higher gods are of no use in the present social system but disease is ever present. As Tozer remarks in his 'Highlands of Turkey', 'It is rather the minor deities and those associated with man's ordinary life that have escaped the brunt of the storm and still exist in the dim twilight of popular belief'. Though many Maoris who have received a smattering of education, will laugh with Europeans at their old beliefs, when sickness comes, when the vitality is lowered and the mind depressed, old beliefs and teachings heard in childhood's days from the lips of the aged, loom up in the sick man's fancy and exert a potent influence.³

Yet in hapu throughout the land there were hundreds and thousands of people who would flock to receive the ministrations of those who tried to sustain Maori value systems in dealing with life and death in the modern world. Some of these tohunga and prophets became well known and continue to be remembered and revered to this day. Others were of local significance for relatively short periods of time. Given their focus on seeking an holistic world-view it is not plausible to differentiate strongly between the role of a person as a tohunga and the same person's roles as prophet,

3. Te Rangihira, 'Medicine Amongst the Maoris, in Ancient and Modern Times', MD thesis, University of New Zealand, 1910, qMS-0295, ATL Wellington, fol 102

political protester, or social reformer. The research commission has a focus, however, on tohunga and on rongoa so it is necessary to try to limit the scope of the paragraphs which follow. They will concentrate upon matters pertinent to the holding of cultural knowledge and traditions by tohunga and to the part played by rongoa Maori in assisting Maori to find healing, health and spiritual well-being. A relevant section in the first amended statement of claim for Wai 262 reads:

The passage of legislation such as the Tohunga Suppression Act 1909 [sic] and its consequential suppression of rongoa Maori helped contribute to a perceived diminution of the value of koromiko, and thus made it more difficult for te Iwi Maori to justify and apply specific protection and kaitaikitanga through the exercise of tiro rangatiratanga in relation to koromiko.

This is alleged to be 'another part of that cultural dispossession of Maori which led to a disruption of socio-cultural values and hence a weakening of the authority of te tino rangatiratanga.'⁴

4.2 Heterodox Religious Movements, Prophets and Tohunga

The tensions between the basic conceptual regulators of tikanga Maori and the new concepts of Christianity and scientific knowledge were resolved in a great variety of eclectic and syncretist ways by certain Maori leaders. A brief mention of a few of these leaders, drawing upon the resources of *The Dictionary of New Zealand Biography*, will serve to highlight their eclecticism and, in many cases, their significance as tohunga. This will serve to illustrate the point made by Sorrenson about enthusiastic experimentation with a view to expanding the horizons of tikanga Maori. One Maori response to cultural survival was that of the missionary Maori, such as the Te Aute old boys who became leaders of the Young Maori Party. They warmly embraced orthodox Christianity and modern scientific knowledge as to health, hygiene and education. They cooperated with Crown agencies in their endeavours to advance the civilisation and racial pride of Maori. Their approach was discussed earlier in this report.

Then there were those who firmly adhered to older values. In the early period of colonial rule they consciously sought to abide by tikanga Maori

4. First amended statement of claim, 10 September 1997, Wai 262: Record of Proceedings, 1.1(a), para 8.2(a)(ii) and 8.2(b)

and they deliberately maintained elements of tikanga which they knew were highly offensive to Crown policy. An example from 1842 was the determined stance of Taraia Ngakuti, rangatira of Ngati Tama-Te-Ra, whose response to a written insult from a Christian community of Ngai Te Rangi was to attack, kill and eat some of the members of that hapu. He then taunted Christians within his own hapu area by rolling the heads of the deceased into the midst of a prayer service. When challenged by colonial officials and missionaries he admitted the facts, refused to apologise, and pointed out that he had explicitly declined to sign the Treaty of Waitangi. He asserted that a matter involving no Europeans was none of the Crown's business. After an earnest debate in the Legislative Council the government deemed it prudent not to arrest Taraia nor to attempt to punish him in any way. Whilst the Colonial Office later insisted that all of New Zealand was British territory, and that even non-signatories to the Treaty of Waitangi were to be treated as British subjects, the colonial authorities were acutely aware of how little effective power they possessed at that time. Taraia lived until 1872, never accepted Christianity, continued to keep slaves and refused to adapt his beliefs or lifestyle to the changes surrounding him.⁵

More accommodating, but still strongly proclaiming old values, was the Waikato rangatira Ngapora who wrote an outspoken letter to Grey in 1848, translated as follows:

Formerly, O Father the Governor, when we adhered to our Native customs, we had light on this subject; but now this land is mixed up with the customs of Europeans; new thoughts or habits have been imbibed, and darkness has ensued in consequence. ... The slaves of my village will not obey me. When I ask them to work they will not regard me. ... You Europeans have effected this change. ... Formerly our word had some weight, but now it is lost.⁶

At the time of this letter Ngapora was a Christian – baptised as Tamati (Thomas) – an Anglican lay preacher and an assessor to the Resident Magistrate. Clearly he did not consider those positions inconsistent with asserting the mana of chiefs and their authority over slaves. Later, after the land wars, he became a highly influential figure in Kingitanga and a close adviser to King Tawhiao. He changed his name to Manuhiri to reflect his life as an exile and he became a follower of Pai Marire.⁷

5. A Ballara, 'Taraia Ngakuti Te Tumuhua: Ngati Tama-Te-Ra leader', DNZB, vol 1, pp 427–428 [For a discussion of Crown policy in response to inter-tribal warfare in 1842, see D V Williams, 'The Annexation of New Zealand to New South Wales in 1840: What of the Treaty of Waitangi?', *Australian Journal of Law and Society*, vol 2, no 2, 1985, pp 49–54]

6. Ngapora to Grey, Enclosure in Grey to Earl Grey, 3 April 1849, BPP, vol 6, Command paper of July 1849, p 19 [Quoted by Sewell, 10 August 1860, NZPD, 1858–60, p 275]

7. S Oliver, 'Ngapora, Tamati: Waikato leader, lay preacher, assessor, advisor to the Maori King', DNZB, vol 1, pp 309–310

Another response was that of those tohunga and other Maori leaders who sought in various ways to meld the old ways with the new. They hoped to re-vitalise and transform Maori society and also to challenge Pakeha hegemony. An early example of adaptive leadership by a tohunga was the career of Papahurihia, also known as Te Atua Wera, a renowned Nga Puhi tohunga, war leader and prophet. From the early 1830s he led a religious movement identifying Maori as Jews rather than Christians. He invoked the spirit of Nakahi, which is the serpent of the Old Testament, but also resembled the spiritual beings traditionally called on by tohunga – for lizards were known as messengers between the seen and unseen worlds. During the northern wars of 1845 Papahurihia became Hone Heke's war tohunga, the prophetic mouthpiece of Nakahi, a seer, composer of karakia and war chants. In 1856 he was converted to Christianity by Aperahama Taonui, baptised by a Wesleyan missionary and took the Christian name Penetana (penitence). He also served in the 1860s as a warden of Police and a court assessor. Yet, at the same time he held whare wananga to pass on ancient cultural knowledge and he conversed with the dead at meetings held to discuss the war situation in Waikato and Taranaki. When greeting the Governor, Bowen, Papahurihia informed him of the details of his visionary dreams.⁸ It is important to note that at that time renowned tohunga could hold government appointments and could pass on cultural knowledge at whare wananga unimpeded by colonial law. One of those whom Papahurihia taught in his whare wananga was Aperahama (Abraham) Taonui. He had been a very respectable young chief, according to the Wesleyans, and in the 1840s he had attended the Wesleyan Native Institution in Auckland. He served for a time as an assessor in the Native Circuit Court. From the war period in the 1860s he became disillusioned with government policies and drew on his tohunga training to become a prophet, a healer, and a founder of Te Kotahitanga political movement in the 1880s. Some of his prophetic visions and sayings concerning the Treaty of Waitangi are invoked to this day and have also been adopted by the Ratana church.⁹ Another successor to Papahurihia was Hone (John) Toia. Born about 1858 to 1860, he was brought up Anglican, became a leader of a breakaway Wesleyan group, visited Parihaka and was influenced by Te Whiti's teachings. He became known as a matakite and a prophet, a seer who communicated with the spirits of the ancestors. The whistling sounds of the spirits led to his movement being known as Whiowhio, which connects it to the tradition

8. J Binney, 'Papahurihia, Penetana: Nga Puhi tohunga, war leader, prophet' DNZB, vol 1, pp 329–331

9. J Binney, 'Taonui, Aperahama: Nga Puhi leader, prophet, historian, teacher, assessor', DNZB, vol 2, pp 500–502

of the Nakahi meetings led by Papahirihi. Some of these traditions and forms of prayer continue to influence religious expression in the Hokianga to this day.¹⁰

The apocalyptic literature of the Old Testament and the millenarian Book of Revelation in the New Testament provided important sources for a revolutionary eschatology. Maori were proclaimed to be a specially chosen people who at a day close at hand would be redeemed and exalted. This was as invoked by a number of religious leaders, particularly in Taranaki from the 1860s. Te Ua learnt to read and write in Maori whilst a slave in captivity at Kawhia. He was baptised by the Wesleyan missionary Whiteley in the 1830s and named Horopapera (Zerubbabel). Freed from slavery around about 1840, he worked in the Wesleyan mission station at Waimate, Taranaki, for many years. After the Waitara affair in 1860, however, he became a supporter of Kingitanga and discarded his baptismal name – later taking the spiritual name Haumene instead. He founded an organised independent Maori church known as Hauhau, as the spirit of God in the image of wind carried prophecies, and Pai Marire, for the qualities of goodness and peace. The yoke of the Pakeha and missionary error would be cast off in a great day of deliverance announced by the archangels Gabriel and Michael.¹¹ Hauhau militancy in the war period of the 1860s contributed to the tendency of Crown officials for several decades afterwards to condemn all indications of dissent from Crown policy as Hauhauism – irrespective of whether or not there was any link to Te Ua Haumene. Less well known is the fact that he performed a Pai Marire baptism of the second Maori King, Matutaera Potatau Te Wherowhero, and bestowed on him the name Tawhiao in place of his Christian name Matutaera (Methuselah). Tawhiao went on to develop his own Tariao (morning star) version of Pai Marire and to become a great visionary whose prophetic sayings – poropititanga, tongi and whakakitenga – provided a philosophical and ideological vision for the salvation of Maori. His grand-daughter, Te Puea Herangi, ensured the continuance of Pai Marire into modern times.¹² Much less well known again is the fact that Te Ua consecrated as his successors three new prophets – Te Whiti-o-Rongomai, Tohu Kakahi and Taikomako (half-brother of Te Whiti) – who were to become the passive resistance prophets of Parihaka.¹³ The Parihaka prophets also found inspiration in the Book of Revelation and their message is often viewed as a Christian message of non-violence and resistance to oppression. It must be pointed out, however, that Te Whiti

10. A Ballara, 'Toia, Hone Riiwi: Nga Puhi leader, prophet, religious leader, protester', DNZB, vol 2, pp 542–544

11. L. Head, 'Te Ua Haumene: Taranaki leader, prophet, religious founder', DNZB, vol 1, pp 511–513

12. Ibid, p 513 [See also R T Mahuta, 'Tawhiao, Tukaroto Matutaera Potatau Te Wherowhero: Maori King, Waikato leader, prophet', DNZB, vol 2, pp 509–510]

13. Ibid, p513

and Tohu were both identified early in life, well before they were baptised, as leaders who would carry a special spiritual authority in their hapu. Special care was taken to ensure their safety and their elders taught them a vast measure of traditional knowledge. As with the Hokianga prophets, so with the Taranaki prophets, the traditions of tohunga taught in whare wananga were of crucial significance. Te Whiti, baptised as Erueti, was another Maori religious leader who later in life rejected his Christian baptismal name.¹⁴ As will be mentioned below, Te Whiti and Tohu were often identified by settler politicians as particularly undesirable Maori political leaders. Those who opposed the government were often castigated for their 'tohungaism' and the life-long opposition of the Taranaki prophets to Crown actions was often mentioned in parliamentary debates in 1907 as a reason to pass the Tohunga Suppression Bill.

Another focus of attention in the 1907 debates on tohunga was Rua Kenana of Maungapohatu. He was a successor to the religious movement founded by Te Kooti Arikirangi. As with Te Ua Haumene, the war period aspect of the life of Te Kooti is much better known than his religious teachings. The skillful guerrilla fighter later in life, after his amnesty, worked tirelessly to establish a new religious movement that became the Ringatu church – a church that retains a significant following to this day. His baptismal name Te Kooti (Coates) is well known but for the last twenty years of his life as a prophet dedicated to the ways of peace, the law and the gospel he adopted a tribal name from his whanau, Te Turuki. The message of Te Turuki drew inspiration from the prophetic, rather than the apocalyptic, literature of the Old Testament. His journeys, sayings and songs were a search for justice and mercy, for the vindication of Maori as an exiled people blessed by God.¹⁵ Rua Kenana claimed recognition as the successor of Te Turuki. After a number of quests, he was baptised in the waters of the Waipaoa river by a leading Ringatu tohunga, Eria Raukura, and named Hepetipa (Hephzibah) – the one who would make the land fertile again.¹⁶ Not all Ringatu nor all Tuhoe accepted this recognition by the tohunga and a leading Tuhoe rangitira, Kereru, was quick to invoke the Tohunga Suppression Act against Rua shortly after it was enacted. This will be considered further in a later paragraph.

In other parts of the country there were a number of prophetic leaders who played a significant role in the life of their communities. They chose to emphasise various different elements of the imported Christian traditions and literature. Most of them were also deeply steeped in the sacred

14. D Keenan, 'Te Whiti-o-Rongomai III, Erueti: Taranaki leader, prophet', DNZB, vol 2, pp 530–532; A Smith, 'Tohu Kakahi: Te Ati Awa and Taranaki prophet', DNZB, vol 2, pp 541–542

15. J Binney, 'Te Kooti Arikirangi Te Turuki: Rongowhakaata leader, military leader, prophet, religious founder', DNZB, vol 1, pp 462–466

16. J Binney, 'Rua Kenana Hepetipa: Tuhoe prophet', DNZB, vol 3, pp 444–447

and esoteric indigenous cultural knowledge of tohunga that had been passed on to them in *whare wananga*. For example, there was Te Kere Ngatai-e-rua of Te Ati Haunui-a-Paparangi in the upper Whanganui and Rangitikei districts. He was a tohunga of the Paetiuihou movement with a great gift for language and proverbs. His spiritual and healing powers were a crucial aspect of his leadership in the latter part of the nineteenth century.¹⁷ A prophet in the Wairarapa was Paora Te Potangaroa who died in 1881 after erecting an immense *whare whakairo* at Te Ore Ore (near Masterton). Inside the house was a stone that was proclaimed to be a medium of communication with the world of gods and spirits. After a prophetic dream up to 3000 people gathered at Te Ore Ore to attempt to interpret his vision.¹⁸ In northern Hawkes Bay Te Matenga Tamati was widely recognised as a seer, a healer and a spiritual successor to Te Kooti. Using the waters from a healing spring near his home, he was attributed with miraculous insights and cures. Whenever he used traditional herbal remedies he gave a blessing and emphasised the importance of faith in God. His religion of the new moon – Te Hahi o te Kohititanga Marama – consciously promoted a coming age of harmony between Maori and Pakeha in the early years of the twentieth century.¹⁹ In the King Country there was Te Mahuki, who had lived at Parihaka and been arrested. He was physically prevented by the constabulary from returning to Parihaka, so he established a movement known as *Tekau-ma-rua* (the twelve). He took the name Te Manukura to identify himself as a leader, acting in the role of an Old Testament prophet, in order to resist the ways of the Pakeha.²⁰ In chapter 3, the movement of the Ngai Tahu tohunga from Arowhenua, Te Maiharoa, has also been mentioned. The narrative above provides merely a sample of widely acclaimed leaders brought up within the tohunga traditions, or highly influenced by them, who were active in leadership of Maori communities in the nineteenth century.

Politico-religious Maori movements since the first decade of the twentieth century, most notably the movement of Tahupotiki Wiremu Ratana – which has become the highly influential Ratana Church of today – have taken different directions and have usually formally rejected the tohunga traditions. Very few of those who have learned the cultural knowledge of tohunga at *whare wananga* in the twentieth century have been willing to speak of it or to display their knowledge in any forum that might come to the notice of government officials. A rare exception was Te Pairs Tuterangi, a Tuhoē tohunga. He was probably born in the 1840s at

17. D Young, 'Te Kere Ngatai-e-rua: Te Ati Haunui-a-Paparangi tohunga', DNZB, vol 2, pp 517–518

18. A Ballara and K Cairns, 'Te Potangaroa, Paora: Ngati Kahungunu and Rangitane leader, prophet', DNZB, vol 1, p 480

19. B Elsmore, 'Tamati, Te Matenga: Ngati Kahungunu; religious leader, prophet, healer', DNZB, vol 3, pp 496–497

20. C Koroheke, 'Te Mahuki: Ngati Maniapoto and Ngati Kinohaku prophet', DNZB, vol 2, pp 518–519

Maungapohatu and he lived right through to 1954. He was regarded as one of the last links between the old world and the new.²¹ Yet, even someone with the prestige and authority of Te Puea Herangi – at ease in both Pakeha and governmental circles as well as in the Maori world – was most circumspect in spiritual matters. She was unwilling to disclose to all but a few Pakeha the nature of her Pai Marire beliefs and cultural practices, and her conversations with her ancestors. She feared misrepresentation and being accused of ‘tohungaism’ in mainstream Pakeha society.²² Those few Pakeha who were open to learning from Maori cultural knowledge, such as Mother Mary Aubert’s experimentation with herbal remedies and healing techniques, were persuaded to leave off and pursue other interests.²³ All this tends to point to the huge cultural impact of a number of laws restricting and then suppressing tohunga that were passed in the last decade of the nineteenth century and the first decade of the twentieth century.

