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I am the River: The Intersection of Law and Lore in New Zealand

Typically, when considering New Zealand, people don't consider it at all. There exists an entire tumblr.com library of world maps that are missing New Zealand. Ravensburger Puzzles offer a massive, 5000-piece map-of-the-world puzzle that can never be considered truly complete as it is missing this entire, hundred-thousand square-mile country. The opening scene of *Star Trek: First Contact* erased New Zealand from the globe, so presumably the country will have ceased to exist by April 2063, and the Trump organization, in a map on a now archived version of their website, explores their global reach in a nifty map that excludes New Zealand from the various landmasses. Similarly, the creators of the world map on the wall at Pyongyang International Airport neglected this collection of islands when creating the large map that represents the various international time zones.

Now, to be fair, New Zealand, or Aoteroa, is rather small and extraordinarily far from, well, anything. This isolation contributes to the islands' bio-diversity and also to the rugged self-sufficiency of their culture. Their primary exports are lamb and milk, and their sheep population is considerably higher than their human population. They have never colonized anyone, and the only wars in which they have fought have been within the role of the ally (New Zealand). Their isolation certainly has its advantages: my sister recently asserted in a conversation from New Zealand via Skype that New Zealand was the last place on earth that anyone would bomb, because in order to bomb it, one would first have to acknowledge its existence. This inconspicuousness also has its disadvantages, not for New Zealanders, but for us in the rest of the world. We don't consider New Zealand to be a world leader, so when its people do something

wonderful, such as giving women the right to vote (first!), or acknowledging the rights of the land and indigenous people, we take an inordinately long time to follow suit.

In a March 2017 parliamentary vote, the government of New Zealand granted human rights to the Whanganui River. This vote, which assigns the river two guardians to represent her in legal matters, ends a 140-year conflict between the government and the people and opens up the arena for further similar developments at the intersection of law and lore. For the Māori iwi (or tribe) living in the Whanganui area, this recognition is a logical extension of their belief that “I am the river, and the river is me” (Davison). In Māori genealogy, or whakapapa, individuals trace their family lines back to the gods through all living things (Barlow). This cultural belief affects the creation of laws and the management of ecological concerns in governmental and legislative contexts in a manner that offers a thought-provoking study of how a culture displays its values through its mythologies and may inform our understanding of the manner in which New Zealanders legislate their society.

Folklore allows us to absorb ideas that may otherwise exist outside our understanding. Through positing a deeply-held belief in the form of a story, the storyteller encourages suspension of disbelief in the listener, facilitating open communication across ethnic, cultural or other barriers. The creation story embraced by the Māori people can offer insight into how a river or national park may come to have human attributes, a notion that to many westerners may seem absurd or fantastical but that, in its unfamiliarity, reveals our own cultural beliefs too.

In the Māori creation story, the earth, Papatuanuku, and the sky, Rangiūi, are lovers. They have many sons who live in the close darkness of their embrace. Their son Tane, the God of birds and forests, separates his parents by lying on the ground and pushing upward with his legs. Most of Tane’s siblings are content with the new order, but one, Tawhirimatea, the God of

storms and wind, is upset by the pain caused to his parents and chooses to live in the sky with his father, tormenting his siblings with the elements within his domain (New Zealand Ministry for Culture and Heritage). Some time after separating his parents, Tane creates the first woman using red clay from his mother, Papatuanuku. This woman, Hineahuone, becomes his lover, and together, they create people (Te Kete Ipurangi).

These stories offer outsiders some insight into how Māori beliefs about land and people emerge. The Māori believe that the sky and the earth are their ancestors, and as a result of this belief, if one asks a member of one of the Māori Iwi who their ancestors are, they will name trees or mountains among men and women. The pride that Māori take in their connection to the land is similar to the American joy found in the act of tracing one's family lines back to frontiersmen or Mayflower settlers. This land-based pride vs people-based pride is emblematic of each nation's cultural engagement with space; the Māori celebrate connection to the earth as an ancestor, while Americans revel in the achievements of their ancestors in taming the land.

