

## **Are we all New Zealanders now? A Māori response to the Pākehā quest for indigeneity.**

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Racial conflict was one of the formative experiences of New Zealand society. Pakeha New Zealanders are the products of an invading culture. As individuals we can be magnanimous or guilt-stricken, according to our inclination. But as a society we have this amazing capacity for self-deception. For more than a century we smugly believed that this country was a model of racial harmony, that we were one people. Maori radicalism has put an end to that particular delusion, and we are now in the process of putting down new layers of hypocrisy.

Those among you who knew Bruce Jesson well or who are familiar with his writing will doubtless recognise his voice in the extract I have just read: he wrote it in 1986,<sup>1</sup> in the wake of Michael King's book *Being Pakeha*.

Unlike those who have gone before me in presenting this address, I never met Bruce Jesson. From what I have been able to find out about him, however, I wish I had. I am well aware that he commanded enormous respect and I am honoured to celebrate his memory by participating in this event. And I was particularly pleased, while working on this lecture, to come across material written by him that was so relevant to the topic that I have chosen to talk about tonight.

My attention was drawn the notion of Pākehā indigeneity by a speech that Trevor Mallard made shortly after his appointment as Co-ordinating

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<sup>1</sup> Jesson, B "Race and Identity: Looking the Other Way?" *Sites* no.13 (Spring 1986) 14, at 15.

Minister, Race Relations. Entitled “We are all New Zealanders now”, his speech emphasized the need to put the difficulties of the past behind us in order to forge a collective sense of nationhood. Mallard expressed the hope that this new century would be about “perfecting our nationhood”, “banishing the demons from our past” and “cheering each other on as New Zealand citizens”. Of particular interest to me was his claim that:<sup>2</sup>

New Zealand has to get its British imperial past behind it. Māori and Pākehā are both indigenous people to New Zealand now. I regard myself as an indigenous New Zealander . . .

Of course, Mallard is not the first Pākehā to speak of his feelings of indigeneity: in 1999 Michael King insisted that “[p]eople who live in New Zealand by choice as distinct from an accident of birth, and who are committed to this land and its people and steeped in their knowledge of both, are no less ‘indigenous’ than Māori”.<sup>3</sup>

Don Brash, meanwhile, continues to pursue Hobson’s dream that we will all become one people, embracing with enthusiasm the emergence of what he calls “a distinct South Seas race of New Zealanders” and minimalising the significance of ethnicity altogether by asserting that most people treat their ethnic allegiances fluidly, with matters such as religion, profession, sports club, gender and political allegiance mattering more to them than their ethnicity.<sup>4</sup>

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<sup>2</sup> Mallard, T “We Are All New Zealanders Now”, speech to the Stout Research Centre for NZ Studies, Victoria University, Wellington, 28 July 2004.

<sup>3</sup> King, M *Being Pakeha Now: Reflections and Recollections of a White Native* (Auckland: Penguin Books, 1999) at 235.

<sup>4</sup> Brash, D “Nationhood”, speech to the Orewa Rotary Club, 27 January 2004, at 6-7.

It may surprise some of you that I speak of Mallard, King and Brash in the same breath: no doubt there will be those among you who cannot see the similarity in their positions. But while there are differences between them, from a Māori point of view they also have much in common.

Brash's eager anticipation of the growth of a single multi-ethnic New Zealand race is prefaced by a discussion which takes us back to the days when it was thought that identity could be measured by blood quantum. His focus on the amount of intermarriage that has taken place and the fact that anthropologists say there are no full-blooded Māori left in the country can only be described as bizarre: many of us thought that such ideas had been safely put to rest thirty years ago. Brash's vision of a "multi-cultural melting pot" future whereby we will all be merged into one people is so out-of-date that it would almost be entertaining were it not so blatantly assimilationist. Entertainment aside, a central feature of Brash's argument is the somewhat petulant insistence that non-Māori have just as much right to be here as Māori.

While neither Mallard nor King hankers for the day when we will all be one people, their claim to indigeneity is similarly an assertion of their right to be here. But what does such an assertion really entail? Avril Bell has this to say about the Pākehā claim to indigeneity:<sup>5</sup>

If Pakeha are to be indigenous they are cut off from their history as the descendants and inheritors of the privileges of the colonisers of Aotearoa. This history is discarded as Pakeha are 'born' *post* colonisation out of the New

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<sup>5</sup> Bell, A "We're Just New Zealanders: Pakeha Identity Politics" in Spoonley, P et al *Nga Patai: Racism and Ethnic Relations in Aotearoa/New Zealand* (Palmerston North: Dunmore Press, 1996) 144, at 156.

