



A Separate Authority (He Mana Motuhake), *Volume I*

Establishing the Tūhoe Māori
Sanctuary in New Zealand,
1894–1915

Steven Webster

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The author and his family have identified the old home in the cover photo as that of Hikawera Te Kurapa, the *tobunga whakapono* ('expert on truth or faith') of Te Urewera hapū in the 1970–1980s. It was in Papuera, Heipipi, located on the road just south of Ruatāhuna (Fig. 1.1). Hikawera himself died in the 1980s. His name appears in the indexes of both volumes.

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PREFACE

*E te atua
taburi mai ōu taringa ki tā mātou īnoi
hei whakangaro atu koe inā tangi atu mātou.
Anga mai, titiro mai hoki koe
ki a mātou e pokaikaha noa nei,
tangi nei hoki,
koi mātou e whakakorōria nei
ki tōu ingoa tapu.
Āmine¹*

(‘O Lord
turn your ear to our prayer
lest our cries be lost to you.
Turn to us, look at us
see our turmoils,
our cries of anguish,
so that we may glorify
your sacred name.
Amen’)

GETTING TO KNOW NGĀI TŪHOE

My personal interest in Urewera lands and Tūhoe kinship began with treks into these mountains in the 1970s soon after my family and I had immigrated to New Zealand from the USA to teach social anthropology and Māori studies at the University of Auckland. We had been taken in as

visiting *kaupoi* ('cowboys', Tūhoe jargon for Americans or 'yankees') by Tūhoe *hapū* (descent group or 'sub-tribe') in Ruatāhuna and Ruātoki with which we became increasingly involved in the following years (Fig. 1.1). One of the strongest charms of Māori society is their sincere embrace of *tauiwi* ('strangers') as well as *hoariri* (enemies, opponents; lit., 'angry friends', details of which emerge in Parts II and III of this book). I soon realized that there were surviving blocks of largely unoccupied Māori land scattered throughout the huge and heavily forested Urewera National Park surrounding us, often belonging to Tūhoe descent groups my family and I were coming to know. Old meetinghouses, *marae* ('courtyards'), orchards, and signs of old homesteads survived on these lands, ancestors were buried in them, and ties of kinship extended across them to opposite ends of the Urewera mountain ranges.

At that time, I sensed that a kinship history still lay in these blocks of land, but I had no idea that these remnants themselves obscured a previous colonial history of earlier surveyed blocks and still deeper ancestral roots. It turned out that those earlier ancestors had struggled successfully at the turn of the century to consolidate their sanctuary in the Urewera in *he mana motuhake* ('an independent authority'), an exclusive dominion underwritten by a special statute, but then had to survive a predatory purchase campaign and imposed reorganization of the lands they managed to retain into entirely new blocks in radically different locations. All this chaos of hope, success, and desolation had happened between 1894 and 1926. Many had died in WWI, the flu epidemic, and poverty or been left landless and itinerant by the time of the historic anticlimax. All traces of the previous hard-fought boundaries of the UDNR (Urewera District Native Reserve) disappeared from the new maps, and often survived only in Tūhoe memories and stories. Often it survived, albeit confusedly, only in the colonial archives. Indeed, many aspects of the UDNR, and especially those intrinsic to the organization of *hapū*, had become a lost history—as had been explicitly intended by the Crown in 1921.²

In Part III, the Conclusion of this Volume I, I will expand on some of the personal implications of my and my family's early years with the Tūhoe as *tauiwi* or *kaupois*, and subsequent births, marriages, and deaths over the intervening years. The surprises and ironies, loneliness and companionship, tragedies and joys of social anthropological 'participant observation' know no bounds, particularly when one's whole family is involved. However, here in this primarily *ethnohistorical* work the contemporary and often personal implications will remain in the background until they

emerge somewhat ‘reborn’ in the Conclusion. Unlike most historical research, my family’s *ethnographic* research with the Tūhoe in the 1970–1980s was based on many years of frequent visits to their homes (and they to ours in Auckland) and continuing *whānau* (‘extended family’) connections. It would have been somewhat the same for the earliest traders and settlers taken in as *mokai* (‘pets’) by Māori *rangatira* (‘chiefs’) and their *whānau*. One of the ironies of our personal experience with the Tūhoe is that it was my later ethnohistorical research that has joined us irrevocably to them through their deep ancestral roots in Te Urewera. As will be described in the Conclusion, it is as if they knew even in the 1970s that this would happen.

In 1984 I made my first foray into the archival history of this dramatic Urewera era at the turn of the century, and distributed among Tūhoe leaders an unpublished manuscript on my findings, including the onset of the Crown’s betrayal of their sanctuary in the UDNR (Webster n.d. (1984–5)). In 2002 this preliminary effort prompted the Waitangi Tribunal to recruit me to research comprehensively and report on the Urewera Consolidation Scheme 1921–1925 (Webster 2004), here the subject of Volume II. Since the 1980s, the Tribunal has been investigating and attempting to settle violations of Treaty rights with the Māori recognized in New Zealand law until the 1870s but disregarded for most of the next century. The surprising opportunity to work for the Tribunal threw me willy-nilly back into the research I had first glimpsed in the 1970s, and I still see no end to the information that can be extracted from the deluge of archive records assembled especially with the insightful and determined help of Himaima Tumoana, herself a Tūhoe and member of the Ruatāhuna-Ruātoki *whānau* that had originally taken us in. In the 1980s I had been urged by another young Tūhoe scholar (now one of their leaders) to pursue research in Tūhoe land history as recorded in archives throughout the country, in order to complement Tūhoe elders’ and scholars’ own oral history and private papers. These two volumes on *He Mana Motuhake* are the result.

