

Protecting the Past:

Māori ‘Vision of Life’ and Intellectual Property Rights

Susannah Franklin

Māori of New Zealand are a vibrant and complex cultural group. Descendants of ancient seafarers who journeyed to New Zealand thousands of years ago, Māori remain a dynamic part of global culture. Anthropologist E. Wade Davis discusses that ethnobotanists must record a “vision of life itself.”¹ The vision of life is the sum total of a specific group’s perceptions of the natural world, and the ways in which their experiences shape the way in which they view the world. A vision of life is constantly in flux, and exists as a fluid concept to describe the numerous ways in which different culture groups comprehend their place in the natural and supernatural realms. This paper explores the Māori vision of life through two aspects of Māori cosmology: the importance of *kumara* (sweet potato) and the importance of *moko* (tattooing). It is argued that, in relation to these traditional practices, modern-day Māori are facing complex challenges in their attempt to secure Intellectual Property Rights. Intellectual Property Rights are the innovations and creations of human ingenuity that can be protected under law, which includes physical objects as well as ideas and beliefs.² It is imperative that, in an investigation of Māori practices relating to the vision of life, one

acknowledges the challenges associated with intellectual property.

THE SIGNIFICANCE OF *KUMARA* AND *MOKO* IN MĀORI TRADITION

Kumara (sweet potato) is a vegetable with a long history of both subsistence and spiritual use in the Māori world. Some of the earlier ethnographic records illustrate the importance of *kumara* as more than just food. From his article published in 1901, Edward Robert Tregear states, “The *Kumara* was itself a god, not to be cooked with common food, nor handled except with restriction and deference.”³ This notion of a food being the actual body of a deity is not uncommon to many indigenous peoples, or even to the Christian ethnographers who may have partaken in Communion. In regards to Māori belief, *kumara* is associated with Rongo, the deity of the environmental realm.⁴ In order to understand the importance of *kumara*, attention must be drawn to the integral association network of Māori belief, the *whakapapa*, as “...this framework is most commonly used to record human descent lines and relationships in which the lineages connect each papa or layer.”⁵ *Whakapapa* is not only associated with human relationships, but also the relationships between living and non-living beings. This is due to the premise in Māori custom that a distinction between the two does not exist.⁶ Thus, Rongo and *kumara* share a *whakapapa*; “...whether living or non-living, everything in the *whakapapa* is ‘related’ in some way to the *kumara*.”⁷ *Kumara* is explicitly related to a deity, and is thus treated with the reverence that is expected toward such a spiritual entity. In this case, *kumara* is much more than a starchy plant

¹ E Wade Davis, “Ethnobotany: An Old Practice, A New Discipline,” in *Ethnobotany: Evolution of a Discipline*, ed. Richard Evans Schultes and Siri von Reis (Hong Kong: Dioscorides Press, 1995), 44.

² New Zealand Ministry of Business, Innovation and Employment, “What Is Intellectual Property,” *Intellectual Property Office*, last modified September 14, 2013, accessed March 27, 2015, <http://www.iponz.govt.nz/cms/what-is-ip/what-is-intellectual-property>.

³ Edward Robert Tregear, “The Spirit of Vegetation,” *The Journal of the Anthropological Institute of Great Britain and Ireland* 31 (1901): 157.

⁴ Mere Roberts, “Mind Maps of the Maori,” *GeoJournal* 77 (2012): 745.

⁵ Ibid., 743.

⁶ Ibid., 745.

⁷ Ibid.

that provides required nutrients, but a plant that exists as a direct link to the gods. This relationship between the living and the non-living (and unknowable) entities is the basis of Māori vision of life.

Another aspect of Māori cosmology is the *moko*. *Moko* refers to both lizard deities and traditional Māori tattooing practices. Lizards are important to the Māori belief system because they represent the mischievous gods (and *kumara* was representative of the benevolent deities). As

Mere Roberts suggests, “Moko (lizards) are generically regarded by Maori as water-dwelling representatives of malevolent lizard gods, and can manifest as their *aria* (incarnation).”⁸ Although there does not appear to be many academic sources concerning the direct relationship between *moko* (tattooing) and *moko*

(lizards), it is important to note the connection between the natural world of creatures like lizards and the supernatural world of the gods. This integration of natural and supernatural is a key aspect of Māori vision of life, as there is no distinction between the two worlds. In Henry Ling Roth’s ethnographic work, “Maori Tatu and Moko,” he makes the connection between tattoo *moko* and lizard *moko*: “In New Zealand, however, *moko*, meaning properly ‘lizard,’ or ‘serpent,’ is used – perhaps in reference to the peculiar curves and spirals of which their tattooing consists.”⁹ This goes to show that the relationship between a traditional practice and a belief system about the natural world is intricately connected.