Zealand soil. Such a move represents a desire to be ‘born again’ New Zealanders, disowning their parents and imagining themselves adopted . . . Little wonder, perhaps, that Pākehā seem to suffer from a deep-rooted sense of insecurity about their identity. From a Māori perspective, there is almost an element of desperation in this quest for indigeneity, calling to mind John Mulgan’s description of Pākehā as being “a queer, lost, eccentric, pervading people looking for satisfaction”.<sup>6</sup>

This insecurity has some curious manifestations, among them defensiveness, bordering on hostility. By way of example, in 1998 New Zealand First MP Tau Henare suggested that the North and South Islands be known instead by their Māori names, Te Ika a Māui and Te Waipounamu. Legal academic David Round objected strenuously to the proposal, appearing on national television to debate the issue with Henare. The Evening Post ran a story headed “when biculturalism goes too far” in which it was observed:<sup>7</sup>

Round made it clear that the reason he objected to a name change was that he was fed up with what he called forced biculturalism. . . It was one of those rare moments when someone had the courage to articulate what a lot of New Zealanders privately think, but are either too polite or timid to say.

While the programme was on air, viewers were asked to call in to register their approval or otherwise of the proposed name change. At the end of the programme the results of the digipoll showed that 87 percent of those who called were opposed to the idea while just 13 percent were in favour.

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<sup>6</sup> Quoted in Simpson, T *Te Riri Pakeha: The White Man’s Anger* (Auckland: Hodder & Stoughton, 1986) at 12.

<sup>7</sup> Du Fresne, K “When Biculturalism Goes Too Far”, *Evening Post*, 7 October 1998, at 4.

The Evening Post took this as proof that most New Zealanders opposed the proposed name change, suggesting the reason as being that:<sup>8</sup>

[L]ike David Round, they resent the feeling that this thing called biculturalism is increasingly being imposed upon them, and their own cultural heritage devalued and pushed aside in the process, with very little regard for the will of the majority.

What is fascinating about this analysis, aside from the characterisation of our colonisers as “polite” and “timid” and the assumption that an 87 percent majority in a *Holmes Show* digipoll is conclusive evidence as to what “most New Zealanders” want, is the suggestion that the names “North Island” and “South Island” somehow represent Pākehā cultural heritage, which must be defended at all costs. Little wonder that Pākehā New Zealand struggles with the question of identity, seeking to create cultural icons of gumboots, black singlets, pavlova, kiwifruit and the buzzy bee toy. When travelling overseas, Pākehā leap forward to perform bastardised versions of the haka and “Pökarekare Ana”, and adorn themselves with Māori pendants in an attempt to identify themselves as New Zealanders: when in Aotearoa it is often those same people who decry any assertion of Māori language and culture as a threat to their identity. Their cultural insecurity appears to know no bounds. Interestingly, Bruce Jesson saw a connection between these shaky cultural foundations and the status of coloniser:<sup>9</sup>

New Zealand had such a shallow culture that most New Zealanders knew little about their country’s history. Amnesia is not a recent development, but is part of the colonial condition.

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<sup>8</sup> Du Fresne (1998) 4.

<sup>9</sup> Jesson, B *Only Their Purpose is Mad* (Palmerston North: Dunmore Press, 1999) at 70-71.

This takes us back to Bell's point about the Pākehā desire to be cut off from their history as the descendants and inheritors of the privileges of the colonisers of Aotearoa. That many Pākehā would like such unpleasant matters to be forgotten or overlooked is undeniable. Brash, for example, complains:<sup>10</sup>

None of us was around at the time of the New Zealand wars. None of us had anything to do with the confiscations. There is a limit to how much any generation can apologise for the sins of its great grandparents.

Mallard insists that Pākehā “want to be trusted by their Māori fellow-New Zealanders . . . New Zealanders do not want to be condemned and cursed as if they are the British imperialist white ascendancy colonialists”.<sup>11</sup> And last year King argued that Pākehā were seeking what he called a ‘mutuality of respect’:<sup>12</sup>

As another manifestation of that respect, just as Pakeha were now decades away from the stance which viewed Maori culture as ‘primitive’, ‘backward’ or ‘barbaric’, so Pakeha felt that they ought not to be viewed by Maori as tau iwi or aliens, representatives of a colonising power that merely stole material and cultural resources from Maori and gave nothing in return.

