He Poroporoaki: Dame Evelyn Stokes

He tangi nei he aue i te mea kua unuhia atu te komako huariki i tenei ao, ki tera ao. Kua mate a Kahurangi Evelyn Stokes, tetahi tino pukenga i rangona mo ana mahi tuhihi i te kaupapa Maori. No reira, haere atu ra e hine, haere atu ra i te ara o ou tipuna o ou matua i waiho ake i muri ia ratau, hei ara atu mo nga morehu o muri i a ratau. Haere ki te po nui ki te po roa ki te po i whakaau ai to moe i moe, na te ringa kaha o te mate koe i whakamo. Haere atu ki tu o te ara, ki te waahi e kore nei e hoki mai. Ka whakamutu koe ki tenei ao-matemate. Haere e hine, haere atu ki te araro o to kai-hanga, e ai ki te kii a te kai-tuhi, “ka hoki te tinana ki te oneone ki te pera ano me ia, ka hoki te wairua ki te Atua na ana nei ia i hanga”. Na te nui ou, na te rongo ou i heke ai te roimata o te mano, o te tini. Haere e hine haere.

It is with much sadness that I record the passing of Institute member, Dame Evelyn Stokes (1935-2005). Dame Evelyn was a Professor of Geography at the University of Waikato with a remarkable 40 years of service. She was a member of the Waitangi Tribunal and the New Zealand Geographic Board. She was also the author of numerous influential publications on New Zealand historical geography, Māori land tenure and Treaty of Waitangi issues. Her publications through Te Matahauariki Institute are listed below.

I had a huge admiration for Dame Evelyn’s writing, particularly her wonderful book on Wiremu Tamihana, scenes from which have stayed with me ever since I read it. I was very impressed, also, with the careful and comprehensive scholarship she brought to the writing she presented through the Te Matahauariki project. It was carefully crafted so that it could be read with great pleasure, while at the same being the source of a considerable amount of valuable and little known information. Hers was a remarkable scholarship, which seemed (to my simple mind) to transcend any disciplinary boundary, in its search for value and truth. As a member of the Advisory Panel, Dame Evelyn’s quiet and gentle manner belied the acuity and perceptiveness of her comments. Invariably thoughtful and helpful, they added greatly to what the Panel could give to our dedicated researchers, and to the Panel’s suggestions as to the future directions of the Institute. She will be greatly missed as a Panel member, colleague and friend.

Richard Sutton, Chair, Te Matahauariki Advisory Panel

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Thanks to the Founding Director - Judge Mick Brown

My memories of Judge Brown go back to the 1960’s when we were both at the Law School at Auckland University, and I was very pleased when in 1997 the Judge asked me to undertake a research project for Te Matahauariki and to join in the Institute’s work. The combination of humour and a fine sense of the absurd with a relentless decency and compassion for the weaknesses and suffering of the human condition have marked Judge Brown’s considerable contribution to our national life as well as to the shaping of Te Matahauariki. His vision for our country has attracted talent both young and older to our ranks at the Institute. As a result of the Judge’s direction of our affairs, two principles in particular now seem permanently embedded in the fabric and tradition of our Institute – in our kawa and tikanga. First, that our quest is for the best of the values and concepts of our founding cultures. Second, that our practices and methods of research do not permit exclusions or divisions based on racial origins, although they undoubtedly recognise particular cultural traditions and the gradations of cultural knowledge and intellectual skill which will qualify scholars for particular tasks. I believe that time will demonstrate that these principles are the only sound foundation for the development of scholarship in Aotearoa/New Zealand. It is a great privilege to succeed Judge Brown as Director of Te Matahauariki and to become the temporary custodian of the founding principles established by him. Most fortunately, Judge Brown has agreed to remain on our very distinguished Advisory Panel from which vantage-point he will continue to be involved in our affairs, to influence our work, and remain a source of advice and inspiration to us.

