

KEI HEA NGĀ WĀHINE TOA? CHALLENGES FOR WOMEN AND TIKANGA MĀORI¹

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Where are the wāhine toa? — strong women who fight in the face of immense societal challenges? Are women's roles in a tikanga Māori framework still becoming of strong women? This article examines women's roles in tikanga over time through case studies from Māori mythology, the pre/early-European contact and post-colonisation periods as well as interviews with Māori women in the legal profession today. It argues that traditionally tikanga demonstrated value and respect for women. However, limits to the applicability of tikanga and breakdowns in Māori society over time have led to serious challenges for women performing tikanga roles. It concludes that strong women are here still, all around us, and for the most part, women's tikanga roles are becoming of strong women. However, to some extent, women roles in tikanga should change to better support women's aspirations, in accordance with traditional Māori values that recognise women's worth.

I INTRODUCTION

It is time to ponder the extent to which tikanga demonstrates respect and support for women. In times past, Māori women fought alongside men in battle “and there were some veritable amazons among them.”² Women were wāhine toa: warrior women, women of strength. As iwi are no longer at war, their women are no longer warriors (in the traditional sense). Do women still perform roles becoming of strong women? How can tikanga as a practical, cultural and spiritual body of customs, laws and norms conceptualise and support strong women?

This article explores the meaning of tikanga, surveys women's roles in tikanga over time, and considers how tikanga might be varied to better support

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1 Where are the warrior women? Challenges for women and tikanga Māori.

2 Elsdon Best *Notes on the Art of War: As conducted by the Māori of New Zealand, with accounts of various customs, rites, superstitions, &c., pertaining to war, as practised and believed in by the ancient Māori* (Reed, Auckland, 2001) at 68.

modern-day wāhine toa. This article also incorporates interviews with Māori women in the legal profession, for several reasons:³

An author can only explain her culture to another in terms of what her cultural “institutions, customs, mores and traditions” mean to her.⁴ So it is appropriate to seek out others’ thoughts and experiences in order to present a wider perspective;

A Māori approach to research involves gathering histories⁵ and recognising that people’s stories are toanga (valuable treasures) to be respected;⁶

‘Māori lawyers’ are not so much lawyers who happen to be Māori, as Māori who happen to have law degrees and Māori experiences may be very different from the experiences of others within the legal profession;⁷

Lawyers who identify as women are often expected to attempt to gain recognition and protection for tikanga-based rights in New Zealand domestic law;⁸ and

Māori academics are often challenged to advocate on behalf of Māori development or explain Māori issues.⁹

The objective of this article is threefold:

- i) To canvas a variety of women’s roles in tikanga and consider some ways in which they reflect women’s value and strength.
- ii) To traverse past and present contexts to highlight some of the challenges that women and tikanga face today.
- iii) To confront hard questions such as: where are the wāhine toa (those who fight in the face of challenges); and how can they be valued and respected in a tikanga framework?

3 I am grateful to those who have allowed me to speak with them and incorporate their thoughts and experiences in this article — tēnā koutou.

4 Māori Marsden “God, Man and Universe: A Māori View” (1975) in Michael King (ed) *Te Ao Hurihuri – The world moves on: aspects of Māoritanga* (Reed, Auckland, 1992) 191 at 191.

5 Cheryl Smith “Becoming a Kaupapa Māori Researcher” in Donna M Mertens, Fiona Cram and Bagele Chilisa (eds) *Indigenous Pathways into Social Research: voices of a new generation* (Left Coast Press, California, 2013) 89 at 94.

6 At 96.

7 Annette Sykes “Te Miina o Papatūānuku – Te Mana o te Wāhine” (Hui-a-Tau Conference 2015 — Te Hunga Roia Māori o Aotearoa, Waitangi, 4 September 2015).

8 Sykes, above n 7.

9 Fiona Te Momo “Whakanekeneke Rangatira: Evolving leadership” (2011) 2 MAI Review 1 at 3.

II TIKANGA

Consider whether the following statement (or parts thereof) fairly reflects the nature of New Zealand's common law legal system:¹⁰

...[B]orn of a great intellectual tradition to regulate and guide the lives of the [people] ... [A] philosophical, spiritual, moral and ethical framework, derived from a set of values and [practices] that in a very real sense underpin[s] a functioning, practical legal system ... [K]nown and lived across the whole land as a vibrant ethos about what ought to be, complete with sanctions and redress for infringement.

Would it surprise the reader to know that this statement was actually Moana Jackson's description of the nature of tikanga prior to 1840? Today tikanga is a minority legal system, but it is still more than Māori customary law. The word tikanga is derived from 'tika' meaning straight, keeping a direct course, just, fair, right, correct.¹¹ However, the following collection of thoughts demonstrates tikanga has many meanings.