Such sentiments reveal the sizable burden of guilt that many Pākehā carry about the means by which they have come to occupy their present position of power and privilege. Brash's way of dealing with this guilt is simply to deny personal responsibility for the detrimental impact on Māori of colonisation. Mallard's response is essentially to demand that

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<sup>10</sup> Brash (2004) at 3.

<sup>11</sup> Mallard (2004) at 6.

<sup>12</sup> King, M *The Penguin History of New Zealand* (Auckland: Penguin, 2003) at 516.

Māori forgive and forget. King's approach is more sophisticated: he suggests that both sides have made mistakes by unfairly stereotyping each other, thereby implying an equivalence of fault on both sides. This has the effect of masking the fact that the wrongs were overwhelmingly committed by one side and inflicted upon the other: to suggest any kind of equivalence here, in my view, is deeply problematic.

These exhortations from Brash, Mallard and King are heavily dependent upon the need for the past to be forgotten, or at very least, not spoken about. Yet, as Jeremy Waldron has pointed out, "the determination not to forget is part of the moral respect we owe to human identity; the task of remembrance is bound up with the very being of community and individuality in the modern world".<sup>13</sup> To euphemise the impact of colonisation on Māori is to fundamentally disrespect the memory of those who suffered as a result of resources wrongly taken, of language denied, of spirituality suppressed. It is also to deny the true cause of the disadvantage that so many Māori are faced with today. Does this matter? Waldron suggests that it does:<sup>14</sup>

[T]he neglect or forgetfulness urged on us is seldom the blank slate of historical oblivion. Thinking quickly fills up the vacuum with plausible tales of self-satisfaction on the one side and self deprecation on the other. Those who as a matter of fact benefited from their ancestors' injustice will persuade themselves readily enough that their good fortune is due to the virtue of their race, while the descendants of their victims may too easily accept the story that they and their kind were always good for nothing.

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<sup>13</sup> Waldron, J "Historic Injustice: Its Remembrance and Superecession" in Oddie, G & Perrett, R (eds) *Justice, Ethics and New Zealand Society* (Auckland: Oxford University Press, 1992) 139, at 143.

<sup>14</sup> Waldron (1992) at 142.

To forget history is to allow myths to spring up in its place, myths which serve to ease the conscience of those upon whom history does not reflect well. For Māori to collude in the forgetting of history requires us to remain silent so that the business of Pākehā myth-making and self-deception can proceed unhindered. However, I cannot accept (in the words of Mohawk legal academic Patricia Monture-Angus) that it is our responsibility to carry the guilt of the oppressor, or to silence ourselves for the sole purpose that the oppressor will not feel badly.<sup>15</sup> To do so would be an extraordinary act of denial. Yet it sometimes appears that our colonisers demand nothing less from us, in their determination to forget or disguise the past beyond recognition and in their quest to convince themselves that history has nothing with which to reproach them. A commitment to forget is clearly something that the asserters of Pākehā indigeneity share.

Brash, for example, looks forward to the day when the categories Māori and Pākehā will be forgotten altogether, as we amalgamate into a single new breed of New Zealander. Like King, he employs the device of false equivalence to gloss over the stark differences in Māori and Pākehā experience over the last two hundred years. His version of our shared history, ironically headed “the myths of our past”<sup>16</sup> engages in some major myth-making itself, suggesting equivalence of blame on both sides for the massive land-grab that took place. He opines, for example that “[a]ny dispassionate look at our history shows that self-interest and greed featured large on both sides”<sup>17</sup> and suggests that Maori were separated from their land “partly through settler greed” and “partly through a

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<sup>15</sup> Monture-Angus, P *Thunder In My Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995) at 63.

<sup>16</sup> Brash (2004) at 2-3.

<sup>17</sup> Brash (2004) at 2.



couple of generations of deficient leadership by some Maori”.<sup>18</sup> His approach has the effect of conveniently “forgetting” that the vast majority of wrong-doing was committed on the Pākehā side.

