Biculturalism and Inclusion in New Zealand: The Case of Orakei

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On September 19, 2006, we were saddened by the death of Sir Hugh Kawharu at the age of 79. Sir Hugh was the paramount chief of the Ngati Whatua Maori tribe as well as a distinguished scholar. He received a B.A. from the University of Auckland, an M.A. in Anthropology from Cambridge University and a D.Phil. from Oxford University. In 1958-1960 he was a welfare officer in the Department of Maori Affairs where he worked on housing, trust administration and other Maori affairs. That is where he met Eric Schwimmer. Professor Kawharu taught anthropology at the University of Auckland from 1966 until he was professor of Social Anthropology and Maori Studies at Massey University in Palmerston North appointed in 1970. In 1985, he returned to Auckland where he became professor of Maori Studies and head of the Department of Anthropology. In 1991, he presided over the separation of Maori Studies from Anthropology to become two separate departments. He was foundation director of the James Henare Maori Research Centre in 1993. After his retirement in 1993, he became Emeritus Professor at the University of Auckland. From 1978 to 2006, he was chair of the Ngati Whatua o Orakei Maori Trust Board. He also served in New Zealand and abroad on many commissions, and councils, including the Waitangi Tribunal from 1986 to 1996. In 1989, he was knighted for services to Maori. In 2002, he was made a member of the Order of New Zealand. During most of his adult life he worked on the rehabilitation and development of the Ngati Whatua community at Orakei and in recent years, Sir Hugh led his people's treaty claim concerning lands in the Auckland isthmus. In June 2006, an agreement in principle was signed with the government. In recognition of the customary rights previously exercised by his tribe and the subsequent land losses, the agreement in principle offers the tribe title to significant places and other forms of compensation.

We wish to express our most sincere condolences to Sir Hugh's family and tribe. We are grateful to his daughter, Merata Kawharu, Doctor of Anthropology, for making the publication of this article possible. We also thank Mere Gillman, the secretary of the Department of Maori Studies.

Abstract: The author applies Schwimmer's dual concepts "biculturalism and inclusion" to the relationship between an indigenous tribal community, Ngati Whatua and the city, Auckland, in which it is located. The study is an account of developments made possible by the return of land to the community following a tribunal enquiry.

Keywords: biculturalism, inclusion, tribunal, tribal, community, city

Résumé : L'auteur met en application le double concept de « biculturalisme et d'inclusion » de Schwimmer afin d'examiner les relations entre une communauté indigène tribale, les Ngati Whatua, et Auckland, la ville où elle est située. Cette étude rapporte les développements rendus possibles par la restitution des terres à la communauté à la suite d'une commission d'enquête.

Mots-clés : biculturalisme, inclusion, commission, tribal, communauté, ville

Introduction

It is a special privilege to join with others in paying tribute to Eric Schwimmer for his manifold contributions to scholarship. I do so primarily on a personal level, as a former junior colleague in the New Zealand Public Service.

It was in 1958, having just been recruited to the Welfare Section of the Department of Maori Affairs that I first learned of Eric Schwimmer and of his initiative in developing the Department's promotional journal, *Te Ao Hou* (The New World). The journal, under his editorship, had developed something of the character, as he describes it, of a forum, a "*marae* on paper"[1] with its contributors and editorial advisers alike adding a special dimension to a Maori cultural revival then gathering impetus.[2]

Doubtless Schwimmer's intellectual energy both stimulated and "alarmed" the head office hierarchy at the time, not to mention the planners dependent on his initiatives and incisive comment. On the other hand, his friendship and role of mentor to colleagues and Maori writers at large was widely appreciated at the outset and warmly remembered later. It is in this latter respect that I should like to continue by reflecting on a particular enterprise in which we were briefly joined; one whose purpose was to inform and provoke comment on what might have been called in those days "the decolonizing condition of the Maori." It was published as *The Maori People* in the 1960s and Eric Schwimmer was its editor and co-author (Schwimmer 1968). The symposium provided Schwimmer with an opportunity to break away from the assimilationist-integrationist mantra that had been chanted for at least 100 years to justify government policy for the Maori people and to offer instead the dual concept of "biculturalism and inclusion." My contribution, for example, described the constraints and opportunities facing an indigenous tribal community, known as the Orakei hapu of Ngati Whatua, struggling to maintain their tribal identity in an inner suburb of the country's largest city, Auckland, while engaged in relating to immigrant Maori at the same time.