The Earth Law Center states that the Whanganui River decision is important because it recognizes the connection between the land and the people, and further, because the ruling establishes that "the health and wellbeing of the Whanganui River is intrinsically interconnected with the health and wellbeing of the people" (Earth Law Center). This linking of land and people seems so effortlessly logical – the survival of humanity depends on the protection of our resources; however, protection of our finite resources is not necessarily something that Western societies typically legislate for. Perhaps the desire to protect our natural resources is subordinated to myriad other concerns, particularly the economic and political. Or perhaps this perceived lack of motivation is the result of our own environmental advocates remaining a relatively

disempowered group? Regardless of the reason, this environmental neglect is at the very core of the Māori / Pākehā dispute.

As early as the Treaty of Waitangi – a widely-contested agreement between the British crown and the Māori people undertaken during the reign of Queen Victoria - the Māori have been acknowledged in legal documentation as “tangata whenua – people of the land” (Norton, David et al.). This description not only differentiates the Māori from the Pākehā [white people] who colonized New Zealand but also establishes that the Māori are the stewards of the land itself. Tui Cadigan, a Māori feminist theologian who has written extensively on the connection between Māori theology and ecology, deepens this relationship even further in her explanation of the connection in which she writes that “Māori identify themselves as tangata whenua, in the Māori mind this denotes belonging to whenua rather than whenua belonging to Māori” (Cadigan). She goes on to establish that “[t]he word whenua means both land and placenta” (Cadigan). This deep familial connection to the land is evident in the writings of Māori academics and those of their Pākehā counterparts, and walking through Auckland, or Wellington, or any major city in New Zealand, it is easy to see why this connection is so strong.

British colonization has created a rather fascinating environmental experience in these cities, as I learned walking the Birkenhead neighborhood of Auckland on my first visit to the country in late 2013. When I asked my sister, Tanya, to take a walk with me, I presumed I would be wandering the streets looking at the perfect English doll-houses, marveling at how different they are from what I am used to in the US, and in South Africa, where she and I both grew up. So I was initially startled and then completely overwhelmed when she suddenly veered off to the right, taking a footpath between houses into the set of Tarzan.

Imagine lifting your perfectly lovely rose-patterned porcelain teacup and tumbling headfirst into a mossy, sweating wonderland of ferns and forty-foot-tall trees with spongy trunks, each boasting their own colonies of fungi shelving and loud, obnoxious greenery. As if it were not enough to simply be a plant, these trees adorn themselves with further plants. Entire nations of other plants hold their own celebrations up and down trunks and branches, amidst the constant confetti of gentle, warm rain.

Walking through this natural theme park is completely overwhelming; it chitters and hums and vibrates and chirps and bubbles and splashes and gurgles and whistles. Everything stretches beyond sight, into a sky almost completely obscured by the natural canopy. Endless levels create the impression that the ground is far below, decorated with streams of trickling water, always running crystal clear over mud rendered in vibrant oranges or browns so rich and thick and enticing that it becomes difficult to resist throwing yourself over the edge and into the swamp of it, rolling in the earth's warmth and becoming completely absorbed in the fecund sticky mess that is, well, sort of, Tanya's backyard.

It is easy to understand the visceral, familial connection the inhabitants of this place might form with the land around them; such abundance not only sustains them, but it pulses with a very real heartbeat of its own. Once there, it becomes impossible to deny that this place is an entity deserving of respect. I wanted to write poems to this place, to live in a small clearing dug out of the hillside, to petition for the land to adopt me so that I too could claim to descend from this marvelous, fecund, verdant, symphonic paradise of a place. I felt instantly and fiercely protective of it.

In an effort to understand this land/ human bond more fully, I took a walk in my own California neighborhood on Sunday afternoon, deliberately seeking out a walking path where I

might observe the manner in which Southern Californians preserve a similar space. I wandered down past the Seven-Eleven, a couple of blocks from my home. Turning right, onto a clearly demarcated walking path, I entered my neighborhood's wild space. The sidewalk widened and extended into a broad, serpentine, concrete pathway, which wound its way through several orderly gardens, each featuring a neatly maintained tree surrounded by a tidy patch of dirt, or, in some cases, gravel. Neighbors walked small, tightly-leashed dogs and a group of shirtless frat-boys played an exuberant game of football on the slope connecting their home to the trail. Houses backed onto the trail on both of the long edges, and I eventually had to cross the busy intersection at Seventh and Ximeno to continue my walk, meandering through neighborhood streets to eventually reach the lagoon where a recent renovation extended concrete pathways to meet the sidewalk for more efficient access for disabled visitors.