Amusingly, Labour appears to regard it’s own stance on these matters as progressive by comparison. In 2003, for instance, Michael Cullen accused Bill English of seeking “a coalition of Pakeha fearful as to the impacts of the Treaty of Waitangi”.<sup>19</sup> As Brash’s Orewa speech makes plain, a change in National party leadership has not altered the party’s policy in this respect. Mallard revels in making fun of National’s position, accusing them of being “backward-looking. . . stalled in the 19<sup>th</sup>, or perhaps the 18<sup>th</sup> century, . . . the inheritors of the original assimilation project” and labelling them “the successors of the Victorian colonialists who wreaked havoc in so many countries”.<sup>20</sup> Brave words from a freshly-appointed “Coordinating Minister, Race Relations”, eager no doubt to bring some intellectual vision to the debate. Yet, just as Brash continues to cultivate a coalition of the fearful, it is equally plain that Mallard is intent on forging a coalition of the forgetful: Māori must forgive and forget, and Pākehā must be allowed to forget, so that we can all live together as one big, happy, amnesic family.

Well, Māori will not forget. As Mohawk Taiaiake Alfred has said “today’s challenge must be shouldered proudly because it is no less than the sacred heritage passed on by generations of ancestors who sacrificed

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<sup>18</sup> Brash (2004) at 3.

<sup>19</sup> Cullen, M, Speech to Region Two Labour Party Conference, 5 April, 2003) at 3.

<sup>20</sup> Mallard (2004) at 3.

and died to preserve the notion of their being”.<sup>21</sup> Māori understand only too well our obligation, to generations past and future, not to forget.

And the truth of the matter is that no matter how hard they try, Pākehā cannot forget either. As Bruce Jesson stated so simply, Pākehā are the products of an invading culture. Brash can bluster all he likes about the limits to which he can be made to apologise for the sins of his ancestors; Mallard can appeal to Māori to trust him; King can insist that the colonisers did not simply take without giving anything in return; Round can defend the cultural significance of the names North Island and South Island as if his life depends on it. But whatever they might say I do not believe that any of them can truly forget. A sense of underlying unease, of unresolved guilt pervades their words. One barely has to scratch the Pākehā surface to find the guilt lying immediately beneath, guilt which manifests itself as denial, self-justification, defensiveness and, incredibly enough, a sense of victimhood.

I am aware that the picture I have painted so far is a fairly gloomy one. Yet I can see, even in the words of those whom I have criticised, some cause for optimism. To begin with there is an implicit acknowledgement from each of them that the key to their desire to feel that they “belong” here somehow lies in the relationship between Pākehā and Māori. There is also a sense that in order for that relationship to be put on a sound footing, something has to change.

These are sentiments with which I am in complete agreement. It is plain to me that the relationship between Māori and Pākehā is deeply

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<sup>21</sup> Alfred, *T Peace, Power, Righteousness: An Indigenous Manifesto* (Don Mills: Oxford University Press, 1999) at 33.

dysfunctional. The cost to Pākehā, as I have already said, is a burden of shame that they cannot escape. The cost to Māori is also high. When in 2000 Tariana Turia spoke about the phenomenon of Post Colonial Traumatic Stress Disorder<sup>22</sup> many leading politicians scaled new heights of sheer absurdity in their reactions, such was their horror at being reminded of a past they wanted so desperately to forget. As a result of the madness that erupted in the wake of her speech to the New Zealand Psychological Society Conference (and it is pertinent to note the head of the Psychological Society's public statement that her speech had been entirely appropriate in the context of the occasion) a whole new vocabulary of words that should not be mentioned in public emerged. We now know that, in relation to the Aotearoa context at least, the "g" word (genocide) is considered impolite, the "h" word (holocaust), simply unmentionable.

Regrettably, amidst all the stupidity the message that was being conveyed was completely lost. Turia referred to Native American Psychologist Eduardo Duran who suggests that the colonial oppression suffered by indigenous people inevitably wounds the soul.<sup>23</sup> There is no doubt in my mind that Māori continue to bear the scars of colonisation. I have already said that Pākehā guilt lurks just beneath the surface; Māori grief and rage inhabit the same psychological and spiritual space, often unleashed by the smallest of triggers.

But I for one do not accept that this is how things have to remain. The prospect of being forever locked into the roles of oppressor and oppressed must surely be as unfulfilling for Pākehā as it is frustrating for Māori.

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<sup>22</sup> Turia, T, Speech to NZ Psychological Society Conference, 29 August 2000.

<sup>23</sup> Turia (2000) at 3.