To explore the practice of *moko* (from here

onwards, *moko* refers to tattooing unless specified) in Māori vision of life, one must investigate the traditional practice of receiving *moko*. Famed navigator Captain James Cook (the first European ‘discoverer’ of New Zealand) made the observation, “Their lips were stained with something put under the skin (as in the Otahite *tattoo*), and their faces marked with deeply engraved furrows, also coloured black, and formed in regular spirals.”¹⁰ As a primary source of Māori *moko*, Captain Cook’s observations

enhance anthropological understanding of the tradition of *moko* by providing a historical frame of reference. In a more modern definition of *moko*, it is described as “...the practice that involves the chiseling of human skin and the insertion of pigment... related to *tatau*, the Pacific tradition of puncturing and colouring the flesh.”¹¹ It is abundantly

clear that the process of receiving *moko* is incredibly painful and therefore has spiritual importance beyond fashion.

Moko is not merely an ancient art form, but is a tradition that is thriving among Māori people today. *Moko*, as Māori cultural tradition, has become inherently political to the wearers as “it signals the continued existence and resistance of Maori and points to all the failed efforts to make Maori subservient. *Moko* takes on a symbolic power that questions hegemony by presenting alternative ways of viewing and being.”¹² Thus, the tradition of *moko* has changed due to the changes in the society in which *moko* wearers live. However, the belief that *moko* is integral to Māori heritage has not changed:

¹⁰ Ibid.

¹¹ Linda Waimarie Nikora, Mohi Rua, and Ngahuia Te Awekotuku, “Renewal and Resistance: *Moko* in Contemporary New Zealand,” *Journal of Community and Applied Social Psychology* 17 (2007): 478.

¹² Ibid., 481.

⁸ Ibid., 746.

⁹ Henry Ling Roth, “Maori Tatu and Moko,” *The Journal of the Anthropological Institute of Great Britain and Ireland* 31 (1901): 30.

Metaphorically, it is Hawaiiki— our place of origin and yearning, the abode of our ancestors. Their constant influence through signs and symbols mediate relations between mythical and ‘real’ persons and spirits, human and godly, historic and contemporary. By transforming their bodies moko wearers instantly transform themselves. They are no longer bare; they are layered with meaning. They contest, negotiate and re-negotiate meaning, relevance and interactions within their social ecologies.¹³

Although the method and tools used in receiving *moko* may have changed with the advent of modern tattooing technologies (although traditional chiseling is still practiced), the very act of *moko* has not. *Moko* continues to act as a symbol of Māori heritage and culture.

THE SIGNIFICANCE AND CHALLENGES OF BEING A MOKO WEARER

A study of eighty-three participants from 2001-2005 revealed intimate details into the process of becoming a *moko* wearer, the cultural discourse surrounding the wearing of *moko*, the process of educating non-*moko* wearers, representing Māori traditions, and the building of social networks for *moko* wearers to support cultural identity.¹⁴ Many of the study participants recognized, “...the desire for moko inspired a quest for a clean lifestyle, some recognized this as a life-long goal rather than something to be achieved in a couple of years.”¹⁵ Thus, . These expectations range from having a healthy lifestyle to living in a politicised body. Also included in these expectations are concerns regarding knowledge of heritage: “They were expected to be

knowledgeable in Māori culture and be able to command authority on cultural matters, and the general public assumed all facial wearers must be language and protocol experts.”¹⁶ Thus, if someone is a *moko* wearer, they are expected to have all the necessary background knowledge on Māori culture to warrant the art. It does not matter how accurate these expectations are, but rather that the expectations exist; to visibly portray your Māori heritage through a permanent alteration of the body as *moko* you must exhibit knowledge on many areas of Māori heritage and, subsequently, Māori vision of life. The study further highlights that wearers often felt an obligation to champion moko and all things Maori.¹⁷ *Moko* is not a practice that is undertaken lightly, for the wearers understand that they may be met with hostile stares from non-Māori, rude pronouncements, and unfounded assumptions to their heritage and character.¹⁸

There is often a lack of conversation between the *moko* wearer and the viewer because educating the public (particularly non-Māori) on *moko* and Māori heritage and vision of life is inherently difficult. Many are not willing to listen. Many *moko* wearers bond with other *moko* wearers to form relationships and create micro communities to assist in cultural identity and navigating the daily realities of being a *moko* wearer. Throughout this study it has become abundantly clear that *moko* is far more than just a tattoo. It is a cultural identifier and an image of heritage and tradition. Although the reasons for becoming a *moko* wearer may differ, *moko* has become a poignant symbol of Māori identity and cultural heritage, and has come to represent many aspects of Māori vision of life.

A key relationship exists between *kumara* and *moko*. This relationship is the importance of lineage, in that everything exists because of its

¹³ Ibid., 478.

¹⁴ Ibid., 481.

¹⁵ Ibid., 482.

¹⁶ Ibid., 483.

¹⁷ Ibid., 486.

