

# THE RANGATAHI COURT

BY MATIU DICKSON\*

“Ko te tangata i manaaki i te kainga, ka tu ki te marae, E tau ana!”<sup>1</sup>

*It has become popular to use the marae setting as an alternative to the mainstream Courts in dealing with young Māori offenders. The rationale is that taking young Māori offenders back to the marae to be dealt with in the youth justice system, encourages them to face up to their responsibilities and aids their rehabilitation back into the community. The expectation is that whānau will be present to support the young person and to help resolve his or her offending and bad behaviour. I supported this innovation when it was introduced but now I have second thoughts having seen that a marae that piloted this scheme was vandalised with graffiti painted on the marae buildings. In my view, when this happened the scheme to use marae should have ceased and an opportunity taken to rethink their use in this way. For a Māori the vandalism of their marae is like a physical assault on the person of their tupuna. This paper looks at the traditional role of marae in the Māori community and questions the use of marae as judicial settings. It suggests what needs to be done first to make this setting tika or appropriate.*

## I. INTRODUCTION

Māori feature widely and negatively in the statistics concerning criminal offending.<sup>2</sup> One of the worrying aspects of this situation is the increasing numbers of Māori youth in the statistics. The criminal justice system has been looking at ways to reduce the number of young Māori offenders. One possible way of doing this, is to hold Youth Court hearings on a marae. It is hoped that such hearings, which use marae protocols, could change the behaviour of the young Māori offender for the better. Most Māori people seem to support this move as innovative because it fits with their cultural practice of manāki or to care for others, particularly tribal members of the collective. However, despite my initial support for the concept, I now have some concerns because my experience as a tribal person being raised and living in a marae-based community, shows that the initiative needs to be aware of any long term negative effects there might be on the Māori community. The appropriation by any state agency of indigenous cultural settings and practice to achieve the state's objectives should be carefully monitored and thought out before implementation. Māori should be given the option to withdraw their assistance to this initiative if they feel it no longer works for them or that its effects impinge on their overall cultural practices. I have a particular concern as to the mana or authority that Māori have over their marae activities. As

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1 *When the person raised in the home stands to speak on the marae, his chiefliness is for all to see!* A whakatauaikī or saying that refers to the value of raising children in their home environment.

2 See Editorial, Waikato Times 10 August, 2010. The newspaper ran a series of informative and generally positive articles when the new Rangatahi Court was opened at the urban Kirikiriroa marae, Hamilton.

shown in this article, the marae is the last “bastion” where Māori can, as much as possible, freely and comfortably carry out traditional practices of their ancestors. This aspect of Māori culture must be maintained.

Tuari and Morris<sup>3</sup> refer to this point in their article, where they pose two questions to Māori in their research. These questions ask how Māori communities dealt with offenders and resolved conflict in the recent past and how might Māori justice practices work today. The authors refer to several aims of the Māori justice system shown in their research. These aims are that the marae is the preferred setting for administration of justice, that it should be administered by the elders or kaumātua, and that the harmony of the community has to be reinforced and maintained. I agree that these are the objectives of a Māori justice system though in traditional Māori society justice could be punitive and swift.<sup>4</sup>

In his paper for the Ministry of Justice, Jackson<sup>5</sup> proposed a system that invited the government to implement a system that used Māori tikanga and marae to administer justice and would run parallel to the mainstream system. Regretfully, the report was not implemented because it was too radical for its time and too hard to sell politically. Thus, the idea of using Māori resources and knowledge to deal with Māori offending is not something new, though the Rangatahi Court is the first initiative that has been applied throughout the country.

## II. THE RANGATAHI COURT PROCESS

The Children, Young Persons and their Families Act 1989 is the first piece of legislation in the western world to introduce a new way of dealing specifically with young offenders. One of its main principles is that the primary role in caring for and protecting a child or a young person lies with the child or young person’s family, whānau, hapū and family group.<sup>6</sup> The vehicle for doing this is the innovative Family Group Conference (FGC).

Youth Court hearings held on marae are called Rangatahi Courts.<sup>7</sup> The processes of the Rangatahi Court are the same as if the young person (over 10 years and under 17 years) was having their matter heard in a mainstream Youth Court. All matters except murder and manslaughter are heard in the Youth Court.

When a young person offends, the Police may deal with that person in the following ways:

- they may issue a warning not to reoffend;
- they may arrange a formal diversionary response after consultation with all the parties involved;
- if they intend to charge the young person, they can make referrals to Child Youth and Family Services for a FGC;

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3 Eugene McLaughlin, “Restorative Justice: Critical Issues” in Juan Tuari and Allison Morris *Reforming Justice: The Potential of Māori Processes* (Sage, London, 2003) at 44.

4 In 1820 the widow of a Ngāiterangi chief was offered an opportunity to administer justice to an unfortunate captive of the tribe that murdered her husband. Despite her years, the widow immediately took a hand weapon and struck the captive on the side of the head killing him instantly. Utu or revenge was made.

5 Moana Jackson *The Māori and the Criminal Justice System: He Whaipaanga Hou – a New Perspective* (Department of Justice, Wellington, 1988) at 39.

6 Children Young Persons and their Families Act 1989, s 13.

7 The use of the word “rangatahi” to refer to youth is taken from the whakatauaūki; “Ka pū te ruha ka hāo te rangatahi.” It means the old net is put aside and new net is cast, that is, the new generation will take over the roles of their elders. The term was coined by Te Rangihōia, Sir Peter Buck.

- or they may decide to arrest the young person and lay charges in the Youth Court;
- the Youth Court will refer matter to a FGC.

The FCG is expected to deal with the victim's concerns, the future placement of the young person in the community, and their wellbeing. Other matters that should be addressed are: making the young person accountable for their errant behaviour, repairing the harm done and putting in place systems to keep the young person from reoffending.

Rangatahi Courts are a Māori response to the Māori problem of too many young Māori offenders. It was first trialed at Te Poho o Rawiri marae in Gisborne by Judge Hēmi Taumaunu, a member of Ngāti Konohe of the East Coast tribes. The trial was successful though there was a spate of graffiti and extensive damage done to the marae during that time, which gave a negative spin to the new process.<sup>8</sup> This new way of dealing with these young offenders has now moved to the Ministry of Justice using eight marae, carefully and strategically chosen, around the country.

Regarding Māori offenders, the central role of the whānau in dealing with its young people was promoted in a report produced in 1986 and titled "Puāo-te-atatu" meaning the New Dawn.<sup>9</sup> The chairman of the Committee that prepared the report, Mr John Rangihau, a respected Ngāi Tūhoe elder, explained the Māori practice of having matters concerning young people dealt with by all family members as a practice worthy of its inclusion in the legislation. So, the legislation in its final form introduced an innovative process called the Family Group Conference. The objective of the FGC was to have the family/whānau members of the young person and the victims decide how to deal with the young person's offending in a supportive way. The restorative justice principle of repairing the harm caused by the offending was one of the main issues addressed at FGCs. Participation was voluntary, the offender was expected to take responsibility for their wrong-doing and the victim was entitled to say how the offending affected them.

Quince,<sup>10</sup> in her article, refers to the FGC as a "co-opted process" which it is. It is the contribution made by the Māori elders at the time of the drafting of the legislation, which utilised cultural practices previously ignored by the criminal justice system, but accepted and still carried out informally by Māori communities. Quince refers to sittings which were initially held on urban marae like Hoani Waititi at Waitakere in Auckland. Strong minded individuals like Judge Michael Brown, Dr Pita Sharples and Kaumātua Dennis Hansen made sure that the system worked on that marae. Being a newly established marae, it had not yet put in place strong tribal traditions and in my experience<sup>11</sup> it was sometimes treated more like a community centre. The dining hall was built first and the carved meeting house built some time later. This aspect of the marae probably made sittings a lot easier because at that time the marae tikanga was, and still is I understand, very flexible.