4.3 Restrictions on Tohunga

There are a number of diverse policy threads which came together to restrict and then legally to suppress tohunga activities. There were concerns to promote modern concepts of health and hygiene, and to encourage Maori to seek proper medical attention. There were concerns to undermine the ‘idleness’ associated with communistic social arrangements. There were fears of independent Maori movements that might, or indeed, did challenge the legitimacy of state structures. There were proponents of amalgamation who thought it important to eradicate any and all distinctive features of Maori society in favour of British civilisation. There was a common law tradition that proscribed witchcraft. There were those concerned to protect the monopoly rights of doctors and pharmacists to attend to and earn fees from the sick. There were adherents of orthodox Christian denominations who wished to discourage the ‘enthusiasms’ associated with millenarian movements, especially if those movements identified Maori with the suffering Jews and identified the New Zealand state with the oppressing pharaohs of Egypt and kings of Babylon. A combination of such ideas, even though some of these positions were not necessarily consistent with each other, eventually provided the political impetus to suppress tohunga by law. In particular, Western-educated

21. P Temara, ‘Te Pairi Tuterangi: Tuhoe leader, tohunga, orator, carver, weaver’, DNZB, vol 3, pp 510–512

22. M King, *Te Puea*, Auckland, Hodder and Stoughton, 1977, pp 170–171

23. J Munro, *The Story of Suzanne Aubert*, Auckland, Auckland University Press/Bridget Williams Books, 1996, pp 188–207 [See also Mason to Cooper, 23 December 1958, CH, 215, 52/1, pt 1, Medicinal and Drug Plants – Maori Medicinals, NA Christchurch]

Maori concerned about health issues did not necessarily agree with the root and branch extermination of all Maori cultural practices and religious customs sought by some settler leaders. But they were united in seeking to suppress the 'charlatans' and 'clairvoyants' who preyed upon the superstitions, as they saw it, of ordinary Maori.

4.3.1 To make them renounce their old customs

One of the issues identified by Carroll when introducing the Tohunga Suppression Bill in 1907 was that 'The effect of these tohungas is to paralyse the industries in which the Natives are engaged.'²⁴ An individualist work ethic could not be advanced if Maori were forever congregating in large numbers at hui to listen to prophets and to seek healing for the sick. It had long been Crown policy to try to undermine communism and to promote individualism in a number of ways. The jurisdiction of the Native Land Court was one such mechanism of immense practical importance (though Land Court hearings themselves were notorious examples of paralysing the industries in which Maori were engaged). Education and exhortation to foster work practices needed to be supported by other measures. For example the runanga of the Hundred of Kohekohe, established as part of Grey's 'new institutions' for the Lower Waikato in 1863, issued regulations including this rule:

That if any person or persons shall maliciously by false reports, or otherwise, induce or cause any other person or persons to leave or neglect his or their work, and thereby cause such latter person or persons expense, trouble, or inconvenience, such person or persons shall for every such offence on conviction thereof by the Resident Magistrate or assessors, pay to such other person or persons respectively, any sum not exceeding 5 shillings, for every day of leaving or neglecting work as aforesaid.²⁵

One might doubt the impact or enforceability of such a regulation in the 1860s, but it does indicate the line of Crown policy.

In the matter of health and hygiene, the establishment of Native schools was seen as an opportunity to educate the wider Maori community as well as their children. Pope's famous tract *Health for the Maori* published in 1884 and translated as *Te Ora Mo Te Maori* in 1886 (with a number of subsequent re-publications in both languages) was mentioned

24. Carroll, 19 July 1907, NZPD, vol 139, p 510

25. 'Regulations of the Hundred of Kohekohe', AJHR, 1863, E-4, p 30

in chapter 1. The book was used as a reading book for children who had passed standard three in Native schools but its main objective was to impress upon the rising generation of Maori truths that were considered to be of high importance to the race as a whole. Pope's advice was expressed in a strongly authoritarian tone. Maori had to learn the truths he was writing about if they were to survive. Maori were unhealthy, he stated, because of poor diet, badly ventilated whare, overcrowding, belief in witchcraft, poor hygiene and sanitation, inadequate clothing, too much liquor and poor water supplies. The negative aspects of Maori life were dealt with in part one of the manual. Part two then put forward a large number of remedies. These included the importance of clean oxygen in fresh air; of drinking clean boiled water (and leaving liquor alone); of choosing sites for residence well away from damp low lying areas; and of eating wholesome food (avoiding rotten corn, too much starchy food and insufficiently cooked meat). Cleanliness, regular washing in hot water, wearing warm clothes and not sitting around in wet clothes were commended. Considerable attention was devoted to undesirable Maori cultural practices that should be abandoned entirely. Tohunga should be avoided altogether. If someone was sick then the proper treatment would be available from a doctor. The hui should be replaced. Instead of hui there should be picnics and meetings for tea. Native Land Court meetings were not good for Maori health either – though Pope had no advice to offer on how one's land entitlements could be protected, given that the Court always insisted on all parties attending and giving evidence in person. He certainly did have advice about the extravagance of Maori in hospitality towards guests. This had to be eliminated so that there was plenty of good food left after visitors departed. It was no longer possible to follow all Maori customs concerning marriage. Tangihanga funeral rites were particularly dangerous and bad. This was so especially if a person had died of an infectious disease. In any case regular work in regular employment was a paramount virtue and idleness attending tangi and other hui should definitely be avoided.²⁶

Pope's manual was highly influential. Beginning in 1891 Te Aute old boys such as Reweti Kohere and Apirana Ngata used it as the basis for their visits to marae campaigning on health and sanitation improvements. In the 1920s Ratana used *Te Ora Mo Te Maori* alongside the Bible and the Treaty of Waitangi at the forefront of his missionary efforts and his determined campaigns to lift tapu and to undermine the power of

26. J H Pope, *Health for the Maori: A Manual for Use in Native Schools*, Wellington, Government Printer, 1884 [Facsimile ed, Christchurch, Kiwi Publishers, c 1997]. See also Pope to Inspector-General, 31 March 1887, 'Education: Native Schools', AJHR, 1887, E-2, p 11 concerning another educational book by Pope: 'The State: the Rudiments of New Zealand Sociology for the Use of Beginners' on topics such as 'wealth, production, money and exchange, and law and liberty: [Much later in time, but in the same vein as Pope's paternalistic exhortations, are some quaint 'Health Letters for use in Maori Schools' prepared by a medical officer in 1933: H, 1, b 125, 194/1, Maori Hygiene – Maori Health General 1928–36, NA Wellington. The letters, in English, were to be copied from the blackboard and then 'posted' by children to parents. The letters complimented some of the healthy old ways of living, encouraged parents not to adopt some of the Pakeha's bad ways, and stressed keeping bodies, clothes and houses scrupulously clean.]

tohunga to invoke atua.²⁷ Government officials, however, were anxious to move beyond exhortation. Bush, Resident Magistrate at Opotiki in 1886 was impressed with the influence of Pope's publication on Maori. Nevertheless, he felt that endeavours to improve the condition of Maori 'will be of little avail until we can find some means to make them renounce their old customs with respect to *tohungas*, *makutu*, and *poropitis* (*ie*, healers of the sick, belief in witchcraft, and prophetic persons of any other description).'²⁸

4.3.2 Early prosecutions

One means of trying to make Maori renounce their old customs was a selective use of the criminal law to convict and punish those whose actions might contravene the common law as embodied in New Zealand statutes. The fact of a conviction and sentence might also serve to undermine the mana of tohunga who had been targeted in this way. Malcolm Voyce has traced some early examples of prosecutions.²⁹ A major difficulty for state authorities in dealing with tohunga was that it was not desired to give credence to claims that tohunga might actually possess supernatural powers or might have privileged access to communication from the spiritual domains. The same difficulty had been faced by the English common law with respect to witchcraft. Thus the 1735 Act dealing with witchcraft paid attention to the claims made by witches, sorcerers, and others and criminalised 'pretending' to exercise supernatural powers. The legislature and courts were anxious not to provide a forum to debate whether such powers actually existed or not. The actual and genuine beliefs of the persons charged (and their followers) were strictly irrelevant to the criminal prosecutions. In New Zealand the common law and statutes of general application, including witchcraft laws, were deemed by the English Laws Act 1858 to have applied to this colony from 14 January 1840 – the date Hobson was sworn in at Sydney as Lieutenant Governor of New South Wales, prior to his departure for the Bay of Islands. In an important law reform initiative of the Liberal Government in the 1890s, all criminal law offences were gathered together and codified into statutes. Relevant sections of the codifications included section 240 of the Criminal Code Act 1893 and section 5 of the Indictable Offences Summary Jurisdiction Act 1894. The former prescribed the punishment for every person 'who pretends to exercise or use any kind of witchcraft,

27. W Renwick, 'Pope, Henry James: Teacher, school inspector, educationalist, writer, DNZB, vol 2, p 395

28. Bush to Lewis, 3 May 1886, 'Reports from Officers in Native Districts', AJHR, 1886, G-1, p 14

29. M Voyce, 'Maori Healers in New Zealand: The Tohunga Suppression Act 1907', *Oceania*, vol 60, no. 2, 1989, pp 99–123

sorcery, enchantment, or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult or crafty science where and in what manner goods and chattels supposed to have been stolen or lost may be found'. The latter was aimed at those 'using any subtle craft, means or device, by palmistry or otherwise, to deceive and impose on any of Her Majesty's subjects'.

Prosecutions of tohunga under these and other laws began to be considered seriously in 1899. *Gazette* and *Kahiti* notices warned tohunga that if they practiced faith healing they would be the subject of attention from police constables. An 1899 circular to all police commanding officers stated:

Complaints have reached the government that native tohunga are increasing in number and that they are disturbing the native mind and becoming assertive, you will please issue instructions to the men under your charge to carefully note what is going on, and if the law is broken, to take effective steps to bring the offenders to justice.³⁰

The problem for police officers was that it was difficult to gather evidence sufficient for a conviction, or to gather any first-hand evidence at all from witnesses reluctant to risk the wrath of their community. Matters often came to the attention of the police when a person died and a coroner issued a report suggesting the involvement of tohunga in attending to the deceased. Whether or not the actions of a tohunga (or a person thought to be a tohunga) were responsible (in terms of legal causation) for the death of a person, who was probably severely ill already when the tohunga was consulted, was not an easy matter. Nevertheless there were prosecutions and there were convictions. In 1900 a stipendiary magistrate in Kaikohe convicted and fined a man, Mapu, of an offence against section 240 of the criminal code upon facts disclosing that a child had died of exposure after being given open air cold dips.³¹ In 1901 at Wairoa a determined campaign by leading members of Ngati Kahungunu led to the conviction and imprisonment of Hoani Poti for false pretences and witchcraft offences. The death in this case of a 17 year old young woman did not relate to any treatment prescribed by the tohunga. Rather he was said to have bewitched her because she refused to marry him. It would seem from the letters written to the government that the majority of people in the area did actually believe the person was a tohunga who had effective powers of makutu. This was not therefore, an instance of a per-

30. Ibid, pp 103, 118 fn 20

31. Ibid, p 104

son putting himself forward and 'pretending' to possess powers. Rather, as had occurred on occasions with the witchcraft laws in Britain and the United States, the law was manipulated to ostracise and then to banish an unpopular person from the community. Poti feared returning to Wairoa after completing his gaol term and sold up his land interests in the area.³² Voyce refers to a number of other prosecutions around the turn of the century where alleged tohunga were charged with murder, manslaughter and failing to provide the necessities of life. There were manslaughter convictions, and prison or monetary sentences imposed, for using cold water treatments on Maori suffering from consumption.³³ The fact is that Western medicine did not know, at that time, of any cure for consumption (pulmonary tuberculosis) and that many Maori died of this wasting disease (at a time when the Maori population was at its lowest point). These were not relevant factors, it seems, as far as the prosecuting authorities were concerned and tohunga were held legally responsible for the deaths.

4.3.3 Maori council powers

In chapter 1, the power of councils established under the Maori Councils Act 1900 to regulate the proceedings of tohunga was referred to. This was the commencement of a Crown policy to deal specifically with the undesirable activities of tohunga in their treatment of diseases, rather than trying to find legal mechanisms in the ordinary law designed for other purposes and applying them to impose sanctions against tohunga. The Native Minister, Carroll, and the activists of the Young Maori Party took a very hard line against tohunga. The diverse and important roles of tohunga as holders of traditional cultural knowledge, as experts in whakapapa, as tellers of oral history, as teachers in whare wananga, and as priests and shamans for the community's well-being were overlooked, and disregarded. They were said to have been important in the past only. The turn of the century tohunga was condemned as a menace to Maori communities. Pomare was the most zealous of the reformers in his condemnations of tohunga. His annual reports as Health Officer to the Maoris constantly repeat his 1901 views that are quoted in full in chapter 1. His outlook was that 'tohungaism is in its death-throes', that 'the strong arm of the law is the only potent medicine that can kill this cancerous malady', that 'a few doses of the lock-up will soon have the desired effect'

32. *Ibid*, pp 104–105

33. *Ibid*, p 105

and that 'the fear of gaol and a few post-mortems will bring them into line quicker than anything I know'.³⁴ Buck (Te Rangihiroa) was not quite such an absolutist. Thus his field notebooks for a visit to Victoria Valley near Kaitaia in 1908 stated that a fair number of tohunga were practising there. He noted that they were not allowing Maori to congregate in big crowds. He also mentioned the fact that a chief's daughter who was sick and had been given up on by Dr Hope then went to a tohunga and was cured.³⁵ That the tohunga were discouraging congregating in big crowds seems likely to have been a response to the suppression legislation of the previous year. Tohunga were not ceasing to perform their functions but they now tried to do so in a manner that was less visible to the state authorities. Nevertheless Buck's 1910 thesis was also highly critical of contemporary tohunga:

The Present-day Tohunga

The so-called tohunga of the present day is a fraud and a quack. He has brought the once-honoured name of 'tohunga' into disgrace. In pre-European days, the tohunga was an absolute necessity but now he has outlived his use. He is a menace to the Maori community. The hereditary lines of tohungas with their rich store of knowledge in all departments of life, accumulated through centuries generations, have come to an end. The present day tohunga is an absolute charlatan who works upon the credulity and superstitions of the people to acquire notoriety and accumulate money.

Having said that, Buck was also critical of the fact that Native Medical Officers and other doctors were few and far between for many Maori:

The more backward Maori districts, where doctors are scarce and sickness prevalent, offered a rich field for unscrupulous men to exploit. In many cases, the patients went to reputed tohungas, because there was no other course open to them whereby they might obtain treatment.

Buck acknowledged that the 'cults' of leaders such as Te Kooti and the faith-healer Wereta grafted the old ideas and forms of exorcism onto the new faith Christianity and that tohunga used patent medicines with herbal remedies and infusions. However he was adamant in seeking to undermine the power of tohunga. This should be done regardless of the success or otherwise of his efforts to persuade the government to increase

34. 'Report of Dr. Pomare, Health Officer to the Maoris', AJHR, 1902, H-31, pp 61–65; AJHR, 1903, H-31, pp 66–71; AJHR, 1904, H-31, p 60; AJHR, 1905, H-31, pp 56–57; AJHR, 1906, H-31, pp 67–68; AJHR, 1907, H-31, pp 52–55

35. Field Notebook, 3 April 1908, micro-MS-599, Buck, Peter Henry (Sir), 1880–1951, ATL Wellington

funding and enable Maori to obtain medical treatment from doctors appointed as Native Medical Officers.³⁶

Not all those elected to leadership in the Maori councils were as convinced as the Young Maori Party activists of the need to deal with *tohunga* as frauds and charlatans. While councils were willing to pass bylaws to ban practices such as cold-water immersions for the sick they were more reluctant to take coercive measures against *tohunga*. Gilbert Mair, as the Superintendent of the Maori Councils, expressed his frustration that a conference of councils held in 1903 failed to reach agreement on how to deal with *tohunga*. He thought that 'Superstitions die hard: therefore I do not think the natives themselves are capable of putting down this serious evil'.³⁷ Nevertheless regulations to license *tohunga* were formulated in 1903 so that councils could exercise their power to regulate the proceedings of *tohunga*. *Tohunga* now needed a licence from a council in order to practice. They could be fined up to £50 for practising without a licence, for interfering with food production, for hindering persons seeking medical attention, and for charging for their services.³⁸ There was debate in Parliament in 1904 on the merits of the licensing regulations. Herries, for the opposition, thought that '*Tohungas* ought to be checked rather than encouraged'. He suggested that 'the practice of licensing them seemed like another dodge on the part of the Councils to get money with which to pay their officials'.³⁹ Carroll, for the government, wanted *tohunga* licensed in order 'to bring them within the mesh of the law'.⁴⁰ Earlier in the same session he had said 'It is recognised that the practising of *tohungas* among the Natives should be discouraged in every possible way, but it must be apparent that the ancient customs of a race which has only recently emerged from a state of barbarism cannot be abolished all at once.'⁴¹

As Mair anticipated, the outcomes from the regulations to license *tohunga* were mixed. Sanitary inspectors' reports in 1906 indicated that different councils were following a number of paths. Tamatea Maori Council in Hawkes Bay was active for a period in cross-examining a number of applicants for licences. Four *tohunga* failed to re-appear when asked to bring samples of their medicines. Nevertheless, two *tohunga* were granted licences subject to two conditions – not to immerse patients in cold water, and not to prevent patients from seeing a European doctor if they wished to do so. Matatua Maori Council, on the other hand, was

36. Te Rangihiroa, 'Medicine Amongst the Maoris, in Ancient and Modern Times', MD thesis, University of New Zealand, 1910, qMS-0295, ATL Wellington, fols 109–111

37. Mair, Report of the Superintendent of the Maori Councils, AIHR, 1903, G-1, p 1

38. Ibid, pp 5–6 [The general conference's recommended bylaw is also set out in Voyce, pp 106–107]

39. Herries, 19 August 1904, NZPD, 1904, vol 129, p 581

40. Carroll, ibid, p 582

41. Carroll, 13 July 1904, NZPD, 1904, vol 128, p 381

not prepared to take any actions at all against tohunga according to their inspector, Elsdon Best. Nearby, the Maketu Maori Council did warn two tohunga to stop practising their craft. It did not prosecute them but threatened to fine them the maximum £50 if they were again found trading on the credulity of people. Raureti Mokonuiarangi as sanitary inspector felt the council was doing a good job although the bylaws were not stringent enough.⁴² The small-scale experiment of the Tamatea council to permit complementary parallel health services was not to last for long.