Tikanga is the fundamental principles of the first law of Aotearoa and it can extend from particular practices and sort of positive laws to prohibitions or rāhui, to broader central principles like utu [reciprocity] or whanaungatanga [kinship] or aroha [love]. Principles, practices, norms and rules.

— Dr Claire Charters, Ngāti Whakaue, Tūwharetoa, Ngāpuhi and Tainui¹²

For me, tikanga is an amorphous concept that is all about understanding justice in terms of the connections that are still strong in te ao Māori [the Māori world], — being, relationships between people, the land, and the spiritual realm.

— Aria Newfield, Waikato-Tainui¹³

For me it is my connection to my Māori heritage, which I think for a lot of my generation and probably my parents' generation, can be quite fraught

10 Moana Jackson "Introduction" in Ani Mikaere and Jessica Hutchings (compilers) *Kei Tua o te Pai Hui Proceedings: Changing Worlds, Changing Tikanga – Educating History and the Future* (Te Wānanga o Raukawa and New Zealand Council for Educational Research, Wellington, 2013) 9 at 9.

11 Herbert W Williams *A Dictionary of the Maori Language* (7th ed, Government Printer, Wellington, 1985) at 416.

12 Interview with Dr Claire Charters, Associate Professor, University of Auckland (Tunisia Napia, Auckland, 14 August 2017).

13 Interview with Aria Newfield, Solicitor, Russell McVeagh (Tunisia Napia, Auckland, 17 August 2017).

because a lot of people have their turangawaewae (where they are from) and did not actually grow up in that area. My grand uncle who is kaumatua of our hapū really impressed upon me that everything within Māoridom comes back to whakapapa [genealogy] and whanaungatanga and making those connections not only with people, but with the land.

— Pagen Plaizier, Ngāpuhi¹⁴

For me tikanga is more of an inherent heritage, something I almost need to vocalise because I am quite pale-skinned Māori and I do not have that much to do with my marae. It is a relationship that I feel like I have to work at because it is not really in the system that I live in. It is also something that I feel inherently proud of. It is something that is a part of me that I am also a little bit disconnected from.

— Nicole Browne, nō Mangawhai¹⁵

My understanding of tikanga is it is the things that you do as a person to make sure that you follow good process so you keep yourself and others safe. That can be on a marae — making sure that you are being respectful to people; but it is also an everyday life thing — making sure that you are being courteous to the people around you and not overstepping any boundaries.

— Rachel Robilliard, Ngai Tahu, Ngāi Te Ruahikihiki¹⁶

I view tikanga as a holistic way of life, that is, values, practices and systems that tie together the entirety of Māori culture itself. Given the breadth of meanings of tikanga, we should proceed from the premise that a review of women's roles in tikanga needs to include reflection about women's roles in Māori society as a whole.

III WOMEN'S ROLES

Women have had many roles in tikanga over time. This section will identify women's tikanga roles in Māori mythology, and the pre/early-European contact and post-colonisation periods. It will explain the spiritual and practical significance of these roles to Māori society and demonstrate changes for

14 Interview with Pagen Plaizier, Graduate Experience Manager, Xero (Tunisia Napia, Auckland, 9 August 2017).

15 Interview with Nicole Browne, Graduate, Russell McVeagh (Tunisia Napia, Auckland, 9 August 2017).

16 Interview with Rachel Robilliard, Solicitor, Russell McVeagh (Tunisia Napia, Auckland 9 August 2017).

women and tikanga over time. I argue that tikanga roles traditionally reflected value and respect for women. However, over time, limits to the applicability of tikanga and breakdowns in Māori society have led to serious challenges for women performing tikanga roles.

A Mythology

Myths are a traditional medium for conveying meaning and fundamental values through symbolism. Myths provide us with some understanding of how tikanga and women's roles were conceived in the earliest times.

The women of the Māori creation story (a story explaining the whakapapa (genealogy) of all things) were seen as the bringers of life. Before the world existed, the Supreme Being, Iō-Matua-Kore, organised Te Kore (the realm of potential being and primal, elemental energy)¹⁷ into the realm of Te Pō. Te Pō had childbearing powers, like women. Te Pō was the womb in which all things gestated and from which all things proceeded.¹⁸ Te Pō begat Te Ao Mārama (the realm of enlightenment, the natural world, that is our world). From thence:

- i) Te Ao Mārama begat Ranginui (Sky-father) and Papatūānuku (Earth-mother).¹⁹
- ii) Ranginui and Papatūānuku begat Tāne (God of the Forest) ('tāne' is also the Māori word for male).
- iii) Papatūānuku instructed Tāne to go to her pubic area and form Hineahuone (the earth-maiden) from the elements of the earth.²⁰
- iv) Tāne and Hineahuone begat Hinetitama.
- v) Tāne and Hinetitama begat humankind.
- vi) When Hinetitama learned that Tāne was her father, she was ashamed because of their cohabitation and went down into raroheinga (the underworld) where she became Hinenuitēpō (Goddess of the Underworld):²¹ the portal between the realms of life and death.²²