There is something admirable- democratic, even- in this system. We pave our spaces so that even those who cannot walk may enjoy them. We control them so that they are safe, so our children do not risk harming themselves while exploring. And, our own particular environmental concerns are visible through the manner in which we tame these spaces – Southern California is a desert so these spaces are cleverly tailored to require little maintenance or water. And yet, it is difficult to form the same bonds with the walking paths in my neighborhood as we do in New Zealand because they are so inexorably human. We have stamped them so thoroughly with our presence and reshaped them to meet our standards of convenience.

Walking in my own neighborhood made me reconsider my ideas of why we, in the West, mold, shape, and eventually destroy our environment. Perhaps it is because we have little connection to the natural world, no experience of it. Our forefathers started this terrible march towards a concrete environment, and as we remove ourselves further and further from our land

through successive generations, we decrease the likelihood of ever reclaiming our wild spaces, of finding our true place *within* the natural order of things.

American philosopher and cultural ecologist David Abram recently wrote a book called *Becoming Animal* which, as the title implies, explores the connection between human beings and the Earth through the exploration of our species as animals. It is this animal connection to the earth that is roused when walking through Auckland's Kauri forests, and this animal connection that likely inspired the animism of early human beings. Animist belief systems typically view humans as part of the earthly order, while Judeo-Christian systems place human beings above other organisms. This idea can be found within Genesis, the first book of the Holy Bible, in which, after creating man "in His own image," God instructs him to "be fruitful and multiply and fill the earth and subdue it, and have dominion over the fish of the sea and over the birds of the heavens and over every living thing that moves on the earth" (Genesis 1:28). It is this particular aspect of theology that has led generations of scholars to the conclusion that the Judeo-Christian tradition is inherently and inescapably anthropocentric.

This anthropocentrism has been observed in the works of decades of academics. Ian McHarg, the landscape architect who, in 1969, wrote *Design with Nature*, blazing a trail in the field of ecological planning and eventually laying the groundwork for geographic information systems, famously claimed that "Judaism and Christianity have long been concerned with justice and compassion for the acts of man to man but have traditionally assumed nature to be a mere backdrop for the human play" (McHarg); in a seminal article in *Science* in 1967, American historian Lynn White, Jr., stated that Christianity "not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends" (White). And Max Nicholson, pioneering environmentalist and founder of the World Wildlife Fund,

argued, in 1987, that the “need for theological rethinking on man’s place in nature is urgent” (Nicholson). If a theological rethinking was urgent then, it is critical now. All of these scholars offer valid points and each makes an extraordinarily effective, and oft-cited, argument. David Abram, however, takes this discussion a little deeper, asserting in “Animism and the Alphabet” that “with the advent of the aleph-beth, a new distance opens between human culture and the rest of nature” (Abram). He explores how the symbolic script we are so accustomed to in the alphabet developed from symbols that were representative of elements of the natural world to - eventually, with the Greeks - marks derived from earlier symbols that had by this time entirely severed their connection with their earlier, environmental inspirations.

Abram does not detach the debate from the Bible entirely. Indeed, he includes mythological aspects in the development of his argument in order to illustrate man’s movement away from the natural world. Abram reminds us that “in the Hebrew Genesis, the animals do not speak their own names to Adam, rather they are *given* their names by this first man. Language, for the Hebrews, was becoming a purely *human* gift, a human power” (Abram). So Abram’s argument is that human beings distanced themselves from nature in stages, with the development of language, and then eventually through the various stages in the development of script, from symbolism to ultimate abstraction. There is something particularly compelling at the intersection of these ideas. Abram’s assertion that writing distanced human beings from our connection to the earth may initially seem removed from McHarg, White and other scholar’s arguments that dominion theology is responsible for the western ecological crisis, but a brief return to New Zealand may illustrate how these seemingly disparate explanations all form part of a much larger picture.

Tui Cadigan explains how “the Treaty of Waitangi, the document that gives Pākehā their right to be in Aoteroa, also makes absolutely clear the place of the Māori. This document has always been understood by Māori to be a covenant in the biblical sense. By the time Te Tiriti was signed (1840) almost all of what Māori knew of scripture and the ‘new’ religion had been learned from missionaries. The only printed texts available to Māori audiences hungry to learn to read were translated texts from first testament scripture” (Cadigan). So, prior to encountering their earliest missionaries, the Māori had embraced a purely oral tradition. Writing and Judeo-Christian tradition are thus inextricably linked in the history of New Zealand. Cadigan makes the point that with white people (Pākehā) came writing, and that writing was given power by its mystical ordination. Thus, writing appeared sacred. The only written texts the Māori had were biblical, and missionaries were their teachers. When they negotiated a treaty with the settlers and the treaty was sacralized by its written form, they placed their faith in that document.