4.3.4 Tohunga Suppression Bill 1907

In making the point in 1904 that ancient customs 'cannot be abolished all at once' Carroll was no doubt being realistic. Indeed modern studies on the sociology of law would confirm the validity of Carroll's viewpoint. When a new system of law is brought into force, aspects of social action of a mainly instrumental character, such as commercial activities, are significantly influenced by new law. However those aspects of social action involving expressive activities and basic beliefs and institutions will, in the short term at least, change very little despite explicit laws trying to reshape them.⁴³ Such realism was not acceptable to those who wished to press on rapidly with amalgamation policies. In 1905 Herries was again calling for a more stern policy against tohunga. According to him 'there was ample evidence that the practices of these quacks were detrimental not only to the bodily well-being of the Natives, but were also destroying the moral fibre of the Natives with whom they came in contact.'⁴⁴ At that time Carroll had assured the House that, as to tohunga, the government was doing all it could 'in watching and suppressing those people', but at the same time he pointed out that quacks were to be found 'in more civilised communities as well' such as the 'Abode of Love' in London.⁴⁵

Yet, less than two years later Carroll introduced the Tohunga Suppression Bill into Parliament. It would seem that, although there had been little effective work by the Maori councils in curbing tohunga through the licensing regulations, this was not the main reason for the government's change of policy. Rather it was the rising influence of the Urewera messianic prophet, Rua Kenana, that was at the forefront of Crown policy formulation. According to Carroll, the tohunga Rua's influence was such that he had:

42. Sanitary Inspector reports, AJHR, 1906, H-31, p 76 (Matatua Maori Council), p 77 (Maketu Maori Council), p 79 (Tamatea Maori Council) [On Tamatea Maori Council, see also RCA Maaka, 'Why the Tohunga Suppression Act 1907?' in A Talu and M Quanchi, *Messy Entanglements: The Papers of the 10th Pacific History Association Conference* (Tarawa, Kribati), Brisbane, 1995, pp 183–184]

43. Y Dror, 'Law and Social Change' in V Aubert (ed) *Sociology of Law: Selected Readings*, Harmondsworth, Penguin, 1969, pp 96–97

44. Herries, 20 September 1905, NZPD, 1905, vol 135, p 29

45. Carroll, *ibid*, p 41

assumed control over the major portion of these people, and persuaded them to part with their belongings, to sell their stock, to leave their cultivations, to withdraw their children from attendance at school, and to prevent the good effect of all our laws, persuading them that he, constituted as he was, was allied with powers beyond human ken, and would set matters right ultimately.

Normally the government would not interfere with the liberty of the subject, but in the case of tohunga there was too much damage being done to ignore it.⁴⁶ Some members of parliament resorted to hyperbole and invective in support of the Bill. Wilford, MP for Hutt, for example was determined that good work being done by the colony in educating the Maori race should not be undone. 'Tohungas of the Rua type are no good to the country or its people', he proclaimed. 'The tohunga is an excrescence and wants eradicating; his influence is for evil.'⁴⁷ Ngata spoke in more measured terms. He allowed that tohungaism had been understandable in the old days when the tohunga was the sole medium of communication with ancestral gods, and when those chosen were 'mentally superior to their fellow-tribesman':

This Bill does not purport to deal with that class of tohunga, for the very sufficient reason that he no longer exists in New Zealand. This Bill deals with a bastard tohungaism.

Ngata was concerned, however, that the Bill as introduced gave an unlimited power of discretion to the police and to justices of the peace. He was also concerned that there were so few Native Medical Officers to care for Maori:

But in the Urewera, the Bay of Plenty, and up to Cape Runaway, where the Maori population exceeds three thousand five hundred, there is only one man, resident at Opotiki, and he is getting a paltry £75.

Therefore, he pointed out there was

a real grievance on the part of the Maori people in the lack of enthusiasm displayed by successive Governments in the matter of medical attendance on the Maori sick.⁴⁸

All the Maori MPs supported passage of this legislation though there was concern from a number of MPs including Hone Heke, that Maori

46. Carroll, 19 July 1907. NZPD, 1907, vol 139, pp 511–512

47. Wilford, *ibid*, p 518

48. Ngata, *ibid*, p 520

tohunga were being singled out whilst European clairvoyants, thought-readers, and fortune teller were left alone.⁴⁹ On this point, it should be noted that a year later Parliament passed the Quackery Prevention Act 1908 to prevent and punish the practice of quackery. In any case, for most of the European MPs the Bill was primarily about dealing with Rua and political challenges from other Maori renaissance movements. Some of them thought the Bill did not go anywhere near far enough to deter the likes of ‘Te Rua, Te Whiti and Te Kooti’.⁵⁰ Rua, it was said ought to suffer ‘with the most extreme and drastic steps that the laws of this colony will allow’.⁵¹

Ngata’s concerns about granting an unfettered discretion to the police were attended to by the government. The Attorney-General, Findlay, did not want the law to become an ‘instrument of oppression’ so the Bill was amended to provide that the consent of the Native Minister had to be obtained before charges under the Act were formally laid.⁵² At least one member of the Legislative Council, Thomas Kelly, made the point that it was the policies of amalgamation that had led to many of the problems now arising. ‘The law of tapu had been an ordinance within Maori society’, he said, ‘and a great power for good as it was also for evil’:

What did we do when we came among them? We broke down the ancient power of the chiefs and the power of their laws, and we put nothing in their place to regulate ordinary civil procedure. Instead of doing this to make the transition gradual while fitting the Maoris for new conditions of life, we tried to drop the old order of things too suddenly.⁵³

Parliament, however, enacted the Bill as amended. The offence created was racially defined. It was explicitly restricted to the effect of tohunga on Maori communities only, although the offence could be committed both by Maori and non-Maori. Section 2 read:

Every person who gathers Maoris around him by practising on their superstition or credulity, or who misleads or attempts to mislead any Maori by professing or pretending to possess supernatural powers in the treatment or cure of any disease, or in the foretelling of future events, or otherwise ... is liable ...

49. Heke, *ibid*, p 513 [See also the Legislative Council debates: Scotland, 22 August 1907, NZPD, 1907, vol 140, p 376; Rigg, *ibid*, p 377]

50. Herries, 19 July 1907, NZPD, 1907, vol 139, pp 512–513

51. Fraser, *ibid*, p 524

52. Findlay, 22 August 1907, NZPD, 1907, vol 140, p 374

53. Kelly, *ibid*, p 378 [Kelly was a long serving settler politician – Taranaki Provincial Council, 1863–1869, 1874–1876; MHR, 1869–1884; MLC, 1892–1913]

4.3.5 Effects of the Tohunga Suppression Act

The Tohunga Suppression Act 1907 became the Tohunga Suppression Act 1908 (as part of the statutory consolidations of all laws in force that year) and remained on the statute book until repealed in 1962 by the Maori Welfare Act. Because of the paucity of successful prosecutions under the Act it has been said that the law was a dead letter of little practical importance. However, the impact of the criminal law and the criminal justice system cannot be measured only in terms of enforcement statistics. As Aubert has put it:

Extensive deviance from the rules of law is, however, no proof that the law has been without influence. Neither is conformity to rules certain evidence that it has been effective.

In order to understand the influence of a law it is necessary to study the variables which intervene between the promulgation of the law and the behaviour of the public. One of the most important of these is the level of information among the recipients of the legal communication.⁵⁴

It is suggested that in a small-scale society such as New Zealand/Aotearoa, with Maori councils operating even in remote Maori communities, there would have been a high level of information about the significance – if not the details – of a law with such a potent symbolic short title as the Tohunga Suppression Act. The fact that tohunga were not suppressed completely, and they now receive some official recognition as complementary health providers, is not proof that the law has been without influence. The fact that tohunga is a term now comfortably used to describe experts in various aspects of tikanga Maori says something of the resilience of Maori culture but does not mean that decades of the suppression laws had no effect on the transmission of cultural knowledge

A possible example of the indirect influence of the Tohunga Suppression Act is the vigorous steps taken by T W Ratana and his adherents in the 1920s to distance themselves from allegations of tohungaism. Ratana was born at Te Kawau, near Bulls, and brought up in that district. His parents and matua whangai were orthodox Christian adherents of Anglican, Wesleyan and Presbyterian denominations. He was also influenced by a senior woman in his whanau, Mere Rikiriki, who had lived with Te Whiti and Tohu at Parihaka and then later established a church of the Holy Spirit at Parewanui.⁵⁵ Rikiriki was a prophet, faith healer and dispenser of herbal medicines. In 1910 and 1911 she was the subject of po-

54. V Aubert, 'Some Social Functions of Legislation' in Aubert (ed), p 117

55. A Ballara, 'Ratana, Tahupotiki Wiremu: Ngati Apa and Nga Rauru: faith healer, religious founder, political leader', DNZB, vol 3, p 415

lice inquiries with a view to prosecuting her as a tohunga. The report of Detective Siddells in October 1910 noted the large assemblies of Maori, including sick from other districts, who gathered at Parewanui. He spoke to the people there and advised them to discontinue bringing their sick to 'Parawanui'. His report also noted the support the healer received from leading Maori for curing sickness and teaching belief in the gospel. The detective thought 'that outside of constant gathering of a lot of sick persons and the loss and expense to local Maoris, Mere is not doing great harm'. Nevertheless, he was of opinion that Mere Rikiriki had indeed committed a breach of the Tohunga Suppression Act 1908 'by gathering Maoris around her by practicing on their superstition'. His report was sent by the Police to the Native Department to obtain consent for a prosecution.⁵⁶ Following this police report, the Native Under Secretary sought the views of the local Maori council. Taraua Marumarua, chairman of the Kurahaupo Maori Council, was 'decidedly of the opinion' that the tohungaism of the woman 'should be brought to an end.'⁵⁷ Nevertheless, the Under Secretary was reluctant to act. He felt loath to advise the Native Minister to authorise a prosecution 'unless the position can be substantiated' in a further police report.⁵⁸ Consequently, Siddells returned to Parewanui in February 1911. He rather hoped that 'the Maoris are losing confidence in her', but he also reported that 'During Christmas week over 500 Maoris were assembled at Parewanui, keeping up holiday: there is little doubt but that this woman was the Chief source of attraction.' It was also apparent to him that 'Muramura' (Marumarua) did not speak for all members of the Kurahaupo Maori Council as 'most of the members of the Council believe in the woman.' His conclusions were now less emphatic than they had been in his previous report:

The surrounding circumstances connected with alleged tohungaism at Parewanui are very different from those practiced by others that have been prosecuted in this District and in my opinion it is very doubtful whether a conviction could be obtained against her for what she is doing. If a prosecution could be successfully brought against this woman it would do a lot of good and cause the Maoris to disbelieve in her, the question is can her actions be held to amount to 'gathers Maoris around by practising on their credulity.'⁵⁹

In the event there was no prosecution of Rikiriki.

It is probable that Ratana would have been well aware of the police

56. Siddells to Inspectors of Police, Wanganui, 25 October 1910, MA, 1, 10/5072(118), Letter re Tohunga, NA Wellington

57. Marumarua to Carroll, 9 January 1911, *ibid*

58. Fisher to Commissioner of Police, 2 February 1911, *ibid*

59. Siddells to Inspector of Police, Wanganui, 16 February 1911, *ibid*

investigations into tohungaism at Parewanui in 1910 and 1911 and the debates that would have taken place about the Maori council chairman's recommendation to prosecute Rikiriki. In any case, just a year later in 1912 Mere Rikiriki made a number of prophecies concerning Ratana. They are described by McLeod Henderson in these words:

The tradition of the prophets spoke once again when ... Mere Rikiriki, the *tohunga* leader of the Holy Ghost Mission on the banks of the Rangitikei river, summoned her relatives about her and declared that the cloak of the *wairua*, the mantle of the prophets, would pass on to the shoulders of her nephew, a wild moody fellow, the champion ploughman of the district.

The person she indicated was not very well educated in the Pakeha sense, but his Maori *mana* was high and when the conditions were right, Tahupotiki Ratana was the man who would arise from amongst the *morehu* like the prophets of old, to give his people a faith in their future, to unite them so that they could build their world anew.⁶⁰

Her prophecies were fulfilled six years later after visions were seen by Ratana on 8 November 1918. These then led to a mission of healing the sick and preaching to growing numbers of the ordinary people, *nga morehu*, who came to Ratana's home near Turakina. Among the many attacks on Ratana, one of the accusations against him was that he was a *tohunga*. Reweti Kohere conducted a campaign against him in Maori newspapers claiming he was a *tohunga* similar to Rua Kenana, Te Wereta and Hikapuhi.⁶¹ Prior to 1907 such a political campaign by a Young Maori Party leader against an independent Maori renaissance movement would have been just that – a political campaign similar to the attacks on Te Whiti, Tohu and Te Kooti in their later years. The fact of the Tohunga Suppression Act 1908, and the power of the criminal justice system to stigmatise, made it politically imperative that Ratana should put considerable emphasis on the fact that he was against tohungaism. Thus, as noted in chapter 2, Ratana documents not only stressed the positive belief of Faith in God and the Faithful Angels but also they put the denunciation of Maori *tohunga* at the forefront of the Ratana mission.

It is certainly true that Ratana felt called to challenge many of the restrictions of *tapu*. It is also apparent that he was a healer, a seer, a visionary, a prophet. Before his journey to London in 1924 to seek ratification of the Treaty of Waitangi, Ratana and his family visited Taranaki and

60. J McL Henderson, 'The Ratana Movement' in *The Maori and New Zealand Politics*, J G A Pocock (ed), Auckland, Blackwood and Janet Paul, 1965, p 66

61. Ballara, 'Ratana', pp 415–416

Parihaka. Beside a stream on the mountain he heard a voice repeating words of Titokowaru. At Parihaka he encountered sayings left by Te Whiti and Tohu foretelling, as he understood them, that he must take his spiritual message to the wider world.⁶² Among the tens of thousands who joined the Ratana Church were followers of some of the nineteenth century tohunga/prophet leaders such as Aperahama Taonui and Paora Te Potangaroa. In these circumstances, he might have been seen as a tohunga as well as a prophet himself. He was diligent, however, in responding to those who were ill-disposed towards the Ratana movement by trying to undermine his credibility. Native school teachers at Pupuke, Whakarara and Matangirau alleged that the fatalistic effects on sick people, and their unwillingness to seek medical attention, was owing to the pledge they had made recently to Ratana when he visited the district. There were police inquiries as to whether there should be prosecutions for parents failing to provide medical aid to children.⁶³ Te Rangihiroa believed that the Ratana church was undermining the work of the Maori Health Councils and felt impelled 'to visit from time to time our Council members and Village Councils so as to rebut the Ratana propaganda'.⁶⁴ Officials in the Native Department emphatically refused requests from Maori groups, for example from Kohi Hemana of Batley, Otamatea, for free railway travel to go to see Ratana. Te Raumoia Balneavis, Te Aute old boy and private secretary to Native ministers from 1912 to 1940, advised that:

The Native Department has never seen its way to incur the expense of free railway fares for Natives visiting the 'tohunga' Ratana. ... [and] the undertaking of any such liability by the Native Department may be construed as a countenancing by the Department of the tohungaism of Ratana.⁶⁵

In such a political climate it is not surprising that Ratana and his secretaries were active in writing letters to insist that the movement was trying to eradicate tohungaism in order to alleviate the sufferings of mankind.⁶⁶ As to failure to seek medical attention, Ratana wrote to Pomare: 'I have endeavoured to explain to all those who have come to consult me that if a person is unable to hold the faith that the God cures all ills he had better consult a doctor. God is the talisman for all ills and He is before all things.'⁶⁷

62. Ibid, p 416

63. Director of Education to Native Department, 30 August 1921, MA, 1, 1921/334, Letters re Fatalistic Effects of Ratana's Teachings, NA Wellington

64. Te Rangihiroa, 'Maori Hygiene', AJHR, 1926, H-31, p 9

65. Balneavis to Bell, 21 February 1921, MA, 28, 9/22/7, Ratana Movement, NA Wellington [See R J Walker, 'Balneavis, Henare Te Raumoia Huatahi: Ngai Tamanuhiri and Te Whakatohea; interpreter, private secretary, public administrator', DNZB, vol 4, pp 29–30]

66. Toka to Bell, ibid

67. Ratana to Pomare (translation), 26 October 1921, MA, 1, 1921/334, Letters re Fatalistic Effects of Ratana's Teachings, NA Wellington

4.3.6 Direct enforcement of tohunga suppression

The fact that the criminal law was used to stigmatise tohunga was important symbolically and ideologically. It was no longer possible for any healer or religious leader to honour the traditions of tohunga and their whare wananga of the past without running the risk of prosecution. In addition to that the suppression legislation was indeed directly enforced on numerous occasions. The threat of prosecution was no mere idle threat. This fact is at odds with what ministers and officials of the Crown said when the Act was repealed in 1962 following a recommendation of the Hunn Report 1960. The speech notes prepared by Hunn for Hanan in 1962 included these comments:

The Tohunga Suppression Act does not, in fact, suppress tohungas as they are known to exist and to be used in some parts of New Zealand. The Act is, therefore, a dead letter and ought to be cleared away.

Prosecutions under the Act have been few and far between. Only three have been traced on inquiry at Police Headquarters. They were laid in 1955, 1914 and 1910. If there are known to be tohungas and they are not prosecuted, the law is not respected.⁶⁸

It also seems to have been the view of Department of Maori Affairs officials in 1965 that none of these three prosecutions under the Act resulted in a conviction.⁶⁹ Police and Maori Affairs officials were not sufficiently diligent in their inquiries. Research for this report has not revealed any collected statistics on the number police investigations concerning illegal tohunga activities, the total number of police referrals to the Native or Maori Affairs Department seeking assent to a prosecution, the total number of prosecutions and the number of convictions. There were however many more than three prosecutions and there were quite a number of convictions resulting in gaol terms or fines for those convicted. Voyce's search of the archives found six convictions of tohunga and one unsuccessful prosecution in 1957.⁷⁰ The research for this report unearthed the following:

- 1) Detective Siddells successfully prosecuted Puna (aka Himene te Rangimarie) of Meremere in South Taranaki at the Hawera Magistrates Court in September 1910. Ngata as Native Minister had agreed to the prosecution. Puna was fined £10 and £4 9s 6d costs;⁷¹
- 2) Siddells' 1910 report refers in passing to 'Paku and Hera, who were sent to Gaol for Tohungaism, [and] are now completely neglected.'