My participation in FGCs in the early 1990s, while acting as a lawyer for the offenders, is that the range of emotions could move from one extreme to the other, that is, from anger to forgiveness. The offender's whānau often felt shame about the offending and wanted to severely punish their whānau member, or they might experience a situation of heartfelt forgiveness by the victim with offers by them to assist in the offender's rehabilitation. On the other hand, some FGCs,

8 Article by Alice Te Puni *Gisborne Herald* (New Zealand, 21 January 2010).

9 Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare. *Puāo-te-atatu: New Dawn* (The Committee, Wellington, 1986) Recommendation 4 at 10 regarding deficiencies in law and practice.

10 Kylie Quince "Māori and the Criminal Justice System in New Zealand" in J Tolmie and W Brookbanks (eds) *Criminal Justice in New Zealand* (LexisNexis, Auckland, 2007).

11 I was a member (1973–1982) of the Kapa Haka group Te Roopu Manutaki that helped fund-raise for the new marae.

through the lack of attendees, showed the Court the dire circumstances some young people were in when it came to seeking whānau support.

Another interesting observation from that time is that it was not unusual in the Tauranga District Court where I practised, to have all Māori participants, including police prosecutors, in the FGC. However when the matter went back to Court in front of the non-Māori Judge and the Judge disagreed with the FGC recommendation, the young person (and whānau) was unwittingly shown who, in fact, was in charge in these situations.

Despite the improved way of dealing with young offenders in the criminal justice system, the statistics show that yet more needs to be done. These statistics are:

1. 17 per cent of the 14 – 16 year old population cohort identify as Māori
2. 49 per cent of arrests within that age group are Māori
3. 56 per cent of those charged within the age group are Māori
4. Between 66 per cent and 70 per cent of those in that age group in youth custody (youth justice residence/police cell) are Māori.<sup>12</sup>

As shown, the Rangatahi Court deals with young offenders over ten years and under 17 years. In many instances, these young offenders are dealt with outside of the court system by way of warnings, but sometimes the seriousness of the offending requires dealing with the matter through a court, where diversion is available as a sentencing option for minor offences. The Rangatahi Court looks specifically at whether the young offenders understand the consequences of their offending and how they or their whānau can put matters right for all concerned. Importantly, the Rangatahi Court also looks at helping young offenders change the behaviour that has led to their offending.

After the formalities of a Māori welcome onto the marae, the processes of the Rangatahi Court become deliberately informal to make those present more comfortable and relaxed. The judges of Rangatahi Courts are chosen because they have a recognised expertise and affinity for this area of the law. Similarly for other officers of the court, like the lawyer or lay advocate appointed for the young offender. Judges who are Māori have so far been chosen to preside and they each have varying degrees of knowledge of Māori tikanga and reo. However, they are not necessarily Judges who have a tribal or whakapapa connection to the marae on which the Rangatahi Courts are held. More importantly from a Māori cultural perspective, the marae may not be the whānau marae of the young offender. These are major concerns for me.

The restorative nature of the Rangatahi Court system should sit comfortably with the Māori tikanga system of justice. It is a collective process, involving members of the marae and whānau. A genuine enquiry then could be, why do not all Māori not actively support this new process? The answer could be that the offending originates from Pākehā or mainstream law and in the past Māori efforts to resolve these matters have not been looked at favourably, or have often been held in disdain. Māori possibly will not fully commit to a system does not recognise the validity of the justice system that they had, and have retained into modern New Zealand.

The system retained by Māori would probably work better if Māori society was socially intact but it is not. So the Māori system has to work within those limitations and if it is not successful then the concerns of mainstream law promoters, particularly that Māori receive special treatment, are confirmed.

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12 Andrew Becroft “2011, a Big Year for Youth Justice: 21 Years Old and Challenging Youth Advocates in Court and Beyond” (paper presented to the National Youth Advocates Conference, Wellington, 2011) at 11.

As mentioned above, the FGC was introduced on the advice of kaumātua who participated in putting together the Puāo-o-te-atatu Report. The kaumātua thought it more appropriate and beneficial to all concerned, that young Māori offenders be dealt with within their whānau and cultural environment, which was the traditional way of dealing with offending in Māori communities. As it was, the mainstream system was not working for Māori.

As an example of the traditional way of dealing with offending, in the Māori community of Matakana Island where I was brought up, the isolation meant that the marae kaumātua enforced rules of good behaviour for all tribal members. A kaumātua, Te Hoe Palmer, was given the nickname “the Sheriff” because it was his responsibility to make sure that tribal members behaved themselves. Bad behaviour ranged from failing to help out at the marae and drunkenness, to domestic violence and assaults. Shaming the offender at public hui was the main deterrent but sometimes people were fined or excluded for a time from public occasions on the marae. The shame of any offender was felt by all the members of their whānau, and as a consequence that whānau tried very hard to rein in their errant whānau member. The elders of the marae collectively decided the fate of the wrongdoer and had a hand in enforcing the chosen sanction. Whakamā, or shaming, was an effective tool to get good behaviour because, ultimately, island existence relied on all whānau helping out and assisting others in a reciprocal way. Matters were dealt with differently when tribal members misbehaved on the mainland and within reach of the Pākehā law and the police.<sup>13</sup>

Thus, the whānau needed to share the responsibility for the offending and to help in the rehabilitation of its young whānau member. Where the young offender had whānau support, this approach was usually successful but if no whānau support existed then the wider tribal members were sought to assist. This is the rationale of the Rangatahi Court system.

Rangatahi Courts are not the first time that a kind of marae justice system has been used. It was used in Hamilton in the early 1990s, when Judge James Rota, a Māori District Court Judge, wanted to use local marae for district court sentencing hearings. In this system, adult Māori offenders were sentenced to community service at the marae, preferably their own marae. Regrettably, it was not too long before some offenders took advantage of the sentencing options by not meeting their obligations, by mocking the use of the marae and, more disappointingly, by disrespecting the voluntary input of the marae people. The newspapers at the time wrote negatively about this innovative approach, referring to the system as unfair, discriminatory and ineffective in reducing criminal offending. Despite the high expectations of Judge Rota, the system fell by the way when he left the district.

### III. NGĀ TIKANGA MĀORI

In my view, an important aspect for the success of any marae-based project such as Rangatahi Courts, is that to comply with traditional tikanga practices, there needs to be a personal connection by whakapapa between the parties, that is, the young offender and the marae people.

Tikanga refers to Māori customary practices which must be correct, honest and appropriate. The appropriateness of tikanga depends on the circumstances in which the tikanga is used. Tikanga practice is related to the social controllers of Māori behaviour which are the value systems of tapu and noa. Tapu refers to the sacredness of an activity and can be like a prohibition against

13 Matiu Dixon [sic] “Māori and the Criminal Justice System” in Malcolm Mulholland et al *State of the Māori Nation* (Reed, Auckland, 2006) at 187.

certain behaviour. To breach such a tapu could bring misfortune and even death. A person not in a tapu state is considered noa, which is the safest state to be in so that ordinary activities can be carried out.

Māori act in a collective way and it is a whakapapa link that joins people as the collective whether it be a whānau, hapū or iwi. Whakapapa are the names of the individuals of one's genealogy. They are extensive, going back to the arrival of the canoes of the migration from Hawaiki in Māori traditional history or further to the Gods. Compiling them involved remembering, word perfect, the names of individual ancestors down to the present time and included living relatives. Those who had the ability to remember were chosen for this task; it was also a highly tapu activity and therefore it had an inherent danger about it. Whakapapa knowledge could be used to unite tribes but it could also be used negatively to cast spells on others.

Without this connection the responsibility for reciprocal actions by the tribe and the young person is not present, thus duty and responsibility, the main ingredients of restorative justice, are not necessarily applicable. These are central requirements of Māori tikanga concerning offending and rehabilitation of the offender.

Where there is no whakapapa connection, it is still possible to utilise the marae setting for non-tribal members but I believe that this then compromises the tikanga and kawa of that particular marae. All tikanga and kawa practice on the marae belongs to the people of the marae – that is those who have the mana or authority of the marae – not to the criminal justice system and those who enforce its rules.

