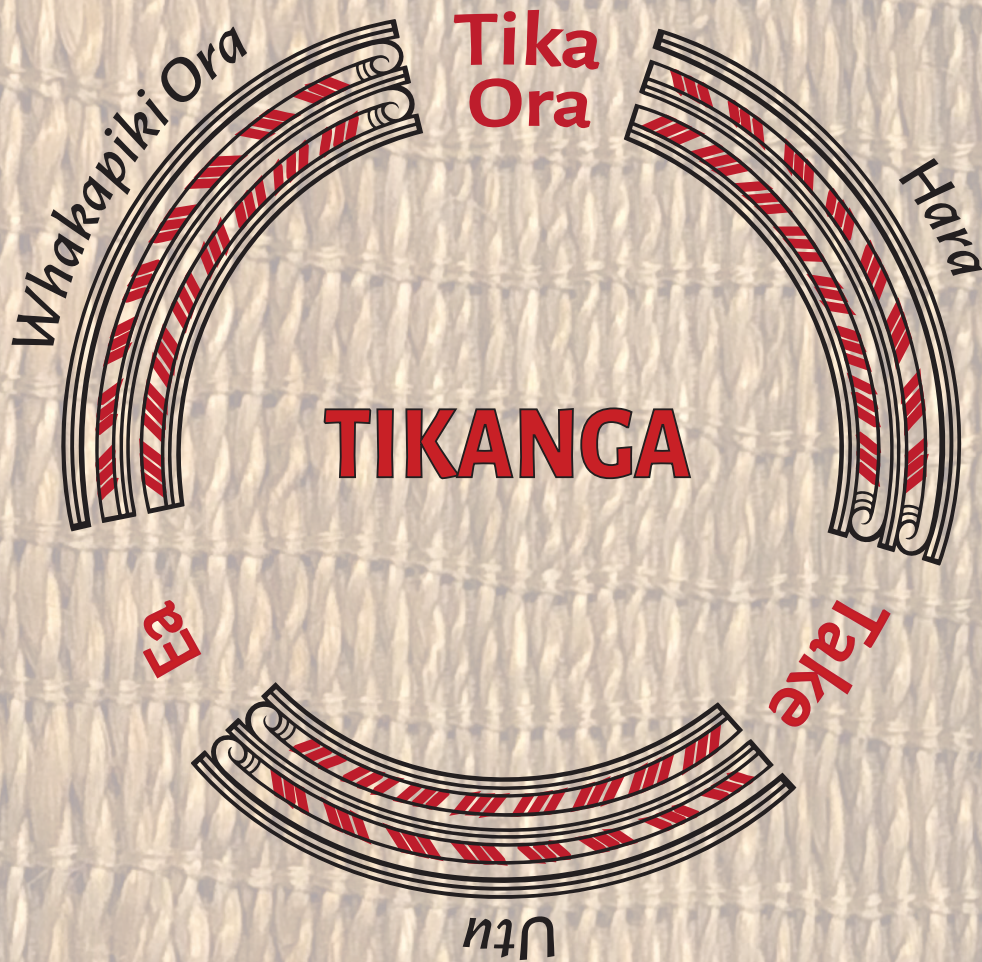


HUANGA O TE TIKA



Cover: Haoro Hond-Goffe and Ruakere Hond

Uhi: Haoro Hond-Goffe raua ko Ruakere Hond

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Ka heheu, ka heheu,
te mangemange nui nō Tū
Ka heheu, ka heheu,
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Ka heheu, ka heheu,
te whare pungawerewere
Tū heuea Tū, Tū heuea Rongo
Tū heua te tataramoa
I haerea mai e koe nā tauira tū, tauira rongo
Tauira mai ai i te take, takea mai i ea, mai i ea i Papa
Pērā hoki rā te whatunuku, te whaturangī, te whatukiokio
Tūrama ki a te pō
Tūrama ki a te ao
Whano whano haere mai te toki hei mua
Hui e tāiki e.

Tapuwae tuatinitini ki te nuku roa. Tapuwae haruru ki marae kōrero
Ka tau te tapuwae, he tapuwae matua ki te pae roa o te tika, o te ora
Tēnā e te rau, tēnā e te rahi, rarau te rākau o Tū, hou mai
Kua mātua mai ki te pae o mate i nehenui, i neheroa
I rukuhia te pō, kōpua o te pō kia puea ake ki te ao mārāma.
Koutou i te pae o moumahara, haere e te hunga mate, haere whakaoti atu ki te pō
Āpiti hono, tātai hono i a tupua, i a tawhito ki nāiane, tēnei tātou

E te hunga i hahu ake i ēnei mahara o mua, nō inamata taua hahunga
Nō te ōroko tīmatanga o tikanga, ā, heke iho ki tēnei whakatupuranga
E ngā waha i whakairi wawata mō nāiane, otirā mō ānamata, maringa nui ko koutou
He whakarauora tikanga te hiahia, hei tūāpapa mō ngā whakatupuranga
Tātaia mai i a ruanuku, i a ruahine, tātaia mai i ō tātou tūpuna mātua
Ko te ahunga mai tēnei o te tauira, i te tāura, i ngā wānanga o nehe
i te pakitara o te whare, i te mārā o Rongo, i te mārā o Tū, katoa mai he mārāmatanga
He whakapapa tō te tika, tō te ora, i tātaia i ō koutou pūrākau he kōrero tuku
He pērā ngā tuku kōrero ki ngā marae, ka rangona ki te pakitara ā-whare
Tūtū ki te minenga, horahia ngā mahara, poua he kupu, a, kua poua ki ngā whārangi nei
Kia tātaia aku tapuwae, koia te tapuwae roa

Whakatika au ki Te Moana a Toi, Toi te Huatahi,
Ka ū ki te tapuwae o Toroa ki Te Mānuka Tūtahi,
Mātaatua whare, Mātaatua waka, Mātaatua tangata
I takutakua e koutou te rewanga o te wānanga nei

Ka hoka taku manu wānanga ki Hineāmaru, ko Ngāti Hine
Pukepuke rau, he puke, he rangatira, he puke, he rangatira
Ka tau aku tapuwae ki Ōtiria, ka whāiti mai ngā uri o Rāhiri
ki Tūmatauenga, te pouwhare tū mō te hōia, tū mō ngā pakanga
Taku manu kūkupa pakipaki kau ana ki te pae o Tararua
Māku ai aku tapuwae ki Otaki awa puta atu ai ki te motu o Kāpiti
Te karanga mai ki te huinga rā o Ngāti Raukawa, Ngāti Toa, Te Ati Awa
Ngātahi te tū, ngātahi te whakahua ki te uma o Raukawa whare

Kei te manu tupua, e te hōkio kia topa roa ki Tāmaki herehere i ngā waka
Tuituia mai e Te Ngira ngā miro i whakahuatia e Kīngi Pōtatau i te tuarongo.
He rererangi mō te marea ki te matapihi. E te rahi i taetae, e te rau i mine mai
I puakina mai te taimaha me te taitāhae o te noho kōpā ki taone nui
Tēnā Papakura nāu te taki karakia whakakōpani, ka tau te tapuwae
Whakairi wānanga, whakaemi kōrero, whakakao whakaaro

Ko te huānga tēnei, ngā huānga o te tika rāua ko te ora, tuakana mai, teina mai
Ko te huanga anō hoki tēnei, hua mai te kōrero, hua mai te whakaaro
E te hunga wherawhera whārangi, kua hua mai te wānanga, kua hua mai te tikanga
Mā koutou te huanga nei.



TE MĀNUKA TŪTAHI MARAE, WHAKATĀNE
Ka tū te wānanga tuatahi ki Whakatāne (6 Mei 2023)

*Mātaatua whare e ura mai i te pō
e tū ana ki Te Mānuka Tūtahi e aronui ana
ki Moutohora ki te Moana a Toi.*



ŌTĪRIA MARAE, MOERewa
Ka tū te wānanga tuarua ki Moerewa (13 Mei 2023)

*Ko Tūmatauenga te whare, te maumaharatanga
mō ngā hoia i uru ki te pakanga nui o WWII.
He aroha nō Ngāti Hine Hine pukepuke rau ki Ōtiria.*



RAUKAWA MARAE, ŌTAKI
Ka tū te wānanga tuatoru ki Ōtaki (17 Mei 2023)

*Ko Raukawa te whare, nā Ngata i ākina te hanga,
ko Raukawa te au ki te tonga, i ōna pānga
ko Ngāti Raukawa, ko Ngāti Toa, ko Te Ati Awa.*



PAPAKURA MARAE, TĀMAKI MAKĀURAU
Ka tū te wānanga tuawha ki Tāmaki Makaurau (24 Hune 2023)

*Ko Te Ngira te tapanga a Te Atairangikāhu i te whare
nā Kīngi Pōtatau te kī “Kotahi te koohao o te ngira
e kuhuna ai te miro maa, te miro pango, te miro whero.
I muri, kia mau ki te aroha, te ture, me te whakapono.”*



Ko ngā Pou-tikanga me ngā mema o te paeruku, mai i te taha mauī: Ruakere Hond, Ruth Smith, Paraone Gloyne, Hana O'Regan, Paul Hamer, Carrie Wainwright, Rahui Papa, raua ko Moe Milne.

The Pou-tikanga and panel members, from left to right: Ruakere Hond, Ruth Smith, Paraone Gloyne, Hana O'Regan, Paul Hamer, Carrie Wainwright, Rahui Papa, and Moe Milne.

He hōkai roa tō Te Rau o te Tika. Ko Te Tūāpapa o te Tika tēnei, te hātepe tuarua o tēnei rukurūtātari ki ngā pūnaha o te Tāhuhu o te Ture. I whai tuarā mai tēnei pae ruku i tētahi tokowhā pou, he pou-kōrero, he pou-tikanga, i tonoa ake hei pae tūhura ki ngā mahara, ki ngā wheako mō te tikanga. I ahu mai ngā poutikanga, otirā te pae rukurūtātari i ngā rohe o Aotearoa, i Te Ika Roa, i Te Waipounamu.

Kua eke panuku ki te pūrongo tuatahi a tēnei paeruku, ki a Whakatika ki Runga, he pūrongo mō te āheinga o ngā kaikerēme ki ngā tahua pūtea hei huruhuru mā rātou. A tēnā, kua ū ki tai tēnei pūrongo rangahau Tūāpapa. Ā muri ake nei, ka hāngai pū te aro ki ngā nohonga o te pae ki ngā tau-nakitanga ka puakina e ngā kaikerēme. Kāore anō kia timata te ruku i ngā puna kōrero o kerēme, i ngā whakapae takahanga Tiriti ki ngā pūnaha whakaū whanonga a te ture. Kia pari rā anō te tai o rangahau, o kōrero mātanga, o te aro māhorahora, hei reirā ka mākūkū ngā wae o tēnei paeruku ki ngā aukume o tāpae nui, o tāpae iho, o tāpae māwherawhera ā ngā kaikerēme.

He anga kē tō te aronui o tēnei paeruku, arā, kia kaua e mātua mai ki ngā tonu rangahau. Tērā anō he momo rangahau, ko te ruku i ngā kōpua, i ngā kōriporipo o tikanga. Tuatahi ake ka whāia, ka mātoro, ka rumakina ki ngā puna mātauranga o iwi kāinga, o ahikā, o te hunga i tupu ake, i kite atu, i whaiwāhi atu ki ngā aupiki, auheke, o tikanga, tikanga arataki i a hinengaro, wairua, ngākau kia tika. Nō reira koia i tonoa tēnei tokowhā pou-tikanga, hei pou herenga kōrero ki tēnei rukurūtātari.

Tahi anō tēnei hanga rangahau. Tahi anō ka noho ngātahi te paeruku me tētahi kāhui pou-tikanga. Anō, he ringa mauī, he ringa matau ki tēnei hāpai nui, i tua atu i ngā tāpae kerēme kia haere puhi tēnei mānako ki te iho o te kawae tikanga Kāti, he wānanga, he tūhura tēnei i ngā mahara o te ao Māori. Mehemea ka hua mai he take, take i te hē, i te hara, i te tūkinu, i te poka tikanga rānei, he aha tō te Ao Māori? Ka whārikihia taua urupounamu ki ngā marae e whā. Ka pānuitia, ka tāria ngā whakautu i a te hunga tae mai. Ka tū he pou-tikanga ki aua marae, hei hautū i ngā ritenga. E tāpiri mai ana i konei te rārangi o ngā pātai i whārikihia, otirā he whakarāpopotohanga hoki o ngā kōrero i hua mai

Te Tūāpapa o te Tika is the second stage of Te Rau o te Tika, the Tribunal's inquiry into the justice system. This document, *He Huanga*, is the outcome of work undertaken jointly by the panel for Te Rau o te Tika and four tikanga experts – 'pou tikanga' – whom the Tribunal commissioned to work alongside the Tribunal panel. Collectively, the pou and the Māori panel members connect to rohe (tribal districts) that cover most of the North and South Islands.

