CHAPTER 2

THE PEOPLE AND THE LAND

Unuhia te rito o te harakeke kei hea te komako e ko? Ki mai koe ki au, 'He aha te mea nui o te ao?' Maku e ki atu, 'He tangata, he tangata, he tangata.'

Pluck out the centre of the flax bush, and where would the bellbird be? You ask, 'What is the most important thing in the world?' I would reply, ''Tis people, 'tis people, 'tis people.'

Muriwhenua proverb

2.1 Initial Issues – Conflicting Laws and Contractual Mutuality

Early settlers as tenants at will

For 20 years or more before the Treaty of Waitangi, a number of Europeans had taken up residence in Northland with varying intentions of permanency. Nearly all were traders or missionaries. Most were based in the Bay of Islands, a centre of early trade, but some established themselves in other parts of the 'Far North', including Muriwhenua, which was the country's most northerly district and supported the most northerly trading port.

The position of these residents, however, was tenuous. In effect, they occupied Maori lands at Maori will. Many were known as or called themselves 'Pakeha Maori'. Several had sought to bolster their positions through the execution of certain deeds which, with varying and curious shades of literacy, bore something of the character of Western land conveyances. With or without such deeds, however, the residents depended upon the goodwill of their Maori benefactors to remain in occupation. Generally, and for so long as they showed respect to Maori, their occupancies were unchallenged.

With likely annexation came deeds

However, when it seemed the United Kingdom would add New Zealand to its portfolio of colonies, those residents without deeds of conveyance saw a need to obtain them. It was presumably obvious to them that, were the annexation of New Zealand effected, what would secure them in their possession would be not Maori goodwill but the pleasure of the British Government – and the Government was more likely to be persuaded by written proof of a purchase in accordance with British law. A sampling of these deeds is given later to show their character. Some were standardised forms composed by Sydney lawyers, but these were no more intelligible, even to the literate, none the less.

Cultural difference and contractual mutuality

A central issue in these claims, as agreed by all counsel, is whether the transactions amounted to permanent land alienations, for that is what the Government later considered them to be. In this the Government relied not only upon the written deeds, but upon the perceived affirmation of them by Maori before the land commissioners appointed to examine them. It is necessary to consider, however, what Maori thought they were affirming.

First and foremost, the claims concern those early transactions before the Treaty of Waitangi was signed. The question is whether the parties were sufficiently of one mind at the relevant times for the Government to treat the transactions as binding land sales extinguishing all Maori interests. For the claimants it was contended that the parties were not of one mind, while the Crown argued that both sides sufficiently understood the meaning of a sale by the time the transactions were allegedly affirmed.[1]

For their part the claimants set out to show that Maori had a distinctive tenure system and a substantial culture, so antithetical to land sales that sales could not have been in their minds, and with a mode of business which showed that a different result was intended. We are in substantial agreement with the tenure system as summarised from the evidence by claimant counsel J Williams.[2]

Sadly, it was considered necessary to establish that a society in fact existed. In the past it has been assumed that Maori so lacked civilisation that their customs and practices were largely irrelevant, and the only substantive issue was whether Maori had sufficient opportunity to understand land sales by the settlers' law. Similarly, it has been assumed that Maori so lacked any form of settled authority that the only requirement was to ask when Maori learnt of this new system, not whether they agreed to it. Finally, it has also been assumed that Maori should have learnt rapidly, for such customs as they had were so minor by comparison that there was little that required displacement.

Since the Tribunal has to consider not only the problems of the past but the avoidance of them in future, at least in proven cases,[3] we were concerned to note that in popular discourse many past assumptions continue to be made. It is still asked when Maori understood the Western way as though there was no other. Mutuality is the mental state most needed for good race relations, in our view, just as it is for binding contracts; and the test for mutuality is mutual comprehension and respect. It is relevant to ask at what point Europeans understood the expectations of Maori, which were legitimate in Maori terms, or whether Europeans understand them yet.

Cultural resilience

Accordingly, this chapter considers first the people of the land and those aspects of their society that are pertinent to the claims. It is concluded that, like all peoples, Maori had a profound social order, clear understandings about

1. The arguments are fully set out in counsel's closing submissions: R. Hawke for Taemaro claimants (docs M1, O3); J Williams for remaining Muriwhenua claimants (docs L10, N1, N2); and M T Parker and A Kerr for Crown (doc O1).
2. See especially doc N1, pp 16–21
3. See s 6(3) Treaty of Waitangi Act 1975

authority, and established codes of conduct for keeping good relationships, which could only have given rise to certain expectations from the transactions in question. We also consider that those standards and practices were so well established that they were unlikely to have been readily displaced by European influence. We consider that the values or principles underlying those practices are observed to this day.

The Crown did not challenge that Maori had a comprehensive and established social order, but argued that, whatever that social order might once have been, by the time the transactions were made, or affirmed, Maori knew the settlers' system and agreed to an outcome in Western terms. Accordingly, this chapter also examines the impact of the first Europeans – the explorers, whalers, traders, missionaries, settlers, and officials. It is considered that, although Maori and European made superficial changes in the way they acted to accommodate each other, neither side substantially abandoned its own views or adequately appreciated the other's. To borrow a phrase from Dr Dame Joan Metge of Muriwhenua, whose submissions substantially assisted this inquiry, Maori and Pakeha were talking past each other; and in her view they are still talking past each other.[4] While contractual mutuality was unlikely in such circumstances, we also consider that it was not even settled whose authority applied – that is, by whose rules the arrangements should be tested. Rather, that position was assumed.

The data are summarised

To assist parties we have sought to keep this report brief, to complete a report rather than a judgment, as we are bound to do, and to assess issues in the context of history, not history per se. While it would be valuable to lay out all the arguments, opinions, and information put in by counsel, tribal spokespeople, historians, anthropologists, and others, because of the wealth of the material and to expose the main issues, we have not done so. For clarity, we have opted to report mainly our conclusions, and to rely for the detail upon the record, as indexed in the appendices, other material as referenced, Professor Stokes's review of evidence,[5] and understandings based upon our own knowledge and experience as explained in the text. The report's opinions on customary norms, for example, are generalised conclusions. All societies have so many strands that to provide a full account of the behavioural norms of any would require a book in itself.

Outline of this chapter

This chapter introduces the original occupants, the current hapu or tribes, and the rich tapestry of their history and traditions. An account follows of certain values that form the foundation of their law concerning their relationship to the land, and to each other. The appearance of European explorers is then considered, the tragic loss of a substantial population from introduced diseases,

4. J Metge and P Kinloch, *Talking Past Each Other: Problems in Cross-Cultural Communication*, Wellington, Victoria University Press, 1984
5. See the preface and Professor Evelyn Stokes, 'Muriwhenua: Review of the Evidence', May 1996 (doc P2)

and the consequential social reorganisation which culminated in the emergence of a dominant leader. Panakareao was indisputably the key figure in most of the transactions, so his policies and proposals are probably the most significant of any. The question is whether, or how, his views were modified by the traders and missionaries who then entered the land. Their activities also are reviewed.

2.2 Original Occupation

Iwi and hapu

It appears that, by the eighteenth century, several hapu had ranged over Muriwhenua. Some, like Aupouri and Ngati Kuri, who were once at Whangape, dramatically changed their locations over time, and occasionally they had communities at widely scattered places. Ngati Kuri once spread to Whangaroa, Matauri Bay and Te Tii, and breakaway sections of the various hapu were to move as far afield as Tauranga, Waikato, Whakatane, Gisborne, Hawke's Bay, Taranaki, and the South Island. We need not examine all these hapu or their fluctuating fortunes. It is sufficient to observe that at the end of the eighteenth century, as today, the main groups were: Ngati Kuri on the northern cape; Te Aupouri with their principal marae now at Te Kao; Ngai Takoto of Rangaunu; Te Rarawa, with principal aggregations in the south-west at Ahipara and Kaitaia; Ngati Kahu of Doubtless Bay, from Karikari to Oruru and Mangonui; and Ngati Kahu o Whangaroa, as now called, east of Mangonui. Their locations are shown in figure 1.

Iwi versus hapu

In modern times these hapu call themselves 'iwi'. Earlier, it appears, 'iwi' meant simply the people of a place, as it is used in the Treaty of Waitangi to refer to the people (or iwi) of England. However, as hapu aggregated for protection in the nineteenth century under remote ancestral or district names common to them all, the combined people or 'iwi' came to be seen as a 'macro' tribe. Later, constitutent hapu used 'iwi' to describe themselves as well. Since this report describes the period before 1865, it uses the words then in vogue: 'hapu' for each tribe and 'iwi' for the people of Muriwhenua.

Boundaries

While hapu representatives recited tribal boundaries when appearing before us, these probably reflect modern arrangements – in so far as the boundaries are settled at all, for traditionally hapu defined themselves by genealogical descent, and only coincidentally by the occupation of land. They had land rights of varying kinds and intensity from occupations over time and from ancestral associations as recorded in tribal history. Since the hapu were mobile, this made for considerable overlaps and suggests that the key to hapu survival lay not in maintaining state-like boundaries in the European manner, but in keeping up their own numbers and in maintaining cordial relations with others through whakapapa (genealogies), marriages, adoptions, alliances, and the protocols for paying respect. External threats made it important to remember, too, that, while the hapu were independent, through bloodlines, shared history and location they

were also part of a whole. Hapu aggregations and allegiances changed according to the leadership of the day, to the extent that we consider the re-shaping of Maori political units depended not on the maintenance of political boundaries, but on personal influence and sway.