This article is not to criticise the efforts being made to combat Māori youth offending but to make sure that the use of Rangatahi Courts does not in itself jeopardise or compromise an important part of Māori cultural practice. The marae is the last remaining “home place” where Māori can openly and comfortably discuss matters of importance for the tribe. Māori hold the cultural authority of the marae and must be careful to protect it. Any incursions onto the marae which might threaten the mana of its tangata whenua should be rejected, or accepted with stringent conditions. If not, the consequences are a loss or usurping of this part of Māori cultural practice.

Māori cultural practice is a sharing one so it is not surprising that requests for the use of marae for Rangatahi Court sittings is met positively. However allowing a person whose authority does not emanate from the tribal whakapapa to use the personal and identity-specific space of a tribal marae to administer justice is an anathema to some Māori. It is acceptable to others up to a point. The intrusion of the state judicial system is problematic if the mana for decision-making is not that of the people of the marae.

#### IV. THE MARAE

The whakataukī or saying: *He kākano ahau i ruia mai i Rangīātea* (I am a seed spread and sown from the marae at Rangīātea) refers to the ancestral marae of Māori at Rangīātea in Hawaiki, the Māori homeland. On that marae, the karakia or ceremonies were carried out before the ancestors left for Aotearoa. There was knowledge of a place called Aotearoa so that the sailing of waka was a deliberate decision by the people. Aotearoa was not discovered by accident. Māori had an in-depth knowledge of navigation by the stars, the sun and moon, the winds and the waves. Rangīātea is a sacred marae in Tahiti.<sup>14</sup> Some Māori traditional history records that this was the starting place of travel to Aotearoa by the tribal waka. Some of the waka went to Rarotonga and

14 Te Rangihīroa Sir Peter Buck *The Coming of the Māori* (Whitcoulls, Wellington, 1987) at 25.

continued from there. The linguistic similarity of the Rarotongan language and that of the Māori, as well as the oral histories, seem to confirm this version of events. Rangiātea displayed the images of atua or Gods. It was necessary to appease these atua, and acknowledge and respect their tapu or sacredness, to travel in safety. The marae therefore was akin to a place of worship and therefore very tapu for members of the tribe.

On arrival in the new land offerings were made to the atua for completion of the journey. For example in my tribal area, when Tākitimu waka landed at Mauao mountain near the entrance to Tauranga harbour, these ceremonies were carried out by Tamatea-arikinui, the waka leader at Tirikawa rock<sup>15</sup>. This rock is at the base of the mountain and its position played an important role when the Ngāiterangi tribe invaded the Ngātiringinui pa on Mauao. An ahure, or altar, was built on the top of the mountain itself, as a sacred platform on which further ceremonies could be performed.<sup>16</sup>

Early ethnographers of Māori history referred to the marae ātea as part of a village setting.<sup>17</sup> The village was referred to as a “pā”, being the either fully stockaded pā or a temporary pā near to the tribal cultivations. Artists also showed the marae ātea in their paintings.<sup>18</sup> Village activities, such as the reception of visitors, were carried out on the marae ātea as were other communal activities like food exchange and distribution, food preparation and feasting. All the occupants of the village were related to each other by whakapapa or by being incorporated into the tribal group, for example, by marriage.

The word pā was used to refer to any Māori rural settlement where there was a marae ātea for the tribe. However in the 1960s an educational book called *Washday at the Pa* was highly criticised by Māori who feared the book gave a negative view of Māori communities. Thereafter the use of the word pā was dropped and the use of the word marae became more popular when referring to a part of the Māori community where the ancestral houses stood and were used communally.<sup>19</sup>

Sir Āpirana Ngata, the Māori renaissance leader of the early 1900s, promoted the building of modern type marae in support of his desire to have Māori revitalise their culture.<sup>20</sup> Māori were emerging from a time when their numbers had fallen so low that there was a common belief that they were a “dying race”.<sup>21</sup> Ngata quickly recognised that Māori themselves were the only ones who could revitalise their cultural practice and improve their future.

The new marae were an opportunity for tribes to reassert their authority and identity, and instill pride in themselves after suffering the devastating effects of colonisation. Poverty and bad health were rife in Māori communities. For any progress to be made, leadership was required by both men and women in the Māori community. Inspirational leaders arose among the tribes, their authority based on traditional roles and their knowledge of the new Pākehā technology.

15 The name is taken from the phrase: *Ka tiritira te kawa* meaning the ceremonies were performed.

16 The body of my great grandfather Turiri Rikihana was found at Tirikawa Rock. He drowned with three other men in a boating mishap in Tauranga harbour in 1949. Tirikawa Rock holds a special significance for my family.

17 Elsdon Best *The Māori As He Was* (Government Printer, Wellington, 1952) at 177.

18 Augustus Earle *A Narrative of Nine Months in New Zealand in 1827* (Longman, London, 1832) at 28.

19 Hirini Mead, *Tikanga Māori* (Huia, Wellington, 2003) at 95.

20 Ranginui Walker *He Tipua, the Life and Times of Sir Apirana Ngata* (Penguin, Auckland, 2001) at 58.

21 A memorial was erected on One Tree Hill in Auckland by the benefactor John Campbell in memory of the “dying race”.

Ngata tested his theories of cultural revitalisation on his own tribe of Ngāti Porou as an example of what could be achieved. From that success he encouraged wider tribal redevelopment by getting members of his tribe to travel to other tribes to help in the building of ornate carved meeting houses. Pine Taiapa and Hone Taiapa, both of Ngāti Porou, were expert carvers who did just this. That tradition was continued by Paki Harrison, another Ngāti Porou carver who built the marae Tumutumu Whenua on campus at Auckland University in 1987.

Marae are now one of the last home-places where Māori tikanga or cultural practices have precedence, especially during the running of hui or meetings. The language of the hui is Māori. Other home-places which Māori use as marae are the many community facilities including schools or Kura Kaupapa Māori, or even private homes where Māori feel comfortable in carrying out their cultural practices. Most Māori communities have marae on which major Māori tikanga practices are held, the most important of which is the tangihanga or funeral ceremonies.

Essentially there are two types of marae now: tribal marae built in the tribal territory, and urban marae, which are built in the major urban centres of the country to which Māori have moved to live. Urban marae also include marae built for institutions like schools and universities.

#### *A. Tribal Marae*

Sometimes referred to as traditional marae, I intend to use the example of my marae on my father's side, Hungahungatoroa Marae, to show how it was established and is utilised.

The marae complex is made up of buildings that have a special status because the buildings are given names of tribal ancestors. The marae ātea is the open space in front of the main ancestral house of the tribe. The traditional ancestral house may not have been as elaborately carved as are the present ancestral houses, however its use was the same. The ancestral house represents the body of the ancestor and the carvings represent the tribal ancestors and stories. The ancestral house symbolically represents the body of the eponymous ancestor of the tribe. From the front, looking at the house, the maihi or bargeboards are the open arms and the intricate carvings at the end of each are the hands. The porch is the roro, or brains, and the kūaha is the opening or door to the body. The carving at the apex of the building represents the face of the ancestor and the tekoteko or human figure at the very top is the guardian of the house. The house is used for people to sleep in and for holding important hui of the tribe. Inside the house, most marae allow women to speak on important matters.

The activities outside of the house are the realm of the atua Tumatauenga and require strict adherence to tikanga practice, whereas the inside of the house is the realm of Rongo, the atua of peace. Thus, the inside of the house is the bosom of the ancestor, so that activities there are protected by that ancestor, and tikanga may be adapted to suit various occasions. The tāhuhu, or ridge pole, and the heke, or rafters, represent the backbone and ribs of the ancestor.

Not every ancestral house is carved and built as I have described but the representations are still acknowledged by hapū members even if the house is plain. The name of the house is the most important consideration because the name is usually the name of the founding ancestor of the hapū or tribe. At Hungahungatoroa Marae the porch of the house is the only traditional part of the building, because the hapū utilised an existing building as a basis for the ancestral house. Be that as it may, the hapū still adhere to the tikanga beliefs of traditionally built marae regarding activities in and outside of the house.



The marae is made up of at least two main buildings which sleep guests in the ancestral house and feed guests in the dining hall. Some marae did not initially have dining halls and in this situation the guests were fed on long picnic type tables set out in front of the meeting house. Cooking was carried out in *kāuta* or shelters for that purpose.