Stage 3 of this inquiry will be evidential hearings on the substance of the claims. Although in stage 1 this Waitangi Tribunal has already inquired into claimant funding in a priority hearing called Whakatika ki Runga, our inquiry into the many claims filed about the Treaty breaches in the justice system has not begun. It is now in the research phase, in which experts prepare evidence on multiple topics for presentation to the Tribunal.

The panel decided that it did not want to proceed in the usual way simply to commission research and then embark upon hearings. Instead, we thought: kia ruku ki te puna o tikanga i te tuatahi. That is, we would immerse ourselves in tikanga Māori as they relate to both the subject matter of the claims, and the conduct of the inquiry. So we asked the four pou tikanga to come and work with us on this tūāpapa (foundation).

Uniquely for Waitangi Tribunal inquiries, the pou and the panel worked collaboratively on this part of the inquiry. This was permissible because the work is not for or on behalf of any party to the inquiry. It is work undertaken for the integrity of the process itself.

To gain insight into Māori perspectives past and present on wrongdoing and conflict, we decided to hold wānanga. We travelled to four marae around the country. At each wānanga, we posed certain questions and sought answers from the attendees. One of the pou led the hui. We attach to this document the list of the questions we posed at the wānanga, and a copy of the record Waitangi Tribunal staff made of the discussions that ensued. Sometimes a minute and sometimes a transcription of what was said, the record moves between English

ai. He wā anō he pitopito kōrero, he wā anō he kupu tōtika tonu i puakina, he wā anō i puta reo Māori mai, ka takoto reo Māori atu. He pērā hoki i te reo Pākehā.

Tēnei *He Huanga* e whānau nei ki te ao, i kukune mai i te kōpū o aua hui marae tonu. I ngā marama whai muri, ka whakawhiti whakaaro ngā poutikanga me te paeruku mō ngā kitenga.

He mea aro ngātahi ngā pou me te pae kia tūwhera mai ai he ara mārama mō tika rāua ko tikanga, hei whata whakairi kōrero ki te rukutātari nei. Kia whakairia mai he kōrero mō te hāpori Māori i te aranga o te hē, o te hē taratara, te hara haehae, te tohe tukituki, o mua, o nāianeī tonu. Ki te nuinga o ngā hāpori o nāianeī, kua whenumi kau te kiko o te tikanga pēnei i ōnamata, te whakatinanatanga i tō rātou tika. Engari anō ētahi hāpori, kāore anō kia tūpuhi rawa te tikanga, te tinana o tika, te kiko o te whakaū i ngā whanonga tika. Kei konei, kei ēnei whārangi, tā mātou mō te matū o te tukanga kia eke rānei te ātea o Tū, kia urutomo atu rānei te tara ā-whare o Rongo. Kei konei tō mātou mō ngā ara pāhekeheke i a ora ka horo ki te take o hē. Kei konei anō tō mātou mō ngā hātepe o utu e koke mua mai i a take ki a ea, otirā he taumata tērā e taea ai te hoki ki a ora. Ko te tūrama tēnei o tō mātou hiahia, i tēnei rukutātari, kia whai wāhi mai, whai mārama ai te hauoranga i roto o tikanga.

Hei whakatepe atu ki ētehi kupu whakatūpato, arā anō ngā tini tuhinga kua tāngia hei āta wetewete i ngā tikanga, āta takitaki i ngā tikanga. Ehara tēnei tuhinga i taua momo, i taua umanga rānei. Kāore. He ia anō, he whāinga anō tō te tuhinga nei. He aronga kē, koia pū ko te horopaki ake o tēnei rukutātari, hei papa mō te mahara, hei tūāpapa tātari i a tikanga e mātua ketuketungia ai ki Te Rau o te Tika nei.

HE AHA RAWA A TIKANGA ?

Mē ka whakairia ngā pātai mō Te Rau o te Tika ki tētahi hui Māori, kāore i roa, kua kōrero tikanga. Ahakoa he tini ngā mata heuheu o te tikanga, he heunga tumu tāhuhu, he heunga tumu paekaiāwhā, he heunga tumu poutuarongo. He huhua ngā whakamahinga o te kupu, tikanga. Engari he hae tonu te aro o te heu, ko te heu i ngā whanonga o tōna hāpori kia tōtika te māhorahora o ngā mahi. Ka pukupuku atu ki kō, ka heuheua ki kō, kia paparaha

and Māori depending on the language the speaker used.

He Huanga is the culmination of this work. After attending each hui on marae, the pou and the pae sat together to talk about what had occurred, and in the months that followed attended several other hui both in person and via Zoom.

He Huanga developed as a co-operative work, articulating and organising concepts of 'tika' and 'tikanga' for use in this inquiry. We describe and explain how tikanga Māori apply when difficulties disrupt Māori communities, now and in the past. Many communities no longer explicitly run justice-related tikanga processes today, although in others these practices survive. In this document we have used thinking around the influence of Tū and Rongo to construct a kind of framework that describes the progression from ora to take, from take to utu, from utu to ea, and back to ora. We are posing for ourselves the challenge of locating our own work in this inquiry in a space where these tikanga live.

We conclude these introductory statements by inserting a cautionary word. There are many works on tikanga that are comprehensive in their focus. This is not and does not purport to be such a work. It needs to be seen very much in the context of this inquiry, designed as a practical tool for applying our understanding of tikanga specifically in this environment.

WHAT ARE TIKANGA ?

When talking about justice concepts in a Māori context, speakers immediately go to the word 'tikanga' for norms and practices in te ao Māori. Although the word is used for many purposes in many different situations, essentially tikanga create parameters for acceptable behaviour. They are settled but not fixed. They adapt to new situations – but at the same time, they always have regard to past experiences and events and applications of tikanga. Nor

Waihoroi Shortland, Ōtiria Marae, Moerewa

“ Sometimes in regards to our tikanga, tikanga has less power when it is not understood – by both those on whom we visit the tikanga, and those we think we’ll benefit from the tikanga. If they don’t understand it, it is almost meaningless. Which leads me to a little quotation I wrote here. ‘A person that has been disconnected from tikanga is not going to feel shame.’ When I look at the proliferation of ram raids, you can actually see the thinking of our kids. No longer is the action a cause for shame. It’s actually becoming a badge of courage. Whereas if you grew up in a culture of whakamā, you would experience whakamā if your actions are in opposition to your tikanga. But if you don’t know that, then you can’t get it.



So koirā te mea tuatahi i roto i a au is when we want to bring these things into this ‘system’ of justice, then it must come with a huge dose of understanding. It must be driven by the understanding that aligns with that tikanga. Ina kore koe e mōhio he aha te take o te tikanga rā kāhore he hua o te tikanga. Kāhore he painga ka hua i te tikanga. And some of us I mean – ō tātou hoa o te hunga turi nei i tū nei ki mua i a tātou ka rongu koe i te tangi o te ngākau ahakoa kāhore he reo hei whakapuaki – i te tangi mō aua tikanga i tipu aku nei tēnei whakatupuranga pēnei i a au nei. I waimarie ai ahau.

“Which then leads me to probably my little story like Ipu that I wanted to relate. It might have been you Ipu who said that it’s mothers who are the carriers of most of the resolutions of tikanga, and my mother was a champion. My mother was an absolute champion of tikanga. And I relate this story every now and again to my mokopuna and to anybody who cares to listen.

“I was eight years old. In Moerewa was a Pākehā who owned a toy shop. It was called John Merchant’s Toy Shop. And John Merchant’s Toy Shop had a good range of cap guns. And an eight-year-old with a horse in Matawaea needed a

good gun. And so, not having enough funds to procure one, I decided that I would try to – you know – to procure it by means other than paying for it. The problem was John Merchant caught me. And he rang the police in Kawakawa and the policeman came up in his black car and put me in the black car and took me back to my cousin Tussy's place that was down here in Plunkett Street. And Tussy got on the phone and told my mother what had happened. And my mother just said one thing. She said 'Put him on the train.' So I was taken up to Ōtiria and put on the train. The trip from Ōtiria to Ōpahi is a great big distance of about six miles by rail. So I had time to think about what awaited me when I got off the train. From Ōpahi to our farm was another five miles and my mother wasn't there to meet me. So I had to walk it. And under those circumstances the walk gets slower and slower the nearer you got to home. I got home. I could see my mother doing normal things, hanging out the washing actually on this particular day, and she saw me there, and she never paid me any attention. And I wasn't going to go in because the way I'd figured it if I was going to get a little bit of a hiding then I want to delay it as long as I can. So I just sat there on the bank above our house and waited to see which one of us was going to give in. My mother did all her work, and I could see her preparing dinner. And all she did about a good two hours later was come out of the house, look up at me, and said 'Kei te hiakai koe?'

"My mother knew that I knew all the things I needed to know. She knew that all the tikanga that she'd taught me about the shame of what you do you must carry, she knew that was all that needed to be done. And now all was set aside and when you went down that was the sweetest meal I can remember.

"Now I don't know how many others had that kind of experience, probably there were hundreds, but it turned me from a life of criminality very early in my life – or made me a better criminal, because I've never been caught since.))

te hanga. Otirā he tumu nekeneke, he heuheunga mutunga kore, ā, kāore e mahue te take i heua ai te tumu. Ka heua anō, he hanga anō. E kōrero ana mō ngā momo tikanga ki ngā tū wāhi katoa. Kei a tikanga o mua atu he māramatanga mō tikanga o muri mai. Mā ngā taepatanga o tikanga e whakaari mai te whānui, me te whāroa o te tika.

Ko tikanga anō tētahi o ngā manga matua o te kōtinga o *Ellis v R*. Ka aronui atu te ture ki tā Aotearoa whiriwhiri tikanga. Ka whakatūria e te Kōti Mana Nui tētahi kaupeka pou-tikanga, ka puta i a rātou tō rātou mō te tikanga, koia ko ngā whanonga pono, ngā ekenga whanonga, ngā mātāpono, ngā ritenga kua toka ki tētahi hapori Māori hei whiriwhiri i ngā whānonga ka tika mā rātou. *'values, standards, principles or norms that the Māori community subscribe to, to determine the appropriate conduct'* He rite tahi nei o mātou i tēnei peka kāuru o te rukutātari nei.

Ka ū te whanaungatanga i ngā tikanga, ahakoa kei ia takiwā ōna anō, he ū puna whakawhenua tonu. Ka ū ngā tikanga i a te hunga whiriwhiri tikanga ki o rātou aronga kei, ki muri ki te taurapa, ki te au o ngā tikanga o mua rā, kia mārama te aro ki te hotunga tai ki te ihuwaka. He whakamātau katoa ēnei aronga tikanga kia mātau ai ngā uri whakatupu ki te whiriwhiri tikanga, he tāwharau rānei ū ki uta, he puna rānei ū ki tai, he wewete rānei ka tere ki tua.

E pono ana o mātou whakaaro, he wā anō ka heke mai e kitea ai ngā tikanga Māori e teretere haere ana ki tua o hapori Māori. Ka puta i te wahapū ki ngā tai pōruturutu o te pāpori whānui ki Aotearoa. Waihoki, e kitea ana ki te kōtinga i whakahuatia ki runga nei. Hia, kei te wahapū kē tātou.

Ka hua mai a tikanga i te aka tāmōre o tika, arā, ngā kawē e hāngai pū ana, e māori mai ana, e whakaaetia ana, e tautokona ana.

Ko te aro ki ngā tika o nehe ki te ahua i a tika ā ngā rā heke mai. Mā ia whakatupuranga e auaha mō rātou anō. Ka tae mai te wā, ka rewa tētahi take me ōna tini momo e tukituki ana i ngā wheako o mua ki ngā manako o nāiane, whāinga o nāiane, akiaki o nāiane, hei reira whiriwhiri ai he ahunga kē o tikanga.

are they the same everywhere, either as to content or application. Always, though, they have the effect of setting boundaries and maintaining the relationships and structures that make societies stable.

In the recent case *Ellis v R*, which concerned the role of tikanga in the law of Aotearoa, the Supreme Court consulted a panel of experts that gave the court a description of tikanga. They said tikanga includes all the 'values, standards, principles or norms that the Māori community subscribe to, to determine the appropriate conduct'. That description aligns with ours.

Tikanga continue to uphold kin relationships. Despite local variations, that is a constant. Another fundamental characteristic is that in applying tikanga, people use the wisdom of the past to meet the needs of the present. Each application is an opportunity to instil in the coming generation the knowledge and understanding they will need to be adept in the use of tikanga.

We firmly believe that in the future tikanga Māori will flow beyond Māori communities into the thinking and practice of our whole society. Indeed, as evidenced by the case cited above, that process is underway now.

Tikanga is derived from the concept of tika, meaning what is right, appropriate, normal, accepted, and supported.

Behaviour that was tika in the past is always a pointer to what is tika in the present but each generation looks again at what is tika for their time. Collectives confronted with any situation will always see it as relevant to ask whether the present circumstances of time and place are new and demand a change of approach.