The Orakei *hapu* still exists, but the manner of its existence derives from the opportunity it took to present a land claim to a tribunal nearly 20 years after Schwimmer's symposium was published. I should like, therefore, to revisit Orakei and to consider once again the relevance of Schwimmer's dual concept for the community at the onset of the new millennium. However, since I believe the tribunal, called the Waitangi Tribunal, itself illuminates aspects of biculturalism and inclusion I feel bound to offer a brief comment accordingly before turning to Orakei itself. And as a further preliminary, let me cite from Schwimmer's introduction to his symposium. As to biculturalism, he says:

> Everybody learns one culture in his childhood and owes it primary allegiance. The bicultural person, in addition, accepts as legitimate the values of a second culture, is to some extent familiar with these values, and can turn to them if necessary, for subsidiary relationships... Any degree of familiarity with a second culture will soon lead to a contradictory situation where there are two alternative correct ways of acting...in such a situation, we have to make a choice; and we can be called bicultural only if we have made such a choice while aware of the value conflict involved in it. [Schwimmer 1968:11]

For its part, *inclusion* is a term Schwimmer borrows from Parsons who lists three basic requirements:

> the first of these are equal civil rights. The second is a full sharing in the pursuit of the collective goals of society—in the processes of government and the exercising of power. The third requirement is equality of resources and capacities necessary to make 'equal rights' into fully equal opportunities. [Schwimmer 1968:11; c.f. Parsons 1965:1]

Waitangi Tribunal

In 1975 the Government passed the Treaty of Waitangi Act in belated recognition of the treaty signed by Maori chiefs and representatives of the British Crown in 1840 by which New Zealand became a Crown Colony. This Act established the Waitangi Tribunal to hear any claim by any Maori or group of Maori people that some action by the Crown had been prejudicial to their interests and was contrary to the principles of the Treaty. Initially the Tribunal's jurisdiction was limited to events after the passing of the Act (1975). An amendment Act was passed in 1985. It introduced a number of changes, the most important of which extended the jurisdiction of the Tribunal back in time to 1840, to the beginning of colonization and thus to many major grievances that came to be harboured over successive generations.

The Tribunal is not only remarkable in New Zealand's history in terms of its statutory powers, but also in its personnel and mode of operation. Its members comprise the Chief Judge of the Maori Land Court, who is both a member of the Tribunal and its Chairperson, and not less than two and not more than 16 other members appointed by the Governor General. The selection of members takes into account the idea of a partnership between the two parties to the Treaty, Maori and Crown, and the need for each member to have "knowledge of and experience in such matters as may come before the Tribunal" (Treaty of Waitangi Act 1975:Section 4). The effect of this is that any one Tribunal panel will contain one or more members of Maori ancestry and in all likelihood a mix of lay and legally qualified individuals as well. While at the time of writing, there are several hundred claims yet to be heard, the Tribunal functions only on a part-time basis and thus it will need to continue for many years unless there are major procedural reforms.

Among the Maori population at least, the Waitangi Tribunal has gained respect for its integrity, balance and care in reaching its findings on the facts placed before it by claimant and Crown. However, the same findings have often been received with a mixture of scepticism and irri-

tation by many in the general public ignorant of the issues and Tribunal procedures, while others even seek to question the constitutional relevance of the Treaty of Waitangi.

It has become customary for the Tribunal to hear a tribal claimant's case on its marae and in its ancestral meeting house, and the Crown's case at some convenient venue other than a marae, such as a courthouse, hotel conference room or public hall. In the first instance, the Tribunal and the Crown's party are both welcomed formally on to the claimant's marae. At its conclusion, the authority or *mana* of the marae is passed to the Tribunal and is received on its behalf by its *kaumatua*. The Tribunal then conducts its business under the symbolic protection of that mana, finally returning it in an equally formal manner at the conclusion of the claimant's case. Each day the protocols of the marae are followed including prayers and the sharing of food—though the Tribunal members will be allocated their own dedicated space. Evidence is frequently given in the Maori language, especially by elders called as witnesses, and is then interpreted at the time of recording by qualified personnel.