I initially saw my research for the Tribunal as requiring neutral scholarship that could mediate between Tūhoe claimants and the Crown’s defense. However, I was soon encouraged by the Tribunal to follow the evidence and express my conclusions freely. My earlier 1984–1985 research had exposed the initial Crown betrayals of the Tūhoe and UDNR (Urewera District Native Reserve) which began soon after their sanctuary had finally been established in 1907. The further evidence I was able to uncover of

the subsequent predatory purchasing campaign and duplicitous intentions of the Crown in the UCS (Urewera Consolidation Scheme) clearly strengthened the grounds of the Tūhoe claim. The contributions of many historians, especially that of Judith Binney, were crucial, but as a social anthropologist I was fortunate to have benefitted from years of intermittent participation in their ordinary lives, an advantage not usually integral to historical research methods. In July 2004 I was able to present my findings before the Tribunal in Te Whaiatemotu meetinghouse on the Te Urewera hapū marae near Ruatāhuna where my family and I had first been hosted in the 1970s. I was again hosted and surrounded supportively by the younger members of the hapū (children when we had first met them!), and able to visit and mourn in the nearby *urupā* ‘cemetery’ where others of them had been buried with their predecessors. Judge Savage, heading the Tribunal’s inquiry, understandably looked askance at this ‘American’ academic’s *kaupoi* manner, but the locals knew better.

My research for the present book grew directly out of my work for the Waitangi Tribunal and presentation of that report. Volume I of *He Mana Motuhake* describes the unique manner in which the Tūhoe and Crown had, in good faith and accordance with Tūhoe wishes, investigated and established their sanctuary as the Urewera District Native Reserve between 1894 and 1913. It was my Tribunal report on the subsequent era, revised and augmented here in Volume II, that had described how the same Crown soon proceeded to subvert and undo that entire achievement and the promise of the 1896 UDNR Act. Just as my study of the 1921 UCS had drawn me back into the preceding Crown purchase campaign that led to it, this whole era drew me further back into the preceding UDNR that the UCS had dismantled. Whereas my report for the Tribunal had described *how* all this was lost, this volume seeks to describe in detail, relying on the transcribed words of the Tūhoe ancestors themselves, *what* was lost. Now, almost a century later, the promise of the 2014 settlement is that some of what was lost by 1926 might eventually be regained.

I started my research on the UDNR soon after presenting my report on the UCS, but was inspired by the Tribunal’s prodigious effort and findings in their final report (20 chapters) released in 2009–2015 strongly supporting the Tūhoe claims, and especially by the settlement with the Crown in 2014. Regardless of these Tūhoe victories, my leading motivation in continuing this research was to set the record straight on two key issues that had been largely overlooked by the Tribunal itself and perhaps underplayed by the Tūhoe in their negotiations with the Crown for the 2014 settlement.

As the Tūhoe know well but have learned the hard way since the 1850s, given the fickleness of governments and reversals of power, it is important to maintain vigilance and let no gain by the disempowered slip by.

One leading motive in this ethnohistory is to follow up on my argument that the 1896 Act largely reflected the *mana motuhake* goals of the Tūhoe themselves and, most importantly, their control over its investigation 1899–1903 in practice (Webster 2004: 20; 27–31; 2017). My position on this key issue is now supported by contemporary Tūhoe leaders but contrary to most of the other reports to the Tribunal and specifically those by Judith Binney and Jeffrey Sissons, although both strong protagonists of the Tūhoe. My own position in 2004 (and that of present Tūhoe leaders) and elaborated in the present volume was that the Crown’s betrayal of the UDNR was grievously aggravated by the fact that it had been enacted and established largely in good faith with the Tūhoe and under their practical control by that same Crown. Ironically, the other researcher who impressively mounted this argument was not Binney, Sissons, or other supporters of the Tūhoe claims but Cecilia Edwards, the solicitor defending the Crown. Perhaps she had anticipated that whether the claimants’ case for the injustice of the later purchase campaign and Urewera Consolidation Act was weak or strong, if it was argued that the UDNR was unjust to begin with, she could respond that its subsequent undoing was an insignificant loss or even a gain for the Tūhoe. In the event, the deciding factor may have been that the Crown did not attempt to respond to the evidence that I marshaled regarding the Crown’s undoing of the UDNR through sustained and predatory injustices in both its purchase campaign and Urewera Consolidation Scheme.