The foreshore debacle has provided a timely reminder of the ease with which the Crown slips into its time-honoured pattern of threats and coercion, consigning Pākehā yet again to the role of oppressor. I find it hard to believe it is a role that Pākehā relish. I doubt whether our collective grief is something of which Pākehā are proud. I also know that the very last thing we need is Pākehā wallowing in guilt. All of us, Māori and Pākehā hope for a better world for our children and grandchildren. If the key to creating that better world does not lie in forgetting our past, where does it lie?

I suggest that the answers may well be found in tikanga Māori. Tikanga Māori has been defined by Charles Royal as “ethical behaviour”, based upon fundamental principles or values.<sup>24</sup> While the practice of tikanga may adapt over time, the underlying principles or “conceptual regulators” (as Justice Taihakurei Durie has called them),<sup>25</sup> comprising values such as whanaungatanga, manaakitanga, aroha, mana, tapu, noa, wairua and utu, do not. Durie has pointed out that Māori society was open to change but “protective of the fundamental norms or principles of the conceptual regulators” and that this approach “enabled change while maintaining cultural integrity”.<sup>26</sup>

I regard tikanga as the first law of Aotearoa.<sup>27</sup> It arrived here with our ancestors and it operated effectively to serve their needs for a thousand years before Pākehā came. It was the only system of law in operation when the first Pākehā began living here amongst us. Had the

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<sup>24</sup> Royal, C “Kaupapa and Tikanga”, paper presented at the Mai i Te Ata Hapara conference, Te Wananga-o-Raukawa, Otaki, 11-13 August, 2000, at 1.

<sup>25</sup> Durie, T “Custom Law”, unpublished paper, 1994, 4-5.

<sup>26</sup> Durie (1994) at 8.

<sup>27</sup> See Mikaere, A “The Treaty of Waitangi an Recognition of Tikanga Māori” in Belgrave, M et al *Waitangi Revisited: Perspectives on the Treaty of Waitangi* (Auckland: Oxford University Press, 2004) 330 for further discussion of tikanga Māori as the first law of Aotearoa.

reaffirmation of Māori authority in the second article of Te Tiriti o Waitangi been adhered to, the relationship between Pākehā and Māori would have been regulated by tikanga Māori throughout our shared history. I believe it would have resulted in a far healthier relationship than the one we currently have. While tikanga has largely been displaced by the operation of the coloniser's law, it is still an important determinant of Māori behaviour. It embodies a number of highly relevant principles and precedents, the application of which in a contemporary context would suggest an exciting range of possibilities for Māori and Pākehā.

The fundamental purpose of Māori law, as the Waitangi Tribunal has noted, is to maintain appropriate relationships of people to their environment, to their history and to each other.<sup>28</sup> The first relationship that must be mentioned is that of people to the land. Māori are born out of the land, conceived and given life by Papatūānuku. When a Māori child is born, the placenta or whenua is returned to Papatūānuku. These spiritual and genealogical connections to her are what make us tangata whenua. It is a concept that can only have meaning within the context of a Māori world view.

The spiritual connection to Papatūānuku is strengthened on a hapū level by occupation of a particular area of land, with which an intimate connection is formed over time. Landmarks within the area are associated with hapū identity, ancestors are buried there and the attachment to the land is, in the words of the Waitangi Tribunal “reinforced by the stories of the land, and by a preoccupation with the accounts of ancestors, whose admonitions and examples [provide] the

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<sup>28</sup> Waitangi Tribunal, *Muriwhenua Land Report* (1997) at 21.

basis for law and a fertile field for its development.”<sup>29</sup> Thus the term tangata whenua, while referring to all Māori by virtue of our descent from Papatūānuku, is also applied more specifically to the iwi and hapū associated with a particular area of land.

Having considered the connection between people and land, it is appropriate now to turn to the matter of human relationships. Let us begin by talking about the relationship between tangata whenua (loosely translated as hosts) and manuhiri (visitors or guests). When manuhiri go into the area of another people, it is understood that the tikanga of the tangata whenua apply. While there are variations between iwi and hapū in way in which tikanga is practised, there is no question that within the domain of the tangata whenua, it is their interpretation and application of the principles underpinning tikanga that prevails. Manuhiri from Tainui, for instance, would never dream of telling their hosts in Te Taitokerau or Te Tairāwhiti, how they should conduct themselves on their own marae or in their own area.