The Pākehā interpretation of the document, however, resulted in a devastating loss of land and resources for the Māori. Because of the Māori’s land/human connection mythology, this loss of land effectively robbed them of their very existence. Cadigan’s paper mentions that “a landless Māori is literally a non-person” (Cadigan). The Treaty of Waitangi gave the white settlers the right to purchase land, which the Māori, culturally and historically, didn’t have the ability to sell. The Māori did not have a social mechanism through which land could be owned or sold. Tui Cadigan explores this idea within her paper, explaining that the land is one’s mother and, naturally, one can neither own nor sell one’s mother. In Abram’s paper, writing takes us away from the land; in Cadigan’s, writing takes the land away from us. The transfer of land from Māori to Pākehā hands resulted in the destruction of many of New Zealand’s natural resources, and several long running court battles, such as the 140-year epic over the Whanganui River.

We, in the US, have our own version of this conflict, as evidenced by the recent protests over the installation of the Dakota Access Pipeline. Dakota Access, LLC, began building this pipeline to carry crude oil from Stanley, North Dakota, across a wide swathe of the upper US, including more than 50 counties in four states, to Patoka, Illinois in 2014. The construction permits and condemnation lawsuits were widely contested and large-scale protests were held in support of the Standing Rock Sioux and other first-nations groups who were concerned about the potential effects of the construction and of the pipeline itself on their land and water supply (Dakota Access Pipeline). Unfortunately, and revealingly, the protests by indigenous people in the US did not achieve the same success that the Māori experienced in the Waitangi River case. In January of 2017, within four days of his inauguration, President Donald Trump signed an executive order facilitating the resumption of work on this pipeline, a project in which he is believed to hold financial interest. The statement made by the President at the time of signing highlighted what he termed an “incredibly cumbersome, long, horrible permitting process” (Mufson and Eilperin), rather than the very real risk to the environment, the water-sources of millions of individuals and the rights of thousands of land-owners along the route.

This callous dismissal of the sincere concerns of thousands of people, and a historical reenactment of the U.S.’s version of Pākehā ideology, may also come down to a development seeded by the introduction of the written word. In *Animism and the Alphabet*, David Abram asserts that the ability to view one’s own words “enables a new sense of autonomy and independence from others, and even from the sensuous surroundings that had earlier been one’s constant interlocutor” (Abram). The belief that the earth is a sentient being may have played some role in keeping the Māori connected to the land, and to each other, for one cannot hope to care for an island alone. Without such connection, our own society has drifted far from our

physical spaces and into a place so abstract that even our fellow human beings seem like a distant concern, ranked so far below money and power and progress and the price of gas in the hierarchy that they eventually disappear altogether, like a far distant landmass.

Perhaps it is time to shift our perspective on New Zealand, to consider that we may have something to learn from small, inconspicuous places. The Māori stewardship model is one that could potentially replace our dominion theology. I am not suggesting a return to animism, as appealing as the idea may be, but rather running a virtual “find and replace” on the Scriptures, trading the word “dominion” for “stewardship” and embracing the nuanced difference that follows. We have come too far to replace our abstract script with something more representative of the Earth, but this too could change with a cognitive shift, a movement away from our own words and towards those of others, an engagement with individuals and with the world around us, and a consideration of the long-term outcomes rather than the immediate rewards of exploiting our precious, and finite, resources.

