

BEFORE THE WAITANGI TRIBUNAL  
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

WAI 2700  
WAI 2260

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Mana Wahine Kaupapa Inquiry (Wai 2700)

AND

IN THE MATTER of a claim filed by **MARY-JANE PAPAARANGI REID** and **RĪPEKA EVANS** for and on behalf of the whānau, hapū and iwi of Te Tai Tokerau (Wai 2260)

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**BRIEF OF EVIDENCE OF TANIA RANGIHEUEA**  
**22 January 2021**

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LEGAL

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**WELLINGTON**

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Waitangi Tribunal

**22 Jan 2021**

Ministry of Justice  
WELLINGTON

## **I, Tania Rangiheuea of Whakarewarewa, Rotorua, say:**

### **Introduction**

1. My name is Tania Rangiheuea. My iwi are Te Arawa, Ngāti Awa, Ngāti Raukawa and Ngāti Manu. I am the principal of Waatea School in Mangere, member of the Council of Te Wānanga o Awanuiarangi and serve on several other Māori boards. I have researched and published on Māori issues for more than 30 years. One subject area that I have published extensively is Māori women's issues.
2. The purpose of this brief of evidence is to support the WAI 2260 claimants' view that Māori women have been systematically discriminated against by the Crown. Their resulting disaffected status has led to poor and, in some instances, devastating outcomes for them.
3. The status of Māori women during the early part of the nineteenth century and the subsequent diminution of their mana is of concern here, particularly the process and means through which that lessening occurred.
4. There are three parts to this brief of evidence. The first part is a brief discussion of the concept of mana wāhine. The second part presents the story of Te Rangitopeora, a woman who was very much a leader of her people during the early colonial period leading up to the signing of the Treaty and until her death sometime between 1865 and 1873. She exemplified every possible interpretation of the term "mana wāhine". Her story is important because it provides a lens through which we can understand how Māori women exercised leadership. The breadth of her mana, how she expressed it, and the acknowledgement of her status by others is given voice through the telling of this fascinating "herstory".<sup>1</sup> I have presented her story as if

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<sup>1</sup> I am fortunate to be able to write about Rangitopeora and acknowledge that some of her descendants will be telling her story in much greater detail during a later hearing of this Tribunal Inquiry. I am related to Rangitopeora through marriage. My tipuna Te Akau was the second wife of Te Rauparaha. My tupuna Te Whatanui of whom I am a direct descendant, was related through kinship to her mother Waitohi. My own children are direct descendants of Nohorua, the elder uncle of Rangitopeora.

she were telling it herself. Part Three is an analysis of the key issues raised in parts one and two.

### **Preamble**

5. The historical context in which Te Rangitopeora lived was the most chaotic for both Māori and foreigners who came to New Zealand. According to Pool, the impact of European expansion on the Māori population during the three decades preceding the signing of the Treaty was devastating.<sup>2</sup> Once European contact was established, it would take another three generations for the Māori population to recover and reach its natural levels of increase.<sup>3</sup> A full discussion on the changes to the Māori population during this time is outside the scope of my evidence, but it should be noted that Māori were subjected to extraordinary factors like introduced diseases (e.g. influenza (1790-), dysentery (1800-), measles (1810-), whooping cough (1820-), as well as the stresses of land sales, musket wars, and heightened competition for natural resources which had been accelerated by the sealers, whalers and traders. All in all, the early contact period was not a great period in which to be Māori.
  
6. The whole of the nineteenth century was politically and socially turbulent, but the years from 1800 up to the signing of the Treaty of Waitangi in 1840 were particularly violent for many Māori. The usurpation of Māori control over themselves and their land by the colonial officials was a wholesale act of aggression. The British wanted sovereignty over the whole country on their terms, whereas Māori thought they were ceding a loose and uncertain suzerainty.<sup>4</sup> It is against this backdrop that this discussion of mana wāhine is presented.

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<sup>2</sup> Pool, I. (1991) *Te Iwi Māori. A New Zealand Population Past, Present and Projected*. AUP: Auckland.

<sup>3</sup> Ibid, p.4.

<sup>4</sup> Belich, J. (1986). *The New Zealand Wars*. Penguin Books: Auckland. P20.