17 Marsden, above n 4, at 216.

18 At 216.

19 Cleve Barlow *Tikanga Whakaaro: Key Concepts in Māori Culture* (OUP, Auckland, 1994) at 173.

20 Robyn Kahukiwa and Patricia Grace *Wahine Toa: Women of Maori Myth* (Viking Pacific, Auckland, 1991) at 28.

21 Barlow, above n 19, at 147.

22 See Hōne Sadler *Ko Tautoro, Tē Pito o Tōku Ao: A Ngāpuhi Narrative* (Auckland University Press, Auckland, 2014) at 63.

This whakapapa affirms all things proceed from women, who are the portals to life. I suggest the myth nevertheless affirms that both women and men have responsibilities towards all living things because life was said to proceed after the partnership of both childbearing (feminine) and seeding (masculine) elements.

Women in Māori myths were also responsible for helping humankind to flourish. They were particularly nurturing in three key ways. First, they cared for their children. Author Patricia Grace's words capture Papatūānuku's motherly sentiments towards all earthly things:²³

[Ranginui] directs the warmth and light that nourish seeding, towards and into the earthiness that I am, while I remain the nursing parent, clutching to my belly our trembling ... child ...

Hinenuitepō's role as the portal between the realms of life and death means that she has a perpetual obligation to care for her children, that is, us for all eternity. Grace's words capture the role thus:²⁴

I will go on to the dark world ... where I will welcome our children when their earthly life is ended. I will go in order to prepare an afterlife for them, where once again I can be a loving mother.

Second, women in myth cared for all living things. For example, when Māui (the nanakia (trickster) of Polynesian myth) sought the ability to make fire to sustain life, Mahuika (Goddess of Fire) freely handed over all of her fire-making power because of her kinship (and accompanying obligations) to Māui and the earth.²⁵

Third, women in myth passed on knowledge intergenerationally. When Māui asked Muriranga-whenua (his ancestress) for her jawbone of knowledge, she gave it freely. Muriranga-whenua's sentiments were captured thus:²⁶

Because you [are] a descendant of mine you will be safe ... I will not harm you ... [The jawbone] will assist you in the earthly tasks you undertake ... Take it on your journey ... It is my gift to you ... and through you it is my gift to the people of the earthly land.

23 Robyn Kahukiwa and Patricia Grace *Wahine Toa – Women of Maori Myth*, above n 20, at 22.

24 At 34.

25 At 46.

26 At 52.

Overall, this section illustrates that women had two valuable roles in myth: to bring forth; and to nurture.

B Pre/Early-European contact

In the pre/early-European contact period, gender did not necessarily inhibit women's ability to engage in many aspects of social life. This can be inferred from the following five examples.

First, traits in te reo Māori point towards a view that before European contact, men and women were seen as equals in tikanga.²⁷ The personal pronoun 'ia' (meaning 's/he') and the possessive personal pronouns including 'tāna' and 'tōna' (meaning 'his/her') are gender-neutral.²⁸ Moreover, the possessive pronoun 'tāna', not 'tōna', is used in the clauses 'tāna wahine' (meaning 'his wife') and 'tāna tāne' (meaning 'her husband'). 'Ā', as opposed to 'ō', appears in the possessive particle where the possessor (in the example, his/her) has control or is in a dominant position over the possessed (in the example, wife/husband). The use of 'ā' affirms that husband and wife were equally dominant over one another, or in other words, partnerships were equal, neither person being subordinate to the other.

Second, women, not just men, could wear tā moko (tattoos) (although the typical placement of the tattoos often differed between the sexes).²⁹ For women, tā moko was about blood, pain and life, just like childbirth.³⁰ However it was also about fashion and beauty.³¹

Third, women were the primary composers of mōteatea (ancient songs). Only women were able to compose pātere: mōteatea which responded to slander in order to restore mana and exact utu (reciprocal vengeance).³² Through mōteatea, women were able to express feelings and restore balance without necessarily having their iwi engage in war (although many mōteatea literally

27 Annie Mikaere "Māori Women: Caught in the Contradictions of a Colonised Reality" (1994) 2 Wai L Rev 125 at 126.

28 At 126.

29 Ngahua Te Awēkotuku and others *Mau Moko: The World of Māori Tattoo* (Penguin Viking, Auckland, 2007) at 77.

30 At 76.

31 At 83, 86 and 89.

32 Bruce Biggs "The Oral Literature of the Polynesians" (1964) 49 Te Ao Hou 23 at 46.

or metaphorically expressed “a desire to slay, cook and eat the persons named therein”).³³ Further, as *mōteatea* were commentaries on life, compositions transferred knowledge from one generation to the next.³⁴