68. Hunn to Hanan, 29 November 1962, AAMK, 869, 1591c, 19/10/6, Tohungaism 1961–1962, NA Wellington

69. McEwen to 'Auck Herald', 10 May 1965, MA, 1, 19/1/27, Reports on Tohungaism 1932–77

70. Voyce, p 113

71. 'Report of Detective Siddells', 23 September 1910; 'Tohungaism', *The Star* (Hawera), 23 September 1910, p, 1, 1910/1406, Native Woman Puna Charged with Tohungaism 1910, NA Wellington: MA, 1, 10/4915(115), Letter re Tohunga, NA Wellington [In the MA file the Siddells report is incorrectly dated 23 April 1910]

Gaol sentences were not within the jurisdiction of Maori councils so those two gaol sentences must have been for convictions under the 1907 or 1908 Act (There are, however, no files on Paku or Hera to determine whether these were two separate cases or one prosecution of two defendants);

- 3) Siddells was also responsible for the inquiry into Mere Rikiriki and his report in that case (quoted above) mentioned 'others that have been prosecuted in this District';
- 4) the conviction on 7 November 1910 of Epiha, 'a half-caste practising as a tohunga at Matauri Bay' and ordered to pay costs of £11 2s 6d;⁷²
- 5) the prosecution of Te Whare Wehi in September 1912, after protests and petitions to the government from Ngati Kahungunu individuals and the Kahungunu Maori Council, resulted in Te Whare being convicted and fined £10 plus £33 9s 6d costs;⁷³
- 6) the conviction of Retete Te Poe in 1912 after a death in the Bay of Islands, with a fine of £15 and costs of £5 3s 6d;⁷⁴
- 7) the conviction of a Pakeha, Nurse Mary Ann Hill of Grey Lynn, in 1914 for practising on the credulity of Maori resulted in a six months gaol sentence;⁷⁵
- 8) the conviction in 1918 of Rangi Wiri Richmond of Mangahania near Tokomaru Bay for invoking supernatural powers to cure Maori - fined £15 plus costs;⁷⁶
- 9) the conviction of Matonu in 1919 for practising as a tohunga at Te Reinga with an order to pay £17 18s 3d costs;⁷⁷ and
- 10) the unsuccessful prosecution in 1955 of faith healers Kahupake Douglas and Peter Mathews for gatherings at a house in Otahuhu.⁷⁸

The fact that there are no files at all recording the prosecution, conviction and gaoling of Paku and Hera prior to 1910, nor any reference to them in the Police register of letters, leaves open the probability that there were other unrecorded convictions under the Tohunga Suppression Act. There were also an unknown number of instances of 'known tohunga' being kept under police observation in the hope that sufficient evidence could be obtained to justify a prosecution.⁷⁹ What is clear is that tohunga of all sorts were stigmatised by the legislation. They were no longer free to carry on with their accustomed cultural practices without fear of Police inquiries and the possibility of prosecution.

The above list of prosecutions might suggest that, apart from the singular (and unsuccessful) prosecution of two people in 1955, the Tohunga

72. 'Tohunga. Epiha of Waikato', MA, 1, 14/2442(164), NA Wellington [Also reference in AAAJ, acc, W2791, 2/1/29, Tohunga Suppression 1910-61, NA Wellington]

73. 'Tohunga Te Whare of Waikato', MA, 1, 11/541(125), NA Wellington

74. 'Tohunga. Retete Te Poe', MA, 1, 12/1372(134), NA Wellington

75. See AAAJ, acc, W2791, 2/1/29, Tohunga Suppression 1910-61, NA Wellington

76. No file, but listed in Police register of letters, 1918/1924, NA Wellington

77. No file, but listed in Police register of letters, 1919/218, NA Wellington

78. Ropiha to Corbett, 6 September 1955, MA, 1, 19/1/27; Police to Corbett, AAAJ, acc, W2791, 2/1/29, Tohunga Suppression 1910-61, NA Wellington

79. For example, Hingaawaka Tupara of Wairoa, MA, 1, 1917/55 (188), Letter re Tohunga, NA Wellington

Suppression Act was sporadically enforced for about a dozen years or so and then forgotten about. This is not true. Prior to 1907 there were some instances of tohunga being prosecuted and, as mentioned in chapter 4, of Maori councils asking for the prosecution of other tohunga. Native school teachers were encouraged by a circular memorandum in 1909 'as a rule to treat the Tohunga question with a very light hand. The aim should be to overcome the difficulty as a whole, in time, by means of steady, patient, well-directed effort towards the general enlightenment of the people.' Only a 'flagrant case' should be reported.⁸⁰ There were nevertheless occasions when Native school teachers did make reports. It was a complaint from a teacher that that led to the conviction of Epiha in 1910. Other teacher complaints became the subject of detailed police inquiries though not prosecutions. Examples include a complaint by a Te Kaha teacher in 1909, a complaint about tohungaism relating to the death of a pupil at Pampurua Native School, Kaitaia in 1920, the complaints against Ratana and his followers in 1921 mentioned above, and complaints in 1932 on the prevalence of tohungaism among the Maori of Waingaro district by the head teacher of Ohautira Native school. Members of the public could make complaints as well. In 1932 Ngata decided there was no point in prosecuting a tohunga from Owairaka after inquiry into a complaint from a Te Kuiti resident. Police attempted to gather evidence against a tohunga at Tikitiki in 1941 and could find people who disliked the man but none who were willing to run the risk of publicly giving evidence against him. A complaint in 1948 about a tohunga practising at Okauia marae in the Waikato was investigated but did not proceed to a prosecution as the tohunga was merely practising the 'Pae [sic] Marire faith'. In 1949 a Welfare Officer at Wairoa was required to investigate the nature of a religious movement of some 200 to 300 people led by Tutekohi Rangi whose lengthy meetings were causing adherents to neglect their employment.⁸¹

The impression gained from a perusal of the files on tohunga suppression is that the few prosecutions represent only the tip of an iceberg in relation to the impact of the suppression laws. Throughout the period the Act was in force school teachers, doctors, coroners, nurses, police constables, Maori councils and ordinary citizens could and did initiate investigations of healers and religious leaders whose activities attracted attention. To avoid the unwelcome attention of the authorities a tohunga would have been well advised to operate covertly. They would also hope

80. 'Circular Memorandum for Teachers of Native Schools', 20 August 1909, E, acc, W2536, box 1, Circulars to Native Schools, vol 2, 1908–16, NA Wellington [emphasis in original]

81. See, eg, MA, 1, 1907/27, Letter re Tohunga; MA, 1, 1908/536, Letter re Tohunga; MA, 1, 1909/312(82), Letter re Tohunga; MA, 1, 1920/528, Letter re Tohunga; and other correspondence in AAAJ, acc, W2791, 2/1/29, Tohunga Suppression 1910–61 and in MA, 1, 19/1/27, Reports on Tohungaism 1932–77, NA Wellington

that no one they had contact with fell sick and then died in such a way as to raise concerns in official quarters. Whilst tohunga were thus forced underground, officials were free to abuse tohunga without risk of criticism. For example, a District Health Officer could write in official reports that 'the Native race is a menace to the wellbeing of the Europeans' and that 'Tohungas should be suppressed'. In his opinion firm action was required because 'There is no use talking about the Public Health Act with these people.'⁸²

In view of the information given to Parliament in 1962 that the suppression legislation had long been a dead letter, it is surprising to ascertain that just 13 years earlier Parliament had added to the criminal law a new means by which tohunga might be suppressed. In the last year of the first Labour government, section 14 of the Maori Purposes Act 1949 stipulated that any breach of the Tohunga Suppression Act by a Maori could in future be dealt with as a breach of Tribal Committee bylaws. Tribal Committees, established under the Maori Social and Economic Advancement Act 1945, were empowered to impose a fine not exceeding £20 for such breaches. Fraser, Prime Minister and Minister of Maori Affairs, introduced this measure to the House. The Leader of the Legislative Council, Wilson, noted that those pretending to use supernatural powers to cure the sick already committed an offence under the 1908 Act 'but it seems desirable to enable tribal committees to inquire into and punish such offences owing to the difficulty usually encountered by the police in obtaining evidence, which from its very nature is more readily obtainable by Maoris.'⁸³ This enactment was the subject of a lengthy editorial in the *Otago Daily Times*. It was criticised as 'rotten law' applied specifically to a minority population group 'and that is not only unconstitutional, but offensive to the spirit of the Treaty of Waitangi and the Charter of Human Rights'. The editor suggested that 'at the relevant periods in history, Jesus, Mahomet, and Gautama Buddha would all have been deemed "liable to a fine not exceeding £20" for practising on the credulities and superstitions of their fellow men.' The editor referred to the 'grotesque and distorted' teachings of Te Ua's 'Pai Marire cult', and Te Kooti's 'Ringa-tu professions'. The faith of Ratana was described as a 'cult' that had not 'altogether discarded superstition'. Yet the cure for the 'maladjustment' of Maori should be found in 'constructive, but not in repressive legislation'. A file note by the Maori Affairs Under Secretary, Ropiha, strongly defended the legislation against this attack:

82. Makgill to Fisher, 21 January 1911 and 31 January 1911, MA, 21/20, Medical General 1906–1919, NA Wellington

83. Wilson, 21 October 1949, NZPD, 1949, vol 288, p 3045

The writer knows nothing of tohungaism and its attendant evils. The greatest evil in the present day practice of tohungaism is drink and immorality, wasting of family benefits on the meetings. The clause in the Act was designed to give those on the spot – Tribal Committees – [power] to act with authority.⁸⁴

This 1949 legislation remained in force until 1962 and was designed to permit a summary form of justice in order to suppress tohunga as an alternative to the cumbersome procedures of the 1908 Act requiring detailed police inquiries, Native Department consideration and Native Minister consent to prosecution. The research for this report has not revealed how, if at all, the many Tribal Committees around the country exercised their enhanced powers under the 1949 legislation. Ropiha obviously thought there was a significant problem in 1949 and it was he who recommended the prosecution under the 1908 Act in 1955. It would be surprising if there were no examples of committees exercising this power to fine, and further research into tribal committee records would be of interest.

4.3.7 Non-enforcement against Rua Kenana

It was suggested earlier that a major preoccupation of members of Parliament debating the Tohunga Suppression Bill in 1907 was to find a means of dealing with Rua Kenana and his community at Maungapohatu. Pomare, as Health Officer, reported to the House of Representatives in the same year:

The Rua craze has been taken up by the Hauhau section of our population. His influence has been productive of indolence, mistrust of the pakeha, the stopping of children from going to school, the stopping of cultivation, huddling in camps, the enticing of Natives to desert their homes, the selling of their goods in order to get money for their 'prophet' – in fact, the utter disorganisation of all things pertaining to a well-regulated kainga.⁸⁵

As would be expected, those opposed to Rua within Tuhoe promptly laid a complaint before the government as soon as the Bill was passed into law. A letter from Kereru, Akuhata and Te Pouwhare of Ruatoki in December 1907 indicated that Ngata had informed them of the new law and

84. 'Healers and Prophets', *Otago Daily Times*, 22 October 1949 noted by Under Secretary 29 November 1949, MA, 1, 19/1/27, Reports on Tohungaism 1932–77 [This 'forthright editorial' was later quoted from with approval by Hanan when he moved the Bill to repeal the Tohunga Suppression Act: Hanan, 13 December 1962, NZPD, 1962, vol 333, p 3358]

85. 'Report of Dr. Pomare, Health Officer to the Maoris', AJHR, 1907, H-31, p 55

that 'Parliament has handed over the authority to the Native Minister'. They therefore wrote to Carroll alleging that Rua was 'transgressing the law, and leading the people into misfortune, the works of madness, works of evil and works of falsehood'. Their main concerns were about the religious ideas that Rua was promoting, but also that Rua's works were 'the cause of the deaths', that the schools 'have been trampled upon' and that 'Collecting money is the ultimate end of all his works'.⁸⁶ These very generalised allegations would have had to be cast into detailed evidence in order to sustain a successful prosecution, but the police were never instructed to carry out the necessary inquiries. Rather it was the licensing laws that were used to harass Rua. Rua proclaimed on his flag – a Union Jack embossed with the words 'Kotahi Te Ture Mo Nga Iwi E Rua, Maungapohatu' – that the same law should apply to both peoples, and he opposed the racial discrimination in the licensing laws banning any off-licence consumption of liquor by Maori. So it was the enforcement of court orders relating to those laws, rather than allegations of tohungaism, that were manipulated with a view to breaking up the Maungapohatu commune between 1911 and 1916.⁸⁷

Te Kooti had died in 1893. Tohu died on 4 February 1907 and Te Whiti on 18 November 1907. None of the leaders of independent Maori political and religious movements attacked by parliamentarians in the 1907 debates were ever the subject of a prosecution. Rua was indeed the subject of a police investigation in 1906 because he was 'suspected of acting as a Tohunga'.⁸⁸ As just mentioned, however, he was not prosecuted after the passage of the suppression legislation. Later on, Ratana was politically attacked as a tohunga but he was not prosecuted either. The purported primary reason given for enacting the law was ignored altogether in subsequent official practice. Rather, the attention of law enforcement authorities was focused on local healers and herbalists – often women – rather than the high profile leaders of prophetic movements.

4.4 Maori Support For Tohunga

Detective Siddells had hoped and expected that the prosecution and conviction of tohunga would discredit them and undermine their influence. In fact, however, the response of some Maori communities was to lobby actively for due recognition of those tohunga who had been prosecuted

86. Kereru and others to Carroll, 13 December 1907, MA, 23/9, Rua the Prophet Papers, NA Wellington

87. J Binney and others, *Mihaia*, Wellington, Oxford University Press, 1979, pp 81–82

88. *Ibid*, p 74

or threatened with prosecution. Thus on 23 September 1910, while Siddells was writing his report on the conviction of Puna (Himene te Rangimarie) and the *Hawera Star* was publishing a detailed account of the trial held the previous day, a hui was being held at Meremere Pa. The outcome of this hui was a letter to the Native Minister, Carroll, in support of the convicted woman. The letter was signed by Tupatea Haumatao, Whakahihi, Ngahoota Ramapiupiu and 97 others. Having greeted the legislators for both races, Maori and Pakeha, the petitioners applied to the minister to issue a Certificate enabling Himene te Rangimarie 'to practise as a Nurse for our invalids under the instruction of qualified medical men.' In support of this application the petitioners assured the minister that Himene te Rangimarie was most assiduous in the tending of invalids and that she strictly carried out the instructions of the various doctors. They also appealed to Carroll by mentioning that she 'strenuously urges members of our community to turn against the practice and principles of Tohu and Te Whiti and to substitute therefore the Gospel of Christianity', that she 'most strongly advocates the suppression of grog drinking and Cigarette smoking' and that she 'makes no demands for payment for her services.'⁸⁹ If the provisions for regulating tohunga, in force from 1903 to 1907, had continued in force then the Maori council might have licensed her. The Native Under Secretary in reply stated 'that the Native Minister has no power to issue a certificate as asked for and that if she wishes to act as a qualified nurse, she will have to pass the necessary examination.'⁹⁰

In this brusque manner the opportunity for complementary health care provision by the Patea doctors and the Meremere Pa tohunga was rejected outright. The evidence for the defence to the Magistrates Court given by Dr Simmons of Patea was that Puna had always carried out any instructions given by him for the benefit of patients. He said that her influence on Maori was beneficial. Defence counsel accepted that the defendant claimed to possess a power to cure under the directions of the spirits of her dead relations. The Magistrate saw no objection to her nursing the sick provided she disclaimed the powers she said she already possessed. Himene te Rangimarie did not resile from her claims after being sentenced. She informed the court that she still possessed the power but she intended to abandon the mana and to continue to watch over the sick.⁹¹ Unfortunately, in 1910, recognition for the caring and healing work of a tohunga, as a complement to the work of doctors, was not a situation the legal system and Crown policy was prepared to countenance. Moreo-

89. Tupatea Haumatao and others to Carroll, 23 September 1910, MA, 1, 10/4915(115), Letter re Tohunga, NA Wellington

90. Fisher to Grace, 21 October 1910, *ibid*

91. 'Tohungaism', *Star* (Hawera), 23 September 1910, *ibid*: P, 1, 1910/1406, Native Woman Puna Charged with Tohungaism 1910, NA Wellington

ver, although the Magistrate might have perceived no objections to Puna nursing the sick the Native Department certainly did.

One of the major difficulties for Crown policy, and a reason for moving from regulation of tohunga to suppression, was that Maori councils in most districts were severely split in their approaches to tohunga. This was apparent at the General Conference of delegates from the Maori councils in 1908. In briefing Carroll prior to the opening of the conference, the Superintendent of the councils wrote:

Tohungas. The Tohunga Suppression Act has been sent out to the various Councils. It appears to have had good effect, but there are still complaints. Some prominent Members of Councils are themselves encouraging Tohungas, mainly on the ground of their being persons skilled in herb remedies. One Chairman actually issued a license [sic] under his old by-laws since the passing of the Suppression Act, but withdrew it immediately I pointed out to him that he was wrong. Another Chairman came to Wellington to ask why a Maori skilled in herbs and drugs should not be allowed to practice the same as a Chemist. He, to strengthen his argument, instanced the instantaneous cure of certain pains by the application of some drug a so-called Tohunga had given him. From his description, I should say that he was using some form of morphia. I referred him to Dr Pomare, but he wouldn't consult the Dr on the score that professional jealousy would bias the latter's opinion. I mention these cases as I presume you will touch on the Tohunga question at the opening of the Conference, and may not have heard what is going on.⁹²

At the conference many delegates did express their desire to have the work of tohunga stopped, but others wanted to revive the power of councils to license persons. In the event, no consensus was achieved and no resolutions were passed by the conference regarding tohunga.