The legal order

The record of prior occupation, evidenced in songs, proverbs, and stories and largely corroborated by modern scientific research, describes an enterprising culture with such a treasury of knowledge and belief that its values or norms were likely to survive the imposition of another culture. In fact they did survive. Many speakers outlined the spiritual and legal order of Muriwhenua. That order remains, stamped on the collective consciousness through early training by elders at home or on marae, or in wananga, traditional teaching institutions that have continued in the north to this day.

Io-matua-kore

It is not necessary to record the detail of the traditional evidence, or indeed do more than broadly describe it.[6] The people's account started before time began, at Matangireia, home of the first being, Io-matua-kore, and proceeded from there on a mental and spiritual journey through aeons. It told of an enterprising people, pragmatic but deeply religious, so intimately tied to land, sea, and space that in their cosmos all life forms, and phenomena like the sky, sun, wind, and rain, are bound to them by treasured links in ancient genealogy. Maori thus see themselves as descendants of gods, and as partners with them in a physical and spiritual universe. As Dame Mira Szaszy put it:

> we are the children of Papatuanuku, the Earth Mother, one of our divine Primal Parents. We contend that all of Nature derives from her – our lands, forests, rivers, lakes and seas and all life contained therein. As such our spirituality is deep-rooted in the earth, the lands upon which our forebears lived and died, the seas across which they travelled and the stars which guided them to Aotearoa. They were also physically sustained by the produce of Tane and Tangaroa. The sanctity of the Mauri of all things was respected.[7]

Kupe

In certain accounts some ancestors were autochthonous, but special pride attaches to those who came in waves from Hawaiiki to inter-marry with those here before them, the traditions they brought and the accounts of their journeys back and forth. Kupe is thought to have been the first from Hawaiiki, landing at the North Cape of Muriwhenua, then circumnavigating the North Island before returning to the North on his journey home. Later, his reshaped canoe came back under the command of Nukutawhiti; then numerous others landed at Muriwhenua, having followed the navigational course that Kupe had fixed. These people left a rich anthology of northern place names, describing their first landings and subsequent adventures. The name Muriwhenua itself is from

6. A fuller description is given in document P2, ch 1.
7. Mira Szaszy, 'Evidence Presented to the Waitangi Tribunal on the Te Reo Mihi Marae, Te Hapua on the Runanga-o-Muriwhenua Claims', December 1987 (doc A6), p 2. Tane is the progenitor of forests, Tangaroa of fishes. Mauri is an intangible quality relating to the essence or life-force of a place, person, or thing; it is central to Maori thinking.

Figure 2: Ancient canoe landings

Pohurihanga of the Kurahaupo canoe, who perceived of the district as 'land's end'. It is also referred to as the tip of Te Hiku o Te Ika, the tail of the great fish, now the North Island, said to have been caught by the legendary Maui.

Waka

The voyages were described with such particularity that names were given for each rower's seat on Kupe's canoe, representing a millennium of detailed corporate memory. The same accounts establish the complexity of Muriwhenua lineages. Genealogies trace from at least 10 canoes that made landfall in the district, as illustrated in figure 2 based on traditional accounts. They also describe relationships with hapu throughout Aotearoa, even the South Island, as some of the crew, or their descendants, travelled on to establish settlements elsewhere. The main canoe landings at Muriwhenua were:

Commander	*Canoe*	*Landing place*
Kupe	Matawhao	Hokianga
Nukutawhiti	Ngatokimatawhaorua	Hokianga
Ruanui	Mamari	Hokianga/Whangape
Whakatau Potiki	Mahuhukiterangi	Kaipara/Kawerua
Pohurihanga	Kurahaupo	Takapaukura
Tamatea-ariki-nui	Takitimu	Karikari
Puhi-moana-ariki	Mataatua	Takou
Tumoana	Tinana	Hokianga/Ahipara
Te Parata	Mamaru	Karikari/Taipa
Moehuri/Kauri	Ruakaramea	Mangonui

Tuki's map

The geographic isolation of Muriwhenua was not a barrier to maintaining wider connections. Archaeological remains include artifacts from many distant places. Corroboration is provided in the story of two Muriwhenua Maori taken on board the naval ship *Daedalus* in 1793 who described places well beyond their home. One of them, Tuki, drew a chart of Aotearoa which yet survives and which, leaving aside for the moment some predictable cartographic inaccuracies, establishes a knowledge of the entire country, and a particular knowledge of such distant places as the greenstone valley of the South Island. It was explained that the geographic peculiarities of Tuki's map represent the mental image of someone from an oral culture where home has primacy and other places fade to distant memory. Tuki's map, at figure 3, is complemented at figure 4 by a computer interpretation of a modern map of New Zealand where Tuki's home is in the foreground and the remaining country narrows to a compressed horizon.

Place names

The wealth of place names highlights the intensity of settlement and the people's intimacy with the land. It seemed, on hearing evidence, that there was a name for every fishing ground, reef, and prominent ledge at sea, and for every feature of the land. Waerete Norman referred to this in describing the old Muriwhenua pathways:

> Travellers in their own countryside could name its features minutely – rocks, caves, beaches, fishing grounds, points, streams, eeling pools, patches of bush,

Figure 3: Tuki's map of Aotearoa

> cultivations, swamps, rat-runs, trees, ridges, hills and mountains, even clumps of grass – every smallest feature had its name which evoked the quality of that unique place, and nga tupuna, the ancestors who named it or passed that way. The great ocean served as their highway and it had no boundaries. Nga tupuna sailed their craft across its vast expanse, putting in at its many islands and beaches and then moving on again guided by the sun by day, and steering a course by the moon and the myriad stars at night.
>
> This was whenua, land, and moana, sea, sources of life for its people. Te whenua, the land, te oneone, the very earth, and te moana, the sea, were known intimately because people journeyed often. War-parties, groups on seasonal migration, trading trips, groups on their way to some event; all travelled along the paths and across the great ocean and by the internal waterways, often setting up camp and establishing kainga as they moved through the bush and forest in search of food and water. And if a group was driven off their lands or forced to migrate to a new district for some reason, they lamented, singing their grief for the abandoned home of the forefathers.
>
> The placenames marked the land and domesticated it, fitting it for human occupation; and just as the paths gave direction in their journeys so too did the sea and all the elements of nature, observed over time, form an extension of that whole, of te ao Maori, the Maori universe.[8]

Tohe

The journey of Tohe, to which several witnesses referred, provided an illustration. Tohe was an early forebear to whom all hapu can relate. The accounts of his journey showed how place names are stored in oral traditions and how a single narrative could draw together people of disparate settlements. They illustrated the incidents that place names bring to mind, the wealth of landmarks and navigational points along coasts, the numerous sacred and historical sites in an area, the songs and proverbs connected to localities, the nature of the landscape, the extent of its resources, the variety of harvesting techniques, and, throughout, the importance of the associated spirit world.[9] From Tohe himself comes Te Wharo Oneroa a Tohe, also known now as Ninety Mile Beach, which Tohe traversed on route. The main place names from the journey of Tohe are given in figure 5.

We should mention Maori concern when place names redolent with meaning are threatened with obliteration through the ascription of other names of no significance to them – and also, possibly, of no significance even to local Pakeha. It is as though their own history is not important for the future. From Tasman's fleeting visit, a small speck in the sands of time, their old names have fallen to others, like that which commemorates no more than the wife of the governor of a company in Batavia, Maria Van Diemen, of no importance to the place in question. More wisely, Batavia itself is now Djakarta. Similarly, Three Kings Island (Manawatawhi) records the coincidence that a boat, of no relevance to that

8. Submission of Waerete Norman (doc C19), pp 4–5
9. Speakers on the journey of Tohe included Wiremu Paraone (doc C13), Ross Gregory (doc C10), McCully Matiu (doc C11), and Waerete Norman (doc C19).

Figure 4: Tuki's perspective by computer

place, happened to arrive there on the celebration of the Epiphany. For the purposes of these claims, however, such names at least serve as evidence of the cultural bias of Europeans at that time. If they could not accept that occupied places were likely to be already named, then presumably they would be no more disposed to recognise a legal system of rights and obligations that had little in common with their own.

Te Rerenga Wairua

In visiting throughout Muriwhenua, the Tribunal soon learnt how ancestral associations with the land remain real for young and old of Muriwhenua today. These site visits were used to explain places and events already spoken of, or to assist those who talk more freely of the past when the landscape provides the cues. Needless to say, numerous sacred sites were pointed to; but possibly none was more noteworthy than Te Ara Wairua, the spirit path, and Te Rerenga

Wairua, the final departing place for the spirits of the deceased at one of the most northerly points. The traditions associated with those extremely sacred places are shared with Maori throughout Aotearoa, and a reference to Te Rerenga Wairua is rarely omitted in speeches at tangi in all parts of the country. It serves, too, as a reminder of Maori links to the Pacific Islands and beyond. Just as Island traditions describe the departure of spirits from westerly promontories pointing to Asia, so also the Muriwhenua Peninsula points north, for the spirits will pass through Hawaiiki on their way. Concerns were expressed that neither Te Ara Wairua nor Te Rerenga Wairua is now in Maori possession or control. Information was sought on how this land passed from Maori ownership.

2.3 Custom, Values, and Law

2.3.1 The Maori law of relationships

Comprehension of the claims requires some appreciation of the social mores that were likely to have influenced Maori in their transactions with Europeans. Relevant aspects of Maori law and society are now considered, based on academic studies, our own understandings and the evidence of tribal spokespeople.[10]

It was put to us by Dr Rigby, and by anthropologist and historian Professor Dame Anne Salmond, that Maori law (or the Maori world) was primarily concerned with human and divine relationships.[11] Many claimants expressed the same opinion and we see no cause to depart from it. The fundamental purpose of Maori law was to maintain appropriate relationships of people to their environment, their history and each other. In this it was by no means unique amongst the laws of the world but the emphasis was different. There was no

10. Perspectives on the nature of traditional society and customary land law were extensively dealt with in the context of the Te Roroa claim: see the Waitangi Tribunal, *The Te Roroa Report 1992*, Wellington, Brooker and Friend Ltd, 1992, pp 4–13.