UEHĀ, UEORA TE HAPORI

Kia uepū mai te hapori ki te paihere o tikanga ka uea ngā pou o te ora. Ko te paiheretanga o te hihiri, o te mahara, koia ko te wānanga me tōna tauira. He paiheretanga kia mārō i ngā tūpuhi pūkeri o waho, akiaki kau ana i ngā pou-pekerangi o te pā. He paiheretanga hoki kia haumarua i te kūnāwiri o roto. Ko te pono tahi te paihere nei o te tika, e kore nei ngā whanokē e kaha ki te wāwāhi. Kia wāhia te pekerangi, kia turakina te tūwatawata, kia horo mai a roto, ka hinga a tikanga, ka ruha a kāinga, ka hē a tika, nā wai rā ka hē rawa atu, ka tūwhera ki ngā akiaki o te wā.

Koianeī a tikanga, he ao ki te rangi e uhi mai nei, e maru mai nei, tatū matara ki te whenua, tatū mahora ki te tangata. Ka tau hei papa mō ngā reanga, ka tau hei tūranga tiketike, he pūwhara mātai ki tua, ki te paerangi, i ōna tohu, piki, heke, ki tawhiti rā.

Kāore tahi a Māori katoa nei i whai wāhi ki te tūwatawata o tika, kāore hoki ki te pekerangi o tikanga. Kāore. Arā ētahi kei waenga parae e noho ana, kei te kōraha rā anō hei kai mā te tūpararā. Nō muri i te pakanga tuarua o te ao ka riro ngā uri whaikaha i ngā whare tatau rino o te koraha, heipū ai a ngāi kāpō, a ngāi turi, āpiti ko ngāi hauā ki ngā whare kāwana, koraha te tikanga, tītōhea te ao Māori. Noho pōhara, tupu pōhara, haere pōhara ki te takiwā, pōhara i ngā taonga o te ao Māori. Pakeke kau te tangata whaikaha, kātahi anō ki tōna Māoritanga. Nō konā ka tomokia te pā o tikanga, ka whakakeke ki ngā whakahaere, ka tauhou, ka tū kau, ka tē rongo anō te turi, ka tē kite anō te kāpō ki te tikanga Māori, ki te reo Māori, ki te ao Māori. Nōnā tata nei ka tūwhera te waharoa o te pā Māori ki te turi, ki te kāpō, ki te hauā, nōnākua tatanei ka whiti te rā ki runga i ngā whaikaha. Engari kāore anō te rā kia eke ki tōna poutūtanga. Tērā ētahi o ngā kaikōrero i ngā puakanga kōrero mō tō rātou mahuetanga nui i te ahurea Māori, i te tuakiri Māori, i te kiko o te reo Māori. Na, kāore rātou i tiakina.

KA WHAKATINANAHIA MAI A TIKANGA KI HEA ?

Kia aronui ki konei te kāinga matua o tikanga, ki tōna tūranga matua, te ūkaipō i takea mai ai ia. Kei

COHESION AND COMMUNITY SAFETY

When the whole community fully subscribes to tikanga, it keeps them safe. That unity of understanding and purpose – a shared consciousness – protects them from pressures that come both from inside and from outside the community. If they hold fast to their own sense of what is right, they can withstand competing external values. By extension, when that sense is disrupted, the community is vulnerable both to conflict and misconduct within and to challenges from outside.

Wide – ideally universal – adherence to tikanga norms is thus a protective force that stabilises the community at every level and informs its constructive engagement with the outside world and the often different values that prevail there.

Of course not all Māori have lived in communities where tikanga norms prevailed. Some in fact lived lives beyond the reach of tikanga. From the second half of the twentieth century Māori with disabilities – whānau hauā – were usually swept up in the approach that mainstream New Zealand took to those affected by conditions like blindness, deafness, and physical incapacity. They were brought up in institutions, and their schooling included nothing about their Māoriness. As a result, te reo Māori me ōna tikanga lay entirely outside their experience until later in life, so that only now are they becoming well informed. Speakers at our wānanga talked about how distanced they were from their own culture. This denied them the protection of community cohesion and tikanga that they really needed to resolve their take.

WHERE CAN WE SEE TIKANGA IN ACTION ?

The marae ātea could fairly be described as the quintessential place to debate questions of what is and what is not tika in any situation. In effect,



Eddie Hokianga, Ōtiria Marae, Moerewa

“ I’d like to talk to you now about tikanga and kawa. These are both terms that I’d never heard of before until I was to Kelston Deaf School as an adult. And in a hui someone asked me ‘Do you know tikanga?’ And I said ‘No, what’s that?’ And they’re like ‘Do you know your kawa?’ and I said ‘No, what’s that?’. And they said ‘Oh, they’re like rules but they’re like two different things.’ And then I came back home to Ngāpuhi and I had to ask around and I was gobsmacked because nobody had told me about these things. And I didn’t know that tikanga and karakia have been passed down without change throughout generations and that

kawa has been an unbroken chain throughout many years. I had no idea. And so I learned.

“I’m also trying to learn some Māori language and I also realised that a lot of deaf people who are Māori do not have any access to their culture. And then people will be like ‘Oh, you know, a kākahu is only for Māori chiefs to wear’, and then when I went to Te Wānanga o Aotearoa I asked them what the korowai was for and they said ‘Oh, you use it for various purposes, like at mārena and tangihanga’.

“And so I think there’s a lot of ignorance amongst our whānau turi Māori who haven’t been raised [with that]. All we’ve been able to do is look around – we see the carvings, we see the whare, we see what’s happening, but no-one explains to us what they mean. And so all you get is ‘Don’t play in the marae’ and you’re like ‘Oh, okay’, but there’s nobody [who] explains anything else. And so when I learned about tikanga and kawa, I felt a lot more confident. And I realised that amongst Māori deaf people, like what are we doing? In the last 30 years we’ve been going to all these hui – and I’ve been going along to them as well – but we don’t have the depth of knowledge or the cultural understanding and we need to be taught these things clearly so that we understand them.

“Because one kupu, you know, he hōhonu tēnā. And so everything about the Māori world, we need it to be explained clearly to us so that we can understand it and also be part of our culture.”

hea rā? Ki tā te nuinga ko te marae ātea tonu, ko te wāhi e whiriwhiri i a tōtika, whiriwhiri i a hēhē. Kāti, kei te marae ātea te kunenga mai o tikanga, ka whanake mai a tika i ngā taukumekume, i ngā tau-tohetohe, hei whakatau i a tika rāua ko hē. He kawa, he tikanga tō ngā whakahaere o te marae ātea, kia mana ai ngā kōrero. Tēnā, ko te pōwhiri te tauira, ka riro mā te reo ōkawa o te karanga, o te whaikōrero e arataki. Otirā, he tūmomo whare tūranga kōrero anō, he whakahaere anō, ki te wharenuī, ki te wharekai, ki te ātea, wāhi atu anō rānei. Ka tukua te kaupapa whakahuihui tāngata ki tētahi o aua taiwhanga, i runga i te hāngai o tana momo tikanga hautū hui.

Ehara te marae anake nei i te tūnga motuhake ki te wetewete tikanga. Ka horapa te hāngai o tikanga, he horapa anō te whāngai tikanga. Kei ngā whakamahinga o te tikanga te whāngai, ā, whāngai tonu, whāngai tonu ka mōmona te tikanga. Ka hē te whāngai, ka rāoa, ka ngau, ka ruaki. Hei taua wā, taua wāhi tonu o ruaki te mawete, te mātai, i tōna mutunga ka mahere te takoto o tika. He ōpaki ngā rongoā tuatahi mō te puku ngau, nohopuku, pukuhae, pukuriri, i te hē tonu, he ōkawa te rongoā whai muri mō te tinana, tinana mai, hinengaro mai, wairua mai anō. Ko te marae ātea tērā, ko te whare tupuna tērā.

Hei whakatauirā atu i ngā wā o te rongoā ōkawa:

- ▶ he huinga rangatira, he huinga mātanga o ngā kāinga, ngā hapū me ngā iwi, hei whakakao mai i ngā hokinga mahara, i ngā tongi kōrero, i ngā akoranga ō mua
- ▶ he hui whānui o te takiwā e tūwhera ana ki ngā kumekume me ngā kuene i te tika e tū kē ana i te hē me te hara. He whakatau ritenga kia tahitahi i ngā ara o te tika, kia waerea ngā tūranga o te hē
- ▶ he hui whāiti tonu o tētahi pārangā whānau, hapū, iwi. He mana pārangā whakapapa tō rātou me te arotahi ki ngā tikanga e whai whakapapa ana ki ō rātou reanga, ō rātou wheako, me ā rātou whakatau.

Mā te hunga e whai wāhi mai ana, mā rātou e tohu te tika mai, te hē atu rānei o ngā whanonga. Waihoki, me tuku mā rātou anō e tohu te hunga e rewa tiketike ana, me te hunga e heke toremi ana. Tērā te wā ka tohungia tētahi whetū whērikoriko hei arataki, ka tītaha te ara tika, ka anga atu i roto o tikanga hou. Kia tau atu, āna, he tika te ara, koia te ara me whai, me ngātahi te hoe, hoe tahi, haere tahi.

the marae is the default option, and one reason might be because it operates by a known set of principles that can be useful for disclosing the issues – in a pōwhiri, for example, through karanga and whaikōrero. Also, there are different settings available in the marae precinct – the whare kai, the wharenuī (carved house), the marae ātea (the open space in front of the wharenuī), and often ancillary spaces.

People will choose one space or another depending on the issue under consideration.

The marae is certainly not the only venue for talking about tikanga though. Just as tikanga can be seen in operation everywhere, similarly people will talk about them anywhere. Indeed, if any issue arises – any difficulty, any mistake, any wrongdoing – that will trigger a discussion about how to deal with it in a way that is tika. It does not need to take place in a formal setting.

Examples of situations where you would find discourse on tikanga are:

- ▶ Leaders and experts will be gathered together expressly for the purpose of obtaining their authoritative views on tikanga for the guidance of their communities, hapū and iwi
- ▶ Broadly-based gatherings to debate what kinds of conduct should be characterised as acceptable or not acceptable so that there is agreement about these things, and agreement too about what tikanga should be implemented in what kinds of situations
- ▶ More narrowly-focused gatherings for kin groups – whānau, hapū, iwi – to sort out among those with shared whakapapa whether there are any particular aspects of tikanga that they subscribe to and would want to apply to their own situations.

When people engage in measuring whether behaviour is or is not tika, they consistently have regard to the extent to which the community is positively or negatively affected. Sometimes, though, exceptional circumstances give rise to a particular view of what is tika that is unique to those circumstances. In absolutely every case, the application of tika is an opportunity for the community to bind together in one accord.



Ani Mikaere, Raukawa Marae, Ōtaki

“ Tikanga was actually much more about preventing wrongdoing from happening in the first place. It was about ensuring that relationships were maintained and nurtured and kept healthy. If you look after that relationship, or look after your relations, they will look after you. ”

HE TIKANGA MŌ NĀIANEI

Ehara te tikanga i te harore rangitahi, hua mai i te kōraha. He mea āta tiritiri te tikanga. He wāhi anō he momo kai anō, he kaupeka anō he momo kai anō, he take anō he momo kai anō. Ka whakatupuria te tikanga ki waenga i te hāpori, me he māra tonu. Ka poto i te ruirui, ka roa i te ngaki, ka huhua te hauhake. He wā e tika ana ki te whakatō whakaaro, kia hua mai te mārama me te mātau ki ngā kōrero tuku iho, ka hauhake, ka whawhaki i te tikanga. He tikanga te hua, hei kai mā te tini. He manawa tina tēnei nō te hāpori, he manawa toka i roto i ngā whakatupuranga, toka ana te tūāpapa mai i mua, toka ana te tūāpapa ki ngā rā whai muri ake nei. He tūāpapa mō tika, mō maungaarongo ki te whenua, ki te tangata.

I roto i ō mātou wānanga e whā ka rongō kōrero mō te tikanga e toka ana ki te tuakiri o te hāpori. He pūrākau tawhito te kōrero a Hera Black, a Pakake Winiata rātou ko Ani Mikaere. Ka tohua mai e rātou ngā akoako, ngā tauira o te pūrākau. He tauira whakamāuru raruraru o te hāpori, he akoako kōrero whakamana tuakiri o te hāpori. Ka tohua e rātou ki ngā pūrākau ngā mahi ā ngā tūpuna e whakarite

TIKANGA IN TODAY'S WORLD

Nothing about tikanga is straightforward. Its strands interweave so subtly, and each strand itself has many aspects. Yet, despite its complexity all Māori communities subscribe to its validity. It is an integral – almost defining – part of Māori collectives. They strive to practise tikanga as they were practised through the generations. They tell and retell ancestral stories that strengthen their connection with their forebears and build confidence in the continuing relevance and integrity of that thought system that has always worked to maintain peaceful relations within and between iwi.

In our wānanga we saw how tikanga is embedded in narratives that relate to people's shared identity. Hera Black, Pakake Winiata, and Ani Mikaere all told us how pūrākau (traditional narratives) were used to illustrate how problems were solved and identity affirmed. The narratives themselves told how the actors employed tikanga to overcome difficulties.

In today's world, of course, perspectives on tikanga are not the same as in the past. Most Māori now live in very different circumstances and are subject

rautaki ana e whiti ai ki tua i ngā pātū o te raru, i ngā nawe o te hara.