Alex Frame
Director

New Director Appointed

Professor Alex Frame has been appointed Director of Te Matahauariki Institute. Alex has been a member of the Institute’s Advisory Panel and Research Team since 1998 and for the last year has served as acting co-Director. Concurrent with his directorship is his appointment in July as Professor of Law in the School of Law at the University of Waikato. Alex is a distinguished public lawyer and expert on the Treaty of Waitangi and has had an extensive career in the legal profession through his academic work with Victoria University, where he was Senior Lecturer until 1988, and as a barrister specialising in Constitutional Law in the South Pacific and Treaty of Waitangi issues. His biography of the New Zealand jurist, Sir John Salmond (1862-1924) – Salmond: Southern Jurist - won the EH McCormick Prize at the Montana New Zealand Book Awards in 1996. He was the founding Director of the Treaty of Waitangi Policy Unit in the Department of Justice in 1989 and has since been engaged to advise successive governments on Treaty of Waitangi issues. He has also advised the governments in many South Pacific states on constitutional questions.

Sir Apirana Ngata on Urbanisation and Cultural Dislocation in 1928

In a lecture entitled ‘Where do the Maoris come in?” and delivered in 1928 to the Auckland Institute, Sir Apirana Ngata observed the early beginnings of Maori urbanisation:

“A notable feature ... is the steady attraction of elements of the Maori population towards the cities. I was informed some months ago by members of the Akarana Maori Association that in and about this city there are from 600 to 800 persons of the Maori race. When I lived here thirty years ago the Maori population was confined to the small remnants of the descendents of the original occupiers of Orakei, Takapuna and Mangere. Now almost every tribe in the North Island is represented in the Maori portion of the city population.” (p. 4.)

Ngata thought that a study and analysis of the reasons for the movement would be extremely interesting:

“... for it would reveal the stresses of living conditions as well in the outlying districts as in the cities & the psychological factors amounting to disinheriting of tribal elements”. (p. 4.)

Alexander Turnbull Library Ref. No. MS-Papers-8064
SOME LESSONS FROM HAWAII
Professor Richard Benton,

Nena and I recently had the opportunity to spend a month in Honolulu, working with a colleague at the University of Hawaii on the aspects of a Marsden Fund research project in which the three of us are involved. At the same time, I was able to talk with other colleagues about the work of Te Mātāhauariki, and especially the Mātāpunenga and governance research. Among other things, I was able to give a presentation to the Native Hawaiian Bar Association, and also to meet with a number of practising and academic lawyers and other people active in Hawaiian affairs and Hawaiian studies, and, with their assistance, got to know about recent developments in law, historical studies and politics affecting the interests of native Hawaiians. These ranged from the genetic modification of traditional Hawaiian taro varieties to land tenure and constitutional issues.

There was far too much to cram into one article for the Mātāhauariki newsletter, so for this issue I will just touch on two matters which I feel are highly relevant to us here in Aotearoa New Zealand: street names, and the “Aloha Spirit”. Firstly, the street names. In a Macmillan Brown Lecture in 1997 I made this observation:

> Look at a map of Hamilton, and what do you see? If it’s a very modern, politically correct map you may see the older name of the district, Kirikiriroa, somewhere on it, but the major divisions of the urban area reflect little of the past -- Te Rapa and Maeroa are the major exceptions -- and the newer ones, Flagstaff, Callum Brae, Canaanville, Alandale, ..., even less. Street names are yet more barren of signposts to the Maori history of the land. This process of exterminating memories, and thus effectively exterminating a people, or at least the people’s symbolic link with the land, which is often the same thing, is not unique to New Zealand. The West Indian writer, V.S. Naipaul, describes his own experience of this process:

> ... [I] had seen, as I might have seen the opening and dying of a flower, the destruction and shifting about of peoples .... I thought I understood why as a child I felt that history had been burned away in the place where I was born.

> The landscape I had grown up in, and felt myself part of, had been wiped clean of this other past. I had always known this, but I hadn’t been able to feel it as something that had really happened.

So it still is in Hamilton, with an occasional exception startling because it is so rare (like the naming a few years ago of a major through road Wairere Drive, bisecting toponymically alien subdivisions). The raupatu continues, full and final settlements notwithstanding.