My other main motive to pursue this research into the investigation and establishment of the UDNR was to emphasize the key structural and organizational role of Tūhoe *hapū* in the resulting land titles of their sanctuary. As I have documented here and in my previous publications with regard to Māori in general (Webster 1975, 1990, 1997, 1998a, b, 2002, 2011) and Tūhoe specifically (Webster 2010, 2013, 2017, 2019), misunderstanding of the social organization of *hapū* has been persistent since earliest colonization. It is sometimes even despairingly indulged by Māori in the seriously misleading (but, for the Crown) administratively advantageous image of ‘whānau, *hapū*, and *iwi*’ (‘extended family’, ‘sub-tribe’, and ‘tribe’, respectively) as hierarchically and even territorially organized. Until 1975 it had been widely assumed even among social anthropologists that all Māori *hapū* were long defunct. My effort to rectify this oversight

in 1975 coincided with the resurgence of popular awareness of hapū in the Māori renaissance, but my article in defense of their continuing vitality and historical adaptation to land-loss was not seriously challenged until Jeffrey Sissons' important alternative interpretation was published in 2010. Because Sissons also drew much of his information from his own early social anthropological field research among the Tūhoe, I think I was able to defend my understanding of hapū effectively with specific regard to Tūhoe hapū as well as Māori in general (Webster 2013).

Given even Elsdon Best's ethnological but nevertheless superficial understanding of Tūhoe hapū organization as secretary for the UDNR commission (argued in Part I here), the explicit hope of the UCS to eradicate it, and the long-established popular and administrative misunderstanding of Māori hapū in general, perhaps it should not be surprising that the Tribunal findings regarding the purchase campaign and consolidation scheme in the Urewera tended to overlook major implications of hapū control of Urewera lands that I had emphasized in my 2004 report.

Volume II of *He Mana Motuhake* details some underplayed implications of the Tribunal's oversights regarding the structure and organization of hapū. These include (i) the Tūhoe tactics for resisting the Crown purchasing strategies; (ii) the UCS demand that *pupuri whenua* ('land-with-holders', derogatorily publicized by the Crown as 'non-sellers') be broken down into small-farming 'families'; and (iii), despite Tūhoe resistance to this demand (by reorganizing descent groups around siblings), (iv) the grave loss or dislocation of ancestral rights caused by Crown pre-emptions and evacuations, false promise of roads, reduction of the size of each new block for its costs (to be paid in land) of survey and access to the promised roads, and resulting relocation of remaining ancestral rights of the stripped-down consolidation groups to over 200 small blocks. For the next several decades, these relocated *mōrehu* ('remnants' or 'survivors') of the ancestral UDNR lay scattered, "*whakamoana-ed*" ("adrift"), often isolated and consequently deserted and faced again by Crown threats, throughout what was to become the vast and rugged Urewera National Park. Although the Tribunal's report addressed most of these injustices, the crucial implications for the damage potentially done to hapū organization were usually overlooked. As well as weakening the Tūhoe case, this compromised the Tribunal's invaluable historical record for future use by others, most tragically perhaps for Tūhoe themselves.

In this volume I will return in the Conclusion to some of these implications and the resulting difficulties for Tūhoe descendants who wish to

recover more of what was lost from their hapū by the Crown's dismantling of the UDNR in 1921 than was returned in its 2014 apologies and settlement.

INDIGENEITY IN NEW ZEALAND

At the risk of stretching the reader's patience with apparently theoretical but actually practical and even global issues, a wider but important New Zealand context in which I and my family are still getting to know *Ngāi Tūhoe* needs to be briefly examined here.

My credentials in support of the Tūhoe that I hope to have outlined above may not be sufficient if challenged in the name of indigeneity. As will be discussed in the Introduction, the Tūhoe themselves have often been considered to be icons of New Zealand indigeneity, even by other Māori iwi. This concept is the most recent in a history of popular but often justifiable moral or legal claims that have emerged globally since the 1960s (Webster 1997; 1998b). In New Zealand, similar issues began nearly a century ago in the 1920s with the anthropological but patronizing and racially tinged concept of Māori 'culture loss' or, by the 1950s, cultural-deficit theory—in both cases, urged by Māori as well as Pākehā ('European' or 'white' New Zealander) scholars. In the 1970s, about the time that I and my family started to get to know the Tūhoe, similar claims emerged in the Māori cultural renaissance in terms of *Māoritanga* ('Māori-ness'), *te reo* (Māori language), racism versus anti-racism, assimilation versus multiculturalism or bi-culturalism, or treaty rights. By the 1990s such issues were being expressed in terms of 'cultural safety' in government or public services and, at least in the universities, 'post-colonial' decolonization or 'postmodernist' disenchantment. The social and intellectual heritage of these concepts in New Zealand are among the historical conditions of their current replacement by notions of indigeneity. Here in this preface is the best place for me to attempt briefly to outline the wide range of positions taken by prominent scholars, Māori as well as Pākehā, in what would now usually be seen as support for indigeneity, and to situate my own position relative to them.

1. Ameria Salmond proposes a recursively ontological ethnography of cultural otherness (other 'being' or existence) that defers to the creativity as well as radical otherness of Māori culture, describing one iwi's development of their *whakapapa* ('genealogy') extended

digitally as well as cosmologically that she contends escapes both traditionalist and strategic cultural constructionist understandings of Māori indigeneity (Salmond 2013–4; Webster 2019).