Hāunga tēnei te ao o nāianeī, he rerekē te ao o namata me ōna tikanga o aua wā. Āna, he hanga kē te nohonoho o ngāi Māori i ēnei rā, tē mōhiotia e te ao o mua, he akiaki kē, he whāinga kē, he hāpai kē i ērā o ō tātou tūpuna. Arā te tauira i kōrerotia i runga ake mō te hunga hauā, Māori nei, i whakaurungia ki ngā whare tautiaki, ki reira hunā ai ngā tikanga Māori, kaupare i ngā hononga ki te hapori Māori. Ahakoa rā ki waenga i ngā wero o te ao nei, tērā te ngākau Māori e ngarengare nei kia ū, kia mau ki ngā tikanga – e ngana tonu nei kia ea te hara, otirā, kia kaua e hē atu anō i te hara.

Kei waenga marea a ngāi Māori. Kua utaina ngā hapori ki ngā pikau taimaha o ngā tukanga kāwanatanga, he tikanga matatika o te karauna ki ngā whanonga rite tahi. Ko ngā utanga nui a te ture, e koropiko te tuarā ki ngā hāmene, ki ngā whiu, ki ngā muru. He whiu katoa ēnei nō te karauna, ehara i a te Māori. Kīhai i whanake aua whiu i roto i aua hapori tonu, he tīhaehae tikanga. Ka oho, ka kiriweti, ka rikarika tonu ngā hapori o nāianeī pēnei i ngā tohe ō mua. He kani te ture ki runga i ngā rohe, he ahi kōmau te tikanga, tārehu tonu ki te uma.

ORA, TE PĀ TAHI MAI O TIKĀ, O TAPU ME TE ORA

Kua whati te tai hāpai o tikanga, mārakerake ana te taihua. I konei ka mātai atu te horanga ki tātahi, ki ngā ākinga ā-tai ki runga i a tikanga.

Kupu tuatahi ake, he ora te aro o tikanga. He noho haumarū, he noho hauora tēnei e manakohia e te tini, e te mano. He maru nui, he maru roa tēnei, he koronga kia māori mai te ora ki ngā tōpito katoa o te rohe, kia maruao mai te rangiāio ki te kāinga. Kia noho āhuru ki ngā maru o te ora, he rongō, he āio. Ki roto i te haumarū o te ora ka pakari te tinana, ka whakaeaea te whatumanawa.

Kia aronui i konei te wāwāhi i te hanga o te ora. Tuatahi me whaiwahi mai ngā tāngata ki ngā whakarite, ki ngā whāinga e e tūmanakotia ana ki tō rātou noho ā-hapori nei. He whāinga roa ki te paerangi ēnei, e aronui ana ki ā rātou uri mokopuna. E pupū ana te whakaaro mō te taiao o uta, o tai, he rawa ā-nuku, rawa ā-rangi. E noho whakahirahira

to all kinds of influences that their ancestors knew nothing of. An example we have mentioned already is the institutional lives of whānau hauā that had no regard to who they were as Māori and provided no connection to hāpori Māori. Despite the challenges of modern life though, in Māori collectives the impulse remains to do what they have always done – to try to resolve issues in a way that minimises harm.

Like everyone else, Māori are subject to the state-authorised justice processes that apply to everyone. These tend to focus on punishment, fines and compulsion through the authority of law. But however familiar they are with these processes, Māori are not reconciled to them. That is because they jar with their own values as much today as they ever did, cutting across every instinct for dealing with problems in a way that is tika.

ORA, AND THE RELATED CONCEPTS OF TIKĀ, TAPU, AND ORA

Having explored the function of tikanga, we move now to describe how it works, with its different stages and elements.

First, ora. Ora is the state of wellbeing – the state in which all humanity would choose to live. It feels normal when you are in it, and you won't even notice it – but you will notice its absence when it is absent or under threat. In the state of ora, you are not under stress. Your body and mind are at ease. Your needs are met. You feel fulfilled.

There are some essential components of ora. People have to have a sense of agency, a knowledge that they are capable and can achieve what they need to achieve. As a priority, providing for future generations ranks high. It involves looking after the environment and ensuring the continuation of ancestral knowledge. Also vital is access to plentiful and



Irene Hancy, Te Mānuka Tūtahi
Marae, Whakatāne

“Ki te kore koe e rongō i tō ake tapu, he uaua ki te rongō i te tapu o tētahi atu. The essence of this kōrero is that if you don't feel your own tapu, it makes it difficult for you to recognise it in others.”

ana te whakaaro ki ngā wānanga o tupua, o tawhito. Ko te hauora tonu tērā ki ngā whata, ki ngā rua, ki ngā pātaka e ranea ana ki ngā kai whaiora i nga kaupeka korekore, i ngā kaupeka tūpuhi o te tau, otirā, e ranea ana ki ngā kai e mātua ana ki te tuakiri o te rohe.

Ka toai te aro ki a tika e papatahi ana ki tēnei hanga o te ora. He tika i te whanonga, he tika i te mahara, he tika i te kura i whiwhia, te kura i rawea o te ora.

Ki tēnei nohonga ngātahi, te hāngai pū, te here pū o tika rāua tahi ko ora. Kāore tētahi e mahue ana i tētahi, ki ngā matatika o tangata Maori ki tōna nei ao Māori.

I Mātaatua marae ki Whakatāne ka rongō mātou i a Tā Hirini Moko Mead e kōrero ana mō tapu, ki te tūranga o tapu ki roto hapori, ki tana hāpai i a tikanga, i tana tiaki i a ora. Ka whakatauirahia mai e Tā Hirini, anō nei he kano pirihihana a tapu. He pirihihana tē kitea, te taiapa tē kitea, he whakahaere whanonga tē kitea engari kua mōhio tōna hapori ki a ia. He mana tō utu. I kī mai ngā kaikōrero kia kaua

nourishing food – especially foods that are central to local identity.

As we have said, tika is the shared sense of what is right. Tika are the ways of behaving, of thinking, of being that everyone subscribes to. Tika thus sustains the state of ora.

In this way, we see that tika and ora are inextricably linked. Both are fundamental to the ethic of Māori individuals and communities.

Tapu plays an important role in maintaining and preserving the state of ora. In the wānanga at Mātaatua Marae in Whakatāne, Hirini Moko Mead talked about how tapu operates as an invisible police force, effectively ensuring that behaviour in communities stays within the boundaries of what is tika. Utu also plays a role. Speakers said how utu should be conceived not as reparation but as reciprocity. In this way utu underlies the give and take that delicately maintains balance in day-to-day relationships and interactions, so that benefits are evenly distributed and conflicts do not arise.

Tai Ahu, Raukawa Marae, Ōtaki

“If we have a kaupapa tuku iho that’s based on whanaungatanga, we understand the purpose of tikanga Māori was to continue to maintain the relationships.”



e pōhēhē mai he rite a utu o tikanga ki a whiu o ture, ki te whiu o wepu. Kāore, he mana anō tō utu, he whakapiki, he whāngai, he whakawhanake a utu i te mana o te hunga e whakawhiwhia ana ki te utu. Ka tuku i a utu kia tū tautika te whanaungatanga o tangata ki te tangata, a whānau ki te whānau, a iwi ki te iwi. Kei piki whakarunga tētehi taha o te whare, kei heke tētahi taha, ka parori, kei hinga i te totohe.

HE AHA NGĀ TOHU E KITEA AI TE ORA ?

Ka kite i te kiko o te ora ā-hapori ki te toiora o te whānau. Kaua i te ora tangata kotahi engari i te ora pārangā whanaunga, ki ōna nei hapori. Ka tautiaki ngā whānau ora rātou i a rātou. He tāwharau e maru ai te tangata, arā, te hunga e whai pārangā atu.

Matatū ana te kahiwi o te ora i te tumutumu o koa, i te paiaka o urupū, pūmau ki tōna tū whenua, i te tū pukepuke, i te tū whāwhārua he tūranga tonu ki te kōrero, ki te whakaputa whakaaro. E kitea ana te hapori ora ki:

- ▶ tōna pūmau ki tōna taiao pēnei ana i ngā hui hāpai tikanga o ia rā, i te whakahāngai tikanga

WHAT DO WE SEE WHEN ORA IS PRESENT ?

The ora of a community is seen in the wellbeing of its whānau. Individuals are not the focus in this world: rather, it’s the wider whānau and the community that they are part of. Whānau look after and protect each other, operating as a haven and refuge for all who belong.

The strongest evidence of the presence of ora is optimistic confidence – a kind of confidence that allows both dominant influences and less dominant influences to express themselves. You will see a community where:

- ▶ everyone connects with the environment through important events like Matariki and



Karen Pointon QSM, Papakura Marae,
Tāmaki Makaurau

“Our [referring to tāngata turi] lived experience, in terms of education, hasn’t really been great. And so, because there was that lack of education, there was a lack of access to proper educational resources. And for us as Māori deaf we didn’t know our ao Māori, we didn’t know our tikanga Māori or they themselves didn’t know that they were actually Māori. And so they were disadvantaged from their ao Māori and their tikanga Māori. And so historically we know that the deaf education sector had no Māori education or Māori culture integrated into these systems, which means there was

no learning of te reo Māori and no knowing of the value of their own tikanga as Māori. That never happened, and so that was a barrier that we faced. And also, for us as deaf people having equal access to information, whether it be ao Māori or ao Pākehā rānei, accessing all of our services has been inadequate and so interpreters are our resource, not just for us as whānau turi but also for koutou the hearing community in order to build a bridge to allow that communication between our two communities to happen.”

motuhake ki tōna ake taiao, arā a Matariki i te mātahi o te tau, whai tikanga ora ki te tau;

- ▶ tōna manaakitanga e ngata ai te hiahia o manuhiri, e mauru ai te hiahia o pōuri, o pōhara;
- ▶ tana whakatupu mātauranga mōna, mō tōna ōrokohanga mai, mō tōna whanaketanga atu;
- ▶ te kaha o ngā hononga, i te hononga whakapapa, whakapapa i te pono, māhorahora i te pono, i te iti, i te rahi;
- ▶ ora ā-tinana e kitea ana i te pākeke e pakari ana ki te tūranga kōrero, i te tamariki pārekareka ana ki te tūranga papakāinga.

through day-to-day activities in the taiao so as to know it deeply and protect it fearlessly;

- ▶ manaakitanga is expressed through gathering resources to provide for guests and to look after whānau in times of need;
- ▶ the community identifies, nurtures and strengthens its own mātauranga and passes it down through the generations;
- ▶ relationships flourish, with people knowing whakapapa, trusting their relations, and having the confidence to accommodate different points of view;
- ▶ ora ā-tinana is seen in the vigour of the people, with healthy kaumātua able to play key roles, and active children engaging in the life of the pā.

Pakake Winiata, Raukawa Marae, Ōtaki

“Tā te Māori titiro ki te ao ko Ranginui e tū nei ko Papatūānuku e takoto nei. Ko a rāua tamariki e karapoti nei i a tātou. Ka mutu kei roto hoki i te tangata rātou e takoto ana, he mea whakatō i te āhuahunga o Hineahuone.

“That’s a statement of worldview. From the notion of a worldview comes a set of kaupapa, mātāpono tuku iho. Ideas like manaakitanga, whanaungatanga, kaitiakitanga can be drawn from that worldview, from pūrākau. They become the tūāpapa because those kaupapa are the tūāpapa. They are the garden and fertile soil from which our tikanga grow.

“If mātauranga Māori doesn’t continue to evolve and find application today, continue to be contextualised to our current state today, then it will lose its ability to guide and direct and inform us as a people.”



HE TAKE – TE ARANGA O TE TAKE, TE WHAKATAUNGA TAKE

Anō te moana, whakapapa pounamu te moana, hora te marino. Ka tau mai te tūpuhi, ka karekare te moana, ka oruru te moana, ka pukepuke tē taea e te waka. He take tēnei e tīhaehae nei i te rā, whati ai te tira, he take e tīhaehae ai te āhuru mōwai i tuituia ki te ora, ki te tika.

Anō te takapou e papa ana ki ngā rau roa o te whakapapa, takoto kau ana hei tūranga mō ngā waewae, e hono ana i ngā mana whakahaere o te

HE TAKE – A MATTER THAT NEEDS TO BE ADDRESSED

Human beings can seldom live in a state of perfect equilibrium for long. Inevitably something occurs – something is done or said – that disrupts the calm. In this kōrero, we refer to a disturbance like this as a take. A take can rip the fabric of peace and wellbeing that ora and tika weave.

Because of the connections of whakapapa that underpin everything in te ao Māori, the wrongdoing of one is the wrongdoing of many and injury

hapū, o te iwi, otirā te whānau. Ka wetekina ki te tapa, ka wetekina ki waenga, ka māunu ngā papa. He rau wāhi ki te take, he rau wāhi i te katoa.

Ka toka i konei te whakaaro ki te kōrero i whakataukitia e Pakake Winiata ki mua i a mātou ki Ōtaki, arā, “Hē o tama kotahi, hē o Ngāti Katoa”. E toka nei te whakaaro ki mana o te iwi tōpū. He mana i te tōpū, ka tōpū te mana ki ia tangata. He takahī mana a tētahi, he takahī nā te katoa, hei utu mā rātou. Otirā, he whakapiki mana a tētahi, ka piki hei ora mō te katoa.

to one is an injury to many. Any issue therefore immediately radiates beyond the individual into their whānau and hapū.