Fourth, many women were leaders. Leaders emerged irrespective of gender. The naming of hapū (subtribes) after women shows the significance of female leaders.³⁵ The collectivist lifestyle of Māori fostered female leadership as it was the extended whānau, not just the nuclear family, who raised children, enabling busy mothers to take on wider community roles.³⁶

Fifth, this collectivist lifestyle also ensured that women were well cared for by their whanau during their “time of power”, that is, menstruation.³⁷ In honour of the continuity of life, menstruation was set apart as a time of rest and nurturance.³⁸ Whānau talked openly about menstruation, men prepared special food for menstruating women and menstruating women were excused from community responsibilities such as working in the gardens, gathering and preparing food and weaving.³⁹ Menstruating women were considered sacred and powerful.⁴⁰

These roles and the respectful attitudes behind them demonstrate that women were deeply valued in the pre/early-European contact period.

C Post-colonisation

The application of tikanga to life is now, post-colonisation, severely limited. This is observed in the three following respects.

First, tikanga’s incorporation into domestic law is arguably deficient. Expert reports released in 2005 and 2010 under the United Nations Special Rapporteur on the rights of indigenous peoples (a United Nations human

33 Mervyn McLean and Margaret Orbell *Traditional Songs of the Māori* (Auckland University Press, Auckland, 1975) at 52.

34 At 28.

35 Mikaere, above n 27, at 128.

36 At 128.

37 Ngāhūia Murphy “Te awa atua: The river of life! Menstruation in pre-colonial times” in Ani Mikaere and Jessica Hutchings (compilers) *Kei Tua o te Pai Proceedings: Changing Worlds, Changing Tikanga – Educating History and the Future* (Te Wānanga o Raukawa and New Zealand Council for Educational Research, Wellington, 2013) 36 at 42.

38 At 40.

39 At 40.

40 At 36.

rights reporting mandate to investigate alleged violations of Indigenous peoples' human rights) have recommended that the New Zealand government:⁴¹

- i) give greater consideration to Māori land and resource rights;
- ii) provide more equitable and inclusive Treaty of Waitangi settlement processes;
- iii) protect rights to culture including Māori medium education; and
- iv) incorporate indigenous rights security in domestic legislation.

These recommendations show more could be done to legitimate tikanga as a source of law in New Zealand. I argue that this would be a positive change, leading to a more culturally sensitive and inclusive body of domestic law.

Second, domestic law can restrict tikanga-based rights because of parliamentary sovereignty. Notably, in 2005 the Committee on the Elimination of Racial Discrimination determined that New Zealand legislation extinguishing Māori property rights in the foreshore and seabed was discriminatory.⁴² Section 6 of the New Zealand Bill of Rights Act 1990 provides that “wherever an enactment can be given a meaning that is consistent with the rights ... contained in this Bill of Rights, that meaning shall be preferred to any other meaning”. However, there is no reference to Māori or the Treaty of Waitangi in the 1990 Act.⁴³ Several other statutes do reference Treaty of Waitangi or tikanga principles.⁴⁴ However, because the meaning of such principles is left ambiguous,⁴⁵ the force of their applicability is doubtful. Thus, tikanga-based rights are insufficiently protected in New Zealand law.

Third, tikanga has been largely relegated to serving a mere ceremonial function. Moana Jackson stated:⁴⁶

... it has been “confined” physically to the marae where to all intents and purposes it can be an esoteric subject of debate rather than an everyday

41 Fleur Adcock “The UN Special Rapporteur on the Rights of Indigenous Peoples and New Zealand: A Study in Compliance Ritualism” (2012) 10 NZYIL 97 at 100.

42 Committee on the Elimination of Racial Discrimination (CERD) *Decision 1 (66): New Zealand Foreshore and Seabed Act 2004* CERD/C/66/NZL/Dec.1 (2005); see Adcock, above n 41, at 99.

43 At 106.

44 See, for example, the Resource Management Act 1991, ss 7(a) and 8.

45 See, for example, the definitions of kaitiakitanga, tangata whenua, tikanga Māori, mana whenua, and Treaty of Waitangi in s 2 of the Resource Management Act 1991.

46 Jackson “Introduction”, above n 10, at 10.

code for living that might inspire and govern the people's relationships way beyond the borders of the marae.

I acknowledge that the modern-day leash that ties tikanga to the marae is slackened by the occasional inclusion of pōhiri (welcome) and poroporoaki (farewell) ceremonies in some school, workplace and public settings. However, I regard this as an artificial and unspoken social agreement to pay ceremonial homage to Māori culture when it suits. In 1993, the Ministry of Women's affairs reported:⁴⁷

Being responsive to Maori does not mean that an organisation correctly adheres to powhiri practice ... or appoints a few Maori advisers or takes all staff on an annual marae visit. This is not to say that these things are not important – they alone are just not enough.

