

IN THE WAITANGI TRIBUNAL

WAI 2700

WAI 2872

IN THE MATTER OF

The Treaty of Waitangi Act
1975

AND

IN THE MATTER OF

the Mana Wāhine Kaupapa Inquiry

AND

IN THE MATTER OF

a claim by **Dr Leonie Pihama,**
Angeline Greensill, Mereana Pitman,
Hilda Halkyard-Harawira and **Te**
Ringahuia Hata (Wai 2872)

BRIEF OF EVIDENCE OF DR NGAHUIA MURPHY

Dated this 30 day of June 2021

RECEIVED

Waitangi Tribunal

30 Jun 2021

Ministry of Justice
WELLINGTON



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MAY IT PLEASE THE TRIBUNAL

He Kupu Whakataki

1. Ko Dr Ngahuia Murphy tōku ingoa. He uri ahau nō Ngāti Manawa, nō Ngāti Ruapani ki Waikaremoana, nō Ngāi Tūhoe, nō Ngāti Kahungunu hoki.
2. I am a Health Research Council Postdoctoral fellow undertaking research that uncovers pre-colonial Māori language and knowledge related to Māori women’s reproductive bodies. The project is a mana wahine decolonial intervention to counter the body shame that many wāhine¹ experience intergenerationally, as a consequence of colonisation. Wāhine’s bodies have been reframed as ‘spiritually defiling’ and ‘profane’. This has been used to justify colonial settler assertions of Māori female inferiority. This has led to the denial of the mana², tapu³, and rangatira⁴ status of wāhine. These narratives continue to oppress and marginalise wahine creating low self-esteem and self-hate. They also cultivate a mentality in which physical, sexual, and psychological violence toward the bodies of wāhine becomes completely permissible.
3. I attach a copy of my resume as Exhibit “A” as a background to the various publications, projects and research that I am committed to that reactivate the mana and tapu of tangata whenua wāhine and other indigenous wāhine whose liberation and empowerment are the foundations of indigenous autonomy, empowerment and wellbeing.

Research

4. My published Masters thesis, undertaken at Waikato University in 2011, examined pre-colonial attitudes and tikanga⁵ regarding menstrual blood. Traditionally the blood was celebrated through ceremonies as a conduit of whakapapa. Today it is seen negatively by many Māori because of Christian ideologies and colonial

¹ Wāhine (plural) can be translated as women. The term wāhine connects Māori women across time and space (wā) with the atua wāhine (pre-colonial feminine deities) whose mana Māori women inherit and embody.

² Can be translated as authority stemming from relationships to pre-colonial deities.

³ Can be translated as something that has restrictions placed upon it to preserve a sacred status.

⁴ Leader, chief.

⁵ Cultural practices, laws, protocols governed by Māori philosophies and values.

ethnographic representations. My Masters thesis advocated that it is vital for Māori women to reclaim customary knowledge that celebrates our reproductive bodies in order to achieve sovereignty over our own lives. I also argued that it should concern all Māori that the blood that represents whakapapa and our continuation is now seen as ‘paru’⁶ by our own people. This is the language of colonial conquest and cultural extermination.

5. My research has been predominantly related to stories, ceremonies and practices regarding menstruation in the pre-colonial Māori world.
6. I attach a copy of my Masters Thesis as Exhibit “**B**”.
7. I am presenting evidence under the rubric of the Wai 2872 claim and have been asked to present in Tūāpapa Week 3, in Whāngarei. The scope of my evidence will be based on my research which will address the following:
 - a. He Wahine, He Whenua;
 - b. Atua Wahine;
 - c. Te mana me te tapu o te Wahine;
 - d. Puberty Rites and Tikanga Māori; and
 - e. Legislations that attempted to annihilate mana wahine rituals.
8. I now turn to the first part of my evidence.

He wahine, He whenua

9. He wahine, he whenua. Women are the human counterpart of Papatūānuku. We are the ūkaipō⁷, providing, like the whenua, for all the needs of humanity born from our wombs. The whare tangata is the kaitiaki of the ira tangata, of humanity, counting and shaping the generations, born and nursed from her body. Implicit in

⁶ Dirty.

⁷ A beloved name for Papatūānuku that refers to the pre-dawn breastfeeding hours when a mother provides her baby physical, emotional, intellectual, and spiritual nourishment and sustenance through the milk. The use of the term speaks to the divinity of the earth and wahine in their capacity to nurture and fulfil all the basic needs of humanity.

the name *whare tangata*⁸ and *wahine* is the understanding that she carries the future generations. *Tiitamatia te Ao, tiitamatia te Pō. Hina te Ao, Hina te Pō. Wāhine* carry the principle of regeneration/survival.