This is encapsulated in the whakatauki that Pakake Winiata gave us at Ōtaki: Hē o tama kotahi, hē o Ngāti Katoa. (The wrongdoing of one irresponsible person becomes the wrongdoing of the whole tribe.) This also underlines how responsible the collective is for any individual, and how they might suffer those consequences.



Tā Eddie Durie, Raukawa Marae, Ōtaki

“At our schools in those days [the 1940s] we only had ink wells and dip-in pens, but a new thing had just come out called fountain pens, and only the rich kids could ever have a fountain pen. Māori kids would never have a show.

“So one boy did a remarkable thing. He was able to get out of this shop a pocketful of fountain pens, and he took them back home. The shopkeeper saw him and handed him over to the police and in those days the police officer used to take them out to the marae, and he was from our marae. My grandfather used to deal with them. They used to deal with them after church on Sundays.

“The police officer pulled up. The interesting thing looking back on it is that the kid was outside playing football with the rest of us, it was only the parents and the whānau that they talked to about this kid who had the fountain pens. They asked him ‘What have you done with them?’ He said ‘Oh well I gave them away to some of the others.’ And he told them who he’d given them away to. And he said ‘Well what about your one, can you give that one

back?' He said 'No, I gave that one away too.'

"You know, they thought he was a great kid. The first thing was he'd thought about the others and put himself to the very end.

"So anyway they had to say some pretty serious things to him nonetheless, and to the family. But the important message they got out of that wasn't so much to punish the kid but to say to the whānau 'When you go into town on Fridays and you bring the kids with you, every eye must be on that kid. You must be watching him the whole time.' It was not the policeman that needed to be there, it was us ourselves.

"The other thing was you should never go into town on your own. That's trouble. Whether you liked it or not you had to take your brothers and sisters and cousins with you and walk as a group. And when we got older if we went to a dance or anything we were only allowed to go if we went as part of a group so that there were always others watching you. Now that's the benefit of that community system if it can be developed and strong, is that you have a built-in police force of our own people watching what is happening. Very hard to replicate today.

"But how does this go back to a Māori philosophy about justice? It's extremely hard for me because we were not actually brought up to understand those deep underlying things that so many other tribes had. But we did have some ideas and I just want to mention the first one: 'How was wrongdoing conceived in Māori communities in the past?'

"Now we knew more about Anglican kaupapa than we did about Māori kaupapa in those days but the more I think back on it the Māori was underlining it, was behind it all. And the first thing I learnt was from the Lord's Prayer where they referred to forgive us our sins – murua ō mātou hara. The first thing we were told was that hara were spiritual sins. That's the thing that you had to watch out for – not to commit the spiritual sins. What were those spiritual ones? When we went out of our house to the church and took the book of common prayer we could only go out the front door, because if we went out through the back door we'd take the tapu off because we'd have to go through the kitchen. And so what you started to see was that although we weren't taught as other tribes were about these things you could nonetheless see that although this was put to us as Anglicanism, it wasn't, it was actually Māori-anism. The Anglican ministers from Ngāpuhi who came down had this capacity to mix Anglicanism or the church with Māori concepts, and they didn't see that there was much of an issue between them.))

TAKE – I ŌNA MOMO

Ka hua mai te take i ōna kano. Tērā te pata kākano, ka taka iho i te rau rākau, ka pūhia e te hau o waho, ka tipu whakararo te aka tāmōre ka mau. Tērā anō te purapura ū ki te oneone, nā wai, nā wai ā ka tipu whakarunga he rito, he rea. Ko ngā tohe mai i waho, ngā nuka o te whakahaere, ngā takahē o te wā, he papa ruirui take ērā. Ko ngā iho pūhaehae, ngā hara tawhito, ngā nawe onamata, he tāpapa take ērā.

I tōna pihinga mai ka kitea te take, mā uta e kōrero, mā tai e kōrero. He aha rā te whakautu? Me mātai, me mātau, me wewete te tipuranga mai o te take. He kōrero tā ētahi, he rongō tā ētahi. He mōhiotanga ō mua, ō nāianeī, ā haere ake. He mahara mai mō ngā ritenga, mō ngā rerekētanga. Me aha rā, me turaki rānei, me poro rānei kia tau mai anō te ora? Kei waiho rānei kia pua, kia hua, kei hē, kei hē rawa, he puarere whiti ki tua, whiti ki kō, ki kō atu rā?

DIFFERENT KINDS OF TAKE

Take present in many different forms. They could be a grievance that resurfaces from the past, a gnawing jealousy, or an accusation that some serious abuse has been perpetrated. A take might be a challenge to poor leadership, or poor decisions.

When the take comes into focus, everyone has to work out their response. They talk about it; they try to understand what took place and why; they develop different narratives. They examine the facts in the light of their own experiences and historical knowledge, comparing the seriousness of those take, and how they were understood, addressed, and resolved.



Dallas King, Ōtiria Marae, Moerewa

“ I wanted to share with you a story – a story that illustrates I think some of the ways that tikanga has played a formative part in the way that we view justice. I cannot speak for any other areas, but I was raised in Hokianga and I remember being a small child when somebody did something greatly hurtful. We had a young male, a member of our hapū, commit a terrible act on a young wahine, also a member of our hapū. I remember being enthralled by the things that just naturally happened. I don't know why, because I was a child, why the police were not called and all those things. But it was known what had happened, it became known, and immediately ngā nohoanga māreikura me nga nohoanga

whatukura swept into action, right? Because Te Whare Wānanga o Hokianga was, and still is today, very much a thing. And so it didn't even occur to my Nan to ring a psychologist and all of that. Immediately she and our other Nans swept into action.

"Those actions included things like our kuia gathering around the wahine. We got taken along and we were there because we were in our nanny's skirts, you know. There in the house they wept for her mamae. They healed her body. She was alive, she was not dead. So they wept for her mamae, they healed her, they grieved for the loss and the injury to her mana. They sang songs. It was a healing process. At the same time, the men went to the other whānau. I've got to say it wasn't just wāhine in that whare with our kuia. The males of the wahine's whānau, they were there too. It was this [makes an embracing gesture], we all were drawn in.

"And then not long after there was a hui on our marae, and in that hui the taumata kaumātua, which consisted of males and females, they presided, right? So there's this hui, the person who had committed this wrongdoing and the person – she wasn't in there for the whole time, she was brought in a little time later – and all the other whānau of our hapū were also there or represented in some way. And by that time the story had already been established, so there was discussion, and the discussion was about what was to happen. People collectively took on the responsibility – this was my impression. And since I knew we were coming here today I talked to some of our nans. I said, talk to me about that thing, because it's an example, right? It's a story that framed how I view, even today, how we look after each other. How the decisions were and are made about what is wrong and what is right.

"I can't remember all of the kōrero, but our kuia relate to us that there was discussion, it was established, it wasn't necessarily about all the gory details of the situation. It was more about why it was wrong and what we need to accept as a collective in terms of our responsibility to look after each other. And why it must be resolved, because this is a part of our whakapapa and our kōrero now.

"And they also used great examples. The kuia sang waiata which illustrated other examples of dispute resolution around land, dispute resolution around stealing kai, using someone's whenua for gardens and you know it's not your whenua.

"Why were these things so important? I know now they were important to share an understanding that there are many ways that we have illustrated wrongdoing in lots of different forms and shapes, and we have collectively worked together as hapū & whānau to resolve these. So those waiata, whaikōrero, mōteatea and pūrākau that were shared were crucial to our seeing that we can all make mistakes, and we all move through and recover from them.

“And there were also specific skill-sets in the room. Ngā matakite who can read from a kura huna space, kuia and kaumātua who say absolutely nothing but you know, you just know that they’re absorbing it all in and they’ll come out like a light.

“So there’s this – and I wouldn’t call it caution but a deep respect. And the reason for that was because everybody in the room, even if they didn’t all individually know, there was someone key from each whānau who trusted what was happening because they understood it. And I think that it is something that is hugely entrenched between how te iwi Māori take part in the justice system imposed on us today, right? Because we don’t understand it and we don’t trust it and therefore we don’t commit or submit to the authority of it in our wholeness.

“So anyway the outcome of that, right, is that this wahine, the kōrero is had, and then the wahine was taken by our wahine komiti – what it was called at the time, you know all of our whāea – and the tāne was taken by the men. And our mums and aunties don’t know, don’t talk about what happened with him, but I remember what happened with our wahine. She had been grievously treated and so she was taken to the three different types of wai. And we followed her on that healing journey. She was taken to the wai tote on the right tide, into the water, watch it go out, tuku, she was taken to a specific puna wai that was set aside for healing purposes, and then she was taken to the wai wera to be rebirthed.

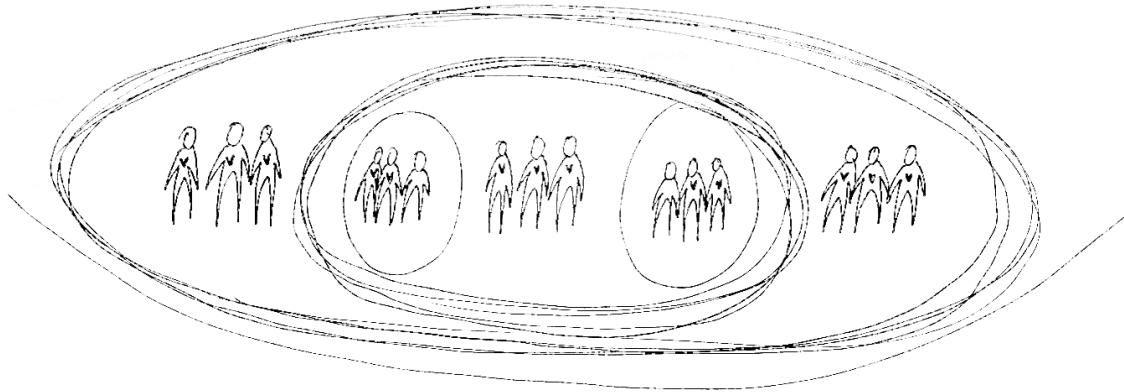
“After that though, we returned to the marae. The whānau of the person who’d done wrong – he was there too – and then her and whānau were welcomed back. She was celebrated like this reborn wahine. And all of the great things that had been done by her tūpuna and tūpuna whāea were recounted in the whaikōrero. She was restored in her dignity through her whakapapa, and the journey she had come through – which is not afforded to just anyone. So she was rebuilt in a way that only our kuia could do. She was rebuilt.

“And also he was not discarded, because he’s one of ours too. And there was a pathway, my aunties assume, that was set out for him. He was not discarded because he’s part of us too.

“I wanted to share that as a tiny example. And the key thing is that we trusted it, because we understood it. And it was relational, from a whakapapa point of view.

“And so I imagine – just in closing, I thought to myself – what happens is not that dissimilar to the evolution of Christianity and politicality right? Those things are found coagulating throughout the world. And so we see that suddenly there are these people in offices of the church who act as intermediaries between the common folk and God. And I wanted to draw on that to say that’s a little like what happened in the justice system, right? Because you don’t just get to be a part of the

justice yourself. Your family doesn't get to exercise the mana that comes from your whakapapa because actually there's the common folk, there's the justice system, and then there's righteousness on the other side. But is it righteousness? I don't know. Anyway, kia ora tātou.



Trusted + Understood + Relational

“Oh yes here it is. There's a picture to sort of show what I mean. I just quickly scribbled it up. So there's our kaumātua in the middle, then there's our whanaunga who was the wrongdoer, and then there's our whānau who was wronged, and the rest of us. But you see we're all in the same space. We all were able to draw on our lived experiences about the Hokianga, about the healing properties. And each was brought to the fore because they're all part of us to draw on at the same level. There was no intermediary that required us to submit to someone or something else. We were all part of it. I just wanted to share that and hopefully that's helpful.”

Ētahi o ngā kōrerorero e whai ana i tā Dallas kōrero:

Woman speaker (hard to hear at the beginning): *One of the things when we keep talking about tikanga today, there's often sort of, an out clause within our modern te ao Māori, some of the excuses for not doing that because we're a bit too afraid. Dallas : Yeah I understand that because when I was a child there was still a significant number of people that trusted and understood those tikanga but as we go through the systems and our life today we are trained to think that we must understand and become efficient and effective in this other justice system. So kāre he raru. I don't have an issue with people feeling like that. But I do feel pōuri because I know of the fullness of our tikanga. I'm sure there would have been within her own whānau more work to be done for our wāhine. But I know that she was not seen as*

this sort of broken, you know sort of victim, sort of paru. She was restored in a way that could only be dignified and delivered in that way by our kuia, and it was as if actually her mana was significantly elevated through that journey. So the comment I would make is that perhaps it's because we haven't invested enough time in the retention of that, of those tikanga. Aua. I don't know, but that's what I'm thinking.