An important local instance of the varying Maori responses to Crown policy, even amongst those serving on councils created by the government, arose in the Wairarapa between 1906 and 1909. The saga also highlights blurred governmental responsibilities as between the health authorities, the police, the Native Department and the Maori Councils. Hikapuhi Poihipi was a Ngati Pikiiao tohunga who came to prominence about 1905 as a healer and a promoter of Three Star Brandy as a medicine. She was said to be a follower of the tohunga Te Wereta of Mangatu

92. Hackworth to Carroll, 13 July 1908, MA, acc. W1369, 1b, box 22, Maori Councils Correspondence 1907–17, NA Wellington

and she toured a number of districts. She acquired a considerable following in the Wairarapa, especially at Te Ore Ore and Papawai. In 1906 Pomare attempted to stop her work because it was encouraging drunkenness: 'We prosecuted several of Hikapuhi's followers for supplying liquor to Maori women, but I think the matter should be attacked at the fountain-head.'⁹³ This prompted a petition to Carroll from Hoani Te Rangitaka-i-waho and 30 others at Papawai to complain about the reports by officials such as Pomare to the government and the subsequent actions of the Greytown police. The petitioners insisted that they were thankful for the nursing care of Hikapuhi, which was done from aroha, and they were scared of the doctors, the chemists and the bills they would have to pay to see them. They asked the minister to give a licence to Hikapuhi and her nurses for their protection.⁹⁴ No licence was issued. The next year, when the Tohunga Suppression Bill was being debated in Parliament, the MHR for Napier, Fraser, specifically attacked Hikapuhi. Indeed he claimed that her influence was even more demoralising than that of Rua Kenana.⁹⁵ After the Act was passed the chairman of the Rongokako Maori Council, Taiawhio Te Tau, implored Carroll to 'give Rongokako some mana within its boundaries only – the mana which the minister holds.' He wished to have the power to stop the 'brandy traffic' (mahi parani) by preventing tohunga from other districts coming into Rongokaho to make a traffic in 'waipiro' (spirits).⁹⁶ The Tohunga Suppression Act was not amended, of course, to give greater power to Maori councils. However a succession of officials descended upon the villages hosting hui for Hikapuhi and her nurses, especially at Te Ore Ore. The police could find no evidence of licensing law breaches, but thought the pa conditions were most unsanitary. Pomare, on the other hand, thought the pa conditions were not unsanitary and the problem was the size of the crowds congregating there. He thought the district Maori council should exercise its existing powers to disperse the crowds. The difficulty for the chairman of the council was that many of his council members were secretly or even openly supporting the tohunga. Ngata in a minute urged a prosecution under the Tohunga Suppression Act. After all this buck-passing the outcome, following the consistent advice of his Under Secretary Fisher, was Carroll's decision that 'no action' was required.⁹⁷

These events put an influential local kaumatua such as H P Tunuiarangi in a very difficult position. He had long disapproved of travelling tohunga from other districts coming to Wairarapa and 'putting

93. 'Report of Dr. Pomare, Health Officer to the Maoris', AJHR, 1907, H-31, p 55; A Ballara, 'Hikapuhi: Ngati Pikiao tohunga', DNZB, vol 3, p 219

94. Rangitakaiwaho and others to Carroll, 20 August 1906, MA, 1, 1908/373 (66), Letter re Tohunga, NA Wellington

95. Ballara, 'Hikapuhi', p 219

96. Taiawhio te Tau to Carroll, 5 August 1908, MA, 1, 1908/373 (66), Letter re Tohunga, NA Wellington, fols 1 and 5

97. Ibid, fols 4 and 5; Memoranda on 'Hikapuhi's meeting at Te Ore Ore', MA, 1, 1908/373 (66), Letter re Tohunga, NA Wellington

down the power of the European doctor in this part'. In 1898 he had unsuccessfully sought power to stop Haimona Te Patete of Nelson from carrying out this sort of work. In 1900 he wrote to the Premier about the 'disquietude that has befallen us the hapus living at the mouth of the Wairarapa' and 'the death of a young chief' caused by a tohunga Tipihau 'from the Ngapuhi District'. He was commended by the Native Minister for being strong in opposing 'the evil work of the tohungas' but, for lack of sufficient evidence resulting from the police inquiry, no proceedings were taken against Tipihau.⁹⁸ In 1907 he too was concerned about liquor consumption, quarrels and deaths associated with Hikapuhi's visits and the irresponsible actions of some of her followers. However the Rongokako Maori Council held a meeting at which the majority cleared Hikapuhi herself of any wrongdoing. At that point Tunuiarangi was blamed by the council chairman for failing to support him.⁹⁹ All this tends to highlight the difficulty of attempting to use repressive criminal law sanctions, such as the Tohunga Suppression Act, to deal with issues that had much to do with the inaccessibility of medical treatment for poor Maori communities. There were also unresolved questions of mana as between tribal leadership in the districts and the central government. Above all, a loosely worded statute supposedly intended to suppress all forms of 'tohungaism' necessarily imposed immense stress on Maori leaders. Some of them were seeking to adjust to the modern Pakeha dominated world and to improve the health conditions of their people, yet they wished also not to avoid demeaning the cultural knowledge systems of tikanga Maori that traditionally had been preserved and passed on by tohunga.

4.5 Modern Acceptance of Tohunga

The legislative measure in 1949 to renew efforts towards the suppression of tohunga had been forgotten about, it seems, by the 1960s. Even before the suppression laws were repealed, at a conference in Marton in 1960, a paper on poor Maori health by Dr Rina Moore noted the reluctance of Maori in rural areas to invite doctors or nurses into their sub-standard dwellings. Moore explained that for many, Maori illnesses arise from an interference or breach of tapu and was critical of the government for the tohunga suppression laws:

⁹⁸ Tunuiarangi to Seddon, 26 April 1898, J, 1, 1898/453 (507), Letter re Tohunga; Tunuiarangi to Seddon, 24 November 1900, J, 1, 1901/84 (540/2), Letter re Tohunga in Wairarapa, NA Wellington

⁹⁹ Taiawhio te Tau, to Carroll, 5 August 1908, DB, doc 86, fol 5; Ballara, 'Hikapuhi', p 219

A very large section of the Maori people believe that their illness should be managed by the local Tohunga. It is unfortunate that Tohungaism has been made illegal, because the only way to deal with this sort of thing, is for the local doctors to work in with the Tohunga.¹⁰⁰

This plea was not immediately actioned in Crown policy. The suppression laws were repealed in 1962 but concerns about 'tohungaism' did not evaporate immediately. Tirakatene, the first Ratana MP in 1932 and still in the House thirty years later spoke in parliamentary debates in 1962 and 1963. He voiced some disquiet. He stated that at the time the suppression law was passed 'there was a definite need for such legislation'. It was the right thing to do: 'After all, we could not follow the old culture and at the same time live as Europeans'. He also urged the Minister of Maori Affairs to keep an eye on the situation once the Act was repealed because 'Tohungaism in certain forms was causing great concern to various Church people.'¹⁰¹

By the 1980s, however, Maori MPs were of a different opinion and began to push for a change in government policy. Gregory introduced a Maori Affairs Amendment Bill in 1982 as a private members bill. It sought to provide for the documentation of traditional Maori medicines and remedies and to ensure protection of any compilation of traditional medicinal knowledge from exploitation. In support of this bill Gregory urged the Department of Maori Affairs to protect and encourage Maori culture:

There is no doubt that there has been a good deal of misunderstanding based on the inaccurate conception of the tohunga in Maori society, and that that contributed to the neglect of traditional Maori medicines and remedies.

Whetu Tirakatene-Sullivan, MP and daughter of Eruera Tirakatene, supported the Bill as 'an attempt to retrieve an almost forgotten aspect of Maoritanga'. Labour colleagues such as Bassett supported the initiative as 'the Bill reflects the growing concern among Maoris and pakehas to preserve both the traditions and the knowledge of indigenous people in New Zealand'. The government of the day, however, relied on its one vote majority in the House to have the Bill struck off the Order Paper. Couch, Minister of Maori Affairs, thought the Bill unnecessary: 'A law is not needed for the documentation of traditional Maori medicines.' He also

100. R Moore, 'Maori Health in 1960', 11 November 1960, MA, acc, W2490, 36/3/3, Review of Maori Health Working Party Briefs 1960, NA Wellington, fol 4

101. Tirakatene, 13 December 1962, NZPD, 1962, vol 333, p 3539; Tirakatene, 20 August 1963, NZPD, 1963, vol 336, p 1293

questioned why it was sought to protect Maori remedies only when New Zealand 'is home to many races, all of which have their own racial remedies.'¹⁰²

Later in the 1980s Crown agencies began to adopt some Maori definitions of health care in formulating policy on delivery of health services to Maori. Thus in 1985 it was stated that Hospital Boards were becoming more sensitive to Maori cultural values. Examples given included this comment:

The whenua (placenta) and diseased body parts are now made available for families, and the importance of local Tohunga, traditional healers, and Minita Maori (Maori Ministers of Religion) is clearly recognised.¹⁰³

One might hazard a guess that the author of this sentence had little understanding of what was being stated. It seems more than a little strange to write of whenua together with 'diseased body parts' being made available for families. The cultural issues associated with the placement of whenua are quite distinct and very different from cultural concerns about the manner in which hospitals had been accustomed to dispose of diseased body parts after surgery or a post-mortem. Nevertheless, here was an official recognition of the importance of tohunga in particular and Maori cultural practices in general.

In the previous year a Maori health planning workshop, Te Hui Whakaoranga, had recommended the desirability, inter alia, of recognition for spiritual well-being and of support for marae-based health initiatives and whanau centres to promote health. The Ministry of Health now reported the establishment of a standing Committee on Maori Health and an interdivisional Committee on Maori Health to coordinate policy and initiatives. A priority programme called Oranga Maori noted once again the gaps that needed to be closed to achieve spiritual, mental, family and physical well-being for Maori:

The programme recognises the holistic philosophy of health embraced by Maori and many other people in Aotearoa and the stance of Tu Tangata promoted by the Department of Maori Affairs.¹⁰⁴

Also in 1985 Dr Gregory spoke in Parliament about the Waiora programme bringing together many Maori organisations for the promotion of Maori health.¹⁰⁵ In 1987 the Board of Health and Ngati Raukawa held

102. Gregory, 6 May 1982, NZPD, 1982, vol 444, p 869; Tirakatene-Sullivan, *ibid*, p 873; Bassett, *ibid*, p 875; Couch, *ibid*, pp 870–871

103. 'Report of the Department of Health for the year ended 31 March 1985', AJHR, 1984–85, E-10, p 8

104. *Ibid*, pp 5, 9–10

105. Gregory, 7 March 1985, NZPD, 1985, vol 461, p 3494

a Maori health hui at Otaki which embraced the then government policy of moving towards devolution of governmental services and resources to iwi. The hui also recommended greater recognition of the Maori concept of holistic health.¹⁰⁶

In the 1990s iwi devolution policies were reversed but there continued to be a few hints in Crown policy of greater affirmation for the role of tohunga and receptivity to the use of rongoa Maori. Some research was funded by the Health Research Council of New Zealand, including a 1994 pilot survey on the practice of Maori medicine in the Bay of Islands carried out by a pharmacist, Maryanne Baker. Respondents in the survey stressed that wairua is an essential part of the use of rongoa and prayer an important element of treatment. Some 34 medicinal preparations, mostly derived from plants, were identified as having been used during the two year period prior to the survey. Mate Maori was spoken of as illness from intangible causes, for example breaking a tapu and was treated traditionally with ancient or Christian karakia and water. There was specific comment on tohunga suppression:

Maori medicine was driven underground by the Tohunga Suppression Act of 1907 and Ms Baker believes current practice is significantly different from earlier methods. Older respondents said words like rongoa and healers weren't used in the old days, and words like tohunga and karakia have changed their meaning.

The survey noted that patients find it hard to tell GPs that they take Maori medicine and there are difficulties of interaction for those using both forms of treatment. Baker urged users of Maori medicine and groups of traditional healers like Nga Ringawhakahaere to discuss how interactions can work best for all people.¹⁰⁷

The debate on appropriate uses of rongoa Maori and appropriate modern roles for tohunga has been widened by the contributions of high profile Maori medical experts such as Professor Mason Durie and Dr David Tipene-Leach.¹⁰⁸ The direction of Crown policy has now turned to the extent that in June 1999 the Ministry of Health published *Standards for Traditional Maori Healing*.¹⁰⁹ This English language publication lays down a 'Standard of Practice for Tohunga Puna Ora' to ensure that the assessments by tohunga are relevant to the needs of mauui (those who are ill), to enable appropriate referrals from tohunga operating in the Whare Oranga services to other service providers and to keep good

106. Dunne, 13 October 1987, NZPD, 1987, vol 483, p 558

107. J Rankine, 'Maori healing practices', *G P Weekly*, 12 October 1994, pp 23–24

108. See, eg, M Durie, *Whaiora: Maori Health Development*, Auckland, Oxford University Press, 1994; D Tipene-Leach, 'Maori Medicines', *New Zealand Pharmacy*, vol 18, no 8, pp 26–28

109. Ministry of Health, *Standards for Traditional Maori Healing*, Wellington, 1999

mauiui records. The Standards set out mauiui rights and responsibilities, protection of rongoa within the framework of the Medicines Act 1981, and standards for rongoa. The section on standards for rongoa stipulates that Tohunga Puna Ora need to ensure that rongoa is identified and collected according to tikanga and is not gathered from polluted areas. A footnote reference on tikanga states:

Tikanga encompasses amongst other things karakia, tapu rahui, rangatiratanga, kotahitanga, wairuatanga, manaakitanga.¹¹⁰

The Ministry of Health document then set out rules on the 'Application of the Medicines Act 1981 to the Preparation, Dispensing and Labelling of Rongoa', and an appendix 'The Application of the Code of Good Manufacturing Practice for the Manufacture and Distribution of Therapeutic Goods to the Preparation of Rongoa'. Without impugning the motivations of those responsible for the publication of these standards, there must be a question as to the appropriateness of a Ministry, whose predecessors campaigned so vigorously for so many decades to suppress tohunga, now imposing standards on tohunga including a definition of what is encompassed by tikanga. It seems odd, to say the least, that a government ministry standard should explicitly stipulate that tohunga must uphold rangatiratanga when they go about the identification and collection of rongoa.

In seeking to formalise the relationships between tohunga and other health professionals, the Ministry of Health has ignored the cautionary advice contained in a research report by S Rolleston for the same ministry in 1988–89. That report referred to the tohunga suppression laws and then made these comments:

Continuation of Tohungaism

It was not until 1963 that the Act was repealed. However, from comments heard and discussions held during the course of the project, it is clear that a form of tohungaism has operated continuously throughout the intervening period, albeit in an underground manner. In many of the more isolated pockets of Maori settlement especially, tohunga have always received training and practised their skills. Maori communities have been aware of how to contact tohunga and utilise their knowledge despite the attitudes of officialdom.

These are only some of the points that background the tohunga and the work that is done today.

[214]

110. Ibid, p 4

The Tohunga Today

In the course of this project contact was made with a number of tohunga engaged in healing and the prevention of illness. Some of them were interviewed and observed in their work. Some of those observations and the results of those discussions are recorded, and gives some idea of the work done by the modern tohunga and some of the difficulties and problems that they face.

A Tohunga Register: Rejection of the Idea

(1) One of the ideas discussed in the planning stages of this project was the possibility of locating and identifying tohunga and placing their names on a national register. It was hoped that with this register it would be possible to form links with western health practitioners and to better inform the public as to where tohunga can be contacted. The idea was first explored with kaumatua and with tohunga and then abandoned for a number of reasons.

Some tohunga were happy to be identified but of those spoken to during the research for this project most rejected the idea outright. There were a variety of reasons for the rejection.

(2) Becoming Known

Most tohunga are already well known amongst their own tribal groups and some enjoy a nationwide reputation. For Maori people, it is not too difficult to learn who the tohunga are and how to make contact if their services are required. Most tohunga are happy to use this informal oral method of becoming known. Self-promotion, as a register would imply, was not considered appropriate and there was discomfort with the idea of dealing with an unknown clientele.

(3) Place of Koha

No tohunga contacted would consider charging a fee for their services, although people who visited them were always conversant with the principle of koha (reciprocity by way of gift). Commodification of their skill was seen as similar to self-promotion, demeaning and to do so was to risk losing that skill altogether.

(4) Knowledge from a Particular Locality

In many cases the tohunga has received training in a particular geographical location using herbs and methods peculiar to just that area. A register that was circulated throughout the country would be pointless for those tohunga who acknowledged that there are many cures for the one ailment, and different knowledge would be needed in different en-

vironments. Often, tohunga have a number of fields of expertise, and these have been learned tribally and regionally too and again that expertise could be inappropriate in other areas. Some kinds of knowledge such as whakapapa (genealogy) and history are often of special significance to a tribe and is retained strictly within the group.

(5) Other Experts

Some people are viewed by others as 'tohunga' but do not view themselves as such. Their skills have been acquired in an informal manner and they do not wish to be identified along with tohunga that they see as being very special. However much others may consider that they are tohunga they do not wish to be part of a register.

Negative Attitudes Towards Tohunga

The cause for most reluctance to be named in a register lies in the awareness that negative attitudes toward tohunga and their work remain and these attitudes are a long way from being dispelled in the minds of the bulk of society. Tohunga are still sometimes referred to in a denigratory manner, as 'witch doctors' and their work is described as 'black magic'. Tohunga are painfully aware of the move exemplified by the 1907 Tohunga Suppression Act, to outlaw tohungaism. Many are aware of the amount of existing literature that is aimed at discrediting their work. Despite the increase in the incidence of tohunga practising in conjunction with western health care programmes, most tohunga prefer to work with a Maori clientele and operate from within a familiar environment.

With the resurgence of interest in traditional forms of knowledge and the widening acceptance that the tohunga has much to offer in modern health care, the time may come when tohunga will feel comfortable with allowing their names to be placed on a register system. However, it appears that there are still attitudinal barriers to overcome before that solution will occur.¹¹¹

Rolleston's advice was that tohunga are a potential source of care and advice for many Maori, but that they ought not to have their activities constrained by government regulation. Yet it seems that after decades of suppressing tohunga earlier in the century, the Ministry of Health now wishes to co-opt the cultural knowledge of tohunga to work within the regulatory structures of the state. It will be interesting to discover in the future whether tohunga continue on in their own autonomous way in

111. S Rolleston, *He Kohikohinga: A Maori Health Knowledge Base*, Wellington, Ministry of Health, undated, pp 21–22

respect of their use of rongoa, as they must have done over the years when suppression laws were in place.

4.6 Preservation of Ancient Knowledge

Amalgamation, assimilation and integration policies tended to denigrate and undermine the language and content of traditional cultural knowledge systems. Instead of there being a coherent and intensive transmission of cultural knowledge from one generation to the next in the setting of whare wananga – with whatever evolution of ideas and adaptation of concepts seemed appropriate to the current custodians of sacred wisdom – there was a struggle for survival. Oral history of which I am aware indicates that many knowledgeable kaumatua of the past ceased even to attempt the struggle to ensure the transmission of cultural knowledge. In the world as it had become they could not see that their knowledge would be treasured and respected if they did seek to pass it on. So their knowledge was lost when their bodies went to the urupa.