10. *Ko wai koe?* Whose amniotic waters do you come from? Our primary identities originate from the wombs of our mothers. In pre-colonial times warriors were named after their mothers and grandmothers, taking on their *mana*⁹ and *tapu*¹⁰. Male warriors named their weapons after their mothers and grandmothers. These examples indicate an acknowledgement and celebration of the *mana* of *wahine* as a primary source of identity (and also shield of protection).
11. *Whare tangata* rites (such as birthing directly on the *whenua*, burying the *whenua*¹¹ and *iho*¹² in tribal lands, and returning menstruation – the purificatory and renewing blood of the womb to the earth) are sacred rites that underpin the name we give ourselves – *Tangata Whenua* – People of the Land/Placenta People. The blood of the womb is the physical offering placed upon the earth to honour our connection to her as the mother of life and the source of our identity, sustenance, and survival. Women hold the same *mana* as *Papatūānuku*. We are the centerpoint of creation, a cosmological tenet laid down by *Hineahuone*, the first human at *Kurawaka*¹³. The *whare tangata* holds the *mauri* of the people. If the *whare tangata* is empowered and her *mana* and *tapu* is upheld the *whānau* and *hapū* born from her body will thrive. If she is brought to her knees by oppression and violence the people will suffer. The *raupatu*¹⁴ severed intergenerational matrilineal rites that celebrate the central significance of the *whare tangata* in fundamentally shaping our identity.
12. The imposition of Christianity that ignores and /or demonises the *atua wāhine* was instrumental in relegating *wahine* to an inferior status. The esoteric arts were reserved exclusively for men. The sacred knowledges, ceremonies and *whare*

⁸ The house of humanity, the womb.

⁹ Authority from precolonial *atua*.

¹⁰ Restrictions, sacred.

¹¹ Means both placenta and land.

¹² Umbilical cord.

¹³ *Kurawaka* is the birthplace of humanity in Māori cosmology. It is the vulva of the earth mother *Papatūānuku*. It is also *wāhine*. We are *Kurawaka*.

¹⁴ The confiscation of Māori land by the Crown.

wananga of the whare tangata have been denied and ignored. Today there is rarely a female counterpart to karakia¹⁵ proceedings, furthering imbalance.

13. The theft of te reo Māori that celebrates the central significance of the whare tangata and the reframing of wāhine in derogatory terms by many colonial ethnographers has meant that many wāhine do not know who we are and see ourselves through a derogatory lens.

Atua Wahine

14. Throughout our mortal lives Papatūānuku is the source of our sustenance and survival. When we die Hinenuitepō caretakes our souls. Her supremacy is final and total. Women are the beginning and the end because of these atua. We are the only way in and out of this world through the sacred passage that is the birth canal. We open space through karanga because of Hineahuone and Papa and we close it through waiata because of Hinenuitepō. Whilst these tikanga continue, the understandings that underpin them and their central significance have been deliberately erased from the record.
15. In times of transgression in pre-colonial times, wahine led muru¹⁶ plundering parties and at times, war parties to seek utu – the restoration of balance. This is one of the sacred role of wahine dictated by the atua wāhine and our cosmological stories. Maui transgressed sacred laws when he entered Hinenuitepō without invitation. She restored balance by annihilating him with her vulvic teeth - a symbol of the autonomous mana of wahine. The story is repeated a generation later with Hinetewaiwa – the atua of women’s esoteric and ritual knowledge, and the tohunga¹⁷ Kae. The sacred roles of wahine in restoring balance in times of transgression have been forgotten. Women’s ritual knowledges have been deliberately censored, erased and denied as wahine have been reframed as ‘profane’, ‘inferior’ and spiritually polluting by colonial ethnographers.

Te Mana me te tapu o te Wahine

¹⁵ Traditional incantations and sacred chants.

¹⁶ Plundering parties to restore balance.

¹⁷ A specialist in an area of expertise.