In Honolulu, however, things are very different. The City and County has ensured that no resident or visitor to the place has any chance of forgetting where they are, of imagining themselves in Toronto or Shepherd’s Bush, or indeed of forgetting who first lived in the land and the names of significant figures in its ancient and modern history. Article 8 of the City’s Revised Ordinances lays down a very detailed set of requirements. Section 22.8-2, dealing with nomenclature, includes these regulations:

(a) The term “freeway” shall be used to describe a divided arterial roadway for through traffic … Wherever practicable, freeways shall be named after Hawaiian royalty.

(b) The term “highway” shall be used to describe a roadway generally serving through traffic on a continuous route … Wherever practicable, highways shall be named after Hawaiian royalty

Section 22.8-3 extends the rules about naming to the humbler streets and lanes, requiring that:

(a) Street names selected shall consist of Hawaiian names, words or phrases and shall be selected with a view to the appropriateness of the name to historic, cultural, scenic and topographical features of the area.

Furthermore, macrons and the apostrophe-like character to indicate the glottal stop are de rigueur in city signage, under clause 22.8-3(g):

> Any street names adopted after the effective date of this article shall include appropriate diacritical marks, which shall appear on the street name sign prepared by the department of transportation services. Appropriate diacritical marks shall also be required for all replacement signs for street names in effect on the effective date of this article, and to all signs where a newly named street constitutes an extension of a street for which a name is in effect on the effective date of this article. The department of land utilization and the department of transportation services may take all steps necessary to redesignate the names of existing streets to include appropriate diacritical marks where such redesignation is found to be necessary or appropriate
There is thus no excuse for anyone not knowing how to pronounce a Hawaiian street name! Similar rules, laid out in internal policies rather than as statutory requirements, are applied in other counties in the state.

The fact that this kind of affirmation of the tangata whenua is not found in the customary practice of any major New Zealand City shows how deeply alienated mainstream New Zealand has made itself from the country’s pre-Colonial past. Hawaii, with a smaller proportion of people of indigenous ancestry than Aotearoa, reminds us that there ought to be more to being a Kiwi than appropriating the name of a native bird.

The matter of the “aloha spirit” came up in a discussion which touched on the problem New Zealand politicians have with defining the principles of the Treaty of Waitangi. My lawyer friends pointed out to me that the State has actually established a legislative definition of the “aloha spirit”. Section 5-7.5 of the Hawaiian Revised Statutes gives a salutary lesson in Eastern Polynesian philosophy that New Zealand legislators could well note: [§5-7.5]“Aloha Spirit”. (a)“Aloha Spirit” is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, “Aloha”, the following unuhi laula loa [= “free translation” R.B.] may be used:

- “Akahai”, meaning kindness to be expressed with tenderness;
- “Lokahi”, meaning unity, to be expressed with harmony;
- “Oluolu”, meaning agreeable, to be expressed with pleasantness;
- “Haahaa”, meaning humility, to be expressed with modesty;
- “Ahonui”, meaning patience, to be expressed with perseverance.

These are traits of character that express the charm, warmth and sincerity of Hawaii’s people. It was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawaii. “Aloha” is more than a word of greeting or farewell or a salutation. “Aloha” means mutual regard and affection and extends warmth in caring with no obligation in return. “Aloha” is the essence of relationships in which each person is important to every other person for collective existence. “Aloha” means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the “Aloha Spirit”. [L 1986, c 202, §1]

If something as indefinable as the aloha spirit can infuse itself into legislation, it should not be an impossible task to discover a way of expressing the principles of the Treaty which would both render them visible and ensure their continued presence in legal deliberations whether or not they happen to be mentioned in particular pieces of legislation. A little ahonui (manawa nui in Māori) may yet bring this about.

（Footnotes）
1 “Iwi Education: Redefining the Mainstream”, p.3.
3 Ibid., p. 208.