These hospitality functions of the marae are important *tikanga* requirements for Māori: that is, to *manaaki* or care for visitors. Marae are used to give tribal identity to their members and this is done by naming the main buildings after important ancestors, or important past events of the tribe.

### B. *Hungahungatoroa Marae*

Hungahungatoroa marae was officially opened<sup>22</sup> in 1967 at Matapihi in Tauranga. The *iwi* is Ngāiterangi, the *hapū* is Ngāi Tukairangi and the *waka* is Mātaatua.

Before this marae was established, the *hapū* used the marae at Whareroa and Waikari, both in the Matapihi community. These marae were established in the 1880s. In the late 1950s, it was decided by some of the *whānau* elders that the *hapū* had grown enough in numbers to warrant the setting up of another marae. This decision was not welcomed by all *hapū* members, particularly those associated with Whareroa marae. Those members feared that *hapū* alliances would be divided but the proposal went ahead anyway.

The first of the buildings for the marae was the old Matapihi school house which was moved onto the site,<sup>23</sup> and tennis courts were created. At that time, *hapū* members were very prominent in the national Māori tennis championships and marae tennis. After several years of fundraising and taxing<sup>24</sup> *hapū* members, there were enough funds for the *hapū* to build a dining hall. My grandfather, Tapuraka Rikihana, was a prime mover in the building of the marae. The *whānau* affiliated to the marae are the Rikihana, Te Kani and Gear *whānau* who are related by *whakapapa*. They all descend from the ancestor Tāpuiti and his wife Kareretukuroa. Tāpuiti is the son of Te Rangihouhiri the founding ancestor of the Ngāiterangi (Ngāi Te Rangihouhiri) tribe.<sup>25</sup>

Thus the marae buildings are named Tāpuiti for the ancestral house or *whareniui*, and *Whakahinga* is the name of the dining hall or *wharekai*. The names are displayed above the doors of each building and when appropriate the ancestors are addressed directly by speakers of *whāikorero* on the marae. *Whakahinga* was Tāpuiti's daughter and she was an important *manawahine* leader of the tribe.<sup>26</sup> As mentioned, all members of the marae descend from Tāpuiti and are therefore linked to him by *whakapapa* or genealogy. The marae is the *turangawaewae* or home-place of the Ngāitūkairangi *hapū* members who hold the *mana* of the marae. Use of the marae contrary to the *tikanga* of the marae requires the consent and support of marae elders. The *kawa* of the marae is from the Mātaatua *waka* tradition. However there have been some changes to the Mātaatua tradition to suit the historical circumstances of the *hapū*. For example the speaking pattern of the

22 The dining hall called *Whakahinga* was opened after a Ratana church service. The service was hastily called so that the body of an elderly *kuia kauae moko*, Materoa, could be brought onto the marae for the *tangihanga*.

23 The name refers to the name given to the block of land on which the marae sits. It refers to the downy feathers of the toroa or albatross which nested there and is the *kaitiaki* of Mauao mountain. (Matiu Dickson "Hungahungatoroa Papakainga" (unpublished LLM thesis, The University of Waikato, 1999).

24 Adult male members of the *hapū* were "taxed" 25 shillings a month toward the marae building fund.

25 The tribe was referred to as Ngai Te Rangihouhiri. The name changed to Ngai Te Rangi to commemorate the death of Te Rangihouhiri at the battle of Poporohuamea near Maketu.

26 Houses are usually named after husband and wife but the elders decided on *Whakahinga* because she was a warrior ancestress of the tribe.

marae is tau utuutu or speaking in turns, not the usual pācke or block speaking as with the rest of Mātaatua. This change occurred because of the traditional friction between Ngāiterangi and Te Arawa tribes, and Ngāiterangi wanting to reserve having the last say on the marae for themselves. Speaking in turns means that the concluding speaker comes from the home marae.

Marae members keep their ahi kā to the marae by being actively involved in its maintenance and by personally supporting various hui held there. Ahi kā literally means to keep the home fires burning and refers to a person keeping their rights to a marae warm or active. The opposite is to allow those rights to go cold or become ahi mātao by not keeping regular contact with the marae and by not meeting one's obligations to it. Though extinguished, these rights can be re-ignited by that person re-establishing their contact with the marae or it being re-established by that person's descendants.

Marae members recognise the various leadership roles that each member has on the marae; these roles are based on gender, age and importantly on whakapapa as regards the front<sup>27</sup> of the marae. As to the work needed to make the marae run smoothly, especially for catering and such like, the hapū relies on the skills that each member has in food preparation and gathering. A hapū member is expected to pitch in where many workers are needed, like meal times, and it is expected that they will eventually choose a role that suits them. Various members have developed an expertise in various tasks on the marae. My mother, Tarati Rikihana, as one of the kuia (elderly female) of the marae takes the responsibility of laying out whāriki (mats) in the wharenuī and making sure that bedding is put out properly. She was a caller or kaikaranga on the marae but has given over that role to the next generation of callers. She is also consulted as to when a tūpāpaku is to be moved onto the porch of the wharenuī or kept inside. She is like kuia on most marae, who are particular that the tikanga of the marae is carried out properly.

As hapū members get older<sup>28</sup> they are expected to gradually take up more senior roles at the front of the marae. For example they are encouraged to be part of the waiata (song) group of the hapū before they become speakers or callers. They form part of the group of elders who oversee and support the front activities of the marae. They are expected to dress appropriately for the new roles<sup>29</sup> and take up their places on the marae. They are expected to remain present for the duration of the hui.

At this marae the elderly kuia of the hapū sit on mattresses on the porch of the meeting house during tangihanga (funeral processes) and the paepae (speaking bench) is reserved for the speakers and singers of the hapū. Only the speakers of the hapū sit in the front row of the paepae. The speakers are elderly male members of the hapū who represent each whānau.

Marae members acknowledge the tuakana (senior) and teina (junior) lines of each whānau and the responsibilities of whakapapa. For example this marae practices the tikanga of kiri mate. This means that when the deceased is related to people who normally take roles in calling and speaking, those people are expected to let others of the other whānau do these tasks for them. This favour is repaid by the grieving whānau at future tangihanga.

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27 The ceremonies of the marae ātea are the responsibility of the elders. Hapū members take on those responsibilities as representatives of their whānau. The marae ātea is referred to as the "front" of the marae and the kitchen is the "back" of the marae.

28 Turning 60 years in age is a good reason to move to the "front" of the marae.

29 Wearing black clothing by elderly women is still accepted clothing for marae activities. Widows used to wear black clothing all the time, their status as widows being recognised by the whole community.

The *kiri mate*'s role is to concentrate on mourning for the deceased. It used to be that the chief mourners of the *whare mate* (place where the deceased is laid out), the *kuia*, fasted during the day light hours of the *tangihanga*. This allowed them to sit by the deceased and "use up their *aroha* (emotions)"<sup>30</sup> in the stylised wailing for the deceased and to show their *aroha* for the *manuhiri* (visitors) coming onto the *marae*. A special lavish meal was prepared for the mourners after sunset and before sunrise and I recall that this was the task for a formidable and hard working *kuia* called *Parekino Gear*. This *kuia* made sure that, during *tangihanga*, all the *tikanga* practices were followed and that the *manuhiri* were fed and looked after. We, the children of the *marae*, avoided this *kuia* but we also understood that the front of the *marae* was only for grown-up people.

The authority or *mana* of the *marae* therefore rests with the *koroua* and *kuia* (elders) of the *marae*. The elders decide the *tikanga* of the *marae* and their authority and knowledge is sought after and respected.

At this *marae*, after any major *hui* like *tangihanga*, a meeting is held on the following weekend to discuss any matters concerning the *hui*. Some matters which are discussed are the financial costs,<sup>31</sup> the preparation, presentation and variety of the food, its timeliness, and importantly any matters to do with *tikanga* at the front of the *marae*. An example of the latter issue is whether visitors who arrive after or near sunset should be given a formal *karanga* and welcome.<sup>32</sup> The tribal flag has been taken down and usually no formal welcome is given to such visitors but if there are important visitors in the group or there are good reasons for lateness (like travel from overseas) then the elders will make an on the spot decision as to whether to overlook that *tikanga*. Thus, the meeting is another opportunity to discuss these matters, particularly if an elder did not support a decision, giving his/her reasons why.