2. Much earlier in the development of the current issue of indigeneity and probably influenced by Linda Smith's work (see below), Lynette Carter described the bureaucratic incorporation of *whakapapa* and contrasted this with ordinary traditional understandings of it, cautiously defending the latter while accepting that it had to modernize in the legal and corporate terms of contemporary society (Carter 2003).
3. Paulette Regan, generalizing her experience of indigeneity claims in Canada to New Zealand and Australia, proposes a revised truth-and-reconciliation story-telling procedure that can overcome subtle 'post-colonial' barriers to reconciliation, obscured in liberal forms of denial, guilt, or empathy, with the goal of transforming unconscious colonizers into activist allies of indigeneity (2010).
4. Avril Bell examines indigeneity in several of Britain's settler societies, including New Zealand, excavating historical layers of settler ideology, semiology, and repressive tolerance that often distort indigenous persons' concepts of what is possible, similarly proposing an ethics or "a new, relational imaginary" that can nurture settler acceptance of the profound autonomy demanded by "indigenous ontologies and ways of life" (Bell 2014).
5. Roger Maaka, following Mason Durie's as well as Augie Fleras' earlier works, examines "the politics of indigeneity" in New Zealand and concludes that regardless of bureaucratic "offloading [of] government responsibility to indigenous communities ... with minimal transfer of power or authority," Māori indigeneity is being influentially "mainstreamed" for the better in society (Maaka and Fleras 2009).
6. Linda Tuhiwai Smith's influential polemic *Decolonising Methodologies* used the image of decolonization before that of indigeneity had developed, but relies on established radical sociological critique influenced by Paulo Friere's form of Marxism to promote Māori "oppositional ways of knowing" or resistance against racial oppression and marginalization including the subtle forms of compromise more acceptable to Carter, Maaka, and Durie (Smith 2012; first edition 1999).

7. In straightforwardly Marxist terms, Elizabeth Rata analyses “the ways in which a particular and influential concept of indigeneity was established by the circumstances which led to neotribal capitalism and then subverted by the emergence of that regime” in the Māori renaissance since the 1970s (Rata 2000, 2002: 174).
8. Over a decade earlier, in less scholarly but more readable yet bluntly Marxist terms suspicious of the liberal government’s “devolution” of “iwi authority”, Dun Mihaka’s frankly working-class critique of effete ‘traditional’ Māori *tangihanga* (funeral ceremonies), religiosity, and other customs urged a potentially revolutionary *Māoritanga* in support of *te ao mārama* (a more informed, lucid world) (Mihaka 1989: 72).
9. Paul Moon, similarly to John Rangihau’s 1975 assertion of *Tūhoetanga* (‘Tūhoe-ness’) against a generalized form of Māoritanga and following Said’s critique of ‘orientalism’, defends multipolar forms of indigeneity, including the distinctiveness of different Māori *iwi*, ‘tribes’ against reductionist globalizing or hegemonic neocolonial policies promoting a hybrid indigeneity at international as well as national levels (Moon 2015).
10. Marama Muru-Lanning analyzes the position of Māori contending for control over water resources and business enterprises in terms of appropriation of material forces and commodification of social relations as well as ideology obscuring these processes, but defends the practical necessity of Māori cooperation with established power structures when necessary to gain leverage (Muru-Lanning 2016; 2018).
11. Jeffrey Paparoa Holman analyzes the influence of Elsdon Best and his primary informant Tutakangahau in Best’s extended fieldwork among the Tūhoe on metaphysical concepts that have come to be assumed by Māori as well as other authorities to be central in the indigenous Māori worldview. Holman argues that far from being traditional these concepts must be understood in terms of the late 1890s ideological context common to both of them (Holman 2010; as will be seen, both were also deeply involved in establishing the UDNR).
12. Miranda Johnson analyzes the rising influence of indigeneity movements historically in the settler societies of New Zealand as well as Canada and Australia in the concurrent global rise of neoliberal governance, concluding that political reaction to retain control

over material forces such as land has often compromised these indigenous movements in ways that exploit class inequality within them. In 2017 she extended this approach to the legal establishment of the Whanganui River in New Zealand as a “person” in indigenous terms, arguing that this beguiling metaphor obscured a much more important material and ideological history of conflict (Johnson 2016; 2017).

13. Fiona McCormack analyzes Māori indigeneity in terms of gifts and commodity theory, examining relative control over fisheries, land, cultural venues, and conflict settlement in the face of subtle appropriation under neoliberal governance, emphasizing that despite the risk of greater losses of control over such resources, the results of Māori initiatives remain essentially unpredictable and sometimes retain or even gain control (several of her articles since 2011 are reviewed in Webster 2016).

I have tried to arrange these advocates of indigeneity roughly in sequence from weaker to stronger theoretical positions in terms that I myself consider more effectively supportive of Māori indigeneity. Although in New Zealand a few Māori have always been accepted in positions of national leadership at least since the 1870s, the relatively high proportion of these scholars who probably identify as Māori (six of the thirteen: Carter, Maaka, Smith, Mihaka, Moon, and Muru-Lanning) displays the increasing opportunity for social mobility since the Māori cultural renaissance began in the 1970s. Indeed, signals in the names used by some authorities suggest indigeneity is valued by others who would identify, or be identified by others, as Pākehā.