So much for a sketch of the rules, it is the conduct by the Tribunal of its European style enquiry in a tribal meeting house redolent of the claimant community's pride and pain, achievements and sacrifices, from colonial turmoil to an ambiguous present, that heightens its bicultural character. As to resolving "conflicts and contradictions," the Tribunal could certainly be ascribed to a truth and reconciliation category of inquiry as it does not make binding orders, preferring its findings to be used by claimant and Crown to negotiate a settlement of their differences. In the event of a settlement the Crown will acknowledge one or more breaches of its Treaty obligations, offer an apology and some form of remedy. If accepted by the claimant it is assumed that a basis will have been laid for a settlement that will be durable.

Because the Tribunal upholds the principles of the Treaty, it protects, *inter alia*, the third Article conferring "equal civil rights" on Maori, itself a basic factor in inclusion. By providing a forum for Maori grievances considered in the context of the Treaty principles, it elucidates and reaffirms the partnership between Crown and Maori, now arguably one of "the collective goals of New Zealand society." Finally, claimants may apply for state funding support for researching and presenting their claim—a claim that will be defended by a Crown having available to it the full resources of government. To that extent, equal rights for Maori under the Treaty may be seen to be protected by the Tribunal process insofar as claimants have available an "equality of resources and capabilities" in their attempt to achieve justice.

Prior to the advent of the Waitangi Tribunal, no such public testing of the honour of the Crown or review of the nation's conventional mono-cultural history would have been possible. Not for nothing did the late Justice Temm call the Waitangi Tribunal the "conscience of the nation" (Temm 1990). Perhaps it has at least contributed to a more effective inclusion of the Maori people in the New Zealand polity.

If a claim is in fact successful and does lead to a reconciliation between Crown and claimant, there is, for the claimant group, the further satisfaction of having won the claim not with reference to some relatively obscure statute but by confronting their adversary with the nation's founding document itself: the Treaty which their ancestors had sealed with their marks and signatures in 1840. The settlement is more than a wrong put to rights. The reconciliation symbolizes the Crown's—and Parliament's—acknowledgment of the legitimacy of the tribal group's place in the history of the country. Hitherto, the lack of such a tribunal opportunity and subsequent recognition might well have seen the group's fortunes relegated by default to an irrelevance or to a seeming inconvenience somewhere on the margins of society.

Ngati Whatua of Orakei

Such had been the fate, for instance, of the Orakei hapu of Ngati Whatua following their eviction from their ancestral village in 1951. The eviction had been enforced in the "public interest" (by the Public Works Act) as the village was then located in an "inconveniently" disordered state on Auckland's prominent harbourside Tamaki Drive. Those of the hapu not dispersed to other parts of the country by the eviction still found themselves more or less out of sight in state rental houses and units on rising ground nearby—refugees on what had once been their remnant estate on the Auckland Isthmus, deemed by a court order to be "inalienable forever."[3]

In 1986, following the amendments to the Treaty of Waitangi passed the previous year, the Waitangi Tribunal came to Orakei to consider the hapu's "historical" grievances, i.e., those originating prior to 1975. The Tribunal's general findings a year later in 1987 began by observing that the Crown's breaches of the Treaty had rendered:

> Ngati Whatua of Orakei virtually landless and without standing in their own homeland...powerless to prevent the consummation of the Crown's objective of obtaining the whole of their lands...[and powerless to prevent] the physical destruction of all housing and other buildings forming part of the marae leaving only the church and urupa [cemetery] intact. [Waitangi Tribunal 1987:253]

The Tribunal concluded its report with a number of recommendations, two of which maybe noted here. Of primary importance to Ngati Whatua was the transfer of title to a marae reserve of approximately four acres from the Crown to the Ngati Whatua of Orakei Maori Trust Board. The second was the transfer of title to approximately 110 acres of adjoining park land also to the Trust Board, on condition that the "recreational enjoyment of the land" would be shared with the citizens of Auckland (Waitangi Tribunal 1987).