Auckland Symposium Follow-up Publications:

The Symposium on ‘Concepts in Polynesian Customary Law,’ organised by our Institute at the Fale Pasifika at Auckland University in October 2004 continues to be fruitful for our researchers as the Papers presented in Auckland are revised and worked up to publication standard. The Paper by Paul Meredith and Alex Frame titled “Performance and Māori Customary Legal Process” was recently published in the Journal of the Polynesian Society (Vol. 114, No.2, June 2005, p.135-155). We now have news that the Paper by Joeliee Seed-Pihama and Alex Frame titled “Customary Legal Concepts in Māori Traditional Migration Accounts” has been accepted for publication by the Revue Juridique Polynésienne based in Tahiti.
Maori Ancestral Sayings: A Juridical Role?
Joeliee Seed-Pihama

As the title suggests, this paper explores the juridical role that ancestral sayings played in traditional Māori society. As recorders of tradition, ancestral sayings may be used as windows through which information on past events, places, people and behaviour among other things can be observed. This article provides several examples of ancestral sayings with discussion on the legal and/or political principles, tikanga and values to which they refer. The ways and places in which ancestral sayings can be applied and their role within contemporary Māori society will also be briefly discussed.

In order to assist those who are not competent in the Māori language, and also to assist with general understanding and interpretation, this paper provides the translation and context (where possible) of each saying. The translation framework used to translate these sayings is also provided and explained. The paper examines how these sayings might contribute to the establishment of socially inclusive political and legal institutions and is available online at http://lianz.waikato.ac.nz/PAPERS/joeliee/sayings.pdf

Two Examples:

*Mana Moana*

‘Ngā tamariki toa o Taikehu[1]’ ‘The romping children of Taikehu[2]’

Context: Taikehu, a Tainui chief found the harbour now called Manukau and caught a lot of kanae or jumping mullet there. In order to take possession of that fishery, Taikehu named the kanae, ‘ngā tamariki toa o Taikehu’ and also left some tohu (signs) behind as physical proof. According to McRae[3] this saying was later quoted by several descendants of Taikehu as proof of their mana over that fishery.

Comment: This saying provides an example of how ancestral sayings were formed and used as evidence of a person’s mana over a body of water. This kind of naming process was in accordance with whenua kite or right of discovery, where the discoverer would normally name the site as a sign of mana.

Type: Whakatauākī, pepeha

*Mana Whenua – Wāhine*

‘Haere atu te wahine, haere marokore’ ‘If a woman leaves, she leaves without her apron[4]’

Context: A maro is a kilt or an apron worn to cover the private parts.

Comment: This saying refers to women who married outside their tribe and as a result, lost the daily support of their tribe and gave up all rights to their mother’s land/belongings. The following statement outlines this tikanga:

‘If a woman left her fireside to marry outside the tribe it was said that her fire had become unsteady, or wandering one, ‘ahi tere’. If she or her children returned, then the ancestral fire was regarded as rekindled. By this act the claim had been restored.[5]’

Marriage was not seen as an agreement between two individuals but rather as an agreement between two family groups. If a marriage occurred between two tribes, any trouble between the couple such as abuse or adultery could lead to war. Marriage within the hapū was the expected norm, except in cases where a marriage was arranged to secure peace, because if there was any trouble it could be solved within the kin group through non-violent means such as muru. This tikanga of disinheriting women who married outside the tribe also stopped the husband from being able to gain his new wife’s tribal lands. However, male offspring from inter-tribal marriages could reclaim those lands and property and as a result, the male relation(s) of the wife sometimes opted to kill any male babies of such unions[6].

Type: whakataukī

[2] Translator’s Note: ‘toa’ can mean both brave and to frolic/romp, so, for the sake of word economy I have only used one of these but it should be noted that probably both meanings were implied.
[5] Sinclair (1975:120)
[6] Biggs (1960:25) – however quite in contrast to Biggs, Shortland (1882:93-4) states that children of such unions had no right whatsoever to the mother’s land unless a maternal uncle adopted the child and thus reinstated the child’s rights within the mother’s tribe.
In the last Newsletter we had a look at a sample Title, and noted that in most cases the introductory preamble would be followed by a “road map”, to make it easier to find examples for the concept under discussion, particularly where the term had different nuances, or important references to it were to be found also in other Titles. Here is an example of how this works out in practice with an important term which is both multivalent and has a key role in entries grouped under other Titles. In this particular case, the concept is closely related to another, ea, which merits special mention under its own heading, although the latter is not a full Title. There will be a number of these “inter-Titles” in Te Mätäpunenga, with a preamble and a road map pointing to entries in which the term they represent can be found, and occasionally (as in this case) followed by just one illustrative entry of its own.