Interestingly, this array also suggests that the range of theoretical positions regarding indigeneity (at least in terms of my own preferences in social and historical theory) is nearly as wide between Māori as Pākehā scholars. Insofar as my preferences reflect theoretical differences more generally, this suggests wide disagreement between scholars, Māori as well as Pākehā, all of whom advocate Māori indigeneity but in different ways. Although I have tried to characterize each of their positions neutrally, many would identify the criteria I have implicitly used as dogmatically historical materialist and disagree or invert my prioritization or even my judgment that they are all supporters or advocates of indigeneity.

For instance, Salmond might dismiss Johnson’s critique of the Whanganui River legal personhood as reducing ontological otherness to “strategic cultural identity construction” by an overseas academic who talks

about rather than to Māori. Similarly, Johnson might demur (as have I: Webster 2019) that Salmond's perhaps romanticized 'two-worlds' approach to Māori culture has overlooked or essentialized the specific history of the Māori concept of *whakapapa* from a culturalist and even patronizingly nativist point of view. Although Holman's profession has been literary and his scholarship in Māori language and history well-established, some other advocates of indigeneity assuming the primordial authenticity of Māori concepts whose colonial history he has exposed may indignantly reject his thesis as presumptuous and hostile. Mihaka and Rata both assert frankly Marxist approaches to Māori indigeneity, but while Mihaka defends it as a working-class tradition, Rata attacks it as a threat to democracy.

Ironically, Rata's Marxist critique has precipitated criticisms from defenders of Māori indigeneity as a right-wing reaction against it. To the contrary, I would argue that her quietly emotional first-hand account of families torn apart in the confrontation between Muriwhenua tribes of the Far North reveals a commitment to indigeneity in the form of a Māori working-class that parallels Mihaka's in a more academic register (Rata 2000: 155–97; 2002: 185–94)]. Nevertheless, on two key issues, hapū and capitalist class structure, Rata's careful critique of Māori indigeneity reverts to an ahistorical form of two-worlds biculturalism that subverts her Marxist orthodoxy. Her actual support for Māori indigeneity is the baby thrown out with the bathwater.

First, the structural difference between whānau, hapū, and iwi that I have been at pains to clarify (even for the Waitangi Tribunal) is collapsed by Rata in her otherwise important critique of iwi corporatization under neoliberal capitalism since the 1980s. Her analysis mentions neither hapū nor the misleading synonym 'subtribes', confounding hapū with either 'families' or iwi in the ideological hierarchy that has served government as well as popular misunderstanding for so long. At least since earliest colonization, iwi ('tribes') have often been an opportunist reorganization of ancestral genealogies and of particular administrative interest to government, and at least since the 1840s hapū have usually been a more or less successful form of resistance against iwi as well as capitalist class structures, always causing enough trouble to be abjured if not suppressed by government (Webster 1998a; 2002). Second, Rata's argument for such a collapse of Māori indigeneity into neoliberal capitalism apparently assumes the separate formation of a Māori capitalist class structure paralleling that of the long-established Pākehā capitalist class structure, with a class of elite Māori appropriating the labor of their own captured Māori working class (2000: 225–32; 2002: 195).

A more historical approach to New Zealand as a settler colony (such as Bell's, Regan's, and Johnson's) would have to admit that Māori have been an ethnic sector of the Pākehā working class at least since the 1840s and an ethnic sector of the Pākehā elite if not capitalist class at least since the 1890s. Nor has the much longer struggle between them ever been as predictable as Rata assumes it was. The illusion of a wholesale sell-out by a separate Māori class hierarchy led by its Māori capitalists into neoliberal governance in the space of a decade or two is itself misled by the two-worlds biculturalist ideology of the 1980s–1990s. The Marxist orthodoxy Rata applies appears to be ahistorical, disregarding its major transformation in 1930s critical theory, let alone the contemporary transformation required in the face of neoliberal capitalism such as I outlined above regarding Johnson and McCormack.

Behind all the divergent positions outlined above there is the unspoken premise of all approaches to indigeneity whether supportive, indifferent, or hostile: the legal (i.e., political-economic and historical) issue of treaty rights. Most of the supporters of Māori indigeneity above set this issue aside, but would recognize its crucial bearing on their position. After all, not just any kind of racial, ethnic, or minority assumption of difference qualifies one as 'indigenous' to a country. Being accepted as indigenous in a nation state is only a start: next may come the question of a treaty, and then the legitimacy of a so-called treaty. As outlined by Bell, Johnson, and Regan, the history of these implications has arisen or been hidden differently in most settler colonies, dogged in historically different way[s] in the USA, Canada, New Zealand, and Australia, for instance, by the question of recognition of the ancient European legal precedent of native or aboriginal title to their traditional lands (McHugh 1991; Brookfield 1999). Whether a supporter or critic of indigenous rights, one's defense may stand or fall on this particular history of the judicial premises and precedents of national power.