The idea of "sharing" as a condition of the transfer was notable inasmuch as it is entailed in the general concept of reciprocity, one that lies at the heart of Maori social relations. On the Orakei marae, for example, reciprocity underpins the rituals of exchange between the Orakei hapu as *tangata whenua* and visitors, and provides for the reaffirmation of their respective identities and for a continuing unity of purpose.

With the surrounding Whenua Rangatira park lands on the other hand, while there is normally no occasion for ritual exchanges there is still reciprocity played out in informal recognition and formal control. Here, the citizens of Auckland have unrestricted access to land owned by Ngati Whatua and may come to understand and appreciate the history behind that access better as time goes by. The administration of the land is under the control of a board, the Orakei Reserves Board, comprising three representatives of the Trust Board and three Auckland City Councillors. By statute a Ngati Whatua is appointed to the chair and a City Councillor to the office of deputy chair. The cost of managing and developing the land is borne by Auckland City ratepayers (including Ngati Whatua)—those who may most often have the pleasure of the use of the land.

We may now turn to the process by which the Ngati Whatua community of Orakei have found a measure of inclusion in the wider society of Auckland as a result of their efforts to make Ngati Whatua customs and contexts valid and desired. We shall restrict the account to the impetus given by the two Waitangi Tribunal's recommendations referred to above (marae and park lands). Other factors in the process of inclusion, for example, the health, housing, education and employment activities of the community are undoubtedly significant, but are more individually centred and diffuse in their effect. Integrating them into the argument would require further and extended inter-generational observation.

Recovery

After the Orakei Act 1991 gave effect to the Waitangi Tribunal's recommendations, the community, in its newly acquired ownership of the marae, faced for the first time in 40 years the need to balance domestic against public need for its use. Domestic demand has consisted of a regular round of committee meetings and celebration of life crises such as funeral wakes, weddings and birthdays. Beyond Orakei, however, in the city of Auckland, there have been rising expectations for Ngati Whatua to fulfil their historic role as tangata whenua by hosting events of a broader, civic, national and international importance. Three examples related to the marae may make this clearer. Events in the park lands, Whenua Rangatira, will be considered separately.

Marae

In the first example, towards the end of 1999 elders of the community were guests at an Auckland City Council function. In reply to Her Worship the Mayor's welcome an elder extended a reciprocal invitation to Her Worship to visit Orakei, then thought it appropriate to include the entire City Council, and qualified it yet again later by expressing the hope that advantage might be taken of the visit for the Council to hold its first meeting of the millennium in Tumutumuwhenua, the tribe's ancestral meeting house. To the delight of Orakei the invitation was accepted, the visitors were welcomed in January 2000 according to Ngati Whatua protocol, and the Council's meeting duly proceeded under their own protocol. From all accounts the meeting was successful, unhampered by the novel surroundings, and otherwise unexceptional. Yet it was also profoundly unique not because it was the first of the millennium, but because it was the first time in living memory that Ngati Whatua had met representatives of the "local settlers" on their marae at Orakei, and certainly the first time a meeting had taken place simply to acknowledge and reaffirm relationships by an exchange of hospitality rather than by resolution, government fiat or legal contract.

Auckland has, not without some justification, called itself the City of Sails. Thus regattas and a naval base came with colonization, and in recent years, Auckland and its nearby Gulf have been the scene of Americas Cup battles and a way station for Round-the-World competitors sponsored by Whitbread, and more recently Volvo. In the second example, in 2002 Ngati Whatua were approached to assist in offering a welcome to the yachts as they entered port. While the idea in principle was attractive, the intermittent and uncertain times of arrival of the various competitors made the idea seem impracticable. However, while the yachts could hardly be expected to co-ordinate their arrival for the benefit of a Maori welcome, they might at least be fare-welled together. And so Ngati Whatua

turned that idea into a proposal for a combined welcome–farewell near the end of the yachts' stopover and for it to take place on the Orakei marae rather than dockside. While the crews of the eight syndicates prepared for departure, the Orakei people busied themselves carving 100 whalebone amulets as gifts, one for each sailor. On the day, the speeches, songs and dances were something to remember and to be recorded—the sailors, some with families and back-up staff responded to Orakei with a well rehearsed "action" song of their own called "Around the World."