I argue that observing tikanga practices as mere ceremonial niceties undervalues the significance of tikanga and people's roles in tikanga. Since, for now, the general public's main exposure to tikanga may be through pōhiri, marae visits etc., the roles of women on the marae should be discussed.

1 *Women on the marae*

Nowadays, women continue to act symbolically as the portals between worlds, like their mythological ancestresses. Kaikaranga (women whose role it is to perform karanga (welcome calls)) welcome visitors from outside the marae gate (or wherever the ceremony is being held) (symbolically, Te Kore), onto the marae (or venue) (symbolically, Te Ao Mārama).⁴⁸ Kaikaranga may welcome both the visitors and the spirits of their ancestors, so that as the living meet, so too may the dead.⁴⁹ Additionally, women sit beside the deceased at tangi (funeral ceremonies).⁵⁰ Symbolically, they are accompanying the deceased as portals from our world to different realm of existence. These roles are tapu, and women, for their ability to carry out these duties are tapu.

47 Ministry of Women's Affairs *He Kaupapa ... He Hanga Tikanga: A Foundation ... Shaping a Way – Responsiveness to Maori Plan of the Ministry of Women's Affairs* (Ministry of Women's Affairs, Wellington, 1993) at 4.

48 Sadler, above n 22, at 63.

49 Hiwi Tauroa and Pat Tauroa *Tē Marae: A Guide to Customs and Protocol* (Penguin, Auckland, 2009) at 49 and 53.

50 Sadler, above n 22, at 63.

At pōhiri and poroporoaki, women sit behind men and, in many hapū,⁵¹ are not kaikōrero (speakers). According to tikanga, those protocols are intended to protect women from potential physical and spiritual threat posed by visitors. This includes verbal attack, which kaikōrero may face.⁵² As kaikōrero can be aggressive and provocative, marae have been referred to as the “umu pokapoka a Tūmatauenga” (fiery ovens of the God of War).⁵³ Insults may be fair game.⁵⁴ The desirability of protecting women from such threats is tied to a great respect for women as the whare tangata (literally, house of people): those who, by bearing children, carry with them the legacy of the hapū.⁵⁵

These protocols are somewhat controversial. On Waitangi day in 1999, the then Opposition Leader, Helen Clark, was reduced to tears after being invited to sit on the paepae (an area reserved in most hapū for male kaikōrero) and then being openly chastised by Titiwhai Harawira, a Ngāpuhi woman, who challenged her right as a woman to speak.⁵⁶ In 2004, a high profile complaint in came from Pākehā probation officer, Josie Bullock, who refused to sit behind the men in a poroporoaki at a Corrections Department facility and then compared the seating arrangement to racial segregation laws requiring African-Americans to sit at the back of the bus.⁵⁷ In 2006, National MPs Anne Tolley and Judith Collins (Collins having vowed to “do a ‘Josie Bullock’”) refused to sit behind the men in a pōhiri at a Child Youth and Family facility.⁵⁸ Collins said “women are treated as second-class citizens”.⁵⁹

On the one hand, these protocols may be seen as problematic. For example, it is arguably dissatisfactory that even though Pākehā men have at times been allowed to assume the right to speak without seeking permission

51 Tikanga practices vary between iwi, hapū, whanau and marae.

52 See Katherine Curchin “Pākehā Women and Māori Protocol: The Politics of Criticising Other Cultures” (2011) 46(3) *Australian Journal of Political Science* 375 at 377.

53 John C Moorfield “umu pokapoka a Tūmatauenga” (2017) *Māori Dictionary* <www.maoridictionary.co.nz>.

54 Turoa and Turoa, above n 49, at 59.

55 See generally Curchin, above n 52, at 377; Kerensa Johnston “Māori Women Confront Discrimination: Using International Human Rights Law to Challenge Discriminatory Practices” (2005) 4 *Indigenous Law Journal* 19 at 34.

56 Johnston, above n 55, at 22; Curchin, above n 52, at 22.

57 See Curchin, above n 52, at 381.

58 At 377.

59 At 378.

and following protocol, many Māori women are not allowed speak on their own marae.⁶⁰ In Dame Mira Szászy's view:⁶¹

... our *marae* is a patriarchal institution, 'pervaded by assumptions of male domination' ... The custom which disallows women from speaking on that forum with the assertion that men and women have complementary roles is, in fact 'a denial of equality, as such roles are certainly not equal'.

