

*Te Mātāpunenga: A Compendium of References to the Concepts and Institutions of Māori Customary Law.* By Richard Benton, Alex Frame and Paul Meredith. Victoria University Press, Wellington, 2013. 560pp. \$80.00. ISBN: 9780864738899.

While aimed primarily at legal professionals and academics, *Te Mātāpunenga*'s value is much broader than that. Importantly, for legal historians and others conducting research around tikanga, or customary law, and also for those investigating the historical impact of colonization on the practices of tikanga, *Te Mātāpunenga* provides a unique insight into the history and workings of a rich and complex system as it pertains to obligations and rights.

*Te Mātāpunenga* itself has a long history. In 1999, the Mātāhauariki Institute, a research institute established by the School of Law at the University of Waikato, recognized that there was an imbalance in the written documenting of the historical legal practices of the two major component cultures in Aotearoa New Zealand. While the concepts and institutions of the British legal system were extensively documented, the situation was quite the opposite for Māori customary law. In order to address this imbalance, the Institute set about assembling a collection of historical references to the concepts and institutions of Māori customary law. *Te Mātāpunenga* is the result.

*Te Mātāpunenga* is an impressive work. The book itself is striking and beautifully written. It reads as one voice, which pays homage to the compilers' extensive revision. It is hard bound with an eye-catching cover and contains well-laid-out pages illustrated with colour and black-and-white photos, lithographs and drawings. Overall, *Te Mātāpunenga* is everything a compendium should be: a comprehensive and well-organized source of information that provides access to a specialized body of knowledge.

That said, *Te Mātāpunenga* is essentially a collection of stories that explain Māori customary law, within which some very special treasures can be found. Hidden within its explanations are insights into the everyday historical life of ordinary Māori, both pre-colonization and subsequently. *Te Mātāpunenga* also talks of the actions and deeds of important historical figures that are often omitted from traditional historical texts. Moreover, there are comprehensive descriptions of historical examples of tikanga in practice. The chapter pertaining to hākari ('entertainment, feast') is particularly informative. It is peppered with illustrations of the elaborate stages erected for hākari, which provide a sense of the extent of an undertaking these feasts were, and their importance for ensuring the maintenance of mana through practising manākitanga.

Also woven throughout the pages are historical narratives about the impact of colonization on Māori peoples, communities and customary laws. These include, but are not limited to, narratives of missionary influence, the New Zealand Wars, the Native Land Court, land loss and denial of rangatiratanga through legislative measures. Importantly, the historical sources chosen to illustrate specific customary law concepts, for example letters to the editor, letters to the Government, reports of hui and Waitangi Tribunal submissions, also illuminate a long history of Māori resistance to colonization.

The compilers do not pretend to have produced a definitive work, and they are confident that other scholars will build upon the foundations established here. Such

an admission, however, should not draw attention away from the fact that this piece of work is an incredibly impressive undertaking. The specialized body of knowledge covered in this compendium is the terms, concepts and institutions of Māori customary law as they are recorded in traditional and historical records. Its focus is on a particular function of custom, that as a source of law ‘which gives rise to *obligation and right*’ (p.13). The compilers undertake a detailed discussion to further explain and elaborate this obligatory nature of custom. While incredibly informative, as a compendium of this specific kind, the discussion would benefit from some historic examples in Māori customary law.

*Te Mātāpunenga* is made up of 121 separate terms and concepts (or ‘Titles’), arranged alphabetically. Included under each are materials that state or suggest a normative principle of obligation, as well as materials that highlight concepts or practices necessary to understand the normative principles. Each Title begins with a ‘Preamble’ that contains a short explanation of its general meaning and comment on its scope, together with some etymological connections with wider Polynesian cultures. Those with a linguistic background, or who are interested in the history of te reo Māori, will find these Preambles particularly fascinating.

All but one of the Titles contain an introductory ‘Entry Guide’ which gives a brief overview of significant elements in the sources (‘Entries’) quoted, as well as cross-referencing to where the concept or institution is discussed under other Titles. This provides a useful resource for the reader who is searching for specific historic examples of custom in relation to a precise notion. Before each citation – in most cases ordered chronologically – each Entry gives background information on the source and discussion of context and credibility issues. Consequently each Entry can be read as a stand-alone piece.

As a compendium of references, *Te Mātāpunenga* is necessarily selective. This judgement is driven by the compilers’ assessment of the explanatory power and insightfulness of the source, as well as its authority, credibility and/or public importance. That said, the selection is indeed extensive, traversing a wide range of historical and contemporary material. Understandably, a number of writers are referred to on several occasions throughout the book. The compilers here succeed in avoiding repetition through clever prose. The background information is always summarized differently, with emphasis placed on the subject of the Title.

Importantly, the sources cited also include those traditionally outside of the gaze of history scholars, such as whakataukī, waiata, haka and biblical references in te reo. Such sources go towards providing a greater ‘Māori voice’ in the work. The compilers acknowledge the extreme importance of this position. Such material is deliberately chosen as a means to counterbalance the first-hand European historical observations. The inclusion of these Māori language materials provides two further significant aspects to the work. First, it provides non-te reo speakers with access to materials otherwise outside of their research ambit, complete with the cultural nuances of the descriptions. Second, it enables te reo speakers access to primary sources from which they can draw their own conclusions as to the subject matter and its meanings. Unfortunately there are several Titles that do not refer to any Māori-language sources at all. This is likely due to lack of adequate recording of traditional concepts in te

reo, and highlights an area for further research and perhaps incorporation in future editions.

Notably the majority of the materials referenced are first-hand European observations. The compilers see value in using these. They argue that a critical reading of such sources can expose examples of Māori customary law in practice. However, I fear that if the readers themselves are not familiar with Māori customary law, misunderstandings may perpetuate. One way the compilers try to combat this is in their detailed description of the context of primary citations. It is therefore imperative that readers take the time to appreciate and understand the context of the cited material.

*Te Matāpunenga* does not set out to determine ‘true custom’. Rather it aims ‘to record what has at various times and in various circumstances *been claimed to be custom* by a person who might be expected to know of the matter from training, practice, or study’ (p.11). It does, however, acknowledge when sources are disputed, are critical of other writers, or where writers may be mistaken.

*Te Matāpunenga* is at its heart a historical resource. While its primary aim may be to add to the legal discourse around tikanga, for historians the beauty of the text is that through the telling of stories describing tikanga in action, the reader is treated to a rare glimpse of Aotearoa New Zealand history that is so often missing from the history books.

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