In January 1994, the Tribunal chairperson issued a paper on customary law and society to counsel and researchers involved in Treaty of Waitangi claims. This set out some preliminary views and matters requiring consideration in claims. An analysis of relevant literature, together with a bibliography, is provided as an appendix to the report to the Tribunal by Tribunal member Professor Evelyn Stokes; this is document P2 on the record. The claimants' view of Maori law was expounded at various points in evidence by Dame Mira Szaszy, the Reverend Maori Marsden, R Edwards, R Gregory, S Jones, Dr M Mutu (see docs A6, A7, B2, B7, C10, C17, F12, F23, F25, F28, H10, K3, M3); and by academic commentators Dr Dame Joan Metge and Professor Dame Anne Salmond (see docs C20, D17, F13, F19, K1).

What constitutes 'law' appears to be an issue of definition. It is here assumed the proper question is whether there were values, standards, principles, or norms to which the Maori community generally subscribed for the determination of appropriate conduct. That approach seems to be favoured by contributors to the Commission on Folk Lore and Legal Pluralism: see Commission on Folk Lore and Legal Pluralism, *Papers to the Congress at Victoria University of Wellington*, 2 vols, Wellington, 1992.

11. Barry Rigby, 'A Question of Extinguishment: Crown Policies and Purchases in Muriwhenua, 1850–1865', 14 April 1992 (doc F9), pp 30, 35; Professor Anne Salmond, 'Treaty Transactions: Waitangi, Mangungu and Kaitaia, 1840', 30 June 1992 (doc F19), p 58

Figure 5: Place names in the story of Tohe

equivalent to the English common law whereby people could hold land without concomitant duties to an associated community, or no parallel to the English social order wherein large land holdings could influence one's status in local society. For Maori, the benefits of the lands, seas, and waterways accrued to all of the associated community and the individual's right of user was as a community member. Similarly, rangatira held chiefly status but might own nothing. It was their boast that all they had was for the people. As the proverb went, the most important thing in the Maori world was not property but people.

Relationships by whakapapa

Accordingly, Maori law described how people should relate to ancestors as the upholders of old values, to the demi-gods of the environment as the providers of life's necessities, to their hapu, which was the primary support system, and to other peoples as necessary for co-existence. Precise rules were made for respecting other people, ancestors, and deities, and genealogies were kept to show the connections.

As Professor Dame Anne Salmond put it to us:

> It should be stressed that in 1840 in Northland, Maori were operating in a world governed by *whakapapa* (genealogical connections). Ancestors intervened in everyday affairs, *mana* was understood as proceeding from the ancestor-gods and *tapu* was the sign of their presence in the human world. Life was kept in balance by the principle of *utu* (reciprocal exchanges), which operated in relations between individuals, groups and ancestors.[12]

Relationships to land

The Maori feeling for the land has often been remarked on, and should need no more elaboration than an outline of the philosophical underpinning of land-related values. In terms of those values, it appears to us, Maori saw themselves as users of the land rather than its owners. While their use must equate with ownership for the purposes of English law, they saw themselves not as owning the land but as being owned by it. They were born out of it, for the land was Papatuanuku, the mother earth who conceived the ancestors of the Maori people. Similarly, whenua, or land, meant also the placenta, and the people were the tangata whenua, which term captured their view that they came from the earth's womb. As users of the earth's resources rather than its owners, they were required to propitiate the earth's protective deities. This, coincidentally, placed a constraint on greed.

Attachment to land

Attachment to the land was reinforced by the stories of the land, and by a preoccupation with the accounts of ancestors, whose admonitions and examples provided the basis for law and a fertile field for its development. As demonstrated to us in numerous sayings, tribal pride and landmarks were connected and, as with other tribal societies, tribe and tribal lands were sources of self-esteem. In all, the essential Maori value of land, as we see it, was that lands were associated with particular communities and, save for violence, could not pass outside the descent group. That land descends from ancestors is pivotal

12. Document F19, p 58

to understanding the Maori land-tenure system. Such was the association between land and particular kin groups that to prove an interest in land, in Maori law, people had only to say who they were. While that is not the legal position today, the ethic is still remembered and upheld on marae.

Land rights by descent

The community's right to land, in pure terms, was by descent from the earth of that place, which might be seen to equate with occupation from time immemorial. The individual's right was different, and is generally seen as a right of user arising from membership of the associated community – so that, for the individual, descent alone was not enough. Descent gave a right of entry, but, since Maori had links with many hapu and could enter any one, use rights depended as well on residence, participation in the community and observance of its standards. The 'strong arm' or 'might is right' view of Maori land tenure is a misleading reduction of a complex situation.

Community right

The main right, however, lay with the community in general. As a consequence, deceased forebears and generations to come had as much interest in the land as any current occupier. This view, once again, compelled punctilious observance of constraints on resource depletion.

Individual right through community

Thus, while there existed a complex variety of individual rights to use or take resources in different ways and at diverse times – rights that individuals regarded as their own – the individuals' enjoyment of any part of the district was because they belonged to the local community. Access to that community was primarily through descent, and then also, but less perfectly, by incorporation. There was no right of land disposal independent of community sanction.

Peculiar to Polynesia was the recognition of associational rights, of which there was a variety. These recognise that people have an interest in a place on account of ancestral associations, no matter where they may now be residing.

Incorporation

The incorporation of outsiders was practised throughout the Pacific. People were included in the hapu who might otherwise have stood outside it. They entered on the same terms as all members: that they should contribute to the community and abide by its norms. The purpose was to build hapu strengths and keep rival hapu at bay.

Incorporation was thus a characteristic of competitive societies. It applied to descent group members as well as to outsiders. As individual Maori were mobile and could join several hapu through their extensive kin networks, there was competition to keep them. That continues today as tribal leaders recall old relationships to recruit new adherents for their particular hapu.

Incorporation was also effected by marriage. There may have been more interest in the children who held the blood line, for in a sense the spouse was always an outsider. Even today Maori may see the hapu as having a better interest than parents in custody disputes.

Adoption was another method of incorporation, although a blood relationship with the adopted person was usual and preferred. The naming of a child at birth,

or the adoption of a new name by an adult, were further ways of securing ongoing connections.

Incorporation by land allocation

Whatever the means, the goal was the same. It was put to us, for example, that Kupe secured his place in the land by sacrificing his son at a particular spring that ran deep into the earth and emerged again at several places. More regularly, it was said that the crew of the canoes secured a place for their descendants by marrying local women, thus sowing their seed in the whenua.

Incorporation by land allocation has particular significance for these claims. Land allocations to outside individuals, it seems to us, were not an alienation of the land but the incorporation of the individuals. A rangatira who allocated land to an individual augmented not the recipient but the community the rangatira represented, for it was the recipient who was most obliged. The purpose was not to elevate the individual but to build the community. We do not know of any case where individuals held land rights entirely divorced from obligations to the local community.

Accordingly, land allocation was not a permanent alienation of the land. Nothing could alter the reality that it was held from the ancestral community, and that a stranger taking land held it only by becoming part of that community. Thus the recipients or their issue could not part with the land. If they left it, the land remained where it had always been, with the ancestral descendants. This was no construct of law, for to Maori it was normal or natural. No other concept was imaginable. In Western legal terminology it might be said that, when the recipients vacated it, the land reverted to source; to Maori, however, it had never left ancestral tenure. Again, to secure some larger right in the community for the recipients, marriages were usually arranged, for lineage was central to the Maori system and marriage gave a stake in the land by ancestry. Thus the offer of wives for settlers was not evidence of moral turpitude, as some writers have imagined, but a way of securing them a place in the community and keeping an ongoing relationship.

Allocation to other hapu

Allocations to other hapu, as gifts made for war services or to assist hapu driven from their territory, were different. Such groups retained their autonomy but, until such time as their positions were ameliorated by intermarriage, they were still obliged to acknowledge the underlying interest of the descent group by tribute or other obeisance, according to the circumstances. If the group left the district, then of course the land reverted to source, for it was not a commodity that could be packed up and carried away. The land had necessarily to remain with the descent group of the area.

Thus the use of land and resources assumed that the individual would contribute substantially to the community and observe its standards and rules. Those who failed to do so were liable to be plundered (muru). The duty to contribute applied to all of the descent group and those incorporated into it. An outside group given land to live on might retain its independence but was still obliged to acknowledge the source of the land by appropriate tributes.

2.3.2 The Maori law of values

The conceptual regulators

The association of land rights and communal obligations was part of the general system for regulating Maori behaviour. Most Maori writers agree that the system included such concepts as whanaungatanga or kinship, arohatanga or compassion, manaakitanga or hospitality, and utu or reciprocity. The application of these shows how Maori law was predominantly about principles and values. Certainly, ritual demanded precise protocols and exactitude was required in prayers, chants, oratory, and the performance of some tasks. Rules and rituals were substantially procedural aids to achieving specific goals, but appropriate social behaviour was assessed by reference to desirable character traits, usually based upon remarkable ancestral deeds.

Whanaungatanga stressed the primacy of kinship bonds in determining action and the importance of whakapapa in establishing rights and status. Whakapapa was the basis for hapu allegiance, for establishing that all Maori are related, and for demonstrating the connection of Maori to elements of the universe.

Aroha, love or compassion, was the basis for peaceful co-existence. Aroha is how Maori described the relationship they sought with settlers or the Governor.