Works Cited and Consulted

- Abram, David. "Animism and the Alphabet." *The Spell of the Sensuous: Perception and Language in a More-than-human World*. N.p.: Vintage, 2017. N. pag. Print.
- Abram, David. *Becoming Animal: An Earthly Cosmology*. N.p.: Vintage, 2011. Print.
- Barlow, Cleve. *Tikanga Whakaaro: Key Concepts in Māori Culture*. Auckland, N.Z.: Oxford UP, 1994. Print.
- Cadigan, Tui. "Land Ideologies That Inform a Contextual Māori Theology of Land." *Ecotheology: Journal of Religion, Nature & the Environment*, vol. 6, no. 1/2, Jul2001-Jan2002, p. 123. EBSCOhost, libezproxy.lbcc.edu:2048/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=5536069&site=ehost-live.
- "Dakota Access Pipeline." *Wikipedia*. Wikimedia Foundation, 14 Oct. 2017. Web.
- Davison, Isaac. "Whanganui River given Legal Status of a Person under Unique Treaty of Waitangi Settlement - Maori - NZ Herald News." *The New Zealand Herald*. NZ Herald, 14 Mar. 2017. Web. 15 May 2017. <http://www.nzherald.co.nz/maori/news/article.cfm?c_id=252&objectid=11818858>.
- Earth Law Center. "New Zealand." *Earth Law Center*. Earth Law Center, n.d. Web. 15 May 2017. <<https://www.earthlawcenter.org/international-law/2016/8/new-zealand>>.
- Ferngren, Gary B., ed. *SCIENCE AND RELIGION: A Historical Introduction*. N.p.: JOHNS HOPKINS UNIV, 2017. Print.
- "Genesis 1:28." *Holy Bible: English Standard Version*. N.p.: Collins, 2012. N. pag. Print.

Government of New Zealand. "Te Awa Tupua (Whanganui River Claims Settlement) Bill." *Te Awa Tupua (Whanganui River Claims Settlement) Bill 129-1 (2016), Government Bill Explanatory Note – New Zealand Legislation*. Government of New Zealand, 29 Jan. 2016. Web. 14 May 2017.

<<http://www.legislation.govt.nz/bill/government/2016/0129/6.0/d56e2.html>>.

McHarg, Ian L. *Design with Nature*. N.p.: John Wiley & Sons, 2005. Print.

McNamee, Thomas. "Drainage Ditch." *The Return of the Wolf to Yellowstone*. N.p.: Henry Holt, 1998. N. pag. Print.

Mufson, Steven, and Juliet Eilperin. "Trump Seeks to Revive Dakota Access, Keystone XL Oil Pipelines." *The Washington Post*. WP Company, 24 Jan. 2017. Web.

"New Zealand." *Wikipedia*. Wikimedia Foundation, 29 Oct. 2017. Web.

New Zealand Ministry for Culture and Heritage Te Manatu Taonga. "Papatūānuku – the Land." *Papatūānuku – the Land – Te Ara Encyclopedia of New Zealand*. Ministry for Culture and Heritage Te Manatu Taonga, 04 Dec. 2012. Web. 17 May 2017.

<<http://www.teara.govt.nz/en/papatuanuku-the-land>>.

Nicholson, Max. *The New Environmental Age*. N.p.: Cambridge UP, 1990. 159. Print.

Norton, David, Laura Young, and Bruce Clarkson. "Introduction to Special Section on New Zealand Restoration." *Ecological Management & Restoration* 17.3 (2016): 168-69. *Documents - Govt NZ*. Govt of New Zealand. Web. 14 May 2017.

<<http://www.doc.govt.nz>>.

Rousseau, Bryant. "In New Zealand, Lands and Rivers Can Be People (Legally Speaking)." *The New York Times*. The New York Times, 13 July 2016. Web. 15 May 2017.

<https://www.nytimes.com/2016/07/14/world/what-in-the-world/in-new-zealand-lands-and-rivers-can-be-people-legally-speaking.html?_r=0>.

Santmire, H. Paul. *The Travail of Nature: The Ambiguous Ecological Promise of Christian Theology*. N.p.: Fortress, 1985. Print.

Te Kete Ipurangi. "A Trilogy of Wahine Toa." *Te Kete Ipurangi - Maori Myths, Legends and Contemporary Stories*. NZ Ministry of Education, n.d. Web. 14 May 2017.

<<http://eng.mataurangamaori.tki.org.nz/Support-materials/Te-Reo-Maori/Maori-Myths-Legends-and-Contemporary-Stories/A-trilogy-of-Wahine-Toa>>.

Te Rire, Jonathan. "Taxonomy - Maori Whakapapa Versus Western Science." *International Journal of Arts & Sciences* 5.3 (2012): 59-73. *ProQuest*. Web. 17 May 2017.

White, L., Jr. "The Historical Roots of Our Ecologic Crisis." *Science* 155.3767 (1967): 1203-207. Web.