Another *tikanga* discussed at the meeting is the choice of *waiata* or traditional songs to support the speakers, the availability of the *hapū* members to sing and the quality of their singing. *Ngāitūkairangi hapū* is well-known in Tauranga as one that is strong in *waiata* singing. It is expected that this will continue and the *hapū* is always keen to keep up its high standards of *waiata* performance. Only traditional *hapū waiata* are sung. Similarly with the quality of the *whāikorero* which is also discussed if necessary. My experience at these *hui* is that the *kuia* of the tribe use this opportunity to express their views and their displeasure, if the occasion calls for it. For the younger generation present, it is a learning experience about *tikanga* of the tribe since their presence and participation is encouraged. Most of them have worked in the back of the *marae* during the *hui* and this is the first opportunity for them to get an appraisal of how the entire *hui* was run.

Near to this *marae* is a *papakāinga* or *marae* settlement of about thirty houses including eight *kaumātua* flats which house *hapū* members. The people who occupy the houses and *kaumātua* flats are those who are again connected by *whakapapa* to the *marae*. The majority of the houses have solo mothers and their children as was the intention of the Trustees of the *marae* land when the houses were built. The *kaumātua* flats house some of the elders of the tribe. They are always invited to participate in all the activities on the *marae*. Even the house occupiers are expected by

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30 Expend their grief.

31 *Moni whiu* is money put down on the *marae* after speaker has finished. The name of the giver of the money is taken down and read out from the list of people who gave money gifts. These amounts will be repaid by the *hapū* when next they go to the *marae* of those people. *Moni aroha* is money given directly to members of the *whānau* and is not repaid.

32 The night is said to be the time of owls and ghosts and therefore not a good time to welcome visitors.

the trustees to contribute in some way to the running of the marae during hui. The house and flats were completed in 1990.

Thus, this marae is well supported by hapū members and has a good reputation within the wider Māori community as one that shows manaaki or cares for its manuhiri. Each marae member knows the tasks that they need to take responsibility for carries it out without much fuss. These members are valued for their skill and presence at the hui to make sure all goes well. If everything runs smoothly and it usually does, the marae and hapu gain positive mana from their achievement.

### *C. Marae Rangatiratanga*

Two marae (Whareroa and Hungahungatoroa) belong to the Ngāitūkairangi hapū, the other marae (Waikari) is of the Ngāti Tapu hapū, another hapū of the Ngāiterangi. Though there are occasions when the three marae come together, especially for tangihanga, the running of each marae is the business of each marae and its affiliated whānau. Most tribal members decide which of the marae they will support primarily and they will stay with that marae, as will their children and grandchildren, though they could easily affiliate to another marae. Thus, most tribal members will continue to support the marae chosen by their ancestors though, as is shown, this can change if there is good reason. This is something that happens not infrequently. Each marae has its own kaikaranga, its own paepae or bench of speakers and whānau helpers at the back of the marae. Each marae has its own committee to run the hui on the marae. This even applies to the two marae that belong to Ngāitūkairangi hapū.

Sometimes these roles will be shared by the three marae if necessary. For example, during the huge tangihanga held in 1990 for Turirangi Te Kani, a kaumātua of the hapū, the tangihanga was held at Hungahungatoroa marae. Because of the many manuhiri who arrived (about 5,000 for the duration of the tangihanga) extra food was cooked at Whareroa marae and brought to Hungahungatoroa marae, and extra sleeping space was available at Waikari marae.

However in usual circumstances, each marae is fairly independent of the other and rarely does a member of one marae try to dictate to the members of another marae how they should do things, especially concerning tikanga. Marae members fiercely guard their independence, though, depending on the mana of an elder of another marae giving advice, they may feel compelled to take note of that advice. An example of this is the gradual acceptance by all three marae that the kiri mate should be welcome back onto the marae when they return from the urupā or cemetery. This was never done previously but was accepted as a way of welcoming the grieving whānau into the world of the living (te Ao Marama) and helping them overcome their grief.

This independence of marae mana is illustrated by an example from my childhood. I recall going with my maternal grandparents to a marae only about ten minutes by wagon down the road on Matakana Island. We were treated like manuhiri, or visitors, though we were from the same community and tribe.<sup>33</sup> The people of the marae extended to us the formalities of karanga, tangi, whāikorero and hariru always given to outside people. This was always the practice then and now. In doing this the home marae was establishing its mana and uniqueness.

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33 The marae was Opuhi not far from our own marae at Opureora.

#### D. Urban Marae

Where Māori have moved away from their tribal homelands to the cities to work and live, their tribal group will gather informally on a regular basis and, after a while, work toward constructing a marae to meet their needs. Some urban Māori will affiliate to such marae as well as to their tribal marae, regularly travelling long distances to meet their obligations at tribal marae and keep their *ahi ka* burning.

The Mātaatua marae in Mangere, Auckland was built to accommodate and meet the *tikanga* needs of members of the tribes of the Mātaatua confederation of tribes. During a visit in 1996 to the traditional resting place of the Mātaatua waka in Northland, the Mātaatua tribes stopped there to rest before continuing their journey from the Bay of Plenty. They used the occasion to renew *whānaungatanga* links to their urban kin.

Again in Auckland, Te Tira Hou marae was established in the 1970s for the members of the Ngāi Tūhoe tribe. Te Tira Hou refers to the new migration mentioned by Te Kooti in his famous *waiata*.<sup>34</sup> In both cases, the *kawa* of these marae is Mātaatua while the *mana whenua* is with Ngati Whātua/Tainui. The establishment of these marae was carried out with the support of the *mana whenua* tribes.

In Hamilton, Kirikiriroa Marae was established in 1985 to meet the needs of all tribes, called *maata waka*, that is, those tribes other than those of the *mana whenua*, Waikato-Tainui. In effect though, the marae is used by all Māori people living in Hamilton including Waikato-Tainui. Out of the marae organisation Te Runanga o Kirikiriroa, an urban Māori authority, was established to assist the Hamilton City Council in its consultation with the Māori community. Te Runanga o Kirikiriroa continues that role but is now one of the selected providers of *Whānau Ora* the new social welfare policy of the present government.<sup>35</sup> The Kirikiriroa marae committee provided a home-unit right on the marae *ātea* for use by the Te Arikiniui Kingi Tuheitia and the Kāhui Ariki. The name of the meeting house is Te Kōhao o te Ngira (The eye of the needle). This name refers to the *tongi* or saying of Pōtatau Te Wherowhero, the first Māori King who referred to the proverb of his that, when translated, means: “there is one eye of the needle and through it passes the white, the black and the red threads.” Pōtatau was predicting a time when the Europeans and other people would settle in his territory together with his own people. He instructed his people that after his passing they should hold onto their love for one another, the law and their belief in their god. The name is thus appropriate for this meeting house.<sup>36</sup> The *kawa* of the marae is Waikato-Tainui.

Thus, sometimes, to accommodate the number of tribes affiliating to a marae in the city, a “neutral” name for the ancestral house or marae is chosen. That is, not the name of an ancestor but a name which encapsulates the purpose of the marae. A good example is the Te Kohinga Marama marae on the Waikato University campus. The name means to seek knowledge, that being the main purpose of students coming to the university. The marae is intended as a refuge for students and a place for them to carry out and celebrate their tribal activities. It also sets the stage for learning marae *kawa* as well as Māori *tikanga*.

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34 The *waiata* is *Pinepine te kura*, a version composed by Te Kooti for followers of his Ringatū church.

35 Te Runanga o Kirikiriroa Charitable Trust is part of the National Urban Māori Association which tendered successfully for the *Whānau Ora* service. I am the Chair of the Runanga.

36 The proverb was referred to at the opening of the Law School at the University of Waikato in 1990. The School’s official title is now Te Piringa – Faculty of Law, incorporating the proverb’s message. In Māori it reads: *Kotahi te kōhao o te ngira i uru atu a miro mā, a miro pango, a miro whero*.