Male speaker : *Or do you think that with the building blocks of a new justice system that that should be empowered? And sort of we will go back to our justice system in Aotearoa?*

Dallas : *100 percent, and that's why I shared that story today because what I see about victims – that shunned word, right? The comparison between people who have come through a justice service and have had justice delivered on their behalf, and the criminal was punished, and she was given wraparound services – we hear that all the time. We wrapped services all around her. They got all that. But they're still vulnerable beings at the end of it. Whereas in this other example, it was like whakapakari. The same like when my auntie passed away just recently and I saw my Uncle Ral at the end when he came back – it's our tikanga, right? You don't have pōuri kōrero. Boom, everything's happy. And Uncle Ral spoke, well, by the time Uncle Wassie got up to speak everyone was in fits, and he hadn't even said anything! But we were so excited the anticipation had us. The point is it's that tikanga of the hari, te hari me te koa.*

Ruth Smith : *Tēnā koe Dallas, tēnā koe i ērā kōrero me ērā whakāhuatanga mai o tērā tikanga ātaahua, tino titikaha ana tērā kōrero ki taku ngākau.*

You've spoken about how the mana of this woman was elevated after everything had happened. I think that's really beautiful tikanga. I'm going to ask though from the other perspective – and I'm really just gauging your comfort to speak about it and just so that you know if you don't feel comfortable you don't have to speak about it – but as we know in these sorts of situations there's always two sides. And so if the mana of that woman was elevated significantly after the event, I'm just curious to know if the mana of the perpetrator, the wrongdoer perhaps is probably the better word, was significantly . . . diminished ?

Dallas : *. . . I wouldn't say that his mana was diminished, because to diminish his mana would be to diminish the mana of his whole whānau. What I would say is that the actions they would have taken to correct him or punish him was understood – and I can't actually say, because none of the wāhine in my whānau know, because it was left to that other side of the whare, of the whare wānanga – but what I will say is that it was not diminished, but it was preserved and*

maintained through that first process, you know I was explaining in the beginning, how we talked about lots of examples where there has been wrongdoing and resolution in the past, so this matter it was framed in a broader context instead of drilling into the nitty gritty of what had happened. So maybe . . . I hope that helps.

Paraone Gloyne : *Kia ora Dallas. I tērā wiki i Whakatāne mātou, so we were in Whakatāne, and one of the kōrero that came out was i roto i te ao Māori we've got the take, there's an utu, and then there's ea. So we were just having a kōrero, Ruthie and I, and we were saying there must have been something there, where your huānga, your whanaunga, felt that there had been utu along with her being te whakamana me tērā taha that she could move on? Because we've had something similar happen in our hapū and tētahi o aku huānga felt that kāre i pai te utu, so we followed a process again as a hapū and then i ea, so te āhua nei i tika i tau ki te ngākau o tō whanaunga i tae ai ki tērā wā o te ea.*

Dallas : *In terms of utu, I think the biggest cost to him was how it was dealt with. Everybody's in there eh? You can't go out with your other tapetape. You're there in the whare. Everybody knows. There's no hiding it and actually I think there's a significant diminishing to your mana if you do hide it. So I think that was a huge cost to him. And I don't know what else happened, potentially other things happened, but I do know that her kuia was satisfied. And that confidence she had in her kuia was probably the biggest part of her feeling satisfied, as well as the journey she was taken on. It was a physical journey of restoration, and it was a significant thing.*

Carrie Wainwright : *Tēnā koe Dallas. I'd just like you to talk about, if you feel able to, from your general knowledge and your experience that you've given us so clearly – one of the themes in the Pākehā concept of justice is always punishment and along with punishment comes ideas of shame and repentance. That seems to be a very strong part of the idea in te ao Pākehā of how you get to resolution of wrongdoing. Do you have a sense of whether whakamā played a role? You've said that he had to be there in the whare. He couldn't hide. In that whole process that the community engaged in, in your understanding does whakamā play a role in that?*

Dallas : *Yes, I think whakamā is a crucial part of the cost of wrongdoing. And I don't know that that's isolated to the scenario I've described. I think there's a great reconciling within oneself when you know that you have committed an act that is not acceptable. When you talked at the beginning of your question about whakamā, you mentioned repentance and punishment. And I think it wasn't community, it was whānau and hapū – today we think like "community" and anyone can*

come, but it wasn't that – they were all whānau who could whakapapa to the two whanaunga in the room. So there was no removing yourself from being a part of that, both sides of the conversation. I think that's a big part of whakamā too, because as a whole whānau, right, we're all part of it. We're part of the mamae and part of the wrongdoing on this side, so in terms of repentance I've been told that the tikanga of the whaikōrero and waiata that is offered follow a specific pathway. It starts with the telling of all these other disputes that have been resolved in the past, so that we begin to go on this journey of how we have resolved many things, and how we have been on both sides of right & wrong and we are still here today. But yes, whakamā is part of the price that you pay, the cost. That's what I would say.

HE RARU KI TAI, HE RARU RĀNEI KI UTA ?

Ka raru ki uta, ka tau, ka ū ki uta ki te tūranga pakeke o Papatūānuku e hora nei, e ora nei. He whakamākū kūwhā kau atu ētahi take, ka eke tonu ki uta. Engari atu anō ko ngā take taimaha, whakapiko tuarā. Ka rumakina ki ngā tai a Kupe, ka riro rawa te kāinga i te paringa tai nunui o mauāhara, o taukaikai, o taututetute. Ka riro atu a tika, ka riro rawa a ora.

Ko tēnei te hua, ka hē noa, kātahi ka hē rawa. Hei tauira ake i te hauangi whakatipu ki tūpuhi nui. Na, ka hui tahi te hāpori ki te wharepuni kia taukumehia tētahi take, ā, e wātea kau ana te papa ki ngā tāngata e hiahia ana ki te whakaputa whakaaro. Kātahi ka pahū ake te taukaikai me te whakaiti. Ka pahū mai i ngā nawe o mua, o kaupapa kē atu, o te pukutohe. Ka tū ngā pihi, ka ara te ririhau tētahi ki tētahi, e kore te ruaki e hoki ki te waha. Akiaki kau, ngengere kau ana ngā pātū o te whare.

HAUTŪ TĀNGATA

Tērā te wā ka ara te reo hautū, maringanui ki te reo hautu. Hei reira ka kumea ngā tara o te whare, ka tokona ki te poutokomanawa, tītoko ake ki te tāhū. Ko tā te reo hautū he wewete i te whaitake o nāiane, i ngā kūrakuraku o nehe, he mārama ki te takenga mai o te mate, o te whēwhē, o te whaturama. Ki te kore e kitea he hautū, ka riro i a tahumaero, me

HOW SERIOUS IS THE TAKE ?

Some take are not serious and do not rip the fabric of peace and wellbeing. They do no more than fray its edges. But serious take can draw the community into a vortex of recriminations, misrepresentation and division. Tempers erupt, and behaviours now breach the norms of tika in new ways. When the balance tips like this, the equilibrium of ora is suddenly gone.

It happens all too easily. For example, a community gathers in the wharepuni to debate an issue, and everyone is free to express their views. Then without warning argument descends into abuse. Unrelated or historical points of discontent are dragged in, people take sides, anger escalates further, things are said and not retracted. There is anger and distress on all sides.

LEADERSHIP

This is a critical moment for leadership. With the right intervention, the take might be capable of resolution then and there. A leader can lead the kōrero to drill down to the real basis of the conflict, and why people are upset. If no interventions occur, serious conflict can ensue with people issuing

Paki Nikora, Te Mānuka Tūtahi Marae,
Whakatāne

“He aha te rerekētanga o te pakeke me te kaumātua? Ko te pakeke kua whiwhi mokopuna. Ko te kaumātua he rerekē.

“I whakapau kaha mō tana whanau, tana hapū, tana iwi. E mōhiotia ai te matemate ā-one me ērā momo mea . . .

“I roto i ngā raruraru o te iwi ka whakakaohia ngā kaumātua, ka wānangatia, ka whakaaetia, whakaaratia te kaunihera kaumātua o Tūhoe. I reira kua haramai ki ngā raruraru i waenganui i ngā hāpori, ngā hapū, ngā whānau. Ka huihuia, ā, ko te mutunga atu ka riro mā ngā ‘ka ū matua’ e whakatau. Kua whakatauhia, kua mutu, karekau he raruraru i tua atu.”



he materere ka pā ki te kāinga, ka rere ki wī, ki wā. I reira ka tukituki, kua maunu te taniwha i tōna rua, kāore mō te hoki.

Mā te uri o Rongo, māna e tiaki te papa ohaoha hei tauranga mō ngā taimahatanga e auē nei ngā reo, he papa e wātea ana ki ngā tū kōrero. Hei aha rā i te roa o te kōrero, pou te pō, pou te rā, ao ake anō, ka kōrero tonu. Ka āta wewete, āta wawata, āta whiua ki ngā pātai, nō hea mai te take nei? He aha i pupū ake ai, he aha anō ngā pānga mai o te kino, e motu ai ngā whenu o te whanaungatanga, ngā aho o ngā tikanga taketake, o te tūranga kāinga, o te mana whenua, o te hunga e mahue rā ki muri? Tai wiwī, tai wawā e akiaki kau ana. I tōna mutunga, kia ngehe te tai o pupuke, me aro mua, me koke mua te kōrero. Inā te kaha karawhiu kōrero, te tini

threats or walking out or both. The opportunity to deal with the issue effectively and quickly is gone.

A peacemaker or leader can hold the space to allow different points of view to be aired safely, allowing the take to be fully ventilated. This can happen over an extended period, with kōrero continuing into the night and even over several days. People reflect on all the elements of the take – how did it come about? What is the nature of the harm? How does the take affect whanaungatanga, the shared beliefs of the community, where people are living, who has the strongest connection to land? Are some people not being properly provided for? All these dynamics might be at play. But ultimately, the kōrero must lead to identifying the options for moving forward. Initially, many possibilities may

whakaaro. Kei ia tangata āna. Ka pā mai te tai akiaki ka mimiti, ka tukituki te tai haruru ka mimiti, ka rangiāio, ka whakapapa te moana, ka āta kitea ngā au o mate, ngā au ki te ora. Taro ake, ka rewa mai he ara tapuwae, he ara whāinga, e taiope ai te haere.

HE TŪ WĀHI

Kāore i te noho motuhake nei ko te wharenuī hei tūranga mō ēnei tūmomo hui. Ka āta whiriwhiria ko te wāhi e maru ai te tikanga, e maru ai te tangata, e maru ai te kōrero. Hei tauira ake, kei waho kei te marae ātea, te taumata o Tū te ihiihi, o Tū te wanawana, te kawa o Tū. He kawa tō te pae, he tikanga anō tō te waharoa. Ki te tutū te pūehu, ki te makaia te kupu hahani me te whakahāwea e tūwhera ana te kēti o te waharoa. Tērā rānei ko te kuaha o te waha kai hei whakamauru i te ririhaū.

Ko te wharekai anō tētahi wāhi, he ngāwari ake ngā whakahaere, te nekeneke haere o te minenga, te kawa o manaaki e iri tonu ana ki te minenga. He wāhi atu anō, atu i te marae, kia kore ai tētahi e noho haukāinga, he whenua tūtakitaki o te rohe, ki ngā rā o nāianeī, he whiriwhiri tū wāhi o ngāi tauīwi.

HE KAWE HEI ARATAKI

Ko te kōwhiri tū wāhi tētahi aronga, ko te rautaki whakahaere anō tētahi hei arataki i waenga tūpuhi, i taihotuhotu, i te hau o riri, i te pupuke o mamae. Ko te mihi tētahi arataki, he whakatau i ngā take, he whakatangata i ngā take, he whakatau i ngā tira e waha take ana, e rapu ora ana. Ko tā te mihi he whakatau a te ngākau oha i te ngākauhae, a te ngākau tapatahi i te manawawera. Tērā anō he karakia hei whakatau tikanga, hei whakaū tikanga ki te hui. Kia tīkina he karakia o nehe, he karakia whakapono, he karakia whakairi wairua me tōna whakapaparanga kōrero e honohono ai ngā hono o mua ki ngā hono o nāianeī. He tūāpapa tēnei ki ngā tikanga whakahaere. Mei tārūrū te hae, te mate rānei, ka ueue te tikanga, ka mauri ohooho, ka mauri rere, ka mutu, ka ngū ngā waha. Ka hua pea ko te waerea, tōna momo, kia kitea ngā hē, engari kia kau e riro i te hē, kia wātea ai te papa kōrero ki kimi rongōā, ki te rapu oranga, ki kō atu o te ngawē o patu, o mamae.

be up for consideration. Everyone is entitled to contribute to the kōrero. There will be give and take, agreement and disagreement. Misunderstandings can be examined and corrected. Gradually, opinion flows towards and gathers around a particular way forward. Finally, there is consensus.

VENUE

The wharenuī is not always the right venue. Where the kōrero happens can be very intentional. For example, the hau kāinga might want a debate to happen on the marae ātea so that the speaking rules apply and if feelings spill over people can easily withdraw. Or potentially aggression can be dissipated when people share a kai. In the environment of a wharekai kōrero can be calmer, because people are free to move around and the space carries consciousness of the manaakitanga that happens there. People sometimes opt to take the dispute to a completely neutral place, to a point of territory between different parties, or in modern contexts, decide on a non-Māori venue.