Much of this report has detailed the indifference, apathy or active challenges of Crown policy to the transmission of tikanga Maori as a living culture. Yet there was an element of Crown policy that did seek the preservation of ancient knowledge in scholarly literature and the storage of ancient artifacts in museums. The Young Maori Party leadership played a significant role in pressing for and implementing Crown policies of recording and preserving knowledge of the olden days. Legislation was passed to protect antiquities and to sustain the work of museums and of arts and crafts institutes.

An early example of government funded interest in the preservation of Maori art was a project of the Colonial Museum in 1895. The museum arranged for Augustus Hamilton to produce a standard work to be 'illustrated by photographs of carvings and other articles, which are now becoming very rare, and a permanent record of which should be preserved.'¹¹² This work was published in parts from 1896 to 1900 as *The Art and Workmanship of the Maori Race in New Zealand*. The publication was hailed by the New Zealand Institute and Colonial Museum as a very important event. The book covered canoes, dwellings, weapons, dress and decoration and other aspects of the social life of Maori. Its impor-

112. 'New Zealand Institute: Twenty-seventh Annual Report', AJHR, 1895, H-27, p 1

tance was because of the need 'to preserve for future reference the intellectual and artistic achievements of the Maori race before they are lost'.¹¹³

The Maori Antiquities Act 1901 was enacted by Parliament because the government did not want New Zealanders in the future to have to travel to European museums in order to study Maori art and artifacts and native flora. There needed to be institutions to keep Maori relics safe in New Zealand, therefore, and this Act stipulated that no antiquity could be exported without first being offered to the government for safe-keeping in this country. The definition of antiquities in section 2 included 'Maori relics, articles manufactured with ancient Maori tools and according to Maori methods, and all other articles or things of historical or scientific value or interest and relating to New Zealand, but does not include any private collection not intended for sale, nor botanical or mineral collections or specimens.' It was recognised by MPs supporting the legislation that it was too little, too late as huge numbers of the best specimens of Maori art were already overseas in the public museums of London, Vienna and elsewhere, and in the private collections of wealthy Europeans. It was recognised from the outset that preservation of taonga in museums was not consistent with tikanga Maori and in connection with this the parliamentary debates contained strong denunciations of Maori culture:

I know that in many instances Maori curiosities and antiquities have been destroyed by fire; and from my own experience, I know that the Maoris very often refuse to sell works of Maori art because of the historical associations connected with them, or because they were *tapu*. That being the case, I consider that the neglect of preserving Maori antiquities in the past lies largely on the Maoris themselves, or rather, to their religious ceremonies, their tribal wars, and migratory character.¹¹⁴

Physical taonga could be stored in museums but unwritten knowledge of traditional history contained in whakapapa, karakia, incantations and waiata could only be preserved and published if it were written down first. In 1892 the Polynesian Society was founded by Percy Smith and Edward Tregear who began publication of the *Journal of the Polynesian Society*. A foundation member was Elsdon Best. The society was formed largely in response to the widespread belief that the Maori were a dying race and its members, almost all of whom were Pakeha with a penchant for ethnological studies, hoped to preserve, interpret and speculate about the traditional knowledge of the Maori before the race disappeared.¹¹⁵

113. 'New Zealand Institute: Twenty-ninth Annual Report', AJHR, 1897, H-27, p 1; R K Dell, 'Hamilton, Augustus: Ethnologist, biologist, museum director', DNZB, vol 2, p 190

114. Kelly, 11 October 1901, NZPD, 1901, vol 119, p 349

115. G M Byrnes, 'Smith, Stephenson Percy: Surveyor, public servant, ethnologist, writer', DNZB, vol 2, p 470

The passing of the Antiquities Act 1901 aroused much interest in the preservation of Maori relics. Therefore, when Sir James Hector retired in 1903, the government sought to give more emphasis to the work of preservation for Maori material by appointing Hamilton to the position as director of the Colonial (later Dominion) Museum. The only person of Maori descent directly assisting Hamilton was Henry Stowell (also known as Hare Hongi). As a teenager he had spent more than a year at Waitaha village, near Ahipara, absorbing Maori lore from the tohunga Nga Kuku Mumu. The tohunga had forbidden Stowell to write down what he was told since it was sacred knowledge. Nevertheless Stowell did write it down and in later years he believed he had a duty to correct what he considered erroneous views of Maori history advanced by Smith and others. He wrote many articles in the *Journal of the Polynesian Society* and in newspapers between 1893 and 1923.¹¹⁶

Parata, MP for Southern Maori was not at all enthusiastic about the work of some of the museum ethnologists. In a 1903 debate on approving £400 of government funds for a compilation of Maori history he said 'there was no doubt that much of the genealogy contained in this publication had been manufactured. Many of the Natives had already protested against this useless expenditure, because the work when completed would be valueless on account of its inaccuracy.' The response of the Minister of Justice, McGowan, was to say that 'the Maori history material received from Mr Stowell [sic] was submitted to such competent authorities as Mr Percy Smith, Mr Hamilton and Mr Best for careful examination.'¹¹⁷ It is worth noting the assumption of the minister that the Pakeha ethnologists were more competent and more authoritative in the matter of Maori history and genealogy than a Maori who had attended a whare wananga to obtain his information. In 1904 the Museum published Smith's *Wars of the Northern against the Southern tribes of New Zealand in the nineteenth century* (and republished it in an enlarged edition in 1910).¹¹⁸

Far and away the most prolific of the ethnographers who recorded ancient Maori lore was the farm worker, soldier and sawmiller, Elsdon Best. At the foundation of the Polynesian society, Best had thrown his energies into the society by securing new members. He also began interviewing elders of Ngati Toa, Ngati Awa, Te Ati Awa, Ngati Raukawa, Ngati Ira and Ngati Kahungunu and then writing contributions for the society's *Journal*. About that time the government moved to survey a road through

116. P J Gibbons, 'Stowell, Henry Matthew: Nga Puhi interpreter, genealogist', DNZB, vol 3, p 492

117. Parata, 8 September 1903, NZPD, 1903, vol 125, p 382; McGowan, *ibid*, p 382

118. Byrnes, p 471

the Urewera district without the prior consent of the hapu of Tuhoe. The isolation of the Urewera from contact with Pakeha can be exaggerated. Tuhoe had been in contact with Pakeha society for many decades, their territory had been the scene of many encounters during the colonial war period between the forces of the 'whakarau' – the political exiles led by Te Kooti, – and the combined operations of colonial militia and kupapa forces. The scorched earth policy of those chasing Te Kooti had caused a massive disruption of Tuhoe life. Many Tuhoe were by now adherents of the Ringatu church which was highly influenced by Old Testament theology. Nevertheless, Smith, who was the Surveyor-General, persuaded the government that Best should be sent to the Urewera as a mediator to smooth the way for the surveyors and, whilst there, he could be employed to gather rare information about pre-European Maori society. Smith's view was that Best's appointment afforded the civilised world a last opportunity to learn about Maori in the days of yore. Thus from 1895 Best became 'New Zealand's first professional ethnographer, combining these duties with those of paymaster and storeman.'¹¹⁹ Then from 1904 to 1910, Best was based at Ruatoki and employed as a Maori council sanitary inspector (with, as noted earlier, an income much higher than that of the Maori men who were appointed inspectors elsewhere). It was during this time that the material later published as *Tuhoe: The Children of the Mist* was collected. In 1910, after intense lobbying by Smith, Tregear, Buck and others, Hamilton appointed Best as a 'temporary clerical assistant' – a 'temporary' job he was to retain from 1910 until his death in 1931.¹²⁰

Ngata was one of those who strongly advocated government support for the collection work carried out by the ethnographers and then the publication of their materials. For example in 1906 in his first year in the House of Representatives, he asked the Native Minister to make provision for phonographic records of Maori songs in danger of being irretrievably lost.¹²¹ Carroll said he would consider the matter, but many years passed before this plea came to fruition. In 1919 Ngata was again asking for the government to preserve Maori songs. He wanted proper sound and recording equipment to be supplied to officers of the Dominion Museum for securing suitable records of Maori songs, incantations, and dances. J Hine, Minister of Internal Affairs for a brief period, replied that 'the Government were fully alive to preserving historical records and obtaining films of the characteristics of the Maori people.'¹²² Eventually, though an opposition MP, Ngata was highly influential in persuading Coates, the

119. J Sissons, 'Best, Elsdon: Farm worker, soldier, sawmiller, health inspector, ethnographer, writer', DNZB, vol 2, p 39

120. Dell, p 190, Sissons, p 30

121. Ngata, date, NZPD, 1906, vol 137, pp 491–492

122. Ngata and Hine, date, NZPD, 1919, vol 185, p 1349

Native Minister at the time, to pass legislation establishing a Board of Maori Ethnological Research in 1923 (later to become, as a result of further Ngata initiatives, the Maori Purposes Fund Board in 1934).¹²³ These boards administered funds accumulated from unclaimed dividends and rents accruing from Maori land administered by Crown boards and agencies. They provided the government with a non-taxpayer mechanism to fund Maori projects that the government wished to carry out. One of the early outcomes of the publishing programme initiated by the Board of Maori Ethnological Research after its establishment was the publication of Ngata's own annotated collection of waiata as *Nga Moteatea*.¹²⁴

Meanwhile, though Best had been at work in the Dominion Museum since 1910, very little of his enormous collection of ethnographic material was published by the museum for a long time. Best's correspondence with the Museum indicates that he spent a considerable time traveling around recording the cultural knowledge of old men of various tribes. It seems that very few of his informants were kuia, so much of their cultural knowledge was not recorded. Often he was asking his director for sums of money to be advanced to him so that he could, at his discretion, offer a koha to his informants. The officials of the Department of Internal Affairs wrote a number of file notes to authorise these payments without Best being required to meet bureaucratic rules on the production of receipts for his monetary presents.¹²⁵ He also prepared typescripts on numerous topics to be published in museum bulletins, but only the bulletin on stone implements had been published by 1914. Then the exigencies of wartime saw cutbacks on non-essential expenditure.¹²⁶ After the Great War there was a lobby by a number of prominent Maori to press for publication of Best's manuscripts. Thus in 1920, Ngata asked the Minister of Internal Affairs why Best's manuscripts were not being published. Anderson in reply explained that there was a shortage of the paper required but they would be printed as soon as possible.¹²⁷ The Native Minister also received a letter in 1920 from three of the Maori MPs – Pomare, Ngata and Tau Henare (who had succeeded Te Rangihiroa as MP for Northern Maori in 1912). They urged a contribution from the Native Civil List towards publication of Best's bulletin. This material 'we are assured is of great value and importance and shows the result of many years of patient research'. They went on to suggest that 'without making it a condition of such grant, we are prepared to appeal to our own people to raise the sum of £1000'.¹²⁸

123. M P K Sorrenson, 'Ngata, Apirana Turupa: Ngati Porou leader, land reformer, politician, scholar, DNZB, vol 3, p 361

124. Ibid

125. Hamilton to Bell, 13 June 1913; Thomson to Bell, 19 February 1914; Best to Thomson, 24 April 1914, IA, 1, 113/3, Dominion Museum Bulletins of the Maori – General File, NA Wellington

126. Thomson to Bell, 20 May 1914; Hislop to Bell, 26 January 1915, ibid

127. Ngata and Anderson, 28 July 1920, NZPD, 1920, vol 186, p 760

128. Pomare and others to Anderson, 21 October 1920, IA, 1, 113/3, Dominion Museum Bulletins of the Maori – General File, NA Wellington

In the end it was indirectly secured Maori funding, through the Board of Maori Ethnological Research – which included Best, Ngata and Te Rangihiroa as appointees – that ensured that the manuscripts saw the light of day as publications after 1924.¹²⁹ The first of those publications in 1924 contained some remarks on *tohunga*. At a time when ill-defined suppression laws were being enforced, they were more balanced observations than most comments on the subject:

The term *tohunga*, as understood by the average European resident, denotes a shamanistic humbug; but the word simply means an expert or adept, and not necessarily in sacerdotal matters. Thus a *tohunga matatuhi* is a seer, but a *tohunga whaihanga* is a carpenter or canoe-maker, and a *tohunga ta moko* a tattooing-artist. The higher class of priests were *tohunga ahurewa* and *tohunga tuahu*. Other terms were *tohunga puri* and *tohunga kiato*; while *tohunga makutu* and *ruanuku* denoted a wizard – dealer in black magic. The title of *pouwhiro* was applied in some parts to a high-class priest, and that of *horomata* to one of the third grade. Those engaged in learning the higher type of oral traditions, and in acquiring sacerdotal lore, were known as *pia*, *taura*, and *tauira* at different stages of their progress. These *tohunga* of the highest class did not indulge in shamanistic jugglery or black magic. Thaumaturgic performances were the province of the *tohunga kehua* (a charlatan, an empiric and impostor).

The upper orders of *tohunga* were the conservers of all superior versions of tribal lore, and transmitted such knowledge orally down succeeding generations. Youths of superior intelligence and memorizing-power were selected to be trained as *tohunga*. The teaching of matters pertaining to religion, cosmogony, the origin of man, &c, was an extremely *tapu* business, and such men as these *tohunga* remained *tapu* for life.¹³⁰

An assessment of Best's work is beyond the scope of this report. Suffice it to mention Sisson's comments that 'the evolutionary and racial assumptions that informed his theorising detract seriously from their ethnological value' and that his reconstructions of pre-European Maori society 'based as they were on oral tradition and imagination, have also been increasingly questioned by archaeologists.'¹³¹ Despite their limitations, Best's many museum bulletins, Polynesian society publications and books are a unique source of information about Maori cultural knowl-

129. Sissons, p 40

130. Best, *The Maori As He Was: A brief account of Maori life as it was in pre-European days*, Wellington, Dominion Museum, 1924, pp 79–80

131. Sissons, p 40

edge. Johannes Anderson recorded how Best (known to Maori as Peehi) was gathering ancient lore from an old blind man who remembered an old folk tale:

He told me the tale; there was a period of silence, as there often is when each is busy with his thoughts, when the old man exclaimed: 'E Peehi! You are making me remember things that your Pakeha fellows have been forty years trying to make me forget.' It was true, these folk tales and other memories of the past were frowned on as the abettors of superstition, till the Maori found it was better to say nothing at all about the old days which nevertheless kept their corner in the recesses of his consciousness.¹³²

It needs to be said that these comments from the un-named old man highlight the huge barriers to an appropriate transmission of Maori cultural knowledge. Some of the problems are directly attributable to Crown policies. The path of progress towards amalgamation of Maori into British civilisation had stigmatised and driven underground once treasured knowledge. It came to be dismissed as superstition. The information Best received was not delivered in the context of *whare wananga*. There could be no testing or authentication of the folklore by the usual processes internal to an indigenous culture. Instead Best sat alone around camp fires with his informants and wrote their stories down. He collected information from various sources, usually without attribution or acknowledgement of the source. So even the tribal origin of tales cannot necessarily be gleaned and the identity of the informants are often unknowable. What we have was Best's versions of stories, myths, legends and it was under his name that they were eventually published. On the other hand, for example, the knowledge of the Ngati Kahungunu *tohunga* Moihi Te Matorohanga was recorded in writing at a *whare wananga* near Papawai in 1865 by Hoani Te Whatahoro Jury. Te Matorohanga probably died in the same year. In 1899 the government policy put forward by Carroll to collect the tales of the ancestors led to tribal discussion as to what to do with the transcribed material held by Te Whatahoro. This led to a number of *hui* over several years before a tribal committee. The committee had the manuscripts read out aloud and decided whether or not to approve them as authentic. Finally, in 1910 these books as approved by the Tane-nui-a-rangi committee were sent to the Dominion Museum for publica-

132. J.C. Anderson, *The Maori Tohunga*, New Plymouth, 1948, pp 5–6

tion. They were not published. Rather, Elsdon Best made his own notes from the books and did not ensure the preservation of the original material. Consequently, only a few fragments of the original books remain for posterity.¹³³ Thus the cultural knowledge of a tohunga, written down with his (reluctant) consent at a specially convened *whare wananga* and then approved for publication a generation later after exhaustive discussions in tribal committees, failed to be published. What was published were the writings of Best, culled in his own idiosyncratic manner from many sources without the specific authentication or even consent of the hapu whose cultural knowledge had been recorded by him. Because there are so few other sources now available Best's works are of inestimable value. They were welcomed by some Maori when they were published.¹³⁴ Many questions remain, however, and it is not possible to answer them. How much more classical cultural knowledge might have been passed down either orally or in written form at *whare wananga* if many decades of amalgamation policies had not been so pervasive in their impact on Maori societies? How much more knowledge might have been kept in the corner of the consciousness of old men if the government had not been so determined to root out 'superstitions'? How much classical cultural knowledge of Maori women was overlooked by the male Pakeha ethnographers employed by the government? How much more classical cultural knowledge would have been passed on to contemporary tohunga if their role had not been subverted and denigrated for many decades by the government's suppression laws?

A great deal more could be written about Crown policies on museums, Crown actions or inactions in respect of the preservation of Maori written records of cultural knowledge, and the work of other ethnologists. The taonga in many museums today are a testimony to the fact that not all Maori cultural treasures were denigrated and discarded, even in eras in the past when the superiority of British civilisation and modern notions of evolutionary progress were thought to be axiomatic. The focus of this report, however, has been on Crown policies affecting the ability of Maori people to retain and transmit their own cultural knowledge in their own way. An assessment of the work of museums as a resource for Maori cultural knowledge requires a much more focused and detailed scrutiny of the available historical material than has been possible for this report.