Nor would manuhiri ever assume tangata whenua status in another people’s domain. That is not to say that people from outside an iwi area never took up residence within that iwi’s boundaries: there are precedents that show such arrangements took place, whether on a seasonal basis (for example, for food-gathering purposes) or otherwise. But arrangements of this type were always carefully negotiated, and the consent of the tangata whenua was imperative, as was the fulfilment of any conditions they laid down. And always, it was the relationship between the two parties that mattered most. Both sides were expected to actively nurture the relationship, with the concept of utu or reciprocity

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<sup>29</sup> *Muriwhenua Land Report* at 23.

operating to bind them together more closely as time passed. Naturally, this understanding applied to Pākehā individuals who took up residence amongst iwi during the earliest days of Māori-Pākehā contact. Sometimes such incorporation of outsiders in this manner brought with it an allocation of land. The Waitangi Tribunal has this to say about such situations:<sup>30</sup>

Land allocations to outside individuals. . . 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 the most obliged. The purpose was not to elevate the individual but to build the community.

It was not uncommon for marriages with local people to be arranged in such instances, as the children of any such unions would give a stake in the land by ancestry. Nevertheless, the outsider who married in would never become tangata whenua in the true sense of the word. Nor could they ever presume to take on for themselves that status. If I lived my whole adult life in my spouse's village, for example, I would never reach a moment when I would refer to myself as tangata whenua of that place. That does not mean that I could not fulfil an important and valued role as a member of that community: it simply means that I could not assume for myself the status of tangata whenua there. I would remain manene, a stranger in a sense, albeit one who forged a powerful connection with the hapū and iwi of that place by virtue of sharing in their lives and producing children who could claim such tangata whenua status. It would be exactly the same for my spouse in the event of his coming to live in my area.

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<sup>30</sup> *Muriwhenua Land Report* at 25.

The point is that it is never possible for manuhiri or manene to take upon themselves the status of tangata whenua. An outsider may be incorporated into the tangata whenua group, be allocated land and other rights and may even have their place within the community cemented by marriage and children. But ultimately, it is for the tangata whenua to determine the way in which they view the outsider in their midst.

A second relationship that is worthy of consideration in the context of Māori-Pākehā interaction is that of wrong-doer and wronged. Colonisation the world over has resulted in oppression of indigenous peoples, and Aotearoa is no exception. Despite the occasional somewhat desperate suggestion to the contrary, the fact is that iwi and hapū the length and breadth of Aotearoa have suffered almost unimaginable injustice at the hands of Pākehā, injustice that has been either sanctioned or actively perpetrated by the Crown. According to tikanga Māori, when a wrong is committed it creates a depletion of mana and a situation of serious imbalance, not just between the parties concerned but also amongst their respective whānau and hapū. Relationships are damaged. Action is necessary to restore the mana of the people and groups involved, thereby re-establishing the balance and returning the various relationships impacted upon to a healthy state.

One of the chief means of achieving such an outcome in earlier times was the institution of muru. This required the whānau or hapū of the wrongdoer to submit to a process whereby the whānau or hapū of the victim would be free to take for themselves the offending group's belongings, goods or produce. Treasured personal items along with food-stores and other valuable goods could legitimately be taken, houses could



be destroyed and in some instances it was possible that lives might be taken or injuries inflicted. The greater the significance of the parties involved, and the more serious the wrongdoing, the greater the extent of the muru that could be expected.<sup>31</sup> It has been noted that whakamä, the notion of embarrassment or shame, was a pivotal concept in muru. Whakamä was felt, not just by the individual who had committed the wrong, but also by his or her whänau or hapü. The consequences of the individual's actions were suffered by the collective group. There was also a powerful element of trust involved: in submitting themselves to the justice meted out by the wronged whänau, the whänau of the wrong-doer had no option but to trust in the other party's ability to gauge the extent of action required to mend any damage to the multiple relationships affected. Muru was essentially restorative in nature, having the effect of restoring mana to the whänau and hapü of both offender and victim, and thereby re-establishing balance between them. Muru rehabilitated not only the victim but also the offender.

What do each of these examples offer us in a contemporary context? Crucial to the acceptance of manene or manuhiri in the domain of an iwi or hapü is their compliance with the tikanga of the tangata whenua: the outsider is granted such status and rights as the tangata whenua determine. Central to the resolution of a wrong-doing is the commitment of the wrong-doer's whänau to submit themselves to the measures taken against them by the wronged party.