How would I characterize my own criteria for more insightful or effective theoretical critique in support of Māori indigeneity? The touchstone must be, of course, justice. My leading criteria to find this touchstone would be the degree of consideration regarding the historical conditions of the specific situation, and the priority given to material over ideological sources of power that can be mobilized under those conditions. These factors are crucial in distinguishing between understandings that effectively challenge a hierarchy of power unjustly maintaining a particular social situation or, instead, are appropriated by, inadvertently reinforce, or opportunistically

comply with that power hierarchy. When such details have been more or less worked out, we may be ready to touch the touchstone.

Of course, ideology, imaginary, semiology, or ‘discourse’ can be a material force, but if these are confounded with manifold other forms of material force, the critique is incapacitated. If an enthusiast of indigeneity relies too much on the rhetorical power of the word or merely moralistic appeals in pursuit of justice, the power of a lawyer or a law easily trumps that even out of court, as the shifting history of treaty rights has shown in each settler state. And behind the subaltern power of a judiciary maze-way lie other less obvious official powers. Meanwhile, racist or subtler forces trump indigeneity in the streets or national institutions every day regardless of the official situation.

I have been guided in my own research by two appropriate warnings, both learned in the 1980s. It was at this time that my social theory began to be transformed by political-economic practice in the not-so-ivory tower of the University of Auckland. As Marx had said regarding history:

Hegel remarks somewhere that all facts and personages of great importance in world history occur, as it were, twice. He forgot to add: the first time as tragedy, the second as farce.... Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given, and transmitted from the past. (McLellan 1977: 300)

It is not merely ironic that both the Crown and the Tūhoe have each lived this particular Urewera history at least twice.

It was a bit earlier in the 1980s in the Urewera mountains that I came to appreciate a similarly trenchant insight into the material forces of history and truth (even in those days the Urewera was no less a political-economic hot-bed than the University). Hikawera Te Kurapa, the Tūhoe *rangatira* and *tohunga whakapono* (expert in matters of truth and belief) of Te Urewera hapū in Ruatāhuna, in answer to a serious question put to him whether or not it mattered that tourists were told true stories about the history of Tūhoe and their mountain sanctuary, thought it over for a moment and then replied:

Ka kore e tika e pono tō tuku i te kōrero, ka hoki mai ki te ngau i tō tou (‘if you don’t speak the truth, it will come back and bite you on your ass’). (Rongonui Tahi, personal communication)

Of course, I have had to accept that my attempt to follow these warnings in my advocacy of Tūhoe indigeneity sometimes leads to my having to relive my own history ignominiously or get my own ass bitten, by Tūhoe as well as by their adversaries or supporters.

INDIGENEITY AND TŪHOETANGA

I mentioned above that in 1975 John Rangihau, a Tūhoe leader and government official, contributed commentaries on “being Māori” to a collection edited by historian Michael King (1975: 12–4; 183–90). This was in the early years of the Māori cultural renaissance, and Rangihau was characteristically tactful but frank in his criticism of patronizing Pākehā racism and ‘bandwagon’ support of the new Māoritanga. Instead, he asserted *Tūhoetanga* because

I have a faint suspicion that Maoritanga is a term coined by the Pakeha to bring the tribes together. Because if you cannot divide and rule, then for a tribal people all you can do is unite them and rule. Because then they lose everything by losing their own tribal histories and traditions that give them their identity. (in King 1975: 190)

As outlined above, this suspicion was similarly stated by Paul Moon in 2015, and put in terms of the subtleties of neoliberal government obeisance toward Māori by Fiona McCormack. Indeed, this patronizing approach to Māori culture had first been advocated by the national Māori leader Apirana Ngata as well as Raymond Firth in the 1920s (Webster 1998b: 88–102). Felix Keesing, another anthropologist of that era, recommended a pacified and generalized form of Māori ‘race pride’ against an early form of *Tūhoetanga* that he saw arising threateningly from working-class values, as reported by the Presbyterian Church:

One thing we have to contend with is the communistic social habits of the Maori. Nowhere does the ancient communism of the Maori maintain to-day as in Tuhoe. These people still think and move *en masse*. The most private domestic affairs are brought to the meeting-house and discussed and settled by the tribe. Everyone is a member of the tribe rather than a separate entity, and anyone who refused to go the way of the tribe is considered a bad Maori. (Keesing 1928: 93–4, quoted in Webster 1998b: 93)

Although this defiance with social class undertones happened in the bitter wake of the UCS, it had deeper roots and can be seen to continue in the stubborn *Tūhoetanga* that finally recovered their Te Urewera sanctuary in 2014.