The well known marae, Hoāni Waititi marae, in urban West Auckland was named for an important educator Hoāni Waititi of the 1960s. He died prematurely but his work in promoting the teaching of the Māori language in schools was ground breaking. I recall the opening of that marae. Our tribe Ngāiterangi attended because, like the Whānau-a-Apanui tribe to which Hoāni Waititi belonged, we are of the Mātaatua tribes. One speaker for the manuhiri expressed his displeasure at the name of the marae, expressing a view contrary to the view of his elders who had spoken before him. When he had finished talking he asked his tribe to sing a waiata in support of what he had said. However, none of his tribe stood to sing his waiata thus showing their embarrassment at his contrary point of view. Too late, the speaker realised his mistake. He had been censored in the traditional way of his tribe. Such a hara or mistake caused a stir among those present and was a talking point on marae long after the event.

There are some kaumātua who hold the view that speaking on the marae is an opportunity to air controversial issues and to invite reactions by doing this. They say that this is the real purpose of whāikorero, not just the ceremonial aspect of speaking. *Kia tutū te puehu* (the dust is stirred) is the whakataukī that captures this view. Whāikorero is likened to warfare using words (and ideas). The skill of putting together the argument and the rebuttal is one that is admired. Similarly admired is the skill of reciting whakapapa and karakia.<sup>37</sup> Some notable speakers are known for their penchant for causing controversy when speaking and other speakers are on the look-out for them, to avoid being in the firing line! Humour is often used by seasoned speakers to deflect what might be insulting remarks and to maintain the decorum of marae speaking.

The trend now is for most tertiary and secondary education institutes to have marae for Māori ceremonies and to recognise the importance of Māori and their culture to the institution and within New Zealand. This can cause problems for some Māori members of such schools and universities. This is because, on these marae, the ultimate authority of their use is usually controlled by the school or university authorities. Thus tikanga Māori is relevant up to a point and this is illustrated below.

At a university marae graduation I attended in 2010, the pōhiri or traditional welcome to visitors was held first and then the graduation proper was to follow. Most organisers of marae graduations and other hui bemoan the fact that pōhiri can use up more time than is allocated. Therefore the organiser, in this case a Pākehā women employee of the university, gave instructions to the main kaumātua of the marae that the pōhiri was to be finished by a certain time. To meet this deadline the speaking order of the marae (tau utuutu or in turns) was changed (called whakakeke) and home speakers who were invited to support the pōhiri were not given an opportunity to speak. This is most unusual for a Māori hui for the reasons outlined below.

The main kaumātua or *kaumātua wawāhi i te kōrero*<sup>38</sup> is a person who holds the mana of the marae and is the person who controls the paepae so that the kawa of the marae is not compromised. He arranges the order of seating on the paepae and advises who will speak and in what order. It is important for the kaumātua to acknowledge the presence of group representatives and that they are given an opportunity to speak. If no opportunity to speak is given then the mana of the paepae is diminished in the eyes of those present and by those who are visitors since they can identify recognised speakers. This kaumātua will speak first. Most marae organise their paepae

37 Poia Rewi *Whāikorero:-The World of Māori Oratory* (Auckland University Press, Auckland, 2010) at 103.

38 The speaker who starts the whāikorero and sets the scene by referring to the kaupapa (reason) for the hui.

without much trouble. In this instance, the tikanga of the marae is being influenced by the requirement to keep to time as dictated by the university. This would not be acceptable on tribal marae.

However, this order of speaking can be difficult for a visiting paepae where potential speakers are not obvious and some speakers who recognise tuakana/teina roles or seniority of age will decline speaking even though they are experienced speakers. If a discussion as to who will speak has not taken place at the gate, then these decisions will need to be quickly made in the minutes before taking a seat.

Speakers normally speak in the order they are seated in the front row of seats. It is most unusual to speak out of order or to speak when sitting behind the front row. I have seen an elderly person reprimanded by the marae kaumātua for speaking while in the back row because it was that person's responsibility to sit where he would be recognised and therefore properly acknowledged by the marae speakers. The rule of sitting in the front means that as visitors come onto the marae at big hui there can be some jostling to make sure one's duty to speak is not missed. If space is limited in the front row, I have seen seat swapping at opportune times so that a front seated person can talk.

Exceptions to kawa are possible but only with the support of that kaumātua or group of them. For example if a speaker is to speak in English, permission should be obtained beforehand from the marae paepae. This is normally by a request in Māori by the person accompanying the non-Māori speaking person. A person who speaks a language other than Māori without permission may be interrupted and asked to resume his seat.

Similarly for permission to allow a woman to speak if that is not the kawa of the marae. The late Te Arikini Dame Te Atairangikaahu delivered a korero<sup>39</sup> from the roto of the meeting house Tamateapokaiwhenua at Huria marae. She acknowledged the kawa of the marae that women did not speak on that marae by taking refuge under the porch of the ancestral house.

Kaumātua of the marae do not take too kindly to outsiders or visitors telling them what the kawa of the marae should be or arbitrarily changing the kawa. They will express this view forcefully if need be. A person who is objectionable when speaking can be physically removed from the marae, as I have seen on Turangawaewae Marae.<sup>40</sup> Or that person may have his waiata sung for him (by his female kin) before he is finished speaking, to shut him down. I have seen this also on Turangawaewae Marae.

Where the marae represents maata waka tribes, as in this case for Te Kohinga Marama Marae, it would be usual to have a maata waka person speak since they came specifically to support the pōhiri. The marae is an opportunity for any who think they have good reason, to talk to the kaupapa of the day. Importantly also it allows all groups to express their collective support to the kaupapa. However the speaker's success in conveying their ideas clearly and in the appropriate way is entirely up to them. Each time they stand to speak, their reputation in the Māori world of whāikorero is at stake. Such occasions make for a fast learning curve. Therefore one should be vigilant and prepared when deciding to speak formally on marae. A new speaker quickly earns or loses their reputation as a speaker and most of the judges of this new speaker's ability are his elderly female listeners.

At secondary school level, I was closely associated with Hillcrest High School in Hamilton. Our marae building was named for a previous Principal of the School, Jon Leach, who had died

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39 Some kaumātua distinguish between a kōrero (talk) and a whāikorero (oratory) delivered by men.

40 The main marae of the Kingitanga Movement at Ngauawahia.

tragically in a car accident. His body had lain in state in the building. Ngāti Haua are the mana whenua and had declared that from then on, that building would be included as a marae of the tribe known as Tama Wāhine, Tama Tāne. Unfortunately the building was also the auditorium for the school and was used regularly for year one and two student assemblies. School concerts and plays were also held in the building as it had a tiered seating arrangement. The marae was therefore utilised as part of buildings used in the teaching programme and not necessarily for the teaching of Māori kaupapa or tikanga only. Therefore the school deemed it necessary, as did the Ministry of Education, that the designated marae must also be used for other school activities. This was unsatisfactory for Māori members of the school community and the Board. In this instance, as with many other secondary schools that have marae, calling the facility the marae but also using it as a class room was highly unsatisfactory. On these occasions then the mana of the marae did not rest with the kaumātua but with the School authorities.

### *E. Marae Use – Tangihanga*

*Te ngaki o te mate*, or avenging death, is one of the main reasons for disagreements and warfare for the old time Māori. Many tribal conflicts occurred to avenge the death of relatives. In my tribe the torture and killing of Tauaiti, the grandson of Te Rangihouhiri, prompted this utterance from before he died: *He papaku te moana o Tauranga i te riri o taku tuakana*, meaning Tauranga sea is shallow when compared to the anger of my brother. As Tauaiti predicted, his older brother Kotererua took revenge for the killing and invaded the pā at Mauao.

Tangihanga are the most important of Māori ceremonials in modern times. Thus the use of marae for tangihanga takes precedence over any other hui organised for the marae. This is the reality of marae use and it can be upsetting for whānau who have organised weddings and birthdays to have to shift them to another marae because of a tangihanga. However, I have seen instances when the tupapaku or deceased is kept at a house overnight to accommodate a double booking of the marae. Most hapū and marae are flexible in this matter. The important aspect is that where ever possible the important hapū hui be held on the appropriate marae.