TOOLS

As well as choosing the right venue, there are other ways of managing emotion and aggression. A mihi acknowledges the participants and the fact that they have turned up to help find a solution to the problem. That recognition draws them into the process of resolution. A karakia sets a level of expectation for how people will behave at the hui. The karakia might refer to narratives of shared identity that link everyone with the use of karakia through time. Implicitly, this sets a standard for conduct. When the take is a matter of life or death, everyone can be completely traumatised so that no talk is possible. In this situation, waerea – a special kind of karakia – can be used to acknowledge the trauma and free the space so that the people can move on.

There are also modern ways of dealing with take. People have learned to use devices like writing up the elements in dispute on a whiteboard or on post-it notes, passing around a tokotoko to signify who

Kei te ao o nāianeī anō ētahi rautaki. He tuhituhi tētahi, arā, he tuku whakaaro ki te papa tuhituhi e kitea e te katoa, he rautaki tāpiri whakaaro, otirā he tikanga whakaterere i tētahi momo tokotoko kōrero, kia aro ki ngā piki, kia kaua e ruku ki ngā heke, he momo pūkenga whakahaere rautaki ēnei. Ahakoa he rautaki wawao o nāianeī, ko te tāmōre ki ētahi whakahaere e rite ana ki ērā o te marae hei whakatau marire i ngā take nō mai rā anō.

has the floor, reframing kōrero so that the focus is positive rather than negative, and other related skills. These contemporary models of dispute resolution in many ways mirror the processes on marae that facilitated collective decision-making since the dawn of time.

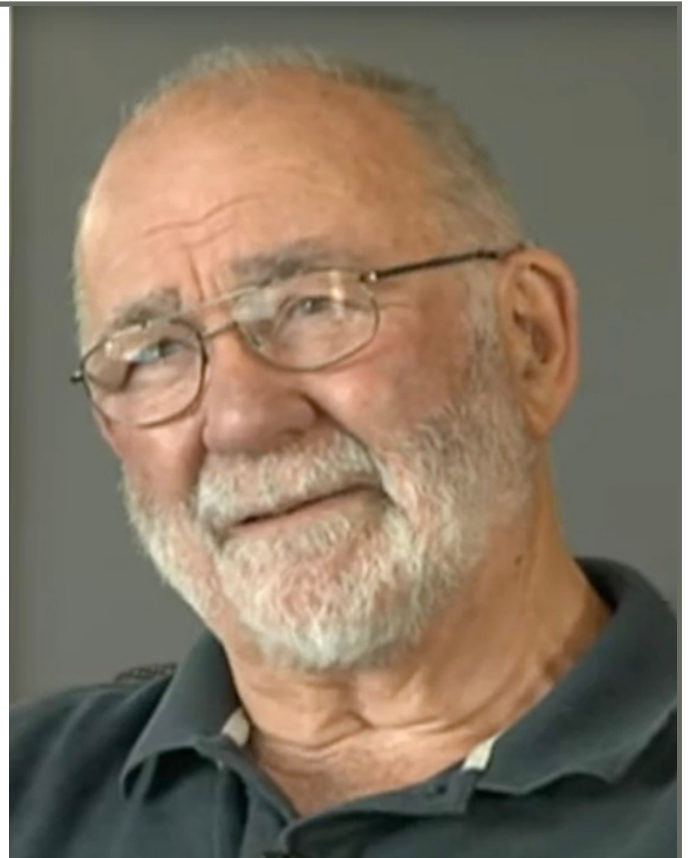
Kim Workman, Papawai Marae,
Kahungunu ki Wairarapa

“And it took me back to a time in 1988 when I was a director of Māori Affairs in Rotorua. A senior police officer came to see me on a personal basis. He said ‘We’ve got a problem in a particular village with suspected incest. A 15-year-old girl has gone to her teacher and told her that her father was having sex with her. Our police officers investigated, and she immediately denied it and wouldn’t have anything to do with it, said she made it all up and so forth. We seem to think that there’s some foundation to it. I thought I’d let you know because maybe you can keep an eye on the situation.’

“It was in a village that was primarily Ngāti Awa. I called the community officers together and told them what I’d learnt and one of them was . . . a senior man in the Ringatū Church. He said, ‘I think what we’ll do is have a hui with the whānau and we’ll address the issue from a Māori point of view.’ And then he said, ‘Would you like to accompany us?’

“So, on a Friday night we assembled at the marae in question. There were about 30 to 35 people, all whānau of this particular girl and relatives of this whānau.

“Ringatū have the best karakia and the longest, so after about 45 minutes of



karakia we were all settled and in the right spiritual place. A kaumātua there put it straight to the alleged offender and he immediately confessed.

“So they went around the whole whare and those that were closest to the whānau spoke first about the whole thing. The wife of the accused talked about how she sort of knew it was going on but she felt loyalty to her husband. The girl that was abused spoke up and said she loved her Dad but she felt degraded and cheapened by the whole experience and it affected her dreadfully. The younger sister stood up and said, ‘Well, I could be next and I’m terrified.’ And then each of the people in that place shared something.

“Some of them talked about the tikanga, the pūrākau about incest. Some called on karakia, mōteatea, others talked about the safety of the whānau and the community, how that had affected them. And everybody had the opportunity to share.

“By that time, it was well after midnight. We stayed overnight and the next morning after breakfast the kaumātua had been consulting with one another and they came up with what should happen.

“So, the offender was told that he was no longer to speak on the marae, that he was not to stay on the marae while there were children there, that he was not to cohabit with his wife, other than when the children were out of the house. And that he would sleep in a shed at the back of the house until such time as the children have left home. He accepted that.

“Three years later, I’d left the district but I saw [one of the people concerned] and I said, ‘What happened with that?’ and he said, ‘Well, he did what he was told. And after the youngest daughter had left, we welcomed him back and had a kai and he was treated as one of the community once more.’

“So, when I think about that and the sort of questions that were on that board, we have an offender who was held accountable by the community, was punished by the community in sort of a partial banishment but in that was a prospect of redemption and restoration.

“The offender’s wife, who in a way might have been seen as a co-offender, was affected by it but there was a lot of aroha towards her in that situation. She was conflicted. But I think the important thing was that community took total responsibility for what happened.

“The thing that worried me at the time was how did the victim feel about sharing that in front of the community? Would she be whakamā? And [that Ringatū friend of mine] said, ‘You know, in that situation what she did know was that no one was condemning her, no one was putting her up for trial and to give evidence in a court.

All the community were loving her and caring for her. Her personal safety was assured and, you know, a lot of the whakamā that might have been there, had been you know pretty well dealt with.'

"I spoke to the police officer, who was a good mate of mine. He said, 'Well, isn't it great that we've got this thing resolved? You know, it doesn't have to go before the court. If we could do things like this more often. But some of my mates at the police station are really hacked off because they felt that, when somebody does that sort of stuff, they need to be dealt with, you know, by the law, by the British law.'

"It was something that always stayed with me because it seemed to me that it was the closest I've ever come to seeing something, you know, that might have been reflected in the community 100 years before.

"I had a long history of being in the criminal justice system, in the police, and in the prison service. It took me back to those earlier days when there was a lot of concern in our communities about the eurocentric nature of the Department of Social Welfare, the youth justice system. And how reluctant Māori were to report child abuse, family neglect, to either the police or Social Welfare for fear that their children would be taken. ”

HE AHA A EA ?

Ka eke a ea i te otinga o ngā utu hei whakatau i tētahi take.

Kia ara ake he take ka manawarau te hāpori. Kei te rarahi, kei te ririki rānei o taua take te kaha, kaha kore rānei o te hopohopo o te ngākau. Ka taihoa i konei ngā whakamārama mō utu. I tēnei wāhanga ka tiro mātai atu ki te whāinga roa e oti ai ngā mānukanuka, ngā mōteatea o te iwi ki te take.

Tērā anō te wā ka waewae-kai-pakiaka te hunga hautū, hou atu ki te ururua o te take, ka tahia te taramoa, ka para te taraonga, ka mārakerake te tirohanga, ka tau. I konei kua ekena te taumata o ea, ka kātea te titiro, ka wātea te ara whāinga ki te taumata o ora.

Ka heke mai te tātai o Ea i a Rongo, te mauri o te maungaarongo. Ka auahangia te ao Māori i ngā pou-toko tāhū o te whakapapa. I reira, i te whakapapa

WHAT IS EA ?

Ea is the point at which a take is resolved.

Once a take emerges, the equilibrium of the community is upset to differing degrees depending on the seriousness of the take and how it is handled. We will talk more about utu, which is the response to the take that the community adopts.

If the take is handled so that the different interests involved in the dispute are addressed and reconciled, the issue is no longer a disruption. The state of ea has been achieved – that is a state where calm is restored and equilibrium reestablished. Ora can now return.

Ea has whakapapa to Rongo, the personification of peace. Everything in the Māori world has a lineage. In that frame, Rongo is the tupuna of ea – but only where the process to achieve ea was peaceful. Where the response to the take was coercive, the

tonu o Rongo, ka heke, ka heke a Ea hei uri kāwai heke o Rongo. Ko Rongo te tupuna, ko Rongo te matua ā-iwi o Ea. Ko tō Rongo tātai he whakaaio, he hūmārie, he whakamauru ngā heke. Waihoki, he tātai anō tō Ea, arā, ko tōna tātai ki a Tū. Ko Tū te tupuna, ko Tū anō te matua ā-iwi o Ea. Ki tō Tū tātai he tohutohu, he pākaha, he muru, he pei. Tērā ētahi iwi, ētahi hapori ka tuakana mai a Tū i te pukutohe, i te taikaha, i te māia, i te nganahau. Tērā ētahi atu ka whakamua mai i a Rongo i te hohou a rongo, i te houkura, i te houhere, i te houtupu. He āhuatanga nō te wheako o mua, nō ngā kaihautu, nō ngā tikanga.

KA EKE KIA EA I A TŪ

Kia kaua e kiia he momo te iwi e whakatuakana ana i a Tū, engari ko te hua pea tēnei o ngā tukituki o mua, o tū kē, o wehe kē, ka tawhiti atu a hoahoa, ka tata mai a nihoniho. Ehara i te mea ka ū rawa te hunga urupū ki a Rongo. Tērā te hunga hara e tutū ana, e tetē ana ki ngā whakahaere, ki ngā whakapae, ki ngā whakatau. Ka tūmārō te whakahēhē, ka whana te ngākau, ka wahangū, ka wahapapā rānei te whakatete ki ngā hiahia whakatika o te iwi. Tērā anō te iwi e aronui ana ka whakatau mārika, kia oti wawe. Ka poto te mutu, ka taihoa te oti. Ka mārō te whakatau, ka mārō anō te whakatutū.

Kia pērā te whakaaro mārō ka rapu i te kawa mārō, i te ringa kaha pea, i te toa kaitauā pea hei uruhi i te kawa mārō, hei whakatau i te papa pakeke ki te aukati i te hara, i te hē atu, i te hē mai, hei hika hunuhunu mō te hunga hara tē aro mai. Tērā te wā, ka hika, ka kora, ka mura, ka kātoro ki te rohe. I ēnei wā, kei ngā ture te kī, te pēpēhi e herea ngā kaha me ngā uaua ki te kōhete, ki te panapana, ā, ka hara tonu, ka hara tonu koia ko te kītea te ture pākaha.

Ki ā mātou wānanga ka takoto ngā tauira o te ringa kaha me āna. I rongo i ngā tauira mō te hunga hara i kurukuru, kino atu rānei i te kurukuru, hei aha? – hei whakatō atu i te mana ki te hunga i tūkinohia, he whakatautika rānei a mana kore ki a mana. I mārāma mai te whiu o kuru ki tētahi tauira anō, arā, i te pananga atu o te tangata hara i tōna hapori, ā, ka tau te wā e hoki mai ia, kīhai ia i whai wāhi ki te paepae kōrero. Mō te hara kino ki tētahi atu tauira, ka kiia ka haere tahi te tangata hara me tētahi rōpū ki te mahi tuna, ka tokorima rātou i te haerenga atu, ka tokowhā kau atu i te hokinga mai.

tupuna of ea is Tū, who personifies dominance by force. Some iwi are more likely than others to resort to the ways and means of Tū to achieve ea while others lean towards reaching a consensus so that coercion is not required. Past experience, forms of leadership, accepted practice influence the way communities decide to respond.

RESOLUTION OF TAKE USING THE INFLUENCE OF TŪ

As a general statement it is probably true to say that the energy of Tū will dominate where people involved in take do not prioritise the maintenance of positive relationships. But equally it is important to recognise there can be many factors that get in the way of remaining under the influence of Rongo. The person who did the wrong may not accept that what they did was wrong. They may not accept that they did it. The people affected by the wrong may be unwilling to accept the level of response that the community decided on. People may not fully grasp the negative effects of acting coercively, and instead prioritise an outcome that seems more decisive, more cut and dried.