133. D R Simmons, 'Te Matorohanga, Moihī: Ngāti Kahungunu tohunga, historian', DNZB, vol 2, pp 519–520

134. See, for example, Te Tauri to Best, 3 June 1926, ms-papers-0072-06, Elsdon Best Collection, Inward Correspondence, Talbot Worgan, 1880–1926, ATL Wellington

4.7 Arts and Crafts Institute

Another policy initiative proposed by Coates in the 1920s, again with Ngata as a close adviser, resulted in the Maori Arts and Crafts Act 1926. This was enacted to encourage the dissemination of knowledge of Maori arts and crafts and to establish an inter-tribal carving school in Rotorua. One MP who waxed eloquent in the debate on the 1926 Bill was Henry Holland who thought the Bill should have been passed decades earlier in order that Maori relics and arts could have been preserved for Maori and the State:

We owe it not only to the great Maori race, but to our own race as well, to see that a knowledge of the customs and modes of living of the Maoris are not lost either in our day or to future generations.¹³⁵

The material gathered in work on this research commission has not given the Rotorua arts and craft centre the attention it perhaps deserves. This was a Crown initiative that did recognise the need to promote Maori arts and crafts as an expression of a living culture. Ngata's desire to develop inter-tribal cooperation in the transmission of cultural knowledge pertinent to carving skills is also an important topic. Further research on this issue would need to unravel the threads of the possibly diverging aspects of Crown policy. On the one hand there has been the active promotion of Maori arts and crafts but at the same time the Institute at Rotorua has been required to serve the government's economic objectives in promoting tourism. These objectives may be mutually compatible, but this will not necessarily be the case.

When tourism promotion activities become exploitation of an indigenous culture rather than active protection of that culture is a difficult and important question. There was an open difference of opinion on this matter when the Rotorua Maori Arts and Crafts Institute Bill 1963 was debated in Parliament. The functions of the institute included to encourage, foster and promote all types of Maori culture and the appreciation of Maori arts and crafts; to train Maori in arts and crafts; to provide exhibitions of Maori arts and crafts in and around Rotorua; to arrange exhibitions of Maori arts and crafts and tours of performers demonstrating Maori arts and crafts and aspects of Maori culture; to develop and maintain areas in Rotorua district as tourist attractions; to foster and maintain public interest in Maori culture and Maori arts and crafts; and to assist in the preservation of Maori culture and Maori arts and crafts. The powers

135. HE Holland, 3 September 1926, NZPD, 1926, vol 211, pp 253 and 284 [There were two MHRs named Henry Holland at the time. The speaker was the member for Buller.]

granted to the Institute included: to formulate policy for the preservation and furtherance of Maori culture and Maori arts and crafts; to make grants to people training in Maori arts and crafts; to commission works of Maori arts and crafts; to exhibit work; to advise and assist organisations engaged in activities relating to Maori culture and arts and crafts; and to confer diplomas on any person training in Maori arts and crafts or culture. Omana, MP for Eastern Maori which included Rotorua, supported the Bill because Maori were 'fast losing our customs' and this institute would help to retain them.¹³⁶

However it is perhaps a telling point that the Act was to be administered by the government's Tourist and Publicity Department. Certainly, another Maori MP, Tirakatene, expressed concerns that the Bill was about the exploitation of Maori culture rather than the preservation of it. He also objected to the omission of representatives from Maori organisations such as the Maori Women's Welfare League from membership of the Institute Board.¹³⁷

Tirakatene would have been well aware that the League had been active in lobbying the government on arts and crafts training issues for some years. Its 1957 annual conference had called on the government to train teachers for Maori arts and crafts. This request was rejected by the Department of Maori Affairs. An official noted:

I do not think it is the Government's responsibility to train teachers for Maori arts and crafts. If the people are interested in preserving this part of their culture they will see that the younger generation are taught.

The Minister of Maori Affairs in replying to the League therefore washed the government's hands of any responsibility in this area. He pointed out that 'the Maori Social and Economic Advancement Act gives as a function of Tribal Executives and Committees the preservation, revival and teaching of Maori arts and crafts.'¹³⁸ Such a response was consistent with the Crown policy on integration that was prevalent in the 1950s and 1960s. As noted earlier, the Hunn Report in 1960 was quite explicit in asserting that the future of Maori language, arts and crafts, and marae customs were a matter for Maori themselves and in the final analysis were entirely a matter of individual choice. This continued to be the policy propounded by Hanan as Minister of Maori Affairs in 1967:

136. Omana, 9 October 1963, NZPD, 1963, vol 337, p 2327

137. Tirakatene, *ibid*, p 2324 [On the non-inclusion of the League on the Board there was an internal debate in 1964 between Hanan, who supported the League, and Eyre (Minister of Tourism) who refused to amend the Act. The League did not agree to its relegation to membership of an advisory sub-committee, which was all Eyre was prepared to offer: MA, acc, W2459, 19/1/532, pt 1, box 187, Maori Arts and Crafts Institute 1963-65, NA Wellington.]

138. Glengarry to Ngata; Corbett to Szaszy, 1957, MA, acc, W2459, 19/1/531, pt 1, box 185, Arts and Crafts - Preservation and Teaching 1944-61, NA Wellington

You ask who is going to do the preserving [of Maori culture and language] and, of course there is no easy answer to that question. . . . Essentially it will be the Maori people themselves who retain, or adapt, what they can of their culture.¹³⁹

Given that this was the general government policy in the 1950s and 1960s, it seems reasonable to assume that Tirakatene was right in thinking that tourism in Rotorua was the primary focus of the Arts and Crafts Institute legislation. On the other hand, the government did display a reluctance to encourage a mass production of Maori objects for the tourism market and sought the advice of John Taiapa, a Ngati Porou master carver, in replying to inquiries from the Canadian Trade Commission on this subject in 1962.¹⁴⁰

4.8 Tangihanga

The focus of this report has been on Maori language and Maori cultural practices that may have been severely and adversely affected either by the implementation of Crown policies or, alternatively by Crown unwillingness to undertake protective measures to support Maori cultural knowledge systems. There are some Maori cultural practices that continue to this day to be of utmost importance, in spite of governmental policies in the past. An obvious example is the range of cultural practices that are associated with bereavement and mourning for the dead. The forms of tangihanga, or (more commonly) the tangi, have no doubt evolved and adapted to accommodate health and hygiene concerns. Religious customs in tangi have been modified in numerous ways to reflect the diversity of religious belief systems that have influenced Maori communities. Yet the importance of tangi as a Maori cultural practice cannot be denied. Moreover the various different tribal traditions and religious customs in determining the local pattern of cultural practices for mourning and farewelling the dead are also a feature of modern tangihanga. The marae (and very often the home area tribal marae) as the preferred location for tangi remains an obvious fact even though urban relocation has been a feature of the life of most Maori for a couple of generations or more. Nevertheless, it has to be said that the strength of the commitment to

139. Hanan to Wright, 8 November 1967, MA acc, W2459, 19/1/531, pt 2, box 186, Arts and Crafts: Preservation and Teaching 1962–70, NA Wellington

140. Hanan to Hunn, 4 April 1962; Newman to Hanan, 26 July 1962; Hamilton District Officer to Head Office, 7 June 1962, MA, acc, W2459, 19/1/531, pt 2, box 186, Arts and Crafts: Preservation and Teaching 1962–70, NA Wellington

tangihanga cultural practices has been maintained in spite of Crown policies in the past.

Crown policies of amalgamation and assimilation, and the deliberate attempt to undermine all aspects of communalism in Maori culture, could not and did not overlook the undesirability of Maori gathering in large numbers to farewell their dead. From the very earliest period of colonial rule the hope was entertained that all superstitions and savage customs would be abandoned in favour of British civilisation. Thus a Commissioner of Native Reserves in 1842 indicated the government's pleasure that Maori were no longer burying their dead within the confines of a pa and 'their funerals are now conducted with great decency, and present an appearance which would not disgrace a better community.'¹⁴¹ The comment may disclose an ignorance of Maori practices but a definite hope that civilisation would have a major impact on the conduct of funerals. The political reports of the resident magistrates appointed under the Ordinance of 1846 contain many references to the hopes of the magistrates that Maori customs and habits would be a thing of the past, so that Maori would conform to the customs of the Europeans.¹⁴² Of course, as mentioned earlier, Pope's health manual first published in 1884 was emphatic that Maori funeral rites were dangerous and bad, especially if a person died from an infectious disease. Around the turn of the century the Department of Public Health hoped to improve the sanitation in Maori communities in a number of ways. Among the suggested means of this end were relegating animals to separate quarters apart from human sleeping areas, constructing watertight yet well-ventilated whare, and arranging for the proper disposal of night soil. To this list Pope added the need for 'The abolition of the tangi, with its lavish and reckless expenditure, and consequent semi-starvation and physical depreciation'.¹⁴³ Pomare, the department's zealous health reformer was expressing pleasure in 1902 that Maori councils 'have been a great help in suppressing the evils of tangis, tohungas, huis, drinking and smoking'.¹⁴⁴ So there were clear directions from Crown officials in the first decade of the twentieth century of the need to 'abolish' or 'suppress' tangi.

According to the recollections of Sir Peter Buck there were Pakeha reformers who wanted customs such as tangi to be banned outright because of their concern that they encouraged the spread of disease. However medical officers such as him with Maori blood were of great value to the department for their knowledge of the Maori language, cus-

141. Halswell to Wakefield, 4 June 1842, BPP, 1844, vol 2, p 679

142. See, for example, AJHR, 1877, G-1, p 17; Bush to Lewis, 4 June 1883, AJHR, 1883, G-1A, p 5

143. Mason to Ward, 21 May 1901, 'Report of the Department of Public Health', AJHR, 1901, H-31, p 15

144. Report of Dr. Pomare, Health Officer to the Maoris', AJHR, 1902, H-31, p 64

toms and etiquette 'and we vigorously opposed such drastic action and advised the Department to direct reform towards certain features'. Reforms included curtailing the duration of the tangi and requiring more effective measures to be put in place to cater for visitors.¹⁴⁵ It would seem however that at times some of the reforms went a little further than these modest measures, and that Buck himself played a role in enforcing contentious bylaws. Thus in 1922 Te Kapo-oterangi and over 100 other Tuhoe signatories from various named hapu and papakainga complained to Pomare as a Minister of the Crown and to the Superintendent of the Maori Councils against aspects of the Matatua Maori Council bylaws. The petitioners understood that the bylaws required: 'That no tangi be held over deceased persons'. They entreated to be allowed to hold tangi 'as it is a custom handed down to us from our ancestors'. The reply to the petition, signed by Te Rangi Hiroa, noted that bylaw 4 'is the only one that insists that no tangi be held as it refers solely to deaths from infectious disease. It is certainly not advisable to modify this in any way.' Apart from that, bylaws 53 to 61 'make proper provision for huis, tangis and gatherings and as long as these are carried out in a reasonable manner, it should be all that is required'. He had no doubt that the council would 'carry out their bylaws in a reasonable and just manner; and as old custom has not been interfered with in any marked degree, I cannot advise that any alterations or amendments should be made'.¹⁴⁶ One is left in doubt as to whether what was 'reasonable', according to Buck, might not interfere with Tuhoe custom 'in any marked degree'.

I would surmise that the Tuhoe complaint was aimed at the bylaw ban on holding any tangi at all if the death was caused, in the view of some health officer or doctor, by an infectious disease. Until 1912 there had been no legal requirement of Maori to have deaths formally registered nor to notify formally any infectious disease outbreaks. This was the crux of the frustration expressed by the Auckland District Officer of Health in 1911 that 'the Maori race is a menace to the wellbeing of the European'.¹⁴⁷ In 1912, section 18 of the Births and Deaths Registration Act imposed a compulsory registration requirement for all births and deaths. In the parliamentary debates Te Rangihira had pointed that although this was not an issue for Europeans, it certainly was 'in the back-blocks country in Maori districts' where people usually died without ever seeing a doctor. As there were no doctors in many districts, the new law would require a post-mortem to be conducted to ascertain the cause of death and he was

145. Sir Peter Buck, *The Coming of the Maori*, Wellington, 1950, pp 411–413

146. Te Kapo-oterangi and others to Pomare, 3 April 1922; Te Rangi Hiroa to Deputy Director General, Health, 14 August 1922, H, 1, b.72, 121 (3224), Maori Health Councils – General 1921–32, NA Wellington

147. Makgill to Fisher, 21 January 1911, DB, doc 83

sure that Maori would view this as a very serious matter. On balance, nevertheless, he favoured the law as it was important to have regulation and to monitor the health of the population. He thought also that the Act would help to counteract the influence of *tohunga*. Ngata had fewer qualms and pointed out that the law was consistent with resolutions passed by both divisions of the Young Maori Party.¹⁴⁸

Of course such a law might exist in the statute book but that did not mean that it could always be enforced. Thus in 1913, the Auckland District Health Officer wrote that he was most perplexed about 'The reluctance of the Native to relinquish the old custom of holding prolonged tangis over the dead', given the fact the Maori were told how much disease was spread at these meetings. He was concerned that Maori were not taking any notice of sanitary inspectors and nurses and that *tohunga* continued to do harm.¹⁴⁹ In 1927, fifteen years after the law change of 1912, the Registrar-General was still having difficulty trying to make sure that Maori births and deaths were registered:

Although the registration of births and deaths of Maoris is compulsory, considerable difficulty is experienced in getting the registrations of births and deaths, particularly those that occur at Maori Paha.

The Director-General of Health in his reply to the Registrar-General referred to the propaganda work of Buck's Division of Maori Hygiene and the instructions to district nurses so that 'the organization we already have with continuous propaganda on the subject should be of material assistance to the Registrar'.¹⁵⁰ There is no doubt that 'continuous propaganda' would have been thought necessary in the 1920s in the aftermath of the influenza epidemic which had devastated many Maori communities. That epidemic no doubt left a legacy of some considerable bitterness as well at the treatment of Maori. In 1918 the Minister of Public Health had imposed a prohibition on attending tangi during the epidemic and New Zealand Railways staff enforced extreme restrictions on Maori (but not on Pakeha) traveling from one district to another. Uru, the MP for Southern Maori, expressed his outrage at the discrimination. Ngata, on the same issue a few days later, told the House that the MHR for Northern Maori, Tau Henare, had been prohibited from traveling to Wellington by train to attend Parliament because he was Maori. He had first to obtain a pass signed by a health official. Russell, the Minister responsible for the prohibitions, agreed that Maori were indeed 'prevented from traveling by

148. Te Rangihiroa and Ngata, 11 October 1912, NZPD, 1912, vol 161, pp 183–185 [See also Native Affairs Select Committee report, AJHR, 1913, I-3, p 8]

149. 'Appendices to the Reports of the District Health Officers for the year 1913', AJHR, 1914, H-31, p 61

150. Registrar-General to Director-General, 17 August 1927; Director-General to Registrar-General, 31 October 1927, H, 1, b.72, 121(3227), Maori Health Councils – General 1920–21, NA Wellington

train or in any other way for the purpose of attending tangis;’ and then added, a little unconvincingly in the circumstances, ‘but it was not laid down at the same time that no member of the Maori race was to be prevented from proceeding on ordinary business’.¹⁵¹

In 1928 Buck’s successor as Director of Maori Hygiene, Dr Ellison – another Te Aute old boy – urged that health propaganda should try to persuade Maori of the benefits of calling in a doctor or nurse at the time of death, given their abhorrence of post-mortems. He believed determining the cause of death before burial was more important than compulsory registration of death.¹⁵² This raises another issue relating to tangihanga that has long been, and continues to be of major concern as an infringement of Maori customary practices. A 1907 coroner’s report on a death in the Waikaremoana district recorded that

Had it been a European who died under the same circumstances, a Post Mortem I am sure would have been instituted. Knowing full well it is undesirable to have any friction with the Ureweras, and giving them due latitude for their ignorance and superstition I deemed it best to accept the verdict.

The coroner thought that treatment by a tohunga was no doubt a factor in the death

... but to sheet it home to the guilty parties is practically an impossibility. They simply deny any knowledge, and when cornered will lie like Annanias.

The coroner insisted upon fully viewing the decomposing body during the course of the tangi:

The Natives strongly objected to the (?) viewing the body, but the law had to take its course and they formally consented.¹⁵³

Official discourse may be expressed in somewhat less acerbic language now but many of the culture conflict issues over post-mortems, and coroner’s inquiries delaying and interfering with tangi customs, remain significant issues today.

Dr Peter Tapsell’s maiden speech in Parliament as MP for Eastern Maori in 1982 asserted that pathologists were showing cultural insensitivity by not completing post-mortems during the weekends in order to release a body to the whanau as soon as possible. He said that this was ‘a

151. Uru, 28 November 1918, NZPD, 1918, vol 183, p 507; Ngata and Russell, 5 December 1918, *ibid*, pp 821–822

152. Ellison, ‘Maori Hygiene’, AJHR, 1928, H-31, pp 37–38

153. W A Heale JP, Coroner 1907/54, MA, 1, 1907/27, Letters re Tohunga, NA Wellington, fols 1 and 3 [The reference to ‘Annanias’ [sic] alludes to the Christian believer at Damascus in the first century AD who lied, when he said he had given all his property to the Christian community, and then immediately died – see Acts, ch 5, vv 1–6]

grave injustice and a monstrous indignity' to Maori that showed little consideration for Maori custom.¹⁵⁴ Such concerns were taken into account in 1988 when the revision of the Coroners Act led to the insertion in sections 8 and section 9 of a wording requiring coroners to have regard to 'ethnic origins, social attitudes or customs, or spiritual beliefs' relevant to post-mortems and the early release of bodies. In practice however many concerns remained. An example was the effort in 1991 by Sir Kingi Ihaka, Maori Language Commissioner, on behalf of Te Pihopatanga o Aotearoa to seek further amendments to that Act in order to ensure the cultural concerns of Maori were taken into consideration in relation to the removal and disposal of body parts. He was joined in his efforts by the Maori Women's Welfare League.¹⁵⁵ A number of outstanding issues concerning Maori customs and the coronial jurisdiction now form a significant section in a recent report by the Law Commission. Among the issues raised by the Law Commission in its reform proposals published in 2000 were suggestions to avoid delays in tangi caused by post-mortem examinations.¹⁵⁶

The legal obligation to take account of health issues, and at the same time the desire to avoid intense conflict caused by a breach of tangi customs, often put Maori council and marae committee chairmen in difficult positions. For example Hone Wehipa, from Horeke in the Hokianga, in 1923 complained to Te Rangihiroa about the Rawene hospital allowing a tupapaku (corpse) to be taken away rolled up in a blanket rather than a coffin, but then sent an official to have the corpse buried at once 'as it was a very bad case. This caused a lot of trouble that evening as it was 9 p.m. before it was buried'. Wehipa complained that the hospital ought not to have let the tupapaku out without stating clearly what was to be done. Buck's reply was as follows:

I was sorry to hear that you and your Committee had such trouble over the corpses sent out from the Rawene hospital. The whole circumstances were unfortunate, and as you say upsets the work of your Committee. In order to comply with By-law No 4 of your Council, it is absolutely necessary that all patients dying from infectious disease in Hospital, should be screwed down in a coffin, and the relatives removing the coffin told that same must not be opened and burial must take place in 24 hours.