Manaakitanga – generosity, care-giving, or compassion – was a desirable character trait but did not necessarily equate with selflessness, for it was mainly about establishing one's status and authority (or mana) by acts of kindness and caring.[13] To give generously in providing for visitors is one mana-enhancing activity, as is evident in the word 'manaaki' for hospitality, as a derivative from mana. Manaaki was given especially to those who would live or align with the tribal group. Such people must be received and treated generously and gifts should be presented. Thus the word 'tuku', to give or present, means also to receive and entertain. Mana and manaaki and tuku are closely related concepts.

Utu concerned the maintenance of harmony and balance, and of mana. For everything given or taken a return of some kind was required, whether that given or taken was love, an act of kindness, property, or a life. Thus those who give gain mana above the recipient. Those who receive must restore the balance, by responding generously over time. It is not a case of trusting in the recipients' goodwill, for no Maori could risk losing mana by failing to make a good response. The giver cannot leave it at that, however. If the balance (utu) is not in fact restored, then utu (or compensation) must be taken. Utu may be deferred but is not forgotten. Maori mental constructs were thus invariably circular, as in their wood carvings, not linear. Even stories were less concerned with chronology than with behavioural patterns.

Maori law as dynamic

No fuller review of Maori concepts for the regulation of behaviour has been attempted. Those above are the most important for these claims, but in addition

13. Mana as spiritual authority and power is more amply described by the late Reverend Maori Marsden: see Maori Marsden, 'Te Mana o Te Hiku o Te Ika' (doc A7), and see also Maori Marsden, 'God, Man and Universe: A Maori View', in *Te Ao Hurihuri*, Michael King (ed), Wellington, Hides Smith, 1975, pp 191–220.

they show how such values did not constrain change. Although custom law is often portrayed as immutable, change was happening all the time. As Maori law was based on values rather than a rigid set of rules, change could be readily accommodated, provided the underlying principles were maintained. Thus, by remaining true to its basic values, Maori culture was able to adopt and adapt while retaining its essential form.[14]

2.3.3 The Maori law of contracts

Gift exchange

Gift exchange, the method of trade between hapu, typifies the Maori system.[15] Maori traded widely, and Muriwhenua were no exception. Large distances were covered to secure commodities scarce in the home area, and some days of ceremony and feasting could be necessary to stress the importance of the occasion and the trading relationship. Although trade was not the sole purpose of gift exchange, the main interest for the moment is in the way the trade was conducted. It was common, perhaps usual, for groups depositing their goods to make little point of what might be given in return. The response was up to the recipients – especially, as was also usual, if they could not respond immediately. A delay, in whole or in part, seems to have been expected. Better than an immediate payment was a larger reward in time.

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14. Our conclusion, that change was largely superficial and fundamental values remained intact, is made with an awareness that much can be debated about the extent to which Maori society was affected, modified, changed, disturbed, disrupted, or improved by contact with Europeans. At different levels, Keith Sinclair, *A History of New Zealand* (Harmondsworth, Penguin Books, 1959), H M Wright, *New Zealand, 1769–1840: Early Years of Western Contact* (Cambridge, Massachusetts, Harvard University Press, 1959), and A Moorehead, *The Fatal Impact: An Account of the Invasion of the South Pacific, 1767–1840* (Harmondsworth, Penguin Books, 1968) depict Maori society as succumbing to a stronger civilisation. Subsequent writers have seen Maori society as autonomous but with areas of merger: thus, J M R Owens, 'Christianity and the Maoris to 1840' *New Zealand Journal of History*, vol 2, no 1, 1969, pp 18–40 – as showing a basic continuity – J M R Owens, *Prophets in the Wilderness: The Wesleyan Mission to New Zealand, 1818–27*, Auckland, Oxford University Press, 1974, or as incorporating change into a traditional value scale – thus, Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Australian National University Press, 1974. Similarly, in our view, most Europeans before 1840 were incorporated, however loosely, into a tribal structure, as Owens contends. As we see it, however, they remained 'European'. F A Maning was a prime example: he lived among Maori from an early age, called himself a 'Pakeha Maori', and yet his books disclose how little he in fact knew of Maori society: see F E Maning, *Old New Zealand*, Christchurch, Whitcombe and Tombs, 1948.

    The considerable debate was honed to the Muriwhenua situation in extensive historical and other expert opinion in this inquiry, P Wyatt (docs F17, H9, L6), C Geiringer and P Wyatt (doc L5), and J Metge (doc F13) observing the continuing influence of traditional norms; F Sinclair (docs I3, J4(a)), A Gould (doc J4(b)), and L Head (doc F21) emphasising instead the evidence of rapid, extensive, and purposeful change. These are substantial works and regretfully it has not been practicable to review the many competing arguments.
15. Gift exchange as a form of trade permeated the Pacific and the Americas. The first comprehensive New Zealand study was probably in 1929 by Raymond Firth, *Primitive Economics of the New Zealand Maori*, (see the second edition, *Economics of the New Zealand Maori,* Wellington, Government Printer, 1959).

Since all participants adhered to the same rules, the system worked effectively. There was generosity in giving, but it was done in the expectation of a handsome response in due course. There was also absolute trust that the recipients would respond – failure to do so could lead to a reprisal. The visiting party was lavishly received, in order to uphold the mana of the hosts. And, predictably, the obligation to respond was honoured. Central to this system was the expectation that relationships would be maintained as necessary for trade and mutual advancement.

The impact of barter

In arguments put to us that Maori systems rapidly gave way to European understandings, the ready acceptance of barter was referred to, where goods were exchanged or money was given immediately and exchange rates were shrewdly bargained. It appears, however, that what mattered was not the form so much as the purpose. The delayed response of gift exchange was sensible where a major purpose was to give the surplus of what was abundant at home in return for scarce goods that were plentiful elsewhere – seafish for inland fowl, for example – and where harvesting was seasonal and preserves did not keep beyond a season. Immediate exchange was not unknown, and gift exchange was obviously impracticable in the case of European ships that came and went, and originated from places so distant that return visits by Maori were out of the question.

Gift exchange concerned relationships too

More significantly, the underlying purpose of gift exchange, as we see it, was not to obtain goods but to secure lasting relationships with other hapu. This was consistent with Maori views of reciprocity. It was also important to secure an ongoing supply. The conceptual regulator to ensure reciprocity was mana. The more one gave, the greater one's mana, and an unequal response meant loss of mana. If the original gift was outdone, however, the balance of mana changed again, so that obligations were kept current. Gift exchanges were thus repeated time and again until the parties were so close and accepting of one another that each could rely on the other to be generous in times of local privation, and to expect no immediate response. This could, perhaps, be likened to a form of insurance.

Thus, although barter is said to have replaced gift exchange when Europeans came, in fact the principles of maintaining inter-hapu relationships through gift exchanges continued. Although the practice now survives only in modified form, with money regularly replacing goods, the principles of gift exchange remain in operation, as can be seen at tribal hui, hakari, and tangihanga. It cannot be presumed, either, that in bartering with Europeans, Maori valued only the goods and not a personal trading relationship. There is evidence that a personal and continuing relationship was still sought, as will be seen later.

2.3.4 Maori authority

Hapu

The structure of Maori communities and the location of political power also need to be examined. We consider that the political units of Maori society were the

descent groups called hapu.[16] These were groups large enough to contribute to a fighting force, to uphold prestige in social exchanges, and to utilise resources best harvested by communal efforts. The structure of the hapu was constantly changing, dividing as numbers increased or fusing if, owing to war or famine, numbers were reduced. For that reason the several hapu of a district were related, as in Muriwhenua, and shared a sense of common history and destiny. Hapu were characteristically autonomous in local affairs and competitive with one another, but none the less would federate in times of trouble or to confront outside forces. Individuals from several hapu also came together for any major expedition, from fishing to fighting in another territory. It is not possible, therefore, to describe distinctive hapu in black and white terms. Their structure and membership were constantly changing, their allegiances one to another regularly shifted, they often combined for fishing or other large-scale expeditions, they were independent yet inter-dependent, and they were all related through a complex web of kin networks.

Rangatira

Within each hapu were one or more rangatira, the leaders or chiefs.[17] Since the role of rangatira was often inflated by Europeans, who justified dealing with 'chiefs' by ascribing to them autocratic powers, and since this has influenced perceptions of the rangatira role, some re-examination of their function is necessary. As the name 'rangatira' implies, they brought together the strands of a community to make a unified whole. Although rangatira were generally said to hold their rank by lineage, in fact this was no guarantee and leadership could readily change. Leadership appears to have depended upon a combination of lineage and achievement, with perhaps more emphasis on the latter.

The leadership of a rangatira was said to depend on mana, a mystical quality that showed itself in various ways. It might be in one who is fearless in war but stoutly promotes peace, is persuasive in oratory, is lavish in entertaining and attracts important visitors, is uninhibited in giving, is trusting of others but harsh if offended, is punctilious in fulfilling promises, is proud but humble and, most of all, one who works for the people and not for personal advantage. Mana was said to be delegated from the gods. All people had it, but some had more than others and those with an abundance were regarded as having supernatural capabilities. Equally, however, mana could be lost and a rangatira could come to an ignominious end. Rangatira in fact depended on the support of the community, but that support, especially in times of war or need, could be total.

Location of authority

The concept of mana shows how Maori authority was neither centralised nor institutionalised, and how power moved up from the people and not down from a central authority. Accordingly, authority was not divorced from personal power and influence. Although the necessary leadership traits were reinforced by beliefs that mana was a divine delegation, it was unlike the English divine right

16. It appears that in Muriwhenua the terms 'hapu' and 'whanau' are used interchangeably.

17. In Muriwhenua, the terms 'rangatira' and 'kaumatua' are used interchangeably, but the preference for 'kaumatua' may be modern.

of kings in that power was only partly inherited and mainly acquired. The society was thus basically democratic and there was room for class mobility.