While New Zealand is a member of the British Commonwealth with a dominant European culture, it is also undeniably located in the South Pacific with a growing indigenous and immigrant Polynesian population. Accordingly it has become a natural partner in a loose federation of Pacific Island nation-states called the Pacific Forum which meets regularly at a circuit of venues. The third example of Ngati Whatua fulfilling its tangata whenua role took place in 2003 when it was New Zealand's turn to hose the Forum and Auckland, dubbed the largest Polynesian city in the world, seemed the logical choice of venue. It was then but a short step to propose that Ngati Whatua and the Orakei marae should offer a formal welcome to the participants before they became engaged elsewhere in the city at their conference venue. Orakei accepted the privilege, but felt that there was an important preliminary matter that needed their attention. This was to invite Auckland-based Pacific Island leaders to Orakei a short time ahead of their overseas representatives in order to propose that they join Ngati Whatua in the formalities to follow. The local leaders accepted both invitations and Forum 2003 was duly launched with Pacific flair. It also left a valuable legacy of local goodwill. Thus Ngati Whatua were able successfully to propose a Pacific Island advisory committee to help monitor the care and administration of Pacific Island treasures held in the Auckland Museum, in a manner similar to the one established jointly by Ngati Whatua and neighbouring tribes (Tainui and Ngati Paoa) on behalf of Maori.

Parklands: Whenua Rangatira

Within six months of the passing of the 1991 Orakei Act, the joint Ngati Whatua–Auckland City Council board, called the Orakei Reserves Board, appointed to administer the land set aside "for the common use and benefit of the hapu and citizens of Auckland" met to plan its management (Orakei Act 1991, Section 8). The land comprises an upland block of some 95 acres with unrestricted 180 degree vistas to the north and east over Auckland Harbour, the Gulf Islands and sea approaches to the City, and a 15 acre park below it on the harbour's edge, including a small popular beach, Okahu Bay. The upland block adjoins the main 1950s-style government housing estate and its marae, while the lower adjoins the former village site from which the hapu community were evicted in 1951.

Management of the land was to be guided by two precepts: first, to follow the requirement of the Reserves Act that the management plan be incorporated into a general District Plan; and second, that the Reserves Board should so manage the land as to maintain public recognition of rights guaranteed to Ngati Whatua by the Treaty of Waitangi. A number of goals were then drawn up to better define what this might mean. These included the following: "to ensure the sustainability of the physical resource"; and, "to ensure the cultural and physical sustainability of the Ngati Whatua of Orakei hapu while providing benefits for the public of Auckland" (that is, that any development on the land should complement the spiritual and cultural ambience of the Ngati Whatua settlement itself including the marae).

In practice, these goals have required achieving an appropriate balance between forested and grassed areas on the one hand, and a planting of native flora on the other, since re-vegetation was urgently needed to control cliff erosion. When the objective of re-vegetation became known in the hapu all members responded with enthusiasm—and they were not alone. Children from the local primary school and later students from a girls college took part, planting as many as 1000 plants in a given day. Elders contributed to these occasions as well, helping and sharing their knowledge of Ngati Whatua history and lore.

At the time of writing, the objective was to plant more than 100,000 plants on the Whenua Rangatira. The scale of such an operation led naturally to ideas for a nursery and resource centre, which in turn raised other prospects. For instance, in addition to supplying plants for the park, there were commercial opportunities in the city's markets to be explored. The resource centre, it was argued, could provide education programs not only for Trust Board beneficiaries, but for the wider public as well, and cover such topics as plant propagation, ecological restoration and native plant use.