154. Tapsell, 4 May 1982, NZPD, 1982, vol 443, p 776

155. Ihaka to MWWL, 10 September 1991; Antonievich to Ihaka, 3 October 1991, 95-232-9/7, Correspondence and Papers – Maori Language Commission 1990–94, ATL Wellington

156. Law Commission, *Coroners: a review: a discussion paper*, Wellington, NZ Law Commission Preliminary Paper 36, 1999; Law Commission, *Coroners*, Wellington, NZ Law Commission Report 62, 2000

Notice should be given to the Inspector in order that he personally or through the Marae Komiti may enforce the burial within the 24 hours and prevent the holding of any tangi.

Dr Boyd, acting for the Medical Officer of Health for Whangarei, has written to the Hospital Board complaining about the matter.

The two cases that occurred are passed and done with but I hope that after drawing the Board's attention to the matter, nothing of a similar nature may occur.¹⁵⁷

It seems that in the 1930s efforts were made to regulate tangi even more strictly, and not only in cases where there was a concern about infectious disease. Maori in Te Tai Tokerau were angered by the proposed bylaws which they understood would ban the lying in state of tupapaku. Representations were made to their MP, Henare, in 1935. The Health Department then advised that after consultation with their Medical Officers of Health they would make the following bylaws:

- ▶ lying in state was permissible in a meeting house if the lid of the coffin was screwed down;
- ▶ if it wasn't screwed down then a corpse could lie in state in an annexe to the meeting house or a temporary shelter at least 20 feet away from the meeting house;
- ▶ there was a definite prohibition if death was caused by a communicable disease;
- ▶ Medical Officers of Health had power to stop a ceremony if an outbreak or epidemic occurred or those gathered were at risk of contracting a disease;
- ▶ permission had to be given by the Chairman of the Maori Council;
- ▶ a fine not exceeding £10 could be imposed for breaching any of the bylaws¹⁵⁸

Further research into the implementation of these bylaws and any other Health Department regulations enforced in later years would be useful. In my own experience, the modern practice at many Te Tai Tokerau marae is that tupapaku lie in state inside the meeting house, with the coffin lid removed until shortly before burial. It seems evident that, in respect of tangihanga, there are some Maori customs that have continued to be practised regardless of governmental regulations trying to suppress them and/or they have been revived again in more recent years as attempts at suppression have ceased, or have ceased to be enforced.

157. Wepiha to Te Rangihira, 18 January 1923; Buck to Webster, 24 January 1923, H, 1, 194/1/3(13922), Maori Hygiene – Native Health 1920–37, NA Wellington

158. Watt to Minister of Health, Memorandum, 1935, H, 1, b.72, 121 (13228), Maori Health Councils – General 1932–39, NA Wellington

Another culture-conflict issue associated with tangi concerns the desire of many Maori to leave work for several days to attend a tangi, rather than take just one day off to attend a funeral. This became a significant issue when the massive urban re-location during the period from the 1940s onwards meant that many Maori were employed by urban employers with little knowledge of or tolerance for Maori customs. Thus Te Puea was asked by the Prime Minister, Fraser, about the concern of employers that Maori were unreliable workers because they tended to disappear to tangihanga. She explained to him that Maori had to live and work in a Pakeha world, but a Maori attending a tangi 'comes back right into the middle of things Maori ... he recharges his Maori batteries'.¹⁵⁹ The Department of Maori Affairs explicitly undertook an educational role in these matters. In 1966 the responsibilities of Maori welfare officers in relation to the re-location and other departmental schemes included:

(8) The tangi and other Maori observances create employment problems as Maoris wish to return to their home territory when there is an important family or tribal gathering. These features of the traditional life need to be explained to employers and the Maori employees have to be encouraged to speak openly to the personnel officers about them.¹⁶⁰

In the introduction, I mentioned that these few comments on tangihanga, and other cultural practices in the section that follows, have been included to draw attention to possible issues that may require consideration by the Tribunal – rather than to provide comments based on detailed research. My assumption is that the vitality of distinctive cultural practices such as tangihanga, whangai adoptions, birth-related rituals, and such like is an integral aspect of the preservation and transmission of Maori cultural knowledge. Births, deaths and marriages provide occasions in Maori society – as in many cultures – for gatherings and important transition rituals that mark that culture out as distinctive and as different from other cultures. They are indicia in a modern cosmopolitan world that there is something culturally specific about being Maori in Aotearoa. They give reality to the often-proclaimed notion of *mana Maori motuhake*.

Clearly, the customs of the tangihanga are vital elements of Maori society today. The gatherings provide important opportunities for Maori cultural knowledge to be actively transmitted. They also constitute opportunities for younger Maori to learn and appreciate their own culture

159. A Parsonson and others, 'Herangi, Te Kirihaehae Te Puea: Waikato woman of mana, Kingitanga leader', DNZB, vol 3, p 210

160. Delamere, 'The Maori Welfare Service and Re-location schemes', University of Adelaide Study Tour, November/December 1966, E, acc W2522, Box 5f, Maori Education – Miscellaneous Papers 1939–77, NA Wellington, fol 8

in an informal manner by their presence at and contribution to the hui. The resilience of the tangihanga customs and protocols to survive and flourish in modern society is noteworthy. Yet the resilience appears to owe little to Crown policies, as for many years the abolition of tangi was the assimilationist hope, and was indeed the express policy of some Crown officials.

4.9 Other Cultural Practices

There are other important Maori cultural practices, and the knowledge systems associated with them, that have not been covered in depth in the research conducted for this report. In some cases the archival record is virtually silent and that fact in itself says something of governmental indifference. For example, although a high maternal mortality rate was a matter of concern to the Health Department at the time, a 1933 circular from Ellison stated this to be the view of the Deputy Director-General:

[It] is undesirable to attempt to interfere too drastically with Maori customs regarding midwifery attendance until more accurate knowledge has been obtained as to their bearing upon the high maternal mortality rate. He also points that it is practically impossible to enforce the Midwives Act among the Maoris at present.

Ellison made one specific suggestion:

It is not desirable that the Pakeha custom of conducting labour in the lateral position in bed should be encouraged among the Maoris in normal cases. The squatting position which it is believed is usually adopted by the Maoris should be allowed to remain the custom.¹⁶¹

There is a large field of research that might be followed up with respect to Maori birthing customs, rituals and practices. The invisibility of specifically women's issues and indeed the general invisibility of women in the history as recorded in government archives, reflects a defect common enough in historical records. This ought to lead one to a consideration of the issues raised by Annie Mikaere concerning the distortion of tikanga Maori by the impact of colonialism. The role of female figures in Maori cosmogony and the importance of women as rangatira in classic Maori society have been deliberately overlooked, she suggests.¹⁶² An exception,

161. Ellison to Medical Officers of Health, 11 October 1933, MA, acc. W2490, 36/3/5, pt 1, box 79, Ante-Natal and Post-Natal Care 1930–59, NA Wellington

162. A Mikaere, 'Collective Rights and Gender Issues: A Maori Woman's Perspective', in N Tomas (ed), *Collective Human Rights of Pacific Peoples*, Auckland, International Research Unit for Maori and Indigenous Education, 1998

though not perhaps a welcome exception, is that many of those prosecuted under the *tohunga* suppression laws were Maori women.

Cultural practices relating to customary marriage and to customary practices akin to the adoption of children received some mention in the material gathered for this commission. Around the first decade of the twentieth century there was a concern expressed by government leaders and officials about what they described as childhood marriage. Seddon in 1899 was in no doubt as to the evil, but circumspect about a heavy handed use of the law. The reply on his behalf to a letter from the Society for the Protection of Women and Children and Prevention of Cruelty to Animals read:

I am directed by the Native Minister to inform you that he fully recognises the evil of child-marriages among the Maoris, and is of opinion that some effort should be made to check the practice, and to lead the Maori people to see the harmful effects. The matter is, however, one of such delicacy and difficulty, because the customs that have existed among an aboriginal race from its earliest history, cannot be lightly interfered with, or arbitrarily set aside, without arousing between the two races feelings which have happily long passed away. It seems to Mr Seddon that in a case of this kind, more can be effected by education, example and moral suasion, than is ever likely to be accomplished by treating the Maoris as offenders against the criminal law.

It has been suggested that the clauses of the Criminal Code relating to the age of consent, should be translated and published in the *Kahiti*; and if your Society has any literature on the subject, perhaps some suitable extracts might also be published.¹⁶³

A member of parliament, Rigg, in 1901 deplored the 'grossly immoral' state of affairs produced by Native custom, especially polygamy.¹⁶⁴ Pomare, as might be expected, held a very strong opinion that Native marriages were deplorable and productive of much harm. He thought an Act should be passed 'compelling Natives to observe an age of consent the same as Europeans, and I would suggest that the age of consent be eighteen years'.¹⁶⁵ Mokonuiarangi, one of the sanitary inspectors, expressed similar sentiments in 1906 and asked for Maori councils to have power to deal with the issue.¹⁶⁶ The details of the laws of marriage are beyond the scope of this report. Formalities for Maori to register legal marriages were less onerous, but it seems that in general the law disregarded customary

163. Wilding to Seddon, 14 June 1899; Native Under-Secretary to Wilding, 18 July 1899, J, 1, 1899/753 (524), Letter re Childhood Marriages, NA Wellington [A notice was inserted in *Kahiti*, 21 September 1899, no 42, p 339]

164. Rigg, 29 October 1901, NZPD, 1901, vol 119, p 835

165. 'Report of Dr. Pomare, Health Officer to the Maoris', AJHR, 1905, H-31, p 57

166. Mokonuiarangi to Pomare, 23 March 1906, AJHR, 1906, H-31, p 77

marriages rather than seeking to ban them. For some purposes, primarily relating to the Maori land interests, customary marriages might be recognised. In one instance, raised in Parliament in 1927 by Uru, a Maori woman had been refused a widow's pension because she was not legally married. Anderson, the minister responsible, thought she should not be denied a pension because 'Maori customs in regard to marriage was generally recognised as equivalent as regards morality to European marriage, though in strict law it might not be so'.¹⁶⁷ By 1932 there was some pressure becoming apparent to place all Maori marriages on the same footing as European marriages but the Native Department and Ngata resisted the pressure. The Under-Secretary wrote 'my only fear is that if marriage is made too formal for the Natives they might evade it and we are gradually bringing them into line to be married by the Church in preference to the customary marriage'. Ngata did not think it an opportune time to change the legislation.¹⁶⁸

Following another postponement of this issue during the war years, pressure to bring Maori into line increased in the early 1950s. Judge Harvey of the Maori Land Court had suggested that the limited recognition of customary marriages for Maori Land Act purposes should be extended to include other statutes such as the Worker's Compensation Act and the Death Duties Act. The Maori Affairs Under-Secretary, Ropiha, was concerned to avoid the possibility that 'undue recognition is given by the law to a state where the parties are living in what is, as a matter of law, concubinage'.¹⁶⁹ The upshot of all this was that, instead of extending the recognition of customary marriages, the government decided to withdraw all legal recognition of customary marriages with effect from 1 April 1952. Corbett took the view that 'the time has arrived when the Maori marriage laws should be the same as those for other New Zealanders'.¹⁷⁰ The Maori Purposes Act 1951 gave effect to this Crown policy. To the knowledge of the writer there are aspects of marriage concerning the relationship between the two concerned whanau or hapu that continue to be governed by Maori cultural practices. If there remain matters of importance to Maori concerning the nature of and the legal formalities for marriage, they have not featured in the material perused for this commission.

There certainly are continuing issues, however, concerning laws and Crown policies on cultural practices associated with whangai relationships. The term 'adoption' hardly describes these relationships ad-

167. Uru and Anderson, 7 October 1927, NZPD, 1927, vol 214, p 824

168. Under-Secretary to Ngata, 16 September 1932, MA, 1, acc, W2459, 19/1/38, pt 1, box 162, Native Marriages 1931-55, NA Wellington

169. Dillon to Ropiha, 22 June 1950; Ropiha to Dillon, 6 February 1951, MA, acc, W2459, 19/1/38, pt 1, box 162, Native Marriages 1931-55, NA Wellington

170. Ropiha to Corbett, 18 September 1951, *ibid*; Corbett, radio broadcast, 9 December 1951, MA, 1, 36/25/1, Maori Broadcasting 1951-52, NA Wellington

equately, at least in the sense of closed adoptions that were treated as the norm by the Adoption Act 1955. A Law Commission consultation with Maori on the law of succession held a number of regional hui in 1995 and 1996 at which the rights of whangai children featured on many occasions.¹⁷¹ Little material on Crown policy relating to Maori 'adoptions' has been gathered in the course of research for this commission, however. In 1933 there was an exchange of views within government circles after a report from the Medical Officer of Health, Wellington, wrote some comments on Maori hygiene. In this report attention was drawn to 'the most unfortunate Maori custom of adoption of children'. It was asserted 'that according to native custom any person who has a fancy to adopt a child approaches some parent or prospective parent and demands the child chosen'. The medical officer thought that this often resulted in children being brought up in conditions of disease, ignorance and poverty. He hoped that this 'particularly pernicious' practice would be prohibited. The Native Under-Secretary in response was adamant:

There is no custom allowing one Native to demand a child from another. One of the essentials is that both parties should be agreeable; a matter well known to the tribe.

Ngata's minute was measured:

I do not think that the custom of adoption is necessarily responsible. There is the much deeper problem of housing, promiscuous sleeping and eating together, things that go to the very roots of Maori social life.

The medical officer, Dr McLean, was unrepentant but there the matter rested.¹⁷²

In 1942 the Deputy Registrar-General of Births Deaths and Marriages put forward a memorandum, following Crown Law Office advice, seeking a uniform law of registering the births of adopted children with a new birth certificate that did not disclose the natural parents. This was referred by the Native Department to the Native Land Court judges with the observation: 'The point that will require watching is that the Natives are not driven away from the statute by over-refinement in the matter of formalities'. The judges made remarks such as 'that it would be better as well to leave this matter alone'; 'I can quite imagine some of them saying "Kanui te oha[hoha?]" (too much humbug) and dropping the contemplated adoption application'. The matter was taken no further in 1942,

171. P Hohepa and D V Williams, *The Taking Into Account of Te Ao Maori in relation to Reform of the Law of Succession*, Wellington, NZ Law Commission, 1995; New Zealand Law Commission, *Adoption and Its Alternatives: A Different Approach and a New Framework*, Wellington, NZ Law Commission Report 65, 2000

172. 'Extract from monthly report of Medical Officer of Health, Wellington', 9 June 1933; McKibbin to Jones, 26 June 1933; Jones to McKibbin, 10 July 1933; McLean to McKibbin, 14 July 1933, MA, 1, 1/15/1-, Adoptions: Main File, vol 1, 1933-46 and H, 1 (13964), 194/6, Adoptions 1935, NA Wellington

nor in 1945 when the Minister of Justice, Mason, initiated some inquiries as to 'a disability under which certain members of the native race are placed as compared with pakehas'.¹⁷³

The desire to remove disabilities from the law of course became a major focus of attention with the Hunn Report in 1960. In implementation of that report the Adoption Amendment Bill was introduced in 1962. Hunn in a memorandum to Hanan stated that 'In the circumstances that the Maori attitude to adoption is now more formalised and the customary element of adoption as between relatives is disappearing the way seems to be clear enough for the final step'. This 'final step' included transferring all jurisdiction in respect of Maori adoptions from the Maori Land Court to the Magistrates. This way did not seem quite so clear to a number of Maori. The Maori Women's Welfare League opposed the Bill. The New Zealand Maori Council, in its first year of operation, was fiercely divided on the merits of bestowing adoption jurisdiction on a court associated by most Maori with the criminal justice system. A last ditch effort in a telegramme sent just prior to the third reading from Hone Heke Rankin and other Nga Puhi leaders urged that the Bill be placed before the Maori Affairs Select Committee and before the Maori people. There were also Maori Land Court judges who were opposed to the Bill. One expressed his 'emphatic conviction that the Maori people will be seriously prejudiced' by the government measure.¹⁷⁴ This was a key step towards implementation of integration policies, however. The government was not deterred by this opposition and proceeded with the Bill. Parliament duly enacted it. Some years later, one might observe that the Pakeha attitude to adoption has now embraced less formal open adoptions. There is plenty of evidence that the customary element of adoption, or whangai relationships as between Maori relatives has certainly not disappeared. On the contrary, two recent reports by the Law Commission have looked into matters including the significance of a formal marriage, the status of children born of informal or customary marriages, open adoption relationships, and succession principles. On all these matters the Law Commission has observed that in recent decades, rather than tikanga Maori being subsumed or suppressed in favour of the law of British settlers, it is the Pakeha views and law reform initiatives that have moved to become more congruent with the perspectives of te ao Maori.¹⁷⁵

There is clearly a great deal more that could be researched and written up within the broad scope of the research commission formulated for this

173. Wylid to Campbell, 17 June 1942; Campbell to Shepherd, 10 July 1942; Judges to Campbell, 20 and 27 July 1942; Mason to Campbell, 11 March 1946, MA, 1, 1/15/-. Adoptions: Main File, vol 1, 1933-46, NA Wellington

174. Hunn to Hanan, 17 May 1962; Taua to Hanan, undated; Stone to Hanan, 2 August 1962; 'Extract from minutes of meeting of New Zealand Maori Council', 26 and 27 July 1962; Rankin and others to Department, 21 August, 1962; Brook to Hanan, 14 June 1962, MA, acc, W2459, 1/15/-. pt 4, box 12, Adoptions - Legislation and Policy 1961-62, NA Wellington

175. New Zealand Law Commission, *Adoption and Its Alternatives: A Different Approach and a New Framework*, Wellington, NZ Law Commission Report 65, 2000; New Zealand Law Commission, *Maori Custom and Values in New Zealand Law*, Wellington, NZ Law Commission Study Paper 9, 2001

project. I trust that the small contribution that the researchers and the report writer have been able to make will nevertheless assist the Waitangi Tribunal to further its inquiry into the Wai 262 Claim. I now provide a few comments by way of overview in chapter 5 to complete this report.