## Part one: Mana Wāhine

7. Simply defined, mana wāhine is the prestige of women, but a more comprehensive exploration reveals a term which is complex and dynamic. Mana denotes many things, such as a power and authority which is endowed by a higher order i.e. from spiritual gods to mortal beings, which as Kawharu explains, "...enables them to achieve their potential...to excel and where appropriate to lead".<sup>5</sup> Mana is also expressed as a social contract between the leaders and the tribe.
8. Mead points out that every individual is born with mana i.e. they possess a personal mana.<sup>6</sup> He coined the term "kaihau-waiū", which metaphorically describes this birth right of every child that is gained from their mother's breast milk. Every child is born with their own natural attributes that are inherited from their parents.
9. Certain principles and variables can influence one's kaihau-waiū.
10. A child can also inherit mana based on the deeds, social standing or regard that others have of their parents. An individual's achievements can enhance not only their personal mana but also the mana of a collective i.e. their whānau, hapū, or iwi. The enhancement of one's mana is described by Te Rangikaheke as "pūmanawa", and Mead points out that the term "āhua" can be used to refer to the character, form or make up of a person.<sup>7</sup>
11. The status of Māori women in pre European society was bound up in tribal and hapū laws and protocols. Women were regarded as "noa" or "tapu" and certain practices were observed to maintain that status. For example, a pre-pubescent girl could sanctify a house by walking through it before anyone else. Women had an important role in cementing tribal alliances through marriage and even after their death, for example, their mana would be expressed in waiata tangi and or in carvings. Women with high levels of mana have special

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<sup>5</sup> Kawharu, I.H. (1989) *Waitangi: Māori and Pakeha perspectives of the Treaty of Waitangi*, Oxford University Press: Auckland, p.xix.

<sup>6</sup> Mead, S. M. (2003) *Tikanga Māori: living by Māori values*, Huia Publishers: Wellington.

<sup>7</sup> Mead, S. M. (2003) *Tikanga Māori: living by Māori values*, Huia Publishers: Wellington. p.40.

attributes that are recognised by others. The complexity of mana wahine can therefore be expressed in many ways.



Rangitopeora c 1865

### Te Rangitopeora – herstory<sup>8</sup>

12. *I've been standing here since early morning. It's a winter's day and my feet are cold. I've been sent here by my mother to count the ships that pass southwards. I let her know when I see one. None of*

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<sup>8</sup> See Oliver, W. H. & Teremoana Sparks. 'Waitohi ? - 1839'. Dictionary of New Zealand Biography, updated 22 June 2007 URL: <http://www.dnzb.govt.nz/>; <https://teara.govt.nz/en/biographies/1t103/topeora-rangi-te-kuini>, Teremoana Sparks and W. H. Oliver, first published a biography about Rangitopeora in the Dictionary of New Zealand Biography in 1990. It was updated in April, 2012. It was translated into te reo Māori by the Dictionary of New Zealand Biography team; <http://www.ngatittoa.iwi.nz/runanga/treaty-information/te-rauparaha>; and Oliver, S. (1990). *Te Rauparaha* in Dictionary of New Zealand Biography cited in <http://www.ngatittoa.iwi.nz/runanga/treaty-information/te-rauparaha>.

*the people on the sailing ships have landed at Kawhia, but we are very aware of their presence. They come for our tohora, kekeno and rākau.*

13. *I'm wearing a flax rain cape that my mother taught me to weave, but there are too many uneven gaps between the cords so I have to keep adjusting them to keep warm. My mother says that I must stand as still as I can so that I look like a bush from afar. It's hard for me to stand here by myself; after all I'm only seven years old. My mother says that mine is a big responsibility and that she's training me to look after myself and the tribe. I don't know why pretending to be a bush is looking after the tribe but my mother is a wise woman and she knows her business. I did not understand that she was training me in intelligence gathering.*
14. *My name is Rangitopeora. I was born sometime around 1800. I live on the southern banks of Kawhia harbour amongst my tribe, Ngāti Toa. My hapū are Nāgti Kimihia and Ngāti Te Maunu. My mother Waitohi, is an influential leader of our tribe; lots of people respect her, especially her brothers Nohorua and Te Rauparaha who are brave warriors.*
15. *For as long as I can remember, we have been embroiled in warfare and are constantly on the move. Life is very hard as we have to shift from one paa site to another in order to strengthen our numbers. The Waikato tribes are forever waging war against us and conversely, we with them for a range of reasons. Everyone is caught up in the skirmishes and battles and even when we win, there is always a toll to bear by the whole tribe. My mother takes a lead in organising the women during times of conflict. When the men are away fighting, the women, children and elderly are left to protect the paa from invaders. Many women like my mother take part in the fighting.*
16. *My experience of pretending to be a bush came into good use when a Ngāti Maniapoto raiding party attempted to take over our paa site. My uncle Te Rauparaha in anticipation of their bid, returned from fighting and directed the women to group bushes in a large circle,*