As to the use of a marae, I want to refer to an incident regarding Te Kohinga Marama Marae at the University of Waikato. The late Anaru Paenga<sup>41</sup> lay on that marae for several hours before he was taken to his tribal marae at Whangara on the East coast. He was a student at the University when he passed suddenly. As I was a close friend of his, I went immediately to his home where he had died. His body was still there. According to tribal custom I asked his family who had gathered already, if he could lay for a time at the University marae. The idea for this was to acknowledge his association to the University and to allow family and friends to pay their respects before he was taken to his tribal marae, some distance away. Using a marae to cope with visitors was easier too.

This tonono or request would normally have come from the elders of the marae but it was not possible at the time. Fortunately his wife and close family agreed to my tonono and thus Anaru lay at the marae to be farewelled by family and friends from Auckland who had already travelled to the tangihanga. This would be one of the main purposes of having a maata waka marae and I have seen it done often. Sometimes however, the entire tangihanga will be held at the maata waka marae but this depends on the close and long association of the deceased and family to the marae. This incident raises another tikanga which shows the whakapapa connection one has to one's

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41 From Ngāti Konohi at Whangara. He died in 2009.



marae, the connection may rely on whakawhānaungatanga or relationship built up over the years to make lying at a maata waka marae appropriate.

At the time of the imminent death of a tribal member, the whānau and hapū members will have gathered at the home or hospital wherever the ill person is. In the past the hapū or iwi gathered in case the ill person wanted to express his wishes for the future. This was called an ōhākī or an oral will declared in the expectation of death. Much importance was placed on the final words of the deceased and the directions he gave.

When death did occur (literally the last breath being heard) it was immediately announced by the wailing of the kuia. According to Māori belief, the wairua of the deceased is still present (and aware of what is happening) and will remain so till the end of the tangihanga ceremonies. After a time a speaker of each of the groups present will stand to express their condolences to the kiri mate or family of the deceased, they will then offer their marae as the appropriate marae for the tangihanga. They base their tono primarily on the whakapapa connections of the deceased to that particular marae. After that speaker is finished, another will stand and follow the same procedure.

When my grandmother, Waimihi Rikihana, passed, I was present and heard the tono being made by three speakers. Although it seemed to be a foregone conclusion that my kuia would go to her husband's marae, which in fact happened, it was appropriate for other speakers to make the request anyway because they were able to recite their whakapapa connection to my kuia. By doing this, our death was became theirs as well and from that basis, the duties of each whānau were being established. Thus the bereaved whānau are referred to as kiri mate or those who are "touched by death".

When the deceased is close in whakapapa to a whānau member, that member becomes kiri mate, that is, their responsibility is to focus on their loss and by doing this it is believed that they expend all the grief that they have. A spouse, children, brothers and sisters and parents of the deceased are examples of kiri mate though depending on the whānau member, the "net" of kiri mate might spread wider.

Kiri mate are not required to take any role in performing the kawa of the marae. This happens on my marae. Kiri mate whānau do not speak or karanga, those roles are taken up by the other whānau of the marae so that the kiri mate may concentrate on lessening the grief of the whānau. Their kuia become the chief mourners of the tangihanga. The father, brothers or sons of the deceased do not speak but are permitted to take part in waiata singing if they wish. The close female members of the deceased's whānau sit near the deceased and lead the wailing and tangi apakura. On one side of the coffin will be the widow and daughters and on the other side will be the mother and sisters. Throughout the tangihanga these positions are usually held because it is bad form to leave no one seated next to the coffin. In figurative way, they are keeping the deceased warm. In my tribal area it is still traditional for women to wear the black clothing of mourning and head scarf. Traditionally, Māori wore a garment to signify that they were in mourning and therefore in a tapu state. The coffin is always open if possible.

When the deceased is taken to the undertakers it is always accompanied by members of the whānau and lately it has been the practice that undertakers will allow those members to dress their loved one. When the deceased is returned to the marae, for our marae it is always taken inside the ancestral house and placed at the wall to the right looking in the door on a prepared mattress. This part of the ceremony is always highly emotional for the whānau because it is the beginning of what they see as a journey for their loved one. The whānau also see this as perhaps the first of several occasions when they can really express their grief because after this they will be busy making

sure that the other tasks of the marae are being seen to. For the next two days the marae will be committed to meeting the needs of the expected visiting mourners and the kiri mate.

Each hapū or marae person knows the task that they need to take responsibility for to make the marae work and they do this without any drama. The occasion is a sad one but working together as a hapū compensates for this and makes, for most hapū members, the task bearable and enjoyable. The mana of the marae people rests on the “success” of the tangihanga, that is that the tikanga was carried out and that the marae looked after their visitors well.

The funeral day is chosen and the next important ceremony for the whānau is the poroporoaki or farewell on the night before burial. After the church service, the paepae are given an opportunity to farewell the deceased and sing the appropriate songs. Importantly, there is then an opportunity for a male representative of the kiri mate to speak formally and to farewell the deceased. Most often he is the elder son of the deceased who has not spoken formally on the marae before, so he is encouraged by his whānau and any mistakes are excused by the elders.

The speaker may decide to use the opportunity to thank the marae members for their contribution in caring for the manuhiri. Our marae custom is that once that person has spoken that signals the end of all formal speaking for the night. The evening is then open for anyone to have their say about the deceased and the occasion. I recall the time when speaking carried on through the night and kaumātua would use the time to recall stories and songs of the tribe.

On the day of the funeral, the important task for the marae is to prepare for the hakari or feast which is held after burial when everyone comes back to the marae. This is a major meal which allows people to removed the tapu of the occasion and urupa but also fortifies people before they return home. It is manaaki. After the hākari the kiri mate, the elders and the minister will go to the home of the deceased to “trample” the house, that is, to remove the tapu of the house so that the whānau feel safe in it. This ceremony is called takahi whare. The extended whānau will return to the home of the deceased and stay there for several days to keep whānau members company and alleviate any pressures on them.

Slowly things get back to normal, but for a time after it is expected that the elders of that kiri mate will attend any tangihanga in the tribal area to share their grief with the new kiri mate of other marae and hapū.

For our whānau, the process of the tangihanga is not completed until the unveiling of the memorial headstone for the deceased, a ceremony which once again the marae and hapū play an important part. That ceremony is carried out one year after the tangihanga was held but often, to save cost for the ceremony, the whānau will hold the unveiling ceremonies of several members of the same whānau. This ceremony is a carry over from the traditional hahunga ceremony when the bones of deceased people were exhumed, cleaned and deposited in secret caves or places so they were not defiled.

#### *F. Marae Ātea*

Outside activities on the marae were within the realm of Tūmatauenga who was the god of war. This meant that those activities required particular attention to the protocol kawa of the marae because breaching of the kawa could result in harm to the participants or to the tribe. Therefore, in some tribes like my own, women are not permitted to speak on the marae ātea during public cere-

monies. In speaking publically on the marae, it was explained to me,<sup>42</sup> those women opened themselves to being the target of mākuu or witchcraft. This could be carried out by anyone who might feel aggrieved by such behaviour or blame the woman's whānau. Also, it could be explained as retribution by the atua. Mākuu needed to be dealt with immediately it was detected because, if not, it was believed that it would adversely affect any children or even grandchildren the woman might have. As mākuu could sometimes not be detected, it was considered better to play safe and not put oneself in potentially dangerous situations.

An explanation to me by another kaumātua for a kuia suffering a serious stroke while only in her early 60s, was that it occurred because the kuia pushed in front of men singers in her group as though to take over the talking role. He believed the incident as clearly one of mākuu.

Despite the prohibition on women talking on the marae, they have the equally important role of delivering the karanga. The karanga is the stylised call given by elderly women of the marae to announce the arrival visitors or manuhiri to the marae. Significantly it also announces the start of the welcoming ceremonies, that is, the ceremonies do not start till this is done. I have heard this reason used to explain the important mana of women in Māori ceremonial even among those tribes that do not allow women to speak formally on the marae.