On the other hand, it is arguable that men's and women's roles are equally influential.⁶² This is for a number of reasons. First, even if people do not understand the karanga, the wailing and solemnity of the process alerts the senses to the fact that something significant is happening.⁶³ Second, women, as the primary kawaiata (singers), have the power to cut unsatisfactory speeches short by singing over the top of the speakers, forcing them to stop talking.⁶⁴ Third, women often occupy leadership roles, including on many marae committees, managing marae and hapū affairs.⁶⁵ Fourth, it could be said that women are the ones who are really "running the show" behind the scenes⁶⁶ and still have a say in everything the men say and do.⁶⁷ As Anne Salmond said, "whenever a man oversteps the bounds of marae protocol, it is nearly always the women who carry out corrective action".⁶⁸ Fifth, women are the primary ringawera (workers in the kitchen and on the marae) — "on them depends the mana of their marae".⁶⁹ Ringawera share the aroha of the iwi with everyone on the marae. Tūwharetoa kuia, Haneta Rota-Brown said:⁷⁰

60 Johnston, above n 55, at 36.

61 See Curchin, above n 52, at 382.

62 At 380.

63 See generally Tauroa and Tauroa, above n 49, at 53.

64 Interview with Amokura Kawharu, Associate Professor, University of Auckland (Tunisia Napia, Auckland, 29 August 2017); Interview with Dr Fleur Te Aho, Ngāti Mutunga ki Taranaki, Lecturer, University of Auckland (Tunisia Napia, Auckland, 15 August 2017); and Curchin, above n 52, at 380.

65 Interview with Amokura Kawharu, above n 64.

66 Interview with Pagen Plaizier, above n 14; Interview with Rachel Robilliard, above n 16; Interview with Aria Newfield, above n 13.

67 Interview with Pagen Plaizier, above n 14.

68 See Curchin, above n 52, at 380.

69 Tauroa and Tauroa, above n 49, at 40.

70 Haneta Rota-Brown "Mana Wahine, Mana o te Kuia" in Shelley Hoani and Rangimarie Hunia (eds) *Toroa-te-Nukuroa Volume IV: Māreikura* (online ed, Te Wānanga o Aotearoa, 2009) 79 at 79.

As an extension of manaakitanga (caring), aroha is the concept of love in its widest sense. It can mean respect, concern, hospitality, and the process of giving. Thus every person is concerned for, and respects the rights of others. Aroha is given freely; it does not take account of personal cost but considers only what is beneficial to others. Aroha is reflected in the way that the tangata whenua provide hospitality; in the way that the manuhiri [visitors] become part of the tangata whenua and share in their normal duties of th[e] day ...

The aroha and influence of women goes beyond the marae, including into schools and homes. Women provide critical guidance for Māori communities.⁷¹ As Rota-Brown stated:⁷²

Māori women play a significant role in developing and sustaining the cultural, social and economic lives of our Māori communities ... Māori women are the driving force behind the formation of our Kohanga Reo [Māori kindergartens], Kura Kaupapa Māori [Māori schools] and maintaining the well-being of all Māori families ...

2 *Socio-economic concerns*

Maintaining the welfare of Māori families has been a constant goal. In 1951, the Māori Women's Welfare League was established to respond to the social problems faced by Māori attempting to adapt their lifestyles to Pākehā culture, including: racism; adapting to the cash economy; housing and sanitation issues; poor health; diseases; high infant mortality; mental health concerns; increased alcohol consumption; and domestic violence.⁷³

Nowadays, Māori continue to battle persisting socio-economic inequalities between Māori and non-Māori.⁷⁴ Many people have linked such socio-economic problems to the impact of colonisation.⁷⁵ I argue that colonisation broke down traditional Māori society. Colonialism, including the introduction and sudden strict enforcement of British laws and political systems, land alienation, World Wars I and II, industrialism, alcohol and foreign values, tore

⁷¹ Although, this recognition is not intended to detract from men's input.

⁷² Rota-Brown, above n 70, at 81.

⁷³ Dame Mira Szászy *Tē Timatanga Tātau Tātau: Early Stories from Founding Members of the Māori Women's Welfare League* (Bridget Williams, Wellington, 1993) at xii, xiv, xvi and xvii.

⁷⁴ Adcock, above n 41, at 99.

⁷⁵ Mikaere, above n 27, at 146.

apart the traditional Māori way of life. As a consequence of post-colonisation issues such as land confiscation and post-war migration to the cities, whānau became separated from each other and their homelands (tūrangawaewae, papakāinga). Loss of culture, relationships and resources ultimately led to the marginalisation of Māori.

Dr Fleur Te Aho considers that the particular problem of the high percentage of Māori in New Zealand prison systems is a reflection of horrific dysfunction in our society. This has been seized upon by many international human rights monitoring bodies as reflecting institutional discrimination.⁷⁶ Te Aho has said:⁷⁷

There is no criminal gene in Māori that makes them go into prisons. It is reflective of our social structures and history of colonialism and all the social problems and spiritual and psychological trauma that goes along with those experiences.