*cover them with capes and light a large fire in the centre. At night it looked like the paa was full of people with a large contingent of warriors gathered around the fire. The illusion tricked the invaders and they left. We survived.*

17. *In 1818, Te Rauparaha was given his first musket when he was with Ngāti Maru in the Hauraki. From that moment, our lives changed considerably. My uncle travelled everywhere to get muskets so that he could destroy our enemies and acquire land and supporters. He became known as the Napoleon of the South, such was his prowess as a warrior and leader. I later became known as the Queen of the South, but that is another story.*
18. *For the next ten years, the conflicts between Ngāti Maniapoto, Tainui and Te Atiawa intensified. In about 1820, a huge ope taua from Waikato came to Kawhia. They arrived in seven war canoes. When they reached our paa site Ohaua-ote-rangi, my mother recognised some of her Ngāti Te Ata relations in the war party and appealed to them to not war with us. My sisters had recently been killed by a raiding party from Ngāti Pou and some of them were now invading us. They finally relented and left us alone; my mother had saved us from certain death; such was the depth of respect for Waitohi and her mana.<sup>9</sup> I was very young when I composed waiata tangi for my sisters and waiata kangakanga for their killers. Singing was comforting and I continued to compose throughout my life.*
19. *I was only 18 when I was married off to Ratutonu from Te Atiawa. Our marriage was arranged to bring peace between our two tribes. During that time, Ngāti Toa was on its hekenga South to find a permanent place for us to live. All of my life, I have followed my parents and uncles across the country, fought with them against our enemies and supported them to secure safe places for our people to settle. After Te Ratutonu four years later in 1822, I married Rangikapiki from Te Arawa and had my son Matene Te Whiwhi who later signed Te Tiriti o Waitangi with me. Ngāti Toa had strong links*

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<sup>9</sup> Oliver, W. H. & Teremoana Sparks. 'Waitohi ? - 1839'. Dictionary of New Zealand Biography, updated 22 June 2007 URL: <http://www.dnzb.govt.nz/>

*to Te Arawa and they were put to the test many times during the Musket Wars of the 1820s- 1830s. I also married Te Wehioterangi from Te Arawa. My fourth husband Hauturu had an affair with a slave girl when we lived on Kapiti Island and she died on my order.*

20. *My people finally settled in the Horowhenua, although we also held mana whenua over the Wellington and Upper South Island areas. Those lands were acquired through conquest during an 18 year period led by my uncle and brother Te Rangihaeata. When Ngāti Raukawa finally agreed to settle alongside Ngati Toa in the Horowhenua, it was at my mother's request and invitation that they agreed to do so. My mother set aside a large area of land for Ngāti Raukawa and Ngāti Toa; those tribal boundaries are still acknowledged to this day.*
21. *Intelligence from the North was communicated to us by Te Rauparaha who travelled widely to gain political alliances and resources. News had arrived about the Declaration of Independence that some Māori in the North were organising. We also knew about the trading business amongst the settlers and Māori in Auckland. We now had Pākehā traders and missionaries living amongst us and the warning that more were yet to come was clearly felt.*
22. *By that time I had seen too much warring. My uncle's children had been murdered by the Muaūpoko and I fought in retaliation against them.<sup>10</sup> I supported my brother Te Rangihaeata against Pākehā settlers who tried to take our lands on the Wairau Plains and the Crown who tried to deny our rights to land in the Hutt Valley. My son's wife was killed at Wairau and my son retaliated by killing some of the settlers.<sup>11</sup> I signed Te Tiriti because I wanted the British to uphold their guarantees, particularly in article 2 of Te Tiriti.*
23. *I was in my early forties when I signed the Te Tiriti. My mother had died the year before and I had taken her leadership role. I was the*

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<sup>10</sup> <https://teara.govt.nz/en/biographies/1t103/topeora-rangi-te-kuini>

<sup>11</sup> Oliver, S. (1990). *Te Rauparaha* in Dictionary of New Zealand Biography cited in <http://www.ngatittoa.iwi.nz/runanga/treaty-information/te-rauparaha>



only woman to sign when the CMS Missionary Henry Williams came to Kapiti. Te Rauparaha, his son Tamihana Te Rauparaha, my son Matene Te Whiwhi and I were they only ones to sign at Kapiti. At the signing, my uncle gestured me to move forward after I had been stopped by one of the Pākehā officials. Like my uncle, I believed that the Te Tiriti would guarantee our possession of our lands that we had won through conquest and settlement (ahi kaa).<sup>12</sup> Soon after it was obvious that the British were not true to their words. I expressed my anger to those Māori who invited Pākehā into their communities.