16. It has been made clear to me by my elders and in my research that whare tangata ceremonies in traditional Māori society nurtured a bond and balance between the generations. Looking at the subject of ikura¹⁸ when women bled each month it was a time of rest and retreat from the demands of communal living. Men honoured the central significance of the whare tangata as a kaitaki of whakapapa, by taking care of chores during this time and procuring special kai. This was also the case during hapūtanga.¹⁹
17. In ancient pūrākau²⁰ menstruation is seen as conveying a male atua (Maui, and in other versions, Tāne). This is a powerful reminder of the bond between tāne and wāhine. Menstrual blood was not seen as a ‘woman’s issue’ but a whānau issue because the blood represents the continuation of whakapapa. Whilst menstruation is a very specific topic it reveals a worldview that honours the balance between tāne and wahine and the mana accorded wahine as kaitiaki of whakapapa.
18. Many iwi have stories of tāne wise in the arts of midwifery. It speaks to the intimate relationship between tāne and wāhine as tribal sisters and brothers. This relationship was nurtured through wānanga in which sexuality was talked about openly in the whare tipuna²¹ with 4 generations present. Children learned about their own sexual development through osmosis and in the context of whakapapa and karakiatanga korero, historic and cosmological purākau²². Puberty rites when the time came, involved the entire whānau and honoured ikura blood as a symbol of the continuation of life. These rites of passage bonded the genders and shaped the tenor of relationships and responsibilities to one another as tribal sisters and brothers.
19. Women and men, along with tamariki, fought shoulder to shoulder to hold the whenua from raupatu, to assert our right to live and determine our own destiny in our own lands as indigenous peoples. Māori men today forget the sacrifice of the women and children who bled and died for the land and our lives alongside their tribal brothers. Again these are examples that speak to a cultural orientation in

¹⁸ Menstrual blood.

¹⁹ Pregnancy

²⁰ Cosmological, historic, contemporary stories.

²¹ Ancestral meeting house.

²² Stories

which the bond between tāne and wāhine was foundational, and the mana of wāhine recognised and honoured.

20. In Mataatua, the battle of Te Tapiri provides a historic example of the mana of wāhine in traditional society. The Ngai Tuhoe contingent was led by the kuia Maraea Tu te Maota. She conducted the war rites. She fought on the front line, pretending to catch bullets that flew passed her. Not a shot was fired on the Tūhoe side before the arrival of this ‘prophetess’ on the battlefield. The Ngāti Manawa side was led by Hinekou. She conducted the karakia and rituals on the battlefield. Her visions directed the battle strategy. A huge portion of the fighting Ngāti Manawa force were wāhine. This example challenges dominant narratives that there were no female tohunga. Indeed there were and they held huge mana.
21. Traditionally, in times of war, if tāne lost courage, they would anoint themselves with ikura, or carry the blood tucked in their war belts as a protective talisman. The blood is the blood of birth death and renewal and represented a supernatural power used in protection and purification rites. The tara of wāhine was seen in the same light and used in rites of protection, rebirth and renewal. Today the blood and the tara is seen by many wāhine and their whānau as a source of spiritual pollution, defilement, female inferiority and shame. This is the direct consequence of Christianity and Victorian attitudes imposed on wāhine and whānau through the mission stations and state schooling. We are having to recover who we are as wāhine because we have been redefined in derogatory terms by many of the colonial ethnographers. Histories that reflect our mana and tapu have been diluted, censored and erased from the historic record. Male war rites that use ikura blood to purify and protect present examples of ancient Māori philosophies of wāhine and how tāne engaged with them.
22. Te mana o te wāhine i roto i te Ao Māori can be seen in the examples shared above. We lead muru parties and war parties, conducting the rituals on the battle field that shaped and directed battle strategy, shielding the warriors from makutu, taking up arms and fighting where necessary. Our genitalia and blood purified and protected. Today female genitalia and the blood of the whare tangata (menstrual blood) is seen

as a symbol of female inferiority, the opposite to customary whakaaro²³. The difference reflects colonial histories in which wāhine, as kaitiaki of the ira tangata, needed to be subordinated in order to subdue the people.

23. As kaitiaki²⁴ of the mauri²⁵ of the people through the whare tangata, wāhine were targeted. One way was through sexual violation. Rape was used as a colonial weapon to annihilate the people and in particular, movements of resistance to colonial hegemony. The impacts of this are intergenerational and continue to cause extreme mamae²⁶ and trauma for wāhine, whānau, hapū and communities.

Puberty Rites and Tikanga Māori

24. I would add that pre-colonial puberty tikanga for girls coming in to their wahinetanga provide examples of how the mana of wahine was acknowledged and celebrated by whānau and hapū. Examples of puberty rites (which are now being reclaimed as a decolonial intervention include:

- a. Piercing of ears
- b. hair cutting
- c. kauae moko²⁷
- d. taking new name
- e. whānau hākari²⁸
- f. presentation of taonga²⁹
- g. karakia welcoming blood as symbol of life
- h. burying first ikura back to Papa to reconfirm that primary relationship

²³ Thought.