I am reassured that some Tūhoe leaders view the historical era that I have examined here in Volume I in ways that confirm my own regarding the crucial role of hapū and the stubborn defiance of some leaders in the face of neoliberal governance as well as colonization. In 2003 the Tūhoe *rangatira* Paora Kruger and Hori Thrupp clearly understood that while the UDNR was a triumph for the *mana motuhake* of the Tūhoe sanctuary, in the UCS the Crown, as well as taking most of their land, attempted to weaken the mana of their hapū as well:

Kare tonu te kaihoro o te kawana ki te whenua e ngata, tona hiahia kia riro ki te ia te katoa.... ma tenei ka whakakorea, whakaititia te mana o nga hapu a rangatira hoki ('the greed of the government for the land was not yet satisfied; they desired that it all be gone.... so that the mana of the hapū and their leaders as well might be abolished or minimised'). (Paora Kruger and Hori Thrupp 20–22 August 2003; personal communication with Himaima Tumoana; my translation of her transcript)

In 2015 the younger Tūhoe *rangatira* Rongonui Tahi mentioned above recounted how in the 1940s he had been sent by his Rūātoki grandparents to be brought up by adoptive grandparents in the old settlement of Ohāua in order to maintain the *ahi kaa* ('burning hearth-fires') and *mauri* ('life force') of ancestral and occupational rights of Ngāti Rongo hapū in Ōhāua (Tahi 2015). In the 1970s Tahi was a member of our host *whānau* in Mātaatua, and I will return to the ethnohistory of Ohāua te Rangi in Chap. 6 and again in Part III. Although Tahi's account followed the Tūhoe recovery of their Te Urewera sanctuary in 2014, he does not mention this, instead emphasizing that his elders in Ōhāua had never accepted Crown ownership or the National Park surrounding them. In this context, the characteristic defiance of *Tūhoetanga* was expressed by ignoring the results of the whole UCS. On the other hand, Tahi ruefully joked that while in the old days it was Pākehā hunters or tourists who got lost, nowadays it was Tūhoe who should have known better. So, in his turn, Tahi was making sure that his grandchildren were kept in touch with the history of Te Urewera and especially Ōhāua, where they were building a *wharekai* ('dining hall') beside the beloved old *kauta* ('cook-houses')

and *wharenui* (ceremonial ‘meetinghouse’) to encourage continuing hapū activities in this part of Te Urewera.

The following year Tama Iti, another Tūhoe leader related to our host *whānau*, also stated a similar challenge in terms of *mana motuhake*. Even before Dun Mihaka and even more theatrically, Iti began notoriously to confront government with working-class defiance (*kanohi ki te kanohi*, ‘face to face’) in the 1970s occupation of Parliament grounds and later land march protesting the loss of Māori land. In 2003, in commemoration of the Crown’s confiscations of Tūhoe land in the 1860s, he stage-organized a spectacular mock battle including the burning of car-wrecks confronting the arrival of the Waitangi Tribunal in Ruātoki, his home town. In 2007 Tama Iti was a target of an ‘anti-terrorist’ national police raid that included Ruātoki as well as some other New Zealand communities. He was prosecuted and, for lack of more serious evidence, jailed for two years on a ludicrous charge of possessing an unlicensed firearm (as do many Tūhoe as subsistence hunters of wild pig and deer). This punishment appeared to be a vindictive retaliation for his years of defiance as well as to cover the embarrassment of the Ministry of Justice for its clumsy and fruitless national mobilization against “terrorism” (Sluka 2010).

In 2010 the government found itself under criticism for what many conservatives thought was an indulgent policy toward Māori claims. Although then in the middle of prolonged negotiation with Tūhoe, the Prime Minister spoke out in an effort to reassure the public that the Urewera National Park would definitely remain in Crown hands. The negotiations quietly persisted behind the scenes, and the release of Waitangi Tribunal reports showed mounting evidence of the Crown’s indefensible position. The government’s predicament was probably also aggravated because the Tribunal’s reports carry more than merely recom-mendatory weight where the lands in question are held by the Crown rather than in private ownership. By 2011 the government had joined in a compact with the Tūhoe to continue negotiations in good faith regarding the status of Te Urewera (Higgins 2014: 10–11). Reflecting the caution for intramural consensus with which Tūhoe negotiators proceeded, this compact was signed by the many representatives of Tūhoe hapū rather than the iwi leadership.

The issue of ownership of Te Urewera was finally avoided in negotiations by emphasizing the Tūhoe wisdom and popular environmentalist conviction that the land ‘owns’ the people rather than vice versa, and implying such a precedent in the legislation. Reflecting this compact in all sincerity, by 2014 the Te Urewera Act explicitly stated that

[t]he purpose of this Act is to establish and preserve in perpetuity *a legal identity and protected status* for Te Urewera for its intrinsic worth, its distinctive natural and cultural values, the integrity of those values, and for its national importance. (in Ruru 2014: 18–9; my italics)

Nevertheless, when the settlement Acts and their manifold apologies were finally passed by Parliament in 2014, the government still found itself faced by the same ‘communistic social habits’ whereby Tūhoe ‘still think and move *en masse*’ that the Presbyterian Church had to ‘contend with’ in 1928. With appropriate *whakaiti* (‘humility’) the chief negotiator Tamati Kruger let his deference to the will of the Tūhoe be widely known by emphasizing that ‘my work is finished’, quietly dramatizing that ratification and acceptance of the government’s apologies by a Tūhoe consensus was still required.