The Whenua Rangatira by its constitution is Ngati Whatua–Auckland City-centred. However, its location and administration have separately attracted interest far beyond the City's limits: as a venue for a national cultural competition and as a possible solution to a vexed political issue.

Aotearoa Traditional Performing Arts Festival

In February 2002, the hapu hosted the Aotearoa Traditional Performing Arts Festival. Thirty-five teams came

from as far as Australia and the South Island. The performances reflected the pursuit of excellence in Maori traditional dance in Aotearoa. The hapu provided a skilled workforce for all the management, administration, corporate hosting, television and stage direction, security and maintenance operations. Complementary attractions included an arts village with *whakairo* (carving) and *ta moko* (tattooing). The Orakei Medical Clinic's team supported the St Johns Ambulance in the mobile clinic and volunteers put the seal of success on arguably the most ambitious and high-profile festival Orakei had ever seen.

Foreshore and Seabed Bill

In July 2004 the Trust Board presented a submission to the Special Select Committee on the Fisheries and Other Sea-related Legislation with a request to have the highly contentious Foreshore and Seabed Bill 2004 withdrawn from Parliament, and at the same time to have the Government "meet with hapu to agree upon a more appropriate policy and seek hapu agreement to any new Bill on the matter." Ngati Whatua's position in summary was:

> Ngati Whatua of Orakei assert their mana over the foreshore and seabed. If the bill is enacted and the "public foreshore and seabed" is vested in the Crown, there will be a reduction or loss of this mana for Ngati Whatua. *The example of the Okahu Bay Reserve shows a better way of dealing with the matter.* In that case Ngati Whatua have the title to the reserve, there is joint management by Ngati Whatua and the local authority that recognizes the hapu title, and the public use of the reserve is complete. [Submission by the Ngati Whatua o Orakei Maori Trust Board on the Foreshore and Seabed Bill to the Special Select Committee on the Fisheries and Other Sea-related Legislation:1, emphasis added]

The remaining five categories of argument turned on the likely negative impact of the Bill on general legal and Treaty of Waitangi based rights of Maori. However the submission was unsuccessful and the Bill was passed into law on January 17, 2005. The consequences at the time of writing have yet to unfold.

Conclusion

The 12-month period in 2004-2005 saw New Zealand gripped in a turmoil of ethnic politics. To the Government's Foreshore and Seabed legislation, hugely unpopular among Maori, was added the equally unpopular call made by the leader of the Opposition for an end to race-based law, and for "one law for all." And then, as if on cue but from out of nowhere, came a fledgling Maori Party roundly condemning both Pakeha-dominated Government and Opposition, and even threatening to acquire the balance of power.

Three days after the election, Colin James, writing in the New Zealand Herald, claimed that the issue for the incoming Government was "unification." He said that "there is a lot of healing to do. This is a divided nation." And perhaps the biggest unification challenge was with the "indigenous divide" where cultural pride is locked into material inequality. Finally, coming closer to the subject of our previous discussion, James asserted that "biculturalism is not just about song and dance but about rights and power" (James 2005).

For almost 40 years after their eviction by the Crown, the Orakei hapu of Ngati Whatua were in a political, cultural and identity wilderness, certainly capable, if the spirit could enliven them, to sing and dance. But was there ever anything to sing and dance about? And then, courtesy of the findings of the Waitangi Tribunal and an agreeable Parliament, the Orakei Act 1991 returned a marae reserve and a public reserve into the care of a board of their trustees. It was the trigger to set off a chain reaction based on the Crown's new found recognition of Ngati Whatua's *mana whenua.*

Undoubtedly, mana is about right and authority. But no mana is sustainable without evidence of *manaakitanga*, consideration for the welfare and interests of others. And thus in the contexts of marae and a park, Ngati Whatua have found a growing sense of security in acting on the imperatives of right and duty, defining and redefining their place in the bicultural world around them. But what of power? True, the hapu is in no position to command largesse, yet it now occupies a moral position of great value and influence in Auckland, which is theirs alone to forfeit.