²⁴ Guardians.

²⁵ Life-force.

²⁶ Pain.

²⁷ Traditional cultural skin carvings that adorn the chins of women.

²⁸ Family feasts.

²⁹ Treasures. Presents.

25. These celebratory tikanga involved the entire whānau including the men, strengthening the familial bond between genders. These ceremonies empowered wahine and celebrated their reproductive power in assuring the continuation of whānau whakapapa and life.
26. Today most Māori women girls and whānau do not know these tikanga³⁰ through no fault of their own. What's more perhaps the majority feel body shame - ashamed to speak about 'the blood down there'. For many there are no words for 'what's down there'. This is a direct consequence of colonial patriarchal histories that have recoded the Māori feminine body (In particular female genitalia and menstrual blood) as defiled, more immoral than the men, inferior, spiritually polluting, profane, unclean and even demonic. Colonial ethnographers, missionaries and the imposition of Christianity that upholds one male sky god, relegating the atua wahine to oblivion, have impacted hugely on the way Māori women see ourselves. Many of us see ourselves through colonised eyes. We have internalised derogatory colonial representations of wahinetanga and the violent nature of colonisation as a patriarchal project.
27. Iwi histories that challenge colonial renditions of Māori femininity have been censored from the record. An example is Te Awa o te Atua in Mataatua named after Wairaka who got her atua (menstrual blood) at the mouth of the Tarawera river. History books recount 'Wairaka had an embarrassing incident'. Just like that a story that represents the mana of women and the blood, exalted in iwi histories, is censored because of the prudish, patriarchal (and often Christian sensibilities) of colonial settler historians. It represents the politics of knowledge production – Only those stories that prop up settler patriarchal ideologies have been recorded.
28. Over the last decade I have run wananga in Māori communities on pre-colonial ikura teachings. I am always struck by the silence of the wahine and tāne in the room. They have usually never heard the korero before. Matrilineal ritual knowledge has been thoroughly denied and erased from the record. Many wahine today are silent, they have no words because the language has been ripped from their tongues. Wahine feel ashamed of their own reproductive bodies and its cycles.

³⁰ Cultural protocols, ceremonies, practices.

This is what they have been taught. The blood that represents whakapapa has been recoded as dirty. This is the language of colonial conquest when we see the blood of our own origins and survival as being 'dirty'. Wahine also feel ashamed and heartbroken that they weren't raised with these teachings and did not celebrate their own daughters, nieces, and mokos when their time came. Tāne in the wananga are humble. They want to know who we are. They want to know their roles in relation to mana wahine. The bond between tāne and wahine as tribal sisters and brothers has been smashed to smithereens by the patriarchal nature of colonisation that instituted a gendered hierarchy with men on top, women on the bottom as 'property'. The bond was deliberately targeted in order that colonisation be successful. The kinship systems – our strength – needed to crumble. Domestic violence toward wahine today is the consequence of the misogynist nature of colonisation that relegated wahine to the status of little more than animals and property of men. Domestic violence in pre-colonial society carried swift utu repercussions by the entire hapū of the wahine who carried that justice out in a public manner.

29. The relationships wahine have with themselves as human embodiments of the atua wahine have been broken and we are struggling to recover ourselves and see ourselves in a healthy light. The bond between genders has been broken by the patriarchal nature of colonial settler society. The abuse of tamariki by our own people is an act of suicide. When we hurt our tamariki, we are killing ourselves. Our tamariki are the future. They hold as much mana as anyone else. They fought and died with the tāne and wahine during the land wars. They are known to have had a seat on war councils. Early Missionaries have recorded how they had to teach Māori parents to beat and physically discipline their children, something we did not do in traditional society. The fact that we didn't hit our children and that their autonomy was respected, and the fact that women's autonomy and sexuality was celebrated, became symbols to the coloniser of the innate inferiority and savagery of Māori, justifying conquest, land theft, and cultural spiritual and physical annihilation.