Kruger’s realism fortifies his traditionalism and the defiant idealism of *Tūhoetanga*. In the 1980s he was the young Tūhoe scholar who had suggested I begin to explore the colonial archives to complement their own historical knowledge of their ancestors and Te Urewera lands. His leadership of Tūhoe under the new Te Urewera Acts remains explicitly and confidently hostile toward the business interests to which his senior relatives had often committed the Tūhoe-Waikaremoana Trust Board in the 1980s. At that time, visiting him and his family in the Ōhāua meetinghouse in the middle of those mountains, I remember him expressing this same conviction in terms of what he already saw as the ‘irreconcilability of money and mana’.

He also continues to hold Tūhoe as well as government to account (Kruger 2017; 2018). Kruger emphasizes that although the negotiations to recover their Te Urewera sanctuary had taken 20 years, the battle to regain the *mana motuhake* of the Tūhoe had just begun. He lamented that many Tūhoe had drifted away from the ideals upon which it had been built, and that many of their youth were unfamiliar with Tūhoe hapū, iwi, or their history. (A trek was organized in February 2019 from Rūātoki to the interior of Te Urewera in the Ōhāua te Rangi blocks (Chaps. 6 and 11), and it is true that few of its participants knew details of what had happened there as recently as the 1920s.) During the negotiations for return of Te Urewera, Kruger had investigated some overseas precedents in returning lands to indigenous peoples, and been advised by them of shortcomings and disappointments. He remains on guard against the blandishments of neoliberal governance as well as the reversible policies of government such as those that had previously won Te Urewera for his ancestors but soon took it back from them.

In the context of global environmental concerns as well as Tūhoe demand for return of the National Park, negotiations with government had coupled popular concern for the natural environment closely to Tūhoe *mana motuhake*. The Te Urewera settlement had even become a United Nations model for settlement of indigenous claims in settler colonies, and indigenous claimants in other countries were viewing it “more as a legal sword than a resolution of the relationship with nature” (Kruger 2018). Kruger’s own manner in the successful negotiations probably wisely avoided such confrontation, but all parties knew that Tūhoe defiance and insistence on consensus among hapū stood behind him.

Following the settlement of Te Urewera as a “legal identity and protected status” in 2014, it is likely that bipartisan support developed in Parliament gained by 2017, on this precedent and its recognition in the UN, the legal status of “personhood” for the Whanganui River that was examined, as outlined above, by Miranda Johnson (2017). Two influential anthropological commentaries on Māori fresh-water rights also appeared in the interim: Anne Salmond hopefully adapted her two-worlds ontology of Māori culture to support the “...weaving [of] distinct, even incommensurable vocabularies together in legal frameworks” (2014: 305). Also as outlined above, Marama Muru-Lanning, similarly hopeful but assuming no such ontological cultural difference, less innocently explored “the impact of the recent wave of neoliberal privatization on Māori...resources in their ancestral territories,” including rivers as “integrated, living, whole river system[s]” (2016: 193, 8–9).

Although Johnson did not mention it in her 2017 commentary, in 2011 she had already traced in social-historical detail the ‘postcolonial incorporation of Indigenous concepts of ecological spirituality and interdependency with nature’ emphasized in the findings of the Waitangi Tribunal’s review of the long history of the Whanganui River case. The scholarly restraint displayed by Johnson in 2017 by ‘leaving a space’ for the unfolding of the complex social and juridical history hidden behind the enthusiasm of the legal precedent of personhood for a river (or a mountain, or Lake Waikaremoana, or Urewera National Park) supports Kruger’s patience with Tūhoe recovery of *mana motuhake* as well as the Crown’s apparent relaxation of its unilateral sovereignty. However, more pointedly in the conclusion of her 2011 article, Johnson emphasizes the potentially neoliberal implications of the hopefully ‘postcolonial’ reformation: the Tribunal’s

statement, postcolonial in intention and effect, conceals a profound irony. In the reorientation from colony to postcolony, Māori, who as claimants to the law of the land cannot anticipate sovereign independence from the extant nation-state, must ‘contribute’ to their own reparation. (Johnson 2011: 111)

As outlined above, Fiona McCormack’s understanding of Māori options under neoliberal governance parallels Johnson’s. Such a potentially subversive legal implication of the assumed postcolonial reconceptualization also “echoes older colonial and racist tropes of natives mistaking Europeans for gods” (Johnson 2017). Kruger and other Tūhoe leaders are certainly aware that the ‘legal sword’ behind the beguiling image of ecological and spiritual personhood is double-edged.

NOTES

1. A Ringatū liturgy by Te Kooti, adapted from Judith Binney’s *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki* (2012: 297–8; fn 118; Bridget Williams Books, Wellington, New Zealand). See further details on sources and my translation in endnote for this same liturgy repeated at close of the last chapter.
2. The notion of ‘the Crown’ needs some unpacking for readers unfamiliar with the British Commonwealth tradition, particularly in the context of settler colonies, treaty rights and claims, and indigenous peoples which is the focus of *He Mana Motuhake*. In the USA, for instance, the rough equivalent of the Crown is the federal government. The notion of sovereignty has developed historically between Commonwealth and other countries, especially the USA. A recent social anthropological approach to the Crown in New Zealand (by a British and a Māori scholar) is Shore and Kawharu (2014).

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