After working in family violence for nearly 30 years, Mereana Pitman wrote about the link between colonisation and family violence in particular, stating:⁷⁸

... what I figured out is that when Māori men have no mana outside the home—when they don't have a job, ... when there's nothing out there that reflects who they are, ... or where they have come from—then ... it's going to get violent at home ... because that's the only place where you're somebody. Even if you're a creep ... you're somebody's father, somebody's son, somebody's tāne ... You have power and control in that little space ... They [the settlers] split the links to the land, to each other, and to those things that had fed and nurtured us for years ... I realise that the more colonisation impacted on our people, the more pain became internalised, the more self-hatred there was, and the more we turned on each other. That's the thing about invasion and colonisation, it is an invasion of the mind, of the body, of the soul and the spirit, and it spreads itself across generations.

76 Interview with Dr Fleur Te Aho, above n 64.

77 Interview with Dr Fleur Te Aho, above n 64.

78 Mereana Pitman "Violence and the distortion of tikanga" in Ani Mikaere and Jessica Hutchings (compilers) *Kei Tua o te Pae Proceedings: Changing Worlds, Changing Tikanga – Educating History and the Future* (Te Wānanga o Raukawa Ōtaki and New Zealand Council for Educational Research, Wellington, 2013) 44 at 45.

In the summer of 1977–1978, Ngahaia Te Awekotuku reflected on discussions held in a Māori women’s conference, stating:⁷⁹

There was a long, and extremely painful, exchange and sharing of experience of violence in the home, and police apathy ... It was becoming obvious that most of the policy-making world, even the Maori members, are hopelessly out of touch with the horror of Maori women’s reality.

So, it is evidence that women and tikanga now operate in environments that present serious societal challenges.

IV WĀHINE TOA IN TIKANGA MĀORI

Against this backdrop of immense challenges to tikanga, women and Māori society, I ask “kei hea ngā wāhine toa? — where are the women who fight for themselves and their people?” It is suggested that they are right here, all around us.

All of the women interviewed for this article believe that we still have wāhine toa in modern times. They are not always the ones in the conspicuous public roles (although some absolutely are).⁸⁰ They are: raising families;⁸¹ leading marae communities;⁸² being stropic, bossy,⁸³ and maybe even aggressive, to get good work done.⁸⁴ They provide wraparound support to help everyone get further.⁸⁵ Generally speaking, rather than compete with one another to achieve individual glory, they protect one another and pursue collective welfare goals.⁸⁶ Amongst Māori women, “there is not this idea that there is only a pinnacle, it is like we can all stand on the mountain”.⁸⁷

It takes strong women to nurture, care, support, teach as well as lead compassionately and with respect for others. These are the roles of the warrior women. Modern-day wāhine toa perform all of these roles, even in the face

79 Ngahaia Te Awekotuku *Mana Wahine Maori: Selected Writings on Maori Women’s Art, Culture and Politics* (New Zealand Women’s Press, Auckland, 1991) at 57–58.

80 Interviews with Amokura Kawharu and Dr Fleur Te Aho, above n 64.

81 Interviews with Amokura Kawharu and Dr Fleur Te Aho, above n 64.

82 Interview with Rachel Robilliard, above n 16; Interview with Aria Newfield, above n 13.

83 Interview with Aria Newfield, above n 13.

84 Interview with Pagen Plaizier, above n 14.

85 Interview with Pagen Plaizier, above n 14.

86 Interview with Nicole Browne, above n 15.

87 Interview with Pagen Plaizier, above n 14.

of the marginalisation of tikanga, Māori and women. Wāhine toa need to be supported.

A Changing tikanga

It is time to consider whether tikanga could change to better support and respect women. I acknowledge that tikanga is largely unchanging, as customs have been in usage since time immemorial. It is not at all like New Zealand domestic law, which regularly changes with the times and governments. Yet tikanga is flexible — customs can change to fit the circumstances.

Tikanga is by no means codified so individuals and groups are free to adopt differing aspects of it as desired. As Pagen Plaizier said:⁸⁸

I can be respectful of a number of concepts that I do not understand or do not necessarily agree with and I can cherry pick the ones that are really important to me and have had a real influence on my life, the ones that I take forward to teach my children and the people around me.

Therefore, I argue that women who aspire to be kaikōrero should be allowed to take on this role. This is because there are no doubt skilled women out there who would be appropriate kaikōrero, but for their gender. Spiritual beliefs are varied and some women may value being engaged in adversarial speech. To them, the concept of needing to protect women from spiritual attack by aggressive speech may be irrelevant.

Additionally, if people (Māori or non-Māori; male, female or non-binary) are uncomfortable with seating arrangements in Māori ceremonies, we ought to discuss their concerns more openly and determine case-by-case whether the seating arrangements should continue.

Now, as Hoskins acknowledged:⁸⁹

... it is not easy to speak critically about aspects of your culture ... without providing ammunition to a racist and fearful society, or risking personal attack or exclusion.