There are already signs that the Ngati Whatua of Orakei, in sharing with others what they have in terms of an understanding of their history-based view of the world from the vantage point of their marae and its idioms as well as the Whenua Rangatira and its mythologies, have stirred on an "unconscious symbolic level," the beginnings of a genuine biculturalism between themselves and their fellow citizens who were but strangers only yesterday.[4] Some evidence of this is the ease with which Orakei representatives are responding in reciprocal fashion by filling Ngati Whatua-tangata whenua defined roles for themselves in administration and in institutions of learning and culture away in the City, and otherwise in a range of Government ministries.[5] There may even be develop-

ing a form of "bilateral" inclusion if a "full sharing" is also a reasonably full *understanding* of perspectives from both sides of the indigenous divide, rather than merely a tolerable level of mutual respect with little understanding.

In these examples I cannot claim that what is particular to Orakei is in some respects general to Maori tribal groups throughout New Zealand. Perhaps, nevertheless, there are questions here worth pursuing elsewhere. For example, how relevant is a biculturally driven reciprocity to reducing material inequality (i.e., does it provide a more agreeable context)? If biculturalism is in fact a goal desired by Maori, what are the costs and benefits in seeking a balance between authority and the individual, as defined by two distinct sets of cultural values by no means in harmony with each other? And, not least, what of the impact of Treaty of Waitangi claims?

As to this last, the Orakei Trust Board and its beneficiaries have been preoccupied with increasing intensity since 1993 with a claim covering the near total loss of their Tamaki Isthmus estate (virtually the heart of Auckland City and much of neighbouring Waitakere and North Shore cities) in the five years following their signing of the Treaty of Waitangi in 1840. In common with Treaty claimants elsewhere, it has been not only a cathartic journey of self discovery, but a serious counterpoint, during the final two years of direct negotiation with Crown officials, to their other intramural and extramural exercises in attempting to promote a truly bicultural New Zealand society.

At all events I have indeed found Eric Schwimmer's dual concept of biculturalism and inclusion helpful, however ineptly applied, in thinking about Maori ethnicity, the maintenance of group boundaries, trusteeship in development and much else besides.[6]

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Notes

1 Maori terms not translated in the text can be found in the glossary following these notes.

2 See under Cultural Notes 1-4 for "a marae on paper." In 2004 Schwimmer wrote in regard to the 1950s in New Zealand that he did not see a Maori cultural revival as a threat to his Department of Maori Affairs or to the general public. On the contrary, he said, "I deeply thought, and still think, that New Zealand was destined to be bicultural and that the Maori people and their culture were a wonderful source of cultural enrichment" (Schwimmer 2004:11).

3 This inalienability has been the firm belief in Orakei since the Native Land Court found in favour of Ngati Whatua and ordered a trust established over the land in 1869 (cf. Stout and Ngata 1908). But in 1898, without justification in the view of the Commission, the trust estate was partitioned by the Native Land Court among certain hapu members only thereby disenfranchising the majority. The Crown then acquired the bulk of the land for itself. However, action was still needed under the Public Works Act in 1951 to remove those reluctant to leave the remnants of their ancestral estate. This in brief was the substance of the hapu's historical grievance.

4 Compare with "it is on the unconscious, symbolic level that genuine biculturalism has its genesis" (Schwimmer 1968:18).

5 Some examples include regional resource management, the Auckland Museum, three universities (per memoranda of understanding), the development of civic arts and culture strategies, a "Safer Auckland City" program; and in such ministries as those of Health, Education, Justice and Maori Development.

6 Thus, in acknowledging Schwimmer in my essay on Maori land companies (incorporations), I wrote:

> First, incorporations are bicultural, in the sense of our notion of "amalgam"; that is to say, while recruitment to shareholding, disbursement of profits, sundry issues of management and so forth are kinship and tribally oriented, the day-to-day operations, ground rules, fiscal and marketing policies and so on, conform entirely to the nationwide European commercial superstructure; and by their proven viability incorporations demonstrate a capacity to reconcile conflicts of value.
>
> And second, incorporations exemplify inclusion in virtue of the formal acknowledgment of government and the world of commerce. There is no other way to interpret...the recommendations of the Commission on Reserved Lands, the growing support of banks and mercantile firms, and above all, the statutory and financial recognition of the New Zealand parliament itself. [Kawharu 1979:284ff]