Legislations that attempted to annihilate mana wahine rituals

30. My PhD was completed at Waikato University in 2019. The thesis focused on the reactivation of pre-colonial Indigenous women's spiritualities and rituals in Aotearoa, Hawai'i, Canada and North America as a key site of Native sovereignty. I examined how whare tangata rituals and knowledge not only inform and shape Māori (and other Indigenous women's) intimate sense of self, they are also practiced for the benefit and wellbeing of whānau and hapū, shaping identity and belonging and facilitating balance (between genders, generations, humanity and our non-human relations, te ao marama and te ao wairua). Because mana wahine ancestral rituals are instrumental in shaping and maintaining communal wellbeing, and because Native spiritualities are critical bastions of autonomy and resistance, these rituals were targeted for eradication through multiple colonial processes.
31. I attach a copy of my PHD thesis as Exhibit "C".
32. Legislations that attempted to annihilate mana wahine rituals include:
 - a. The Criminal Code Act, 1893, which issued up to one year's hard labour in prison for anyone who 'pretends to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration, and/or who fraudulently claims any knowledge or skill in any occult or crafty science'
 - b. The Māori Councils Act, 1900, which sought to regulate tohunga and threatened to punish through fines all those who 'practice upon the superstition or credulity of any Māori in connection with the treatment of disease'
 - c. The Tohunga Suppression Act 1907, which criminalised Māori spiritualities
 - d. Midwives Act 1904. The Act institutionalised midwifery, relocating it within masculinist colonial medical discourse that stripped the ceremony from the sacred rite of birth. The regulation of midwifery contributed to driving mana wahine ritual knowledge underground and led to Māori women birthing in Pākehā hospitals where the laws of tapu that protected the sanctity of the whare tangata were violated. The incineration of the placenta broke

intergenerational matrilineal rites of returning the placenta to tribal lands to re-affirm whakapapa to Papatūānuku and to signal continued land occupation. Furthermore, the burning of the placenta - seen as a living entity tied to the well-being of the child - also violated the child's mana and mauri with direct consequences that impacted on the child's physical and spiritual vitality. The consequences of the breach and violation of whare tangata rituals that shape and inform who we are as Tangata Whenua, are intergenerational.

33. These legislations created a climate of fear toward Māori spiritualities and mana wahine ritual practices, deliberately smashing the foundations of Māori autonomy that lie in wairuatanga³¹. The fear generated by these legislations broke intergenerational transmission of mana wahine ritual knowledge and practice leading to a complete lack of knowledge of the central significance of mana wahine today. Through no fault of our own many Māori women do not know who we were, or who we are today. We struggle to recover ourselves and see ourselves in a positive light. We struggle to know how or even if it's possible to recover relationship with the atua wahine who inform us of the true potential of who we really are and the mana we carry. Mana wahine rituals and sacred knowledge has been corrupted, diluted, denied and deliberately erased creating self-hate, cultural disorientation and disconnection with ourselves and our own autonomous mana. Settler legislations, raupatu and Christianity are state mechanisms that have annihilated mana wahine knowledge and ritual practices. Compounding all this is the internalisation of colonial patriarchal values by Māori men (and women) who enact lateral violence on Māori women's bodies. Like violence toward children, violence toward the whare tangata is a suicidal act, lashing out at the symbols of the regeneration and survival of the people.
34. The Crown breached article 2 of Te Tiriti o Waitangi by denying and failing to protect the Rangatira status of wahine. The Crown actively and deliberately marginalised mana wahine and relegated it insignificant by refusing to treat with wahine Rangatira. In doing so they created an imbalance in Māori society, denying the mana of the whare tangata that speaks on behalf of the generations as the house of humanity. This imbalance perpetuates violence and discord in Māori whānau and

³¹ Spiritualities

communities. The taonga that is the whare tangata, that assures the very survival of the people, that is the center-point of whakapapa, has not been upheld in accordance with Article 2.

35. The Fourth oral Article was also breached by legislations informed by Christian values and ideologies that deliberately attempted to eradicate Māori spiritualities as beacons of autonomy and resistance. Mana wahine rituals, ceremonies and knowledges which should have been protected by this article were not, and in fact were actively slated for annihilation as emblems of the innate inferiority of a ‘backward race’.

Kōrero whakakapi

36. Despite the violence inflicted on the whare tangata through colonial processes, some of which have been outlined in this brief, mana wahine endures. The whare tangata endures, and so the people endure. Wahine are the house of the generations. Enshrine her mana for the benefit of the people.

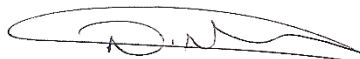
Maku ra te orangatanga o te ira tangata mo ake tonu atu.

Kei toku kaiure te kakano, kei toku puwera te kohanga e pao ai te uri.

Haramai te mana atua, whano whano, taiea ki te uwaha.

Ka po, ka ao, ka ea, ka awatea

Tihei mauri ora ki a tatou katoa.



DR NGAHUIA MURPHY