Indeed, when I first considered writing this article, I was wary about my need to be careful not to alienate myself from my own people. However, I decided that might not be a good enough reason to not think critically about sensitive

88 Interview with Pagen Plaizier, above n 14.

89 See Curchin, above n 52, at 383.

topics like women's roles. I have argued that tikanga should change *if* people want to change it.

Changing tikanga is not a radical new idea. Changes to tikanga for the betterment of women have occurred in the past, even on a globalised scale.

An example of this is the cessation of haehae. Haehae was the practice of lacerating the body as an expression of longing and mourning for deceased, to cause permanent scarification and blood flow (although in the extreme it could cause deep injury or death).⁹⁰ As women are the principal mourners in tikanga, they used to vigorously performed haehae.⁹¹ An early sketch by G F Angus depicts Mihi, wife of Ngāti Maniapoto chief To Nga Porutu, bearing haehae scars on her face.⁹² Haehae was said to be a tohu aroha (sign of love), marking courage and endurance, and providing extreme relief and release, but it could be seen as violent self-mutilation.⁹³ A mōteatea says:⁹⁴

Homai he mata kia haehae ua e,

Kia kotia te kiri ...

The former tikanga practice of haehae did not support women because it was harmful. Thus its cessation demonstrates that tikanga can go through positive changes to better respect the value of women.

Before I lay down the taki and retreat,⁹⁵ let me refer back to ancient knowledge in order to leave you with some final thoughts about traditional principles and the value of people.

Firstly, myths affirm that all people are children of gods (with lineage to Iō), and earth (with lineage to Papatūānuku and Hineahuone). Therefore, we all have *whanaungatanga* (kinship) ties to each other and the land. With *whaungatanga* comes obligations to demonstrate *kaitikitanga* (guardianship over and care for natural resources), *manaakitia* (hospitality, care, respect

90 Te Awekotuku and others, above n 29, at 80.

91 At 80.

92 DR Simmons *Ta Moko: The Art of Maori Tattoo* (Reed, Singapore, 2006) at 108.

93 See Te Awekotuku and others, above n 29, at 80.

94 At 80. Hand me then the sharpened obsidian to lacerate myself / Cutting deeply into this body ...

95 This is a reference to wero — a challenge to distinguished manuhiri in which the challenger (usually a male) places a taki (an object) before the manuhiri and then retreats — the purpose of which is to ascertain by the response whether the manuhiri came in peace or in war. Tauroa and Tauroa, above n 49, at 44.

and generosity towards others) and *arohaina* (love, compassion). Arguably all tikanga roles (irrespective of gender) should be focussed around fulfilling such obligations.

Secondly, mythological whakapapa affirms that everyone has divine worth. This concept may be empowering irrespective of whether one believes in literal divine heritage (that is, descent from god(s)). As such, women have mana wahine. Traditionally, mana was said to be spiritual power and authority which came from atua (gods).⁹⁶ Today many New Zealanders may recognise mana as being a kind of power and authority identifiable in charismatic persons. I tautoko (support) Māori artist Paerau Corneal's assertion:⁹⁷

Mana Wahine is inherent in all women. It needs to be nurtured, supported and acknowledged. It is not limited to whakapapa, being highly educated or not, whether you've done great deeds or not, but I think mana Wahine exists in every women [sic] and it needs to be looked after.

I leave you with these thoughts in the hope that when battling life's challenges, more people might understand that according to traditional tikanga principles, people have mana and inalienable worth. Roles in tikanga, and women's roles in particular, should reflect this.

V CONCLUSION

This article has canvassed women's roles in tikanga and offered some reflections on women's value and strength; traversed past and present contexts, highlighted current challenges to tikanga and women; and dared to ponder the extent to which tikanga demonstrates, or ought to demonstrate, respect and support for women.

In accordance with traditional wisdom, tikanga roles should foster the whanaungatanga that exists between all of us and reflect the worth that each of us has. For the most part, women's tikanga roles are becoming of wāhine toa. However, tikanga should change to further support women's aspirations. In particular, women should be allowed to be kaikōrero if they so desire.

Of the warrior women of old, Best observed:⁹⁸

96 Marsden, above n 4, at 193.

97 Brigitte Te Awe Awe-Bevan "Mana Wāhine" in Shelley Hoani and Rangimarie Hunia (eds) *Toroa-te-Nukuroa Volume IV: Māreikura* (online ed, Te Wānanga o Aotearoa, 2009) 53 at 53.

98 Best, above n 2, at 69.

During the long marches ... throughout the fighting, the hurried retreats, the privations, hunger, cold, and disasters, the women ever marched ... no matter what sufferings had to be endured.

Many wāhine toa today do the same, as they perform many tikanga roles all whilst battling serious societal challenges.