As population changed, leadership was centralised

Although each hapu had one or several rangatira, a particularly powerful rangatira could stand above them all and draw several hapu together as one body. This happened extensively in Aotearoa in the early nineteenth century, following the trauma of major population loss through unusual levels of war and disease. A significant factor in the transactions referred to in these claims was that, shortly before they were entered into, Muriwhenua had become dominated by one rangatira, Nopera Panakareao, although around Mangonui there was a contest between Panakareao and Pororua Wharekauri. Accordingly, it is necessary to consider not only the pre-European society, but Maori society as it came to be reshaped at the start of the nineteenth century.

2.4 European Contact and Demographic Change

The former population was larger

The same record of the occupation of Muriwhenua from immemorial time, and the associated tapestry of history and law, tells of a large Maori population in the eighteenth century, bigger than it is now or when the transactions complained of were made. It is therefore important to note the dramatic loss of what could have been some thousands of lives in the eighteenth and nineteenth centuries from diseases introduced by Europeans. Massive depopulation may well have affected the transactions between Maori and Europeans, especially since the Maori population was still in serious decline at the relevant times.

The evidence of a bigger population in earlier years is partly from archaeological studies. Excavations have disclosed throughout the district not only large midden sites from the twelfth and thirteenth centuries, indicating long-term habitation, but an abundant archaeological landscape consistent with dense occupation in the centuries thereafter. It appears that the rich and varied hunting and fishing grounds, supplemented by extensive cultivations, supported several thousands. Figures 6 and 7 show the pa and archaeological sites in two areas, chosen for their relative lack of developmental interference. Midden sites with remains from distant places, including South Island greenstone and Mayor Island (Tuhua) obsidian, are consistent with a numerous people having a network of contacts reaching far beyond the area.

Archaeological evidence

The gardens were especially large. Intermittently from Pukepoto to Te Kao, for example, amongst a dune system with swamps and lagoons was a chain of extensive drainage or irrigation networks.[18] Such sites covered tens of hectares, from Pukepoto to the former Lake Tangonge, on the flats around Awanui and Waimanoni, at Motutangi and around Taumataawhana Pa, and between Ngataki and Te Kao. One ditch system comprised 'a complicated grid network [which]

18. See John Coster, 'Te Oneroa a Tohe: The Archaeology of Ninety Mile Beach', February 1991 (doc c7), p 18

Figure 6: Pa sites of the northern peninsula

transported water from natural springs into a down slope out-fall'. The square or rectangular shapes had sides 10 to 20 metres long and were probably gardens for growing taro. John Coster noted:

> The common factor in the systems appears to be their ability to either drain or irrigate land as required. The systems at Motutangi and Taumataawhana all drain springs at the base of semi-consolidated Holocene dunes of the Kimberley complex which abut and overlie a mosaic of wetland soils over which the ditch network spreads ultimately draining into a natural water course. At Motutangi and Taumataawhana, each complex of drains is associated with a cluster of two or three pa, indicating the social and economic importance of the gardens.[19]

The wetland of the Kaitaia flats also retains vestiges of early agricultural ditches like those further north. Archaeologists have speculated that these contain the largest prehistoric drainage systems in New Zealand.

19. Ibid

Early explorers confirm

Further evidence for a once-extensive population is found also in the accounts of the early European explorers. Although no precise population estimates were given, the first Europeans generally regarded the Muriwhenua population as large, skilled, and industrious. Muriwhenua was regularly their first and last point of call, as figure 8 shows. Visitors before 1800 included Tasman (1642), Cook (1769), De Surville (1769), du Fresne (1772), the whalers of the *William and Ann* (1791), Hanson (1792), D'Entrecasteaux (1793), and King (1793). Thereafter a regular flow of whalers, sealers, traders, and missionaries developed. Several of the ships' crews left diary accounts of the country and its inhabitants. While, arguably, some romanticised Maori to fit the 'noble savage' image then in vogue, they nevertheless told of substantial, well-structured societies and of a people eager for contact and trade. Thus mention is made of cultivations of 'uncommon neatness and regularity' and extending far, so that 'the sides of the hills were cultivated in some places to their very summits'.[20] Irrigation receives a brief mention, too, as, for example, that 'every ten paces there are to be seen little canals for water to flow along'.[21] There is frequent reference to large villages, superior building construction, the skilled manufacture of clothes, weapons, and utensils, of canoes and sails commensurate with a large maritime experience, and of a fishing capacity that several found astonishing.[22] In all, the descriptions were consistent with a numerous and prosperous people having an established social order.

Population spread

The same evidence describes the spread of the population to all parts, including the remote outer islands. This had added significance in some cases. Manawatawhi (or Three Kings Island) is claimed as Maori land, for example. The prior occupation of Ngati Kuri was stressed, and the island's alienation was disputed. Maori occupation was confirmed by archaeological evidence of middens, stone heaps, walls, and stone-faced terraces, suggesting extensive living areas and perhaps some 80 hectares of gardens.[23] Confirmation of this occupation was given in relatively detailed descriptions by the first European commentators, from Tasman in 1643 to Labillardière on board the *Recherche* in 1793.

Although comparative knowledge was thin in the eighteenth century, it was further speculated that Muriwhenua was one of the most densely populated regions. One explorer estimated some 8000 people in Oruru Valley alone. It was

20. J L Nicholas, *Narrative of a Voyage to New Zealand*, 2 vols, London, James Black, 1817 (reprinted Auckland, Wilson and Horton, not dated, pp 209–210)

21. 'Diary of Jean Roux, Ensign, *Mascarin*, 27 April 1772', in I Ollivier, *Extracts from Journals Relating to the Visit to New Zealand in May–July 1772 of the French Ships 'Mascarin' and 'Marquis de Castries' under the Command of M J Marion du Fresne*, Wellington, Alexander Turnbull Library, 1985.

22. Fishing capabilities are more particularly described in the Waitangi Tribunal, *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim*, Wellington, Department of Justice: Waitangi Tribunal, 1988.

23. See J Maingay, *Mangonui County: Excerpt from Initial Report on Northland Archaeology*, New Zealand Historic Places Trust, Auckland, 1986 (doc A10), and document C7.

Figure 7: Archaeological sites of Herekino and Whangape

said of this valley, near Taipa, that the pa were so close that messages could be relayed by calling from one to the other over the many miles of its length.[24]

Epidemics

Despite such descriptive but unspecific demographic data, the orthodox historical opinion is that diseases introduced by the explorers and traders wreaked havoc on the Maori population, which had no established immunity.

24. See F Keene, *O Te Raki: Maori Legends of the North*, 1963, p 77

This occurred especially in places with a concentrated population. Researchers in this inquiry estimated that the Muriwhenua population had been halved, to about 5000 to 8000, by 1835. Some areas were almost deserted. Whatever the uncertainties of these estimates, it is at least clear that population loss continued through most of the nineteenth century. Major and tragic epidemics of scarlet fever, typhoid, measles, rheumatic fever, whooping cough, smallpox, influenza, and pneumonia are recorded. One estimate, not entirely reliable, gave the population as a mere 1615 by 1878, the fall being possibly exacerbated by emigration to Hokianga and the Bay of Islands.[25] To Maori, the reduction must have been alarming. About 1878 a slow recovery began, but mortality rates were well above the national average far into the twentieth century.

Impressionistic opinions from long-term residents also support this view. In 1868 Resident Magistrate W B White wrote:

> On my first arrival, 20 years ago on paying my first visit to Ahipara, I was struck by their numbers, their large villages and pas, occupied by a numerous population. . . . Now, I regret to say, the country is almost a waste, the population dwindled to a few hundreds.[26]

Population loss meant changed settlement pattern

The extent to which population loss affected the transactions in question, however, is problematical. Some researchers conjectured that Maori themselves saw the race as dying and, abandoning tradition, sold for what comforts they could get. Such a fatalistic portrait is against the grain of most of the evidence, which suggests, rather, that Maori society remained competitive, dynamic, and in control, despite losses, at all times before 1840 and for some time after as well. We agree with Crown researchers' views that the pre-Treaty transactions were unlikely to have resulted from despair. It may be that their reduced number could have influenced the Maori remainder to provide more liberally for incoming Europeans, but the more likely position is that this had little direct effect on land deals. The major effect of depopulation at the beginning of the nineteenth century, it appears to us, was to aggregate Maori settlements and elevate a single leadership, as described below. That single leadership had the main effect on the transactions, in our view.

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25. G Kelly to Under-Secretary, 9 May 1878, 'Census of the Maori Population, 1878', AJHR, 1878, G-2, no 2, p 1
26. White to Under-Secretary, Native Department, 5 September 1868, AJHR, 1868, A-4, p 36

Figure 8: European visitors before 1800

2.5 Social Re-organisation and Leadership

Tribal warfare

Historians seem generally agreed that Maori warfare escalated nationally in the late eighteenth century, starting from the more populous places in the north. Muriwhenua illustrates this, and shows that, while the number of deaths through war is not known, the combined effect of war and pestilence was to denude the country of people. It also altered the survivors' living patterns: people who were once widely spread formed larger clusters in fewer areas for their own protection. A house that stood alone, according to a Maori proverb from that period, was food for the fire.

Concentration of Maori settlements at the centre

Previously Maori had occupied all parts of Muriwhenua, though naturally there were more people where food resources were best. There were significant settlement clusters around Kapowairua and Te Hapua at the tip of the main peninsula, at Houhora, Karikari, Whangaroa, Herekino, and Whangape at other extremities, and throughout a central band from Ahipara to Mangonui through Kaitaia, Awanui, Rangaunu, and Oruru Valley. The location of these settlements in relation to the physical environment at about 1800 is shown in figure 9.