Note that the references in the road map (or citation guide, to give it its formal name) sections of the two examples which follow, entries are identified by a Title name (if they are grouped with those under a different Title from the one containing the map) and a number in square brackets. The number identifies the individual entry in which the example will be found. These numbers will probably be different in the published version of Te Mätäpunenga – they relate at the present to my own annotated computer file of the work in progress – but the principle of having a way to uniquely identify each entry for easy reference will remain the same.

**Utu:** Return for anything; satisfaction, ransom, reward, response, etc., hence “make response, whether by way of payment, blow, or answer, etc.”. Ultimately derived from Proto-Polynesian *utu* “compensation, payment, return”, which acquired the secondary, meaning of “revenge, vengeance” in Nuclear Polynesian languages such as Hawaiian, Mäori, Rarotongan and Tahitian.

**CITATION GUIDE.** Although in popular imagination the term utu is linked closely to notions of vengeance, it also has quite neutral or even benign connotations of reciprocity in many contexts. These broader aspects of utu are noted in quotations from anthropologist Joan Metge [921] and, in relation to its links with the concept of mana (q.v.), by historian Angela Ballara [922]. Utu as representing the exercise or existence of a right to compensation is discussed in [Püremu 602]. Retribution (in various, usually violent forms) to be sought or attained for an injustice, the taking of life, or a slight, is the subject of many of the entries in this section [902-3, 905-7, 909-10, 913-14, 917-20]. In many of these it is linked implicitly with the notion of uto “revenge” (q.v.). However, utu may be obtained and the need for it assuaged by peaceful means through muru [Muru 501, 503-4], and even where technically justified feeling the need for it may be beneath the dignity of the offended party [Manaaki 412, Kanga 174]. A fine due for poaching also comes under the heading of utu [Rähui 618], as do fees (in cash or in kind) for services rendered [901, 908, 915], and money transactions in general [Makutu 271, Wähi Tapu 937, Tuku 849]; a bizarre variant of this sense of utu is illustrated in [916], referring to the slaying of the graduand’s relative to recompense his màkutu instructor. Normally benign associations of utu include reciprocal gift-giving [Hau 117] and gifts to cement a marriage agreement [911], as well as a simple reply to a letter or statement [e.g. the source of Pouwhenua 593]. The cycle of utu can be broken through exchanges of various kinds, such as those noted for muru (above), and others acting as a kind of insurance policy [911]. An important concept directly associated with utu is ea (q.v.), whereby both the offended and offending parties, or the beneficiary and benefactor, accept that the debt is repaid and the matter finally settled [902, 913, Ea 55, Köhuru 232, Manaaki 412].

**Ea:** The primary meaning of this word is “to appear above water or the horizon”. Among a number of metaphorical and analogous extensions is a very significant socio-legal concept, that of having brought a process or series of transactions to completion, expressed in English translations as “avenged, requited, paid for, satisfied”, with the implication of a definitive end, a “full and final” settlement of a debt or grievance. It is derived from the Proto-Polynesian word *e’a “emerge, appear on surface of water after being submerged”, a meaning retained in many Polynesian languages. In Eastern Polynesian languages it has many additional abstract senses; for example in Hawaiian its meanings include “sovereignty” and “independence”.

**CITATION GUIDE.** All of the examples of ea in Te Mätäpunenga are in contexts dominated by the concept of utu (q.v.). One of these appears below, two under the title utu [902 and 903], one under köhuru [232] and one under manaaki [412]. In all cases ea denotes that the cycle of utu (in the sense of a required response, whether
malevolent or benign) has been completed or broken and a resolution reached.

At the beginning of the 17th Century, Te Kawa-irirangi, Maniapoto’s oldest child, married Märei and Maroā, the twin daughters of a Waiohua chief, and went to live with their people in Tāmaki. He was murdered at Maunga-whau (Mt Eden) by one of his brothers-in-law when Märei was about to give birth.