Glossary

Aotearoa: New Zealand
hapu: tribal section
iwi: tribe or people
kaumatua: old man or old woman
mana: authority or power
mana whenua: domain, sphere of influence
marae: space in front of a meeting house; associated buildings; see Cultural Notes 2-5.
Pakeha: non-Maori New Zealander
tangata whenua: local people
tapu: religious restriction
whenua: land

Cultural Notes

1 Recognition of bilateral descent and kinship tied to a primary place of residence customarily determined individual identity for the Maori. Those recognizing descent from a common ancestor and organized as a local group in relation to specific resources were known as hapu or iwi. Mana, its

ultimate source residing with the gods and ancestors, determined status relations within the tribe and between tribal groups. Mana, together with *tapu*, helped shape the form, purpose and idiom of group interaction as well as inhering in the visual arts, music and dance.

2 The supreme symbol of a tribal group, hapu or *iwi*, was its meeting house, the embodiment of its eponymous ancestor. The forecourt of the house, the marae proper, was the archetypical site for the formal rituals of exchange, celebration of life crises, oratory and debate.

3 Such values continue to be recognized today especially in marae-centred contexts and in matters closely associated with the ancestors, such as the repatriation of human remains. Urbanization, however, has virtually eliminated the force of co-residence as a personal identity criterion, while conversely encouraging a pan-Maori identity. In addition, other competing influences have arisen out of church, political, recreational affiliation and the like.

4 Schwimmer's reference to the Department of Maori Affairs's journal, *Te Ao Hou*, which he edited, as a "marae on paper" may be understood as a metaphor for the reporting of current events, the exchange of views, and the encouraging of literary endeavour among Maori, though these were creative activities at a secular level only.

5 At the time of the Orakei people's eviction from their ancestral marae, the Crown, possibly thinking to forestall criticism of its actions, set aside a reserve for the use and benefit of all Maori people irrespective of tribe, adjacent to the rental housing scheme into which the Orakei hapu was being relocated. It was an initiative, however, which only served to heighten criticism and resentment within the hapu. Even as a concept, a *multi-tribal* marae is a contradiction in terms. But to the Ngati Whatua elders it was also an insult to their standing as tangata whenua and as custodians of their tribe's mana both in Orakei and in the wider region. The insult was magnified when, later, a meeting house was erected on the reserve and then, without debate, named for a legendary ancestor of the entire Ngati Whatua tribe. It was, therefore, not difficult to understand that of all the Waitangi Tribunal's recommendations, the return of the marae reserve and its meeting house to the Orakei hapu of Ngati Whatua was the one they most anxiously awaited and in the event, applauded. Only then could they properly fulfil their rights and responsibilities as tangata whenua according to custom and be themselves accountable as trustees for the symbol of their tribe's ancestor.

6 Today, those who identify as Maori involve themselves in social and economic activities of the dominant New Zealand society without special regard for their ethnicity or that of others, by responding at the level of their capacities to the presence of incentives and to an absence of ethnic barriers to their doing so. It may therefore be argued that Maori are "included" in the wider society. Individuals are certainly not excluded on the basis of their perceived or asserted Maori identity (and Race Relations legislation provides a supportive check on that).

7 Any striving for "inclusion" in such an environment, however, has been a substantial disincentive for Maori to retain—or recover—a competence in their Maori values and culture at the same time. The disincentive might well have been conclusive were it not for various countervailing forces. Among the more important are Treaty of Waitangi claims (in most cases requiring evidence of, and commitment to, tribal identity and history), the fostering of nationwide cultural competitions, Maori language programs at preschool, school, and tertiary levels, the increased development of Maori radio and national television programs, and the sudden advent of a Maori Party into Parliament.

8 These dual goals of economic self-sufficiency and a determined retention of Maori identity in local community and in mainstream life are not, however, promoted as biculturalism—unless challenged by the politically ambiguous ideas of multiculturalism (for "only we are indigenous").

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