24. My uncle Nohorua, a chief of Ngāti Toa, also signed the Te Tiriti. He insisted that his son in law, Joseph Toms, sign as well so that if Pākehā breached the Treaty in any way, his descendants would also blame him. Joseph Toms was a whaler who married my cousin Te Ua Wainokenoke. It was the immense status of Nohorua that allowed Toms to sign the Herald Bunbury copy of the Treaty in Cloudy Bay. I allowed a whaler to establish a whaling station on Kapiti and that caused my uncle to be very angry and he stopped talking to me.
25. I have lived through the enfranchisement of Māori males in 1852, the 1860s land wars and the establishment of the Native Land Court in 1865. I saw the most incredible changes to my peoples' lives. I converted to Christianity in 1847 and took on the name Wikitoria. Some call me the Queen of the South. I just want peace for my people after too many years of horror.
26. Rangitopeora died sometime between 1865 - 1873.

### Part Three

27. Rangitopeora exemplified Mana Wahine. Sparks and Oliver had this to say about her:<sup>13</sup>

Te Rangitopeora inherited her mother's capacities for leadership. She was an important figure among her people,

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<sup>12</sup> <http://www.ngatittoa.iwi.nz/runanga/treaty-information/te-rauparaha>

<sup>13</sup> <https://teara.govt.nz/en/biographies/1t103/topeora-rangi-te-kuini>

Teremoana Sparks and W. H. Oliver, first published a biography about Rangitopeora in the Dictionary of New Zealand Biography in 1990. It was updated in April, 2012. It was translated into te reo Māori by the Dictionary of New Zealand Biography team

influential in the decisions they made, whether for war or for peace. She was an orator who claimed and was accorded the right to speak at meetings, a singer whose support any speaker was glad to have, and a poet whose songs are still sung. She was, too, a passionate woman of many marriages and many other relationships.

Te Rangitopeora was evidently a woman with considerable control over property and land. On Kapiti she over-rode the opposition of Te Rauparaha and Te Rangihaeata and insisted on allowing a whaler, William Mayhew, to use a piece of land. Her uncle Te Rauparaha and brother (Te Rangihaeata), however, having lost the argument, made sure of a share of the goods Mayhew paid. Later, living near the mouth of the Ōtaki River, she rented land to Pākehā settlers and offered it for sale; she and her son Mātene Te Whiwhi were reputed to be considerable landowners among the people who lived at Katihiku, near the mouth of the Ōtaki River.

28. Rangitopeora's story is one of remarkable leadership that was inherited and exercised during the formative period of our nation's development. During that time, Māori women were leaders, warriors, mothers, wives, decision makers, spokespersons, advocates, composers, strategists and intellects. Their roles however were quickly marginalised by European laws and norms once colonial contact and settlement took hold and flourished. Even at the signing of Te Tiriti, Māori women were discouraged from signing. Some 13 Māori women have been identified as having signed on behalf of their iwi, although given the difficulty deciphering the signatures, there could be many more.<sup>14</sup>
29. Contact with Europeans was not always mutually beneficial. Māori women who married Europeans, as in the case of Te Ua Wainokenoke, provided their husbands with access to the culture and communities of Māori, but perhaps more importantly the protection of the tribe. If that woman happened to be a chief's daughter, then their lives would be protected even more so by the whole tribe.<sup>15</sup> Under English law a marriage had to be solemnised by a Christian minister to be legally recognised. Most early Māori/Pākehā marriages were conducted according to Māori custom; the presence of a minister not always being available. Children of such marriages like those of Te

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<sup>14</sup> Rei, T. (1993) *Māori women and the vote*. Wellington: Huia Publishers.