I te matenga o Te Kawa-irirangi i runga i te patu koohuru ka waiho hei take whakakehe toto, aa, he maha hoki nga whakatupuranga kaatahi anoo ka ea tana mate. (When Te Kawa-irirangi was treacherously killed it became a cause for the spilling of blood but it was many generations before his death was avenged.) Pei Te Hurinui Jones and Bruce Biggs, Nga Iwi o Tāinui, Auckland University Press, 1995, 33.4, p.228/9 [Translation in original].

Te Matahauariki Institute Website
Major Point of Contact for End-Users
Wayne Rumbles

The Te Matahauariki Institute website (http://www.lianz.waikato.ac.nz) is a major form of contact for our end-users. The website gives access to the Institute’s mission and objectives under the present Foundation for Research Science & Technology (FRST) funded contract. The site gives access to many of our publications electronically or for selected publications a method of ordering hard copies. We are averaging about 10,000 visits per month, and 80-90% of those visitors are downloading papers.

Through the internet we are able to disseminate our research much more widely than would be possible in traditional print medium on limited budgets. For example approximately half of our traffic comes from overseas, and includes visitors not only from (as you might expect) Australia, Canada, USA, UK etc but also Japan, United Arab Emirates, Uruguay, Trinidad and Tobago, Israel, Egypt, Zimbabwe and the US military. The web gives people access to our latest activities such as the successful Symposium on ‘Concepts in Polynesian Customary Law’ held at the Fale Pasifika at the University of Auckland (all papers are now available for download). Visitors can also download this and past Newsletters. (http://lianz.waikato.ac.nz/Newsletter.htm)

Ko Io te timatanga ka puta:  Io is the beginning:
    Ko Te Pu, Te Weu , Te More - A Fable?

The 19th Century Maori scholar H. T. Whatahoro Jury recorded much cosmological and genealogical information from various Maori tohunga. Giving one such genealogy, “Ko Te Pu, Te Weu, Te More, Te Wenewene....” Whatahoro reminds the reader that some whakapapa had a pedagogic or teaching purpose:

" Ko te whakapapa i timata mai ra ia te Pu ia te Weu, he whakapapa matanui tera ki waenga i te honotangata hei Purakau ki nga tamariki ko reira kitea ai te Tamariki kamakama ki te hopu korero, whakapapa taki korero ranei ka tangohia tena tamariki ki roto i te wharemata ako ai. [Translation by Te Matahauariki] The genealogy that starts with Te Pu Te Weu is a generic genealogy within humanity, which serves as a fable for children, and if it is seen that the child has the aptitude to capture traditional accounts, then that child will be taken into the school of learning to train.  H. T. Whatahoro Jury – Notebook with cosmological information, Maori Purposes Fund Board, Alexander Turnbull Library Ms-Papers-0189-B023, p. 62

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Researchers
Nga Kairangahau

Professor Alex Frame
Wayne Rumbles
Dr Tui Adams
Professor Richard Benton
Nena Benton
Robert Joseph
Paul Meredith
Joeliee Pihama

The Advisory Panel
Te Ropu Kaitohutohu

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Some Publications Available

Dame Evelyn Stokes, Wiremu Tamihana: Rangatgira
Dame Joan Metge, Korero Tahi – Talking Together.
Dame Evelyn Stokes, Tikanga Maori and Geothermal Resources.
Alex Frame Grey & Iwikau: A Journey into Custom.
Leilani Tuala-Waren, A Study into the Ifoga: Samoa’s Answer to Dispute Healing
Dame Evelyn Stokes Ohaaki: A Power Station on Maori Land
Dame Evelyn Stokes, The Individualisation of Maori Interests in Land
Alex Frame and Paul Meredith Performance and Maori Customary Legal Process
Joeliee Seed-Pihama and Alex Frame Customary Legal Concepts in Maori Traditional Migration Accounts
Joeliee Seed-Pihama Maori Ancestral Sayings: A Juridical Role?

See www.lianz.waikato.ac.nz/publications1

Contact:
Te Matahaurariki Institute
University of Waikato Private Bag 3105 Hamilton, New Zealand
Ph 64 7 858 5033 Fax 64 7 858 5032 Email smacleod@waikato.ac.nz