War and epidemics put all hapu at risk, and it was only shortly before the completion of the transactions in question that the population came to be concentrated in settlements along a band from Ahipara to Tokerau (or Doubtless Bay). Several of Ngati Kuri were regrouping at Manawatawhi and Whangaparaoa, and many of Aupouri resided amongst Te Rarawa at Ahipara, but most survivors were aggregating at places like Ahipara, Kaitaia, and Awanui.

The emergence of Panakareao

The concentration of people also aided the emergence of one main leader for the hapu as a whole. It was to be expected, in times of such dramatic change, that Maori should rally behind a unifying figure whose leadership might presage a return to power, prosperity, and influence. Indeed, a unique feature of early nineteenth-century New Zealand, wracked by pestilence and the new musket warfare, was the emergence of pre-eminent Maori leaders for most major land districts. Their names are famous to this day. In Muriwhenua, that leader was Nopera Panakareao. In the vigour of his youth Panakareao promised fame and fortune through war raids with Titore, Takiri and others of Nga Puhi to the centre of the North Island, including Tamaki, Hauraki, Waikato, and Tauranga. He is remembered mainly, however, for the sober reflection of his later years, when he promised wealth, peace, and security by incorporating Europeans into the Muriwhenua communities and, later, by his alliance with the Governor.[27]

The leadership of Panakareao was presumably due to his personal qualities, his vigour, his intelligence, and that which is most the mark of a rangatira, his concern for the people. His reputation in the Nga Puhi raids, the fame of his great uncle, Poroa, in effectively subduing the Muriwhenua hapu earlier, his pedigree, and his marriages to Erenora, whose ranking was thought to be higher than his own, and to Whangatauatia, whose influence spread throughout the north, no

27. 'Nopera', or 'Noble', was added to Panakareao's name when he was christened.

Figure 9: The physical environment, circa 1800

doubt helped as well. In local tradition, however, judging by the evidence of Maori Marsden, Rima Edwards, Waerete Norman, and Ross Gregory, it was his good connections to each hapu that counted most. The relationships were explained to us in detail by the late Maori Marsden. Although his father was Ngati Kahu, and although Panakareao himself identified with Te Rarawa, he was related to all the hapu. The importance of such relationships and networks – the kupenga tupuna, to borrow a phrase from Waerete Norman – was stressed by a succession of speakers. For those reasons, it was put to us that he was an ariki as well.

A further image of Panakareao emerges from various descriptions by missionaries, traders, and, later, governors and Government officials. He is described generally in exemplary and noble terms. The Reverend Joseph Matthews saw him as contemplative and thoughtful, a slow speaker, careful of

his words and decided in approach, but still attracting profound attention on account of an extraordinarily impressive and commanding manner. Lieutenant-Governor Hobson saw him as 'quite a superior person, full of intelligence, of a most independent and liberal spirit, . . . possessing unbounded influence in his district . . . at the head of a very powerful tribe and in close alliance with all the northern natives'.[28] The missionary Puckey described his authority as 'kingly', so that almost none of the northern tribes 'durst do anything without his consent'.[29] Matthews attributed his rule to both birth and conquest, adding:

> We have witnessed his power in this and therefore we can speak. If anything serious should happen, a word would be sufficient to gather all the tribes of the Rarawa; which would amount to 1,400 to 1,600 fighting men.[30]

Internal and external challenges and Pororua

Too easily, however, the glowing European pictures of omnipotence, and the Maori concept of mana as both a temporal and spiritual authority delegated from the gods, could lead to a false picture. Even powerful rangatira were regularly challenged, from within their own group or outside it, and they could rarely afford to play god. As Maori witnesses pointed out, with the regular tension in Maori society between local autonomy and concerted action, and because there were always some rangatira who could claim to come from a superior line, the leading rangatira had always to persuade the several other rangatira to stand with him, every one of whom could also have been his rival, and he was still bound to maintain the popular support of the people. As leadership generally lasted only for so long as it produced successful results, Panakareao had further to show enterprise and initiative. For the same reasons he was obliged to keep full contact with several communities, and he therefore maintained homes at many places. This was typical of leading rangatira at the time. Panakareao lived variously at Te Ahu (Kaitaia), Whakarake, Oruru, and Takahue (Victoria Valley).

Moreover, despite Panakareao's previous war alliances and kin connections with hapu of Nga Puhi to the south, and although his reputation spread widely, the growing strength of Nga Puhi through more extensive European contact in the Bay of Islands always threatened to take part of Panakareao's mana from him. There was also a territorial contest from Pororua Wharekauri of Nga Puhi who lived either side of the Maungataniwha range. Pororua claimed an authority throughout Oruru and around Mangonui Harbour. He rejected the claims of Panakareao there, just as Panakareao rejected his. The differences between these two, the war between them, and their rivalry for European attention, were all

28. Hobson to Gipps, 5 May 1840, BPP, vol 3, p 179
29. W G Puckey, letter, 21 January 1835, *Journals and Letters of William Gilbert Puckey, 1834–1839*, MS copy, micro 19, 1831–76; see also W G Puckey, letter, 4 March 1839, *Journals and Letters of William Gilbert Puckey, 1834–1839*, MS copy, micro 19, 1831–76 (quoted in T Walzl, doc D5(c), vol 3, pp 829, 847)
30. S C and L J Matthews, *Matthews of Kaitaia: The Story of Joseph Matthews and the Kaitaia Mission*, Wellington, AH and AW Reed, 1940

Figure 10: Tribal relations, southern Muriwhenua, 1820–40

significant factors in the transactions entered into. The main area of conflict is illustrated in figure 10.

No simple picture is therefore possible. At his zenith Panakareao seemed invincible, yet there are suggestions that he had lost power by the time of his death. The general picture is of total control and the regular promotion of each hapu, yet there are ad hoc accounts in Native Land Court minute books of Panakareao driving Ngati Kuri from the North Cape area on one occasion, of saving them from almost certain death at the hands of Nga Puhi in Whangaroa on another, and of Panakareao being backed by a Ngati Kuri contingent during a contest at Mangonui. Clearly, there was a history of past struggles. There are accounts of Poroa, who preceded Panakareao, aligning with Nga Puhi to drive Ngati Kahu from Oruru, and of Panakareao forcing Nga Puhi out to preserve Ngati Kahu's presence in the same area. There are reports that people lived in dread of Panakareao, but also of people jeering him in one instance, as though he was powerless to respond. The picture was clearly more complex than the missionaries represented.

Panakareao's policy of incorporation

Panakareao's direction, however, was much simpler: the future of the people lay in having Pakeha dwell amongst them. This policy, evident in his actions, appears to have underlain most of the pre-Treaty transactions. Panakareao was remarkably consistent in upholding it, never wavering from his objective. It may be seen as no more than the traditional policy of incorporation. It began with overt support for the missionaries, who in turn were ebullient in their praise of him. In the end, however, the situation had changed. Panakareao did not attract the number of settlers he had expected and his mana began to slip. He moved away from the missionaries, who, just before he died, alleged he was reverting to heathenism.

2.6 The Trade in Goods and Religion

Changes in form but not substance

The Crown argued that Maori had been so affected by traders and missionaries and their associated business and ethical codes that, by the time the transactions were affirmed, Maori must have understood them as land sales. We very much doubt whether that was so. While there is evidence of a substantial trade in goods and religion in the Far North, even before the Treaty of Waitangi, and that Maori encouraged this trade and altered their own practices to suit, the greater evidence is that the changes wrought, though many, were peripheral and did not fundamentally alter the pervasive Maori politic and ethic. In particular, despite the traders' assumption that Western rules would eventually prevail, and the missionaries' confidence in their own proselytising, Maori still had greater cause to consider that their transactions with Europeans would be honoured in the Maori way, according to their customary expectations. Given the historical enterprise of the volatile and competitive hapu, a willingness to experiment or

seize new opportunities was not surprising. But changes are not evidence that, in their own view, Maori had ceased to govern; that they had abandoned their own laws for all or any purposes, or that their relationship to Europeans, as settled in the transactions, would be decided in European terms. Similarly, established patterns of thought, assumed rather than adopted and not necessarily apparent to Europeans, clearly persisted. Conversely, new values are unlikely to have been adopted, despite some possible breakdown of traditional structures. We are aware of the survival of traditional values to this day, and the difficulties many Maori experienced with Western concepts even in our own lifetimes.

Barter compared with gift exchange

The explorers' accounts, showing Maori as eager for business, describe the transfer of goods by the immediate exchange of presents and some bartering for a fair equivalence. While this was not the classical form of gift exchange, nor was it outside Maori experience. Indeed, it was no more nor less than was to be expected of peoples on their first and fleeting meetings.

But major misunderstanding, as over Ranginui . . .

Even so, there is no shortage of examples of how misunderstandings could occur and of the new learnings that were required. Thus in 1769, when de Surville's yawl was stranded on a Muriwhenua beach, by Maori law it became local property. Since its taking appeared to de Surville as theft, he captured one of the locals, Ranginui, in rejoinder. When Ranginui's relatives converged on the ship at anchorage to protest against this outrage, de Surville fired the village, destroying homes, food stores, canoes, and the like, the fire spreading to the hills. He left with Ranginui, who was never heard of again by his relatives, but is known to have later died on board from scurvy.

The Maori account, as recorded in 1850, nearly a century later, made no mention of the yawl or the destruction of the area, but complained only of the unrequited kidnap of Ranginui. It was said that tupua (goblins) had landed from Te Upoko o Tamoremore (the bald head) on Te Putere o Waraki (the drifting stem of Waraki, a sea god) with many sick people on board who were then nursed to health by Te Patuu, the local hapu. But the visitors responded by kidnapping Ranginui, without cause or reason, and this grave offence was unrevenged. A similar account has been retained to this day as part of Ngati Kahu oral tradition.

. . . or the *Boyd* . . .