<sup>15</sup> Bentley, T. (1999), *Pakeha Māori*, Penguin Books, pp.142-143

Ua Wainokenoke had no legal claim to land that she had brought to the marriage, as her interests became the sole property of her husband on marriage.<sup>16</sup> The extent of divestment of Māori land through marriage to European males is not known, however it would have had a long lasting impact on the descendants of the couple if they as the natural inheritors did not receive a rightful share of their mother's lands as was the case of Nohorua's grandsons.<sup>17</sup>

### **Private and Public Spheres**

30. The English view that a woman's place was in the home was the prevailing view throughout the nineteenth century. Pākehā women were permitted under the largesse of males to participate in church and religious activities (Christian) outside of their home, but their lives were generally restricted to the private sphere. On the other hand, their husband's roles extended into the public sphere. As a consequence, the founding of our nation was mediated and sanctioned by Pākehā male priorities and sensibilities; women's views were completely discounted.
31. Belich describes the dual systems of Māori and Pākehā in post contact period as being separate in most respects.<sup>18</sup> Some Māori communities continued in much the same way as they did prior to European contact, with minimal or no contact with foreigners. The settler government lacked the means to fully assimilate Māori into Pākehā society, so Māori were more or less left to their own devices. This explains why Waitohi and Rangitopeora were able to continue to exert influence in their respective leadership roles over their people. As the assimilation process advanced, leaders of the old Māori guard had to look for alliances with settler officials to secure their interests. Land was alienated at a rapid pace. The fracturing of Māori society was more apparent now that the settler population was now almost

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<sup>16</sup> Hippolite, j. (1999). *The George Hori Thoms and Colonial Laws of Succession*. Wellington: Waitangi Tribunal, WAI 785 WAI 42

<sup>17</sup> Ibid; P 24.

<sup>18</sup> Belich, J. (1997) *Making Peoples*. Penguin: Auckland.

equal to that of Māori. In 1840, Māori outnumbered Pākehā 40:1 but that had more or less equalised within a decade.<sup>19</sup>

### Male Franchise

32. Although the 1852 New Zealand Constitution Act was “race blind”, it certainly was not gender blind. Māori men who could satisfy the property criteria i.e. that they held land in individual title could vote, but there was no provision allowed for Māori women. Given that almost all Māori land was held in common, very few Māori men in fact met the property qualification. There were some who did and it is estimated that about 100 Māori men voted in 1853.<sup>20</sup> Nonetheless Māori males were granted franchise rights some 40 years before Māori women. Māori women were treated in the same way as Pākehā women when it came to voting; they did not receive the right to vote until 1893.

### The decades of despair

33. The 1860s land wars brought to a head the avarice of settlers for Māori land and the subsequent land confiscations had a devastating impact on Māori, particularly those tribes who had fought against the Crown.
34. The introduction of the Native Land Court in 1865 simply accelerated the extent of land alienations and did little to protect the land interests of Māori women. Pool described the period 1840-1901 as the “Decades of Despair”, and Williams, referred to the Native Land Court as the “Engine of Destruction”.<sup>21</sup> These two descriptors gloomily sum up the context and principal colonising mechanism which irreversibly altered the status of Māori as goes the saying “Kāhore he whenua, kāhore he mana”, which translates as “Without land, I have no mana”.

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<sup>19</sup> Pool, I. (1991) *Te Iwi Māori. A New Zealand Population Past, Present and Projected*. AUP: Auckland. P61.

<sup>20</sup> Māori and the Vote, setting up the seats. P2. <https://nzhistory.govt.nz/politics/Māori-and-the-vote/setting-up-seats>

<sup>21</sup> Williams, D.V. (1999). *Te Kooti Tango Whenua; the Native Land Court 1864-1909*. Wellington: Huia Publishers.

## Conclusion

35. It would be easy to romanticise the status of Māori women in the golden pre-contact era by the considerable deeds of exceptional women like Waitohi and Rangitopeora. Traditional Māori society was hierarchical with power and knowledge unevenly distributed in favour of the higher ranking classes. Most Māori women did not possess the leadership skills or the roles that these women held, nonetheless individually and collectively Māori women had mana that enabled them to effectively participate in their tribe.
36. Finally, there is a move towards developing ahistorical analyses that go beyond the constraints of the dichotomies of the public vs private spheres, male vs female, Māori vs Pākehā and instead focus on the tensions that women encounter when staking their claim within the public domain.<sup>22</sup> Māori women and men do not belong only to one sphere. Any attempt to measure the status of Māori women would necessarily involve an analysis of their experiences across multiple spheres, and through a cultural lens, in order to understand the complexity and dynamics of mana wāhine.
37. This discussion throws into relief some of the issues that impacted on the status of Māori women during the early period of contact to contribute to the narrative that is being developed during the course of the Mana Wahine inquiry.

**DATED** this 22<sup>nd</sup> day of January 2021



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**TANIA RANGIHEUEA**

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<sup>22</sup> Daley & Nolan, (1994). *Suffrage and Beyond*, international perspectives. Auckland: Auckland University Press. p.16.