Under these circumstances, people may turn to leaders who assert strength, authority and integrity to compel a party to do things a certain way, to enforce conditions intended to halt the harm and restore order, sometimes employing physical force to subdue opposition. In the past, these strategies resulted in warfare. Today, the influence of Tū is limited to enforcing decisions or authority using threats, coercion and, yes, ultimately physical force.

At the wānanga we heard about some fairly extreme examples. These were cases where wrongdoers were beaten up or worse to restore mana to those harmed by the take and to rebalance relationships. In one case, a wrongdoer was expelled from the community for a period of time, and then when readmitted was not allowed to speak on the marae. Another speaker told us that after someone had committed a serious hara, men from the

Heoi anō, ki te ao o nāianeī kāore nei he niho ki ngā whiu ā ngā kaihautu hei whakaea i ngā take. Ki te kore te hunga hara, ana kaitautoko rānei, e aro ki ngā kupu whakatika, he niho ngore ngā tohutohu, he auau kē tā te waha kurī. Ki ngā hara kaitā nei a te tangata, ka waiho te kurī, ka tikina te pirihihana me te kōti hei pei i te hara, ahakoa i puta i ngā kaikōrero o te wānanga me ngā whakapae mō ngā aupēhinga a aua whakahaere i te Māori.

UTU

Hāunga te whiriwhiri ara i a Tū, i a Rongo rānei, hei tōna mutunga ko utu te papa mārō o taua ara, te ara e eke ai a ea. Ka mea mai ētahi, ko te whakakaitoa te aro o utu. Waiho atu taua aronga i konei, he hāngai kē tōna ki tēnei tuinga. Tahuri mai ki tēnei whakamārama, ko tō te utu i konei, ko te whakatautika, ko te whakataurite. Mō te take, me whakamātau te hohonu, te whānui, te kino rā anō o te kūrakuraku a te take, me whiriwhiri te whakautu e eke ai a taurite, e tōtika ai ngā arataki mō te pēhea te kaha o te kino, e takoto tika ai hoki te ara whaingā kia ea. Tērā te matenui o te ngākau e toka nei te whakakaitoa hei utu, engari i ēnei tau he wawata kau te hiahia kia kaha kurukuru te hunga hara, he wawata kau tonu, i te mea kore kau he mana whakahaere i a te kāwanatanga hei whakatinana i aua hiahia. Waihoki, kei kaha rawa te kurukuru o te utu, kei whanake mai ētahi take anō – ka kaha rawa te whiunga, ka tipu tētahi nawe hou ki te hunga hara. Ahakoa ka auahatia te utu ki te kuru o Tū, ki te maru rānei o Rongo, kei te hunga whaipānga me ngā hapori ō rātou ake whakaaro mō te taua utu, ina ka eke, kāore rānei kia ea, kia tautika i tōna otinga. Arā anō ngā momo o te utu, he utu ā-moni. ā-rawa, ā-mahi atu rānei. Ka aronui ēnei momo utu kia marire ai tōna otinga, kia tautika, tauaro nui nei tō te hunga hara kia tika, tō te hunga i tūkinohia kia mana, kia ora, kia māunu atu te pēhi o taua hara. Anō ko te hapori tēnei e aro mua ana, ka whenumi te take me ōna hē ki muri, whakangaro atu ai. Kua ea. Kua tūtakina te tatao o te hara. Kua puare mai te ara pūāwai o te ora, he māhorahora, he māeneene, he mahaki.

community took him out eeling and took decisive punitive action, which was never fully explained but was accepted as tikanga.

However, in the 21st century there are probably few situations where leaders have the authority to impose significant limitations on wrongdoers without their agreement and without the backing of the whole community. Where the hara of a community member is at the upper end, it is much more common now for people to leave it to the police and the courts to respond – even though, people told us, those processes are culturally oppressive for Māori.

UTU

Whether the response to the take is under the influence of Tū or Rongo, in te ao Māori the mechanism for achieving ea is utu. Although utu is often characterised as revenge, revenge is not the right lens for examining utu. Utu is the response that provides for balance and reciprocity in any context. As regards take, achieving utu involves measuring the depth, width and nature of the dissonance that the act caused, and choosing a response that will restore the balance, send the right signals about how undesirable the behaviour was, and lay the ground for achieving ea. There are certainly occasions where the means chosen for achieving utu has been revenge but in the modern context the scope for all-out force is very limited because as noted already communities lack authority to implement those sanctions. Moreover, if your response is an over-reaction, that will create another take – you went too far, and now the person who caused the harm is justified in feeling aggrieved. Whether utu comes about by coercion or consensus, the parties and the community will be assessing whether the consequence delivered was appropriate and had the desired effect of restoring balance. Restitution can take different forms, including payment of money or goods or other benefits like work. If these measures, whatever they are, bring the interests into alignment, the wrongdoer will be rehabilitated, the harmed people will no longer feel aggrieved, and the community will have a sense that they can put the take behind them. Kua ea. The community can once more give itself over to those norms and practices that will allow ora to reassert itself.



Hirini Moko Mead, Te Mānuka Tūtahi Marae, Whakatāne

“I think in answering the questions there’s some guiding statements – they may be principles – that might help us in this wānanga. And one of them is, we talk about tapu being the silent police force of the Māori people: tapu. The rules of tapu. Well-known. And you didn’t need policemen to be monitoring it. People just did it. And why? People knew that the other part of that policeman thing is that if it’s deliberate nāu i takahē te tapu o tērā wāhi, kei te mōhio koe nāu, nā ka mōhio koe he utu mō tērā hara. Engari mehemea kāore koe i mōhio kāore e taea e koe te karo. He utu kei te haere ahakoa kāore koe e

mōhio ana. One of the silent policemen e mahi nei i āna mahi i waenganui i a tātou. So that’s something to think about.

“And I think the other thing to think about it is on our side we’ve got a simple methodology really for making judgements: he aha te hara? He aha te utu? Me aha ka ea? Fairly simple and straightforward. Mehemea kua hē ngā mahi a te tangata koinā te pātai: he aha tōna hara? He aha i hara ai? Anā ka mutu. Kua whakaara he aha te utu mō tērā hara. So I’ll just leave those thoughts there with you.”

Hāunga ērā tūmomo ara pūāwai o te ora, tērā ētahi hara, ka hara tonu atu, ka hara pēnei e kore e kitea he utu e tika ana, e kore e eke, e kore e hiahiatia, ka take, take tonu atu. I konei ka roa rawa te ekenga o ea. Ka roa rānei i te rapu, ka roa i te parahako, ka roa i te whakataha, ka roa i te nawe, ka roa i te mahu. Ko tōna mutunga ka roa te utu o tēnei take a te hunga hara, a te hunga i tūkinohia, i pēpēhia, a te hapori whānui anō hoki.

Ki te kore e eke ngā utu ki tō hunga i tūkinohia e hia-hia ai, ka waiho ko te tautohetohe, ko te taukaikai,

There are probably situations where the hara was so serious that no reparation or other response will be sufficient to make the aggrieved party feel that the take has been resolved. This may mean that ea will be a long time coming. The inability to achieve ea will have consequences for everybody – the person aggrieved, the person who committed the harm, and the community as a whole.

If the utu measures chosen to respond to any take have not worked to satisfy those affected, that dissatisfaction is likely to mean that people in the

ko te taututetute hei wheua ngaungau mā ngā whakatipuranga e rapu kiko kau atu.

Kei hea mai te utu e mākona ai au?

WHAKAMĀ

E kaha kitea ana, e āta mārāma ana hoki te āki o whakamā i ngā whanonga. Kei ngā kōrero i tāpaea e Waihoroi Shortland te whakatauiria i aua ākinga i ngā nohonga tāngata.

E kitea ana i konei te pīkau tahi o whakamā rāua ko utu hei paremata i te hara. Engari rā, e kore e eke tōna hua ki te kore e ū ngā ngākau ki ngā tikanga. Mō te hunga i tupu ake i waenga tikanga, ka taniwha rawa a whakamā e arataki ana i a rātou kia tōtika ngā mahi ki te whānau me te hapū. Ko te mana tonu o te whānau, o te hapū te here i te tangata. Tērā ko te whakamā o tangata kotahi, tērā anō te ao Māori me te wairua o te tangata e kurī ai ina pā atu te whakamā ki tōna whakapapa. He whakamā i a tangata kotahi, he whakamā nō ōna pārangā.

KA TATŪ, KA EA, KA PIKI, KA ORA

Ko te kiko o utu kia piki kaha, kia piki ora mai te hapori, ka kitea i te mauri tau o ngā tāngata. Ko te ngau o waha kua taipakeke. Ko te ngū o waha kua puaki. Ko te hāmama o waha kua tau.

Kua whakautua te take, ka tika me whakapau kaha te hapori ki te whakapiki i tōna ora, ora ki tua, he oranga pūmau.

HE KUPU WHAKAKAPI

Ka whiriwhiria ngā tikanga i te aronga nui ki te whakapūmau i te oranga o te hapori. Hāunga ko ngā kawē o te ture ki Aotearoa, e aronui ana ki te tangata. Ko ngā kawē o te tikanga, e aronui ana ki te tangata āpiti atu ko tōna whānau, tōna hapū me tōna kāinga. Hāngai pū ana te tikanga ki taua oranga hapori i tōna iti, i tōna rahi. Ka tika te mana o tangata tahi, i te mea ko tōna mana te mana whakaheke i ōna pārangā, kāore he mahuetanga. Ka piki tētahi, ka piki ngātahi, ka hinga tētahi, ka hāpaia e ōna pārangā, ka hē rawa tētahi, he utu ki te katoa.

community will continue to debate what other or greater response is required.

WHAKAMĀ

Many people are familiar with the power of whakamā to influence behaviour. The extracts from Waihoroi Shortland's kōrero illustrate how it functions in people's lives.

We see whakamā as sitting with utu as a response to wrongdoing. However, its full effect is present only where tikanga are known and understood. For those raised in tikanga, the need to avoid whakamā is a powerful means of ensuring compliance with the behavioural norms of the whānau and hapū. It is the mana of the whānau and hapū that weighs on the individual. While avoiding personal shame is part of it, in te ao Māori it is the mana of your whakapapa that will weigh most heavily on you. Your shame is everybody's shame.

THE TRANSITION FROM EA TO ORA

For the community to return to a state of ora, the feeling or sense of ea will be palpable. Problematic behaviour will have changed. People will feel heard, and that really there is nothing left to say. The take has been addressed, making it responsible now to put it into the past and focus instead on the future.

CONCLUSION

The goals and processes of tikanga are all about preserving community. Unlike the current justice system in New Zealand, which focuses on individuals, tikanga sees the individual as part of their whānau, hapū and kāinga. The analysis and response is entirely at that level. The preservation of the mana of the individual is necessary in any process because that person's mana is inextricably linked to the mana of their kin. That connection is a sort of guarantee that everyone's interests will be looked after.



Waihoroi Shortland, Ōtiria Marae, Moerewa

“ Ko tōna mana kia nohoia ia ki raro i te whakamā . . . when we see many of our people go through the sytem, that the whakamā they feel or they have towards whatever they are being adjudged on, and the only thing that’s actually dealt with within the system is whether you were guilty. Ko tō hara te mea ka whakawātia ehara a ko tō whakamā. And whakamā demands a treatment that removes it. ”

Kei tēnei tuhinga te kāhui turuki o Ngāi Tikanga, ko Tika, ko Ora, ko Take, ko Utu rātou ko Ea. He kāhui pono, he kāhui whaiwhakaaro, he uri nō Tū, he uri anō nō Rongo tēnei i kōrerotia ake nei. Mātāmua mai i ngā māhanga nei i a Ora rāua ko Tika, tatū atu ki te mātāmuri a Ea. He iwi taketake nō tua whakarere, engari rā, he reanga anō, he ara anō, he aronui anō, he oranga anō. Kei ia whakatipuranga ōna. He kāhui whakaruru rātou i tōna hapori, he whakapiki mana i ōna piki, he whakamimiti mana i ōna heke.

Ko te hauoranga anō tēnei o te hapori. Ka pā mai a mate, ka rapu a Ngāi Tikanga i ōna rongoā, ka tū a Take ka horaina ōna, ka whiti ki a Utu ka whakatau i ōna, ka waiho mā Ea e whakamātau ki ōna. I te mutunga iho, ka tukua mā ngā tuākana me ō rāua wānanga, ka pure, ka waerea a Tika, ka tohi a Ora, ā, ka mana, ka whai mana anō te iwi. Kua hoki anō rātou ki te tihi o Ora, o Tika.

The concepts we have discussed here – tika, ora, take, utu and ea – are all principled and reasoned.

There is integrity in this. At no stage in responding to a take are rules being applied in a way that is automatic or reflexive. Process is always calibrated to the particular take and all the circumstances surrounding it. Tikanga are thus necessarily sophisticated and endlessly responsive. The integrity of the process is everyone’s concern because the whole community is relying on its success. Their mana depends on it.

So does the wellbeing of the community. If they manage a take through to ea and then ora, they can return to their best state unburdened by the trouble they have faced and overcome. Kua hoki anō rātou ki te tihi o ora, o tika.