The massacre of the crew of the *Boyd* at Whangaroa Harbour in 1809 appears to have no connection with the Ranginui incident, and in any event occurred in a different place. According to separate accounts from Maori, from the Reverend Samuel Marsden, and independently from a sailor who lived for a year amongst the local hapu, the killings were utu for the kidnapping of certain Maori, one the son of a chief, who were flogged during a voyage but escaped in another country and returned home. The utu exacted on the crew of the *Boyd,* who had nothing to do with the earlier incident, was followed by a similar reprisal when, in revenge for the *Boyd,* another crew attacked Te Pahi and his people, killing Te Pahi, although this group was not the perpetrator of the raid. In fact, Te Pahi was well disposed to Europeans and had tried to prevent the attack and to rescue five crew members. He too had been mistreated on a voyage to Norfolk Island, where he

went in search of his kidnapped son, but he was well received by Governor King, both there and later in Sydney. Te Pahi strongly supported doing business with Europeans but was killed soon after his return to the Bay of Islands from Sydney.

. . . or Tuki and Huru

Similar accounts concern the kidnapping of Tuki and Huru, who later were well cared for on Norfolk Island. In local tradition, Tuki and Huru spoke highly of Europeans and their resources. They are credited with introducing the potato to Muriwhenua.

Despite the travel, there was still little comprehension

By such contacts, pigs, fowl, potatoes, and various other vegetables came into the Muriwhenua economy, along with iron tools and fabrics of wool and cotton. Notwithstanding moments of conflict, the general climate was clearly one of goodwill, with competition amongst Maori to take the intrepid European travellers into their care and patronage. Despite the travels of Europeans to Aotearoa, and of Maori to Sydney, Norfolk, California, and even London, as early as the second decade of the nineteenth century, it still appears that neither side had sufficient comprehension of the other, or gave primacy to anything other than their own laws and beliefs.

The extent of trade, in flax, timber, and provisioning

A large amount of trade followed; its extent is not always appreciated. Yet this business caused no more than surface changes to life in general – there was no social revolution. Most of the business was in the Bay of Islands and Hokianga. The trade through Muriwhenua was less, but Muriwhenua Maori were in contact with these other places. First came whaling, which began in the eighteenth century and expanded enormously from the 1820s. It was based largely upon the sperm whaling grounds north of Muriwhenua, but, although Mangonui Harbour was closer for ship repair and provisioning, the Bay of Islands was preferred, possibly because missionaries had established contact with Maori there and could serve as intermediaries. Figure 11 shows the main whaling grounds and illustrates the growing number of visits to the Bay of Islands by whaleships from various countries. Through the 1830s the number averaged 118 a year; with each ship having 20 to 30 crew, this would have given some 3000 visitors annually.

The value of flax was also recognised early. The gathering and dressing were tedious, however, and unless carefully done could result in wholesale rejection of cargoes. At the peak in 1831, flax imports to New South Wales reached 1240 tons, valued at £26,004. By 1834 prices were falling and the flax trade was declining.

The quantity of kauri extracted before 1820 is not well documented, but sawmilling proved the most durable of the early extractive industries. Between 1828 and 1839 about 50 to 60 percent of the timber exported was from the Hokianga. Figure 12 illustrates the number of ships visiting the Bay of Islands to 1840 for the purposes noted. Figure 13 depicts the area's resources and the spread of sawmills.

Maori were involved mainly in provisioning ships and supplying them with cargo, either directly or through traders. Pigs, potatoes, other vegetables, fish, and fowl were loaded both for the crew and for export, along with curios. The

Figure 11: Whaling grounds and whaleship visits

scale of Maori agriculture and fishing, and industry in drying and packing, was thus intensified, and reports of groups transporting goods over long distances by land or sea show that even remote places were affected. Similarly, it appears that all Muriwhenua communities had contact with ships in the Bay of Islands as well as those at Mangonui.

The new work required no social adjustment

While such activities amounted to little more than an acceleration of customary gardening and fishing, the cutting, processing, cartage, and loading of flax and timber were substantially new work. Nevertheless, it was best done communally and so required no social adjustment. The same applied to ancillary labour, as in assisting in stevedoring, road-making, ship repair, or the construction of jetties and buildings. Individual Maori enterprise was really obvious only in the case of a few who left the tribe to serve as whalers or ships' crew, or as assistants to blacksmiths, coopers, or carpenters. Some, like the whaler Tom Bowling (as he became known), developed fame for the skill they displayed in working with Pakeha, although it should be noted that Muriwhenua Maori were experienced whalers long before the advent of Europeans. For the most part, however, Maori were still functioning according to their traditional groupings, and the new business did not call for any major social adjustment.

Changes were still on Maori terms

Of greater interest for the purposes of this inquiry, therefore, is evidence that Maori saw the changes as being made on their terms. Barter, or exchange for tools, arms, ammunition, seed, blankets, pipes, and tobacco, still continued. But Maori shrewdness in bargaining, their avoidance of resident traders when ships were in port, and their ready acceptance of money as a medium of trade – often commented on by Europeans – showed that Maori saw themselves as no less than equal in trading situations.

More particularly, however, there is evidence that Maori saw themselves as retaining control. This is demonstrated in their political acts of levying anchorage and watering fees, which Europeans found they were obliged to pay. Much later, Maori were intensely opposed to Government customs duties and harbour charges, as they considered only Maori could levy these. This became a factor in the later northern wars between Maori and the Governor.

The Maori position is further apparent in the competition amongst Bay of Islands rangatira for ships to anchor in the vast Bay of Islands harbour, and in their opposition to captains who anchored at Whangaroa and their threats to Whangaroa Maori who presumed to entertain them. Captains valued the protection of rangatira. The burning of the *Boyd* at Whangaroa in 1809, and the sacking of the Wesleyan mission there in 1827, were signs of what could happen. Ships that traded regularly were soon 'owned' by particular rangatira whose protection could be relied on.

Europeans' dependence on Maori

It was further apparent to Europeans – and the point was not lost on Maori – that the trade relied totally on Maori permitting access to the resources, and providing the labour required for processing, transport, and loading ships. Indeed, access to resources could never be assumed and, just as ship captains

Figure 12: Bay of Islands ship visits, 1800–40

found it convenient to accept protective arrangements, so did the sawyers and traders who were resident on the land. As one observer recorded in 1834, referring to the Hokianga:

> All the Sawyers live with the Native women. In fact it is not safe to live in the Country without a Chief's daughter as a protection as they are always backed by their Tribe and you are not robbed or molested in that case; they become useful and very much attached if used well and will suffer incredible persecution for the Men they live with. [31]

Maori still practising incorporation

That passage reveals more about the author than about Maori, but it points to what we consider the most significant factor in Maori interaction with Pakeha: the importance to Maori of establishing kin relationships with other peoples, and incorporating those with special skills as members of their own communities. Thus it is more important to discuss the practice of incorporation than to debate the degree of adaptation from gift exchange to barter and a cash economy. This will be further examined later, but for now it may be noted that both sides saw intermarriage as commercially advantageous: to the trader, to secure the goods; and to Maori, to secure the trader. It must have been obvious that the practice of gift exchange, of creating obligations to be performed in the future, could not operate with those Europeans who were here today and gone tomorrow.

In any event, those who married into the community had a measure of protection. Those who stood aloof were quite properly food for the fire, in Maori reckoning. It was both appropriate and necessary that the latter should be raided from time to time to remind them that they lived on Maori land only by grace and favour. This was nothing new for Maori. Raids on subservient groups living in a client relationship were part of pre-European practice. Moreover, muru (plunder) was the usual penalty for all who did not freely contribute to the local community or adhere to its rules, or who amassed wealth for themselves when it ought properly to be distributed to the people.

Bay of Islands more popular for Europeans

The missionaries were more difficult to incorporate into the Maori communities since they did not take Maori wives. There was a risk that the hapu would have no claim upon their children. Every endeavour was made to bring missionaries under Maori patronage nevertheless. More importantly, in Muriwhenua there was more reliance on missionaries to bolster tribal fortunes since, initially, the traders were less influential. Mangonui had little attraction for ships. The lack of grog shops may have made desertion less likely, there were significant flax swamps, especially around Awanui, with good canoe routes to the port, and timber was available cheaply from nearby European sawyers. Yet Mangonui was not nearly as popular as the Bay of Islands with its much larger and more protected harbour. An indication of the comparative volume of trade is the numbers living on the land. British Resident James Busby recorded the

31. E Markham, *New Zealand or Recollections of It*, Wellington, Government Printer, 1963, p 40

Figure 13: Exploitation of resources before 1840

European and half-caste population in 1839 as Muriwhenua 37, Whangaroa 63, Hokianga 185, and Bay of Islands 494.

Christianity comes through Ruatara

If Maori were keen to traffic with traders, they were no less eager to treat with missionaries. The introduction of Christianity was prophetic in itself. An early Maori traveller, Ruatara, crewed on whalers until he reached London, where he met the Reverend Samuel Marsden. Ruatara accompanied Marsden to Marsden's farm near Sydney and, having learnt about growing and harvesting wheat, in 1812 he returned to the Bay of Islands with seeds and tools. European crops were flourishing in the district before any European settlement. In 1814 Marsden sent Ruatara two missionaries with more crops, stock, and implements. The potential

value of the missionaries must have been obvious. While traders gave goods, missionaries gave the means of production.

From the outset Christianity was associated with good business. Ruatara achieved renown as a rangatira by demonstrating enterprise and success, and he came to have the company of the Bay's elite, Hongi Hika and Korokoro, who might once have scorned him. These three went to Sydney to seek out Marsden, who came to New Zealand in 1814. He did not stay long, however, but, as a result of this visit and a second trip later, several missions were established between 1815 and 1840 (see fig 14).