Most kaikaranga or callers nowadays recite calls that they have learnt for each kaupapa of hui, but, given that I have heard many callers, I note that the good callers will incorporate within their call their own thoughts about the hui similarly to the oration given later by koroua of the marae and manuhiri.

The calls, particularly at tangihanga, were delivered in a heightened emotive state always accompanied by audible crying and wailing (called tangi apakura) by both marae and visiting groups. Various kuia in the tribe were sometimes recognised by the strength and style of their wail and the movements of their body while out on the marae ātea.<sup>43</sup> These kuia led the wailing and took places at the head of the group as it came onto the marae. We children took the opportunity to identify our kuia as each group came onto the marae. One does not see such emotions displayed on the marae except where there is a close relationship to the deceased, when the kuia is returning to her home marae or the kuia is of an age that she has been brought up with that style of expressing emotion. The last time I witnessed this to any great extent was at the tangihanga for the late Māori Queen, Te Arikini Dame Te Atairangikaahu in 2006. Although in some tribal areas audible wailing is the norm, particularly parts of Mātaatua.

Like most mokopuna, I accompanied my kuia on to marae for these occasions and I used to be surprised how my kuia could immediately take part in the wailing of the ceremony when only seconds before she would be telling me stay close to her. The sound of wailing focused everyone's attention to the purpose of the hui which was to mourn the passing of the deceased. I have seen elderly kuia who started the wailing before coming onto the the marae and, when they did enter, they went straight to the coffin where they placed their faces near to the deceased and wailed in a seemingly uncontrolled way. However it was not a random way of wailing because every now and then the kuia would compose herself and talk about something else and then start the wailing again when new visitors arrived. The kaikaranga's task was to start the wailing so that the manuhiri would not feel inhibited and join in. Sometimes one can go onto marae now and not feel

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42 This explanation was given to me by kaumātua Turi Te Kani regarding our tribal practice, though I know that other tribes also hold this view.

43 Te Urumahora a kuia from Waikari Marae often demonstrated this.

that invitation from the kaikaranga if she is inexperienced, so that the tangi apakura is not heard and the mourning ceremonial falls short of what it used to be.

When the kaumātua Turi Te Kani died in 1990<sup>44</sup> one of the first persons to get to the tangihanga at Hungahungatoroa marae was the kaumātua Hohua Tutengahe. He was from our hapū but he lived in Christchurch. He arrived late on the first day of the tangihanga and though it was already dark a karanga was given to announce his arrival. He was given the karanga because he was an important member of the tribe and he responded by wailing audibly and for a long time when he came onto the marae. He stood directly in front of the coffin and he was visibly upset by the death of our kaumātua. He was returning to one of his marae after a long sojourn in the South Island. It was one of the rare times I have seen men carry out the wailing normally ascribed to women. Another occasion I remember is when Tam Rolleston wailed when his sister died and her tangi was held at Rereatukahia marae. Early ethnographers recorded this practice among Māori men and women, but it is a practice not often seen.

These ceremonies happen inside of the meeting house as well as on the marae. The interior of the house is within the realm of Rongo and therefore the kawa of the marae is tempered with manaakitanga. There is a more relaxed atmosphere but the marae people are still in charge. The people in the meeting house are symbolically within the bosom of the ancestor (for whom the house is named) and therefore protected by that ancestor.

Thus marae settings allowed Māori to show, without inhibition, their feelings when mourning their dead and through this the closeness of their connection to the marae. At a tangihanga the caller will refer to the images of the deceased being shown on the faces of the visitors as the make their way onto the marae:<sup>45</sup>

*Hoki wairua e koro ki runga I koe kua eke mai ki te marae nei e...Hoki wairua mai ra...*

These are the usually the first words delivered in the karanga. The response is to identify the group and to inform if any are the kiri mate or mourners of other people are in the group. Māori join all the wairua of the recent dead and farewell them accordingly.

## V. CONCLUSION

The intention of this paper is to show the importance of the marae to Māori tikanga practice. Hopefully the reader will also appreciate the complexity of marae tikanga practice and the integral part it plays in the whole of Māori cultural practice. My experience as to my marae at Hungahungatoroa is probably the same for other people and their own marae.

Tomas<sup>46</sup> has written succinctly on the importance of the marae to Māori, particularly as a place of sharing and healing. She also refers to the important value systems which Māori try to live by and their application to Māori cultural practice.

Though each marae will have its own tikanga practice there is an underlying similarity of values on which Māori tikanga practice is based. Those are manaakitanga and whakawhānaungatanga. These cultural practices can fit quite easily in what is required for a successful Rangatahi

44 This kaumātua died when crossing the road after attending a tangi on the East Coast. He was knocked over by a vehicle he did not see coming. He died unexpectedly, a bad sign for Māori.

45 Meaning: welcome the spirit of the deceased in the faces of those who come onto your marae! This is a karanga given to me by my cousin the late Ngaroimata Ereata.

46 Nin Tomas, "Māori Justice: The Marae as a Forum for Justice" in Amanda McCaslin (ed) *Justice as Healing: Indigenous Ways* (Living Justice Press, Minnesota, 2005) at 134.

Court process, particularly if the offenders are the young Māori members of the marae hapū. As mentioned, not long ago the elders of the marae dealt with some offending by their hapū members in a way that suited their cultural practices. The elders used their authority to make the decisions and took the responsibility to see them through.

The basis of Māori dispute resolution was to allow a free discussion on the marae amongst the elders so that eventually the leader of the hapū would summarise the discussion and make a decision that was considered appropriate for the tribe and the individual involved. The individual was the tribe and vice versa so that the benefits accrued to all present.

The trick was that once the decision was made that decision had to be supported by everyone, even those who might have initially disagreed. The mana of the leader ensured a consensus decision. The Ngāiterangi tipuna Rauru ki Tahi was such a person. His descendants are the Ngāitūkairangi branch of Whareroa marae.<sup>47</sup> Their tipuna whare is named for him, and his wife Kuraimonoa is the name of the dining hall. Rauru is legendary as the chief who, having heard the arguments for and against a matter concerning the tribe, would then give his considered view of way that was the best option for the tribe. Having given his view, the strength of his mana was such that all the tribe would support him and carry out his wishes, Thus his name of Rauru who speaks but once.

The other important factor in dealing with offenders is that the elders, having reprimanded the offended and punished him, began to look for the positives that the offender could offer to the community. It was important that the offender and the community be reconciled by the offender behaving himself and offering positive contributions to the hapū. An offending young person who worked tirelessly in the marae kitchen quickly redeemed themselves in the eyes of their elders. Opportunities to improve oneself were more available in the Māori community to which the offender belonged.

The Rangatahi Court is described as a youth court process in a Māori cultural setting that encourages strong cultural links and meaningful involvement of the Māori community in the process.<sup>48</sup> The Rangatahi Court is not a separate justice system but designed to use the marae setting to connect the young offender to their identity and culture. If it were a separate justice system the use of the marae would be more meaningful.

My suggestion is that serious consideration should be given to having the marae setting as a separate system by which the authority of dealing with the young offender is given over to the elders of that young offender. As difficult as that may be, it is in fact an honest and culturally appropriate way of using the marae setting. It is not merely a setting, as has been shown, because every part and every role on the marae has a cultural significance to the people of that marae, and no other marae. Using the marae as it is now used undermines an important cultural practice of Māori. As a Ngāitūkairangi person, if I were asked if my marae could be used for Rangatahi Court sittings or similar, I would agree, subject to these conditions:

- I retain the mana and authority for decisions made concerning the young offender;
- the young offender be connected by whakapapa to my marae.

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47 Whareroa marae is near to the Tauranga harbour bridge and was the main settlement of the chief Taiaho during the 1800s. His hapū connections are to Ngāitūkairangi and Ngāti Kuku of Ngāiterangi.

48 Human Rights Commission “A Fair Go for All? Structural Discrimination and Systemic Barriers to Ethnic Equality: a Discussion Paper” (The Commission, Wellington, August 2011) at 47.

Insisting on these conditions would make me true to the original teachings of my tipuna as to the importance of the mare to our hapū. As our elders nurtured and protected their cultural rights on the marae, so must we as their descendants and rangatahi.