Let us return now to the relationship between Pākehä and Māori today. It is generally assumed that the Treaty settlement process that has been in

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<sup>31</sup> Ministry of Justice, *He Hinātore ki te Ao Māori: A Glimpse into the Māori World* (2001) at 99-103; Mead, S *Nga Tikanga Tuku Iho a Te Maori: Customary Concepts of the Maori* (Department of Maori Studies, Victoria University of Wellington, 1984) at 31-46.

progress over the past twenty years represents an attempt to resolve the injustices of the past, and that steps such as the incorporation of Māori terms into legislation (for example, the Resource Management Act or Te Ture Whenua Māori) represent a genuine effort on the Crown's part to bridge the divide between Māori and Pākehā. But how do these developments measure up against the tikanga Māori principles governing the relationship between tangata whenua and manuhiri, or between the wrong-doer and the wronged party?

Put simply, they don't. The Waitangi Tribunal, for instance, while having achieved a great deal through its meticulous report-writing and its ability to operate on the proverbial smell of an oily rag, is a creature of statute, its powers subject to legislative interference - as happened, for instance, following the *Te Roroa* report.<sup>32</sup> Appointments to the Tribunal are made upon the recommendation of Ministers of the Crown, it is ritually starved of resources, and its recommendations routinely ignored by the Crown. When negotiating settlements with the Crown, claimants are typically presented with a "take-it-or-leave-it" bottom line, with the Crown prepared to negotiate on minor matters only. Any legislative provisions that have unforeseen consequences (unforeseen to the Crown, that is) are either amended to ensure that the impact of Māori concepts on the operation of Pākehā law remains minimal, or they are interpreted restrictively by the courts, or both.

The problem with this approach, in terms of a tikanga Māori analysis, is that it is the manuhiri who are dictating the way that things should be done in the tangata whenua's domain. It is the wronged party who is being expected to submit to terms imposed by the wrong-doer. Such a

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<sup>32</sup> Waitangi Tribunal, *Te Roroa Report* (1992).

method of dealing with the injustices of the past cannot possibly hope to achieve resolution. The irony of being lectured by Trevor Mallard on the necessity for Māori to trust the perpetrators of our oppression is, quite frankly, breathtaking.

For Pākehā to gain legitimacy here, it is they who must place their trust in Māori, not the other way around. They must accept that it is for the tangata whenua to determine their status in this land, and to do so in accordance with tikanga Māori. This will involve sorting out a process of negotiation which is driven by the principles underpinning tikanga, a process which Pākehā do not control. There is no doubt that many Pākehā will find this challenging: their obsession with control over the Māori-Pākehā relationship to date could almost be categorised as a form of compulsive disorder. Giving up such control requires a leap of faith on the part of Pākehā. In my view, however, nothing less will suffice if they truly want to gain the sense of belonging they so crave, the sense of identity that until now has proven so elusive.

This may seem rather intimidating to a people more used to “putting down new layers of hypocrisy”<sup>33</sup> than confronting their most deeply-held prejudices and fears. Yet I am encouraged by the fact that there are some who are prepared to do just that. In 1986 Ray Nairn wrote of the need to get Pākehā to “name the fears they have about relinquishing control”, and looked to a time “when we can come as two peoples: Maori and Pakeha, tangata whenua and manuhiri, to negotiate a basis for our society”.<sup>34</sup> Of course, there are Pākehā individuals who have discovered that the sky does not fall if they negotiate their personal relationships with Māori on

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<sup>33</sup> Jesson (1986) at 15.

<sup>34</sup> Nairn, R *Sites* no.13 (Spring 1986) 17, at 18.

such a basis. While that in itself is cause for optimism, I encourage them not to settle for building positive relationships with Māori on a personal level only: I urge them to use their experiences constructively, to bring about the mind-shift required amongst Pākehā society as a whole.

Perhaps it is Mike Grimshaw who best addressed the question of Pākehā identity when earlier this year he observed: “I am a Pakeha because I live in a Maori country”.<sup>35</sup> When you think about it, there is nowhere else in the world that one can be Pākehā. Whether the term remains forever linked to the shameful role of oppressor or whether it can become a positive source of identity and pride is up to Pākehā themselves. All that is required from them is a leap of faith.

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<sup>35</sup> Grimshaw, M “What Lies Beneath”, *Listener* 4 September 2004, 40, at 41.