How missionaries and trade were related

The whole thrust of the missions was to introduce agriculture and industry at the same time as the Christian religion, so that the material advancement of the people was connected to religious enthusiasm and knowledge. This was the Maori way as well, where planting, harvesting, fishing, hunting, travelling, and war all did best with divine help. The first missionaries were chosen for their skill in husbandry, horticulture, mechanics, carpentry, and medicine as much as in preaching. They taught trades as well as religion. Each mission station became an industrial and agricultural oasis where Maori could learn from both instruction and example. In fact, the missionaries were traders, teachers, healers, and peace-makers. They developed a reputation for mediating between rivals and provided a way out from the cycle of utu.

The mission stations strove to be independent of Maori provisions

No less than with the sea captains and traders, rangatira competed to capture their own missionaries. On their part, missionaries suspected that Maori were more interested in trade than the gospels, but they were not without a strategy to deal with the situation. Dissatisfied with a Maori hard line in trading, they laboured to make their mission stations self-sufficient, dependent on neither patronage nor bargaining. In the event, the missionaries were not adjuncts to the numerous Maori communities; on the contrary, they encouraged Maori to farm with them or to live at the mission. If people wanted something from the mission, it was to the mission they would have to go.

. . . but they still depended on Maori for protection

Mission Maori were of two kinds: those less fortunate in earlier life, who welcomed a new regime under missionary supervision; and rangatira, who presumed to place the mission stations under their authority and protection. Though the missions sought to be independent, the reality was that they remained susceptible to outside threats. No one could forget the sacking of the mission station at Whangaroa, for example. Likewise, without the support of rangatira, large-scale conversions to Christianity were unlikely and labour could not be cheaply obtained. From the moment the mission station at Kaitaia was established in 1834, Maori farmed alongside. The missionaries openly acknowledged that the station would not have survived were it not for the love and protection of Panakareao.

. . . and Maori presumed to maintain control

It is not entirely certain, however, that love and protection were all that Panakaraeo had in mind. When it was proposed that one of the missionaries should leave Kaitaia, for example, Panakareao protested to the Bay of Islands

Figure 14: Mission stations, 1815–40

immediately, as though there had been some breach of contractual arrangements. The missionary remained. In fact, the missionaries at Kaitaia were to remain for the rest of their lives, but, as one of them wrote:

> Panakareao our principal chief possesses . . . authority over the Northern Tribes so that hardly any of them durst do anything of moment without his consent. . . . and I believe that it is not unlikely, but that he might restrain us forcibly from going, even if it was our wish to go. Why might he not? Would he not consider his authority as treated with contempt? He appears much concerned about this threatened removal; and for this and many other reasons our path of duty seems plainly to say 'stay at home'.[32]

There was a further significant difference between missionaries and traders. The latter came and went. While Maori sought a long-term relationship with both, and endeavoured to tie traders down by marriage arrangements, most who did not marry Maori stayed only for the business and left when the business

32. B Rigby and J Koning, 'Toitu Te Whenua E: Only the Land Remains, Constant and Enduring – A Preliminary Report on the Historical Evidence', 4 December 1989 (doc A1), supporting documents, vol 1, pp 287–289

ended. While the missionaries could not be bought by marriages or trading obligations, they stayed on. Like Maori, they spoke of long-term relationships. It was pointed out to us that a relationship between church officials and Maori is still evident today. Moreover, some particular missionary families – the Williamses, for example – have kept connections with Maori over time, from before the Treaty of Waitangi was signed.

Despite the missionaries, the Maori order remained the same

For the purposes of this report, the essential question about the impact of the missionaries is much the same as for the traders: did Maori so change their world-view as a result that the pre-Treaty transactions were accepted as land sales? The question has two parts, as we see it. First, did the parties so understand each other that theirs was a full meeting of minds? The answer to that, we think, is no. The second is whether the expectations of both sides were the same: were they agreed on whose rules would apply and who would decide? Here again the answer is no.

Most historical and anthropological debate concerns whether Maori entirely abandoned their old beliefs for those of the Christian churches, or whether they merely added those beliefs to a cultural system that remained fundamentally the same. For this, the hard evidence is almost wholly from the missionaries themselves. It is not surprising that, given their acknowledged mission to convert (or to effect change) and, not infrequently, their intolerance of opinions other than their own, missionary accounts tell more about the missionaries than about those whom they purport to describe.

. . . as the Te Reinga incident shows

We were thus introduced to missionary accounts of journeys to Te Reinga in order to cut the aka vine by which the Maori spirits descended to the sea. The missionaries intended, by this and other means, to debase Maori opinion on the watery destination of the spirits, and to promote instead a place further down, as one stated, 'burning with fire and brimstone'. If the missionaries hoped that, in embracing Christianity, Maori would reject their traditional values and beliefs, however, that outcome was not achieved. Academic research was referred to but was hardly needed. When we went to Te Reinga ourselves, before the debate on this issue, a crowd of over 60 had gathered to add their blessing to the place, so sacred was it to them. The service, in the autumn wind and rain, took more than an hour. More significantly, though, it was a Christian service conducted on Maori lines. It seemed to us that Christianity had not taken over Maori culture but had been incorporated into it. The missionaries went to debase Te Reinga, and now, Christian services are used to maintain its sacred character.

The church was, rather, indigenised

Accordingly, while we were regaled with volumes on the rapid spread of Christianity and the unquenchable thirst of Maori for religious education, we could also see that Maori custom and Christianity had in fact fused. The prayers at the start and end of every day's hearing were testimony in themselves: Christian in terms, Maori in style, and with the heart of both. The same applied when we visited pre-Christian sacred sites. Following customary protocols, not one of those ancient places could be approached or left without karakia, but the

prayers were Christian. During site visits we stopped for prayers at different places regularly throughout the day.

In this way it appeared that Christianity had been made indigenous, just as, presumably, it had earlier been Romanised or Anglicised. Thus the resilience of Maori culture, that it could incorporate such a large body of learning while remaining true to itself; and thus the strength of Christianity, that, contrary to the early missionaries' teachings, it was not culturally specific but accommodated cultures globally.

The position as it affected Maori was explained by the late Reverend Maori Marsden, a remarkable Maori scholar. He observed that the stories of the Old Testament have close equivalents in Maori tradition and impart the same messages; that the values of the New Testament are also Maori values; and that the Hebrew and Greek theology offered a spiritual and philosophical dimension with which Maori could be immediately knowing and comfortable. He felt that, when the missionaries brought Christianity to Muriwhenua, they brought it home to where it belonged. He thought that Muriwhenua had contributed more than most places to the Maori Christian priesthood as a result, and he named the priestly families – Anglican, Catholic, and Ratana, but all Maori to the core.

Speaking separately at another marae, Rima Edwards conveyed much the same theme. Even the biblical understanding of land tenure had close empathy with Maori thinking, in his view. He referred to Leviticus 25:23:

> Kaua e hokono te whenua, he mea oti tonu atu; noku hoki te whenua; he manene hoki koutou, he noho noa ki ahau.
>
> The land shall not be sold for ever: for the land is mine; for ye are strangers and sojourners with me.

Other parts of Leviticus suggested that all land returned to the original owner after the fiftieth year. In Rima Edwards's evidence, the whare wananga traditions describe a discussion on these passages between Panakareao and the missionaries on the evening of the Treaty signing at Kaitaia, where the Anglican Church now stands, in April 1840.

Literacy spread rapidly

Literacy also spread rapidly amongst Maori. This has been documented in various studies.[33] Again, however, it appears to us that the extent to which literacy may have informed Maori of the English system can easily be overstated. The medium for all instruction and writing was Maori, the words used in written material thus carried the Maori thoughts behind them, even if the author intended another result, and the written material was almost entirely from the Bible, where the tradition was not English but Judaic.

33. For more comments on the spread of literacy, see doc P2, ch 6, which refers to accounts of an insatiable demand for books, notes estimates that 500 people could read in Hokianga by 1833, and outlines the growth of 'converts'. In 1836, the Church Missionary Society numbered its adherents at 1530, in 1842 at 35,000. Contemporary observers remarked on the speed with which Maori learnt to read and write in their own language, aided by retentive memories. In general, however, Maori could not read English.

Competition from Te Atua Wera

It should be added, in considering the historical record of Christianity's progress, that for the most part the auditors were the missionaries themselves. In making assessments, they were naturally influenced by their own beliefs and sense of mission. To keep some balance, it is worth noting that Te Atua Wera advanced a competing religion with a Maori and Christian mix, and that his teaching institution, Te Wananga o Nakahi, has survived to the present. Several witnesses before us had attended as pupils.

At heart, a question of authority is involved

Perhaps the real issue, however, is power. The evidence is clear that the missionaries regarded Panakareao as having the main power in the area, and that Panakareao himself assumed so, too. He actively promoted the establishment of the Kaitaia mission station and he took the missionaries under his wing. Although he was christened into the church, there were always concerns that his motives had more to do with trade than with the gospel. Certainly the missionary Charles Baker thought so. The Reverend Samuel Marsden suspected that the same applied to all Maori, however, writing:

> I am inclined to think that they have sprung from some dispersed Jews, at some period or other, from their religious superstitions and customs, and have by some means got into the Island from Asia. They have like the Jews a great natural turn for traffic; they will buy or sell anything they have got.[34]

If that were so, it seems to us, it could have applied only to commodities. When the issue was settling the land, we think the thoughts of Panakareao were directed not to trade but to the recruitment of people. However, our more particular conclusions on the varying expectations of the transactions will be dealt with in the next chapter, after the transactions themselves have been examined.

34. J R Elder (ed), *The Letters and Journals of Samuel Marsden, 1765–1838*, Dunedin, Coulls Somerville Wilkie and Reed, 1932, p 219