¹⁸ Ibid.

relation to others: "...for something to exist and be known, it must have a *whakapapa*; put another way, in order to 'know' about a thing (or a person) one must know its *whakapapa*."¹⁹ The intrinsic link between the natural and supernatural worlds is illustrated through the existence of the *whakapapa*, which transcends western limitations. Likewise, the *moko* acts as a *whakapapa*, in that it displays more than just personal accomplishment or aesthetic, but shows the wearer's place in the world in relation to others:

Patterns identified the wearer to others and were unique to that person, though they could also be recognized as derived from the traditional repertoire of design forms unique to his or her tribe. Traditional chants and oral histories tell us that *moko* was a part of everyday, ordinary, mundane Maori life, although some things marked some wearers as different from others. There were male and female design conventions. Some were more elaborate than others and, as *moko* took years to acquire, older people tended to be much more adorned than younger.²⁰

Therefore, the *whakapapa* of *kumara* and the traditional practice of *moko* both illustrate the importance of acknowledging cultural tradition and the lineages that comprise one's story. From plant life to genealogy through tattooing, the notion of relationships is a key aspect of Māori vision of life: everything is interconnected, and nothing exists in isolation.

CONTEMPORARY CHALLENGES TO MĀORI TRADITION AND INTELLECTUAL PROPERTY RIGHTS

Māori culture has been threatened with assault

and extinction for centuries due to the encroachment of European settlers and, more recently, to the struggle for securing Intellectual Property Rights. This threat attacks Māori tradition and thus, Māori vision of life. A poignant example of European encroachment is the visceral attack on the natural environment of New Zealand, particularly in land that was considered traditionally Māori. As explored through, "The Moral Life of Trees: Pastoral Farming and Production Forestry in Northern New Zealand," the white New Zealanders (hereby called *Pakeha*) overtook Māori land, threatening the very fibre of Māori life. For example, "large tracts of Maori land were logged and 'broken in' for farms by pioneering Pakeha in the nineteenth and early twentieth centuries"²¹ and "...is an archetypal symbol of settler colonialism and nation building".²² This encroachment of pastoral farming and production forestry has adverse affects on Māori vision of life, for it interrupts the economic, environmental, spiritual, and social sustainability of Māori culture.²³ The attack on Māori environment is an attack on Māori vision of life. As previously explored in this paper, the environment is an integral aspect of Māori cosmology through the belief that the natural and supernatural worlds are intrinsically linked.

The protection of the natural environment is essential to protecting Māori cultural tradition and vision of life. This is explicitly explored through the importance of plants to Māori tradition, particularly in healing. Traditional healing methods are not extinct, as "...there is no doubt that medicinal plants play an important role in the livelihoods and welfare of a vast number of people in both developed and

¹⁹ Roberts, "Mind Maps of Maori," 743.

²⁰ Nikora et al., "Moko in Contemporary New Zealand," 479.

²¹ Julie Park, Kathryn Scott, Chris Cocklin, and Peter Davis, "The Moral Life of Trees: Pastoral Farming and Production Forestry in Northern New Zealand," *Journal of Anthropological Research* 58, no. 4 (2002): 523.

²² *Ibid.*, 528.

²³ *Ibid.*, 533.

developing countries.”²⁴ Plants have been used for centuries to heal the injured and the ill, with a large degree of success. Captain Cook recorded the use of vapour baths, which utilised herbs to heal.²⁵ Even more poignant to the protection of the natural environment is the idea that, “of the approximate number of two thousand species of higher plants found, 75% are endemic to the country.”²⁶ This means that majority of the traditional healing plants that factor so heavily into Māori cultural tradition are only found in New Zealand.

In recent years, the New Zealand government has established an Intellectual Property Office to address the concerns of its citizens (both Māori and non-Māori) regarding their rights surrounding intellectual property.²⁷ Intellectual Property Rights relates strongly to the ideas previously explored in this paper. For example, only Māori can wear *moko*, as it is offensive for someone of non-Māori descent to wear *moko* anywhere on his or her body (although many *moko* artists will create *moko*-inspired designs for non-Māori). To wear *moko* without being Māori is to steal the intellectual and creative property of the Māori artist and his or her cultural tradition. *Moko* is therefore a ‘property’ that should be protected under Intellectual Property Rights legislation. Likewise, the natural environment can also be protected by

such legislation:

As early as 1991 this resulted in a New Zealand Māori claim to the Waitangi Tribunal regarding indigenous forests and seven species of flora and fauna that are unique to New Zealand, namely the *kūmara* (sweet potato), *pōhutukawa* (New Zealand Christmas tree), *koromiko* (shrubs), *puawānanga* (native climbing plant), *pūpū harakeke* (flax snail), *tuatara* (reptile like a large lizard), and the *kererū* (wood pigeon).²⁸

This claim was made to address the alarming depletion of indigenous species of flora and fauna, and the subsequent implications of this loss in Māori culture. The six tribes who made the claim believed that, “The main aim of this claim is to protect Māori cultural and

intellectual heritage rights in relation to indigenous flora and fauna and their traditional knowledge, customs, and practices related to it.”²⁹ This is particularly important to note in that many of the traditional healing practices cannot be explained through western science. This is due to numerous factors, including the idea that non-Māori lack the intrinsic knowledge to understand Māori tradition, especially in areas related to the supernatural aspect of Māori vision of life. The biochemical makeup of a plant is only one aspect of a larger experience of indigenous healing: “The Maori certainly used plants in various mystical rites associated with sickness and death, and it is hard to decide

²⁴ Carsten Smith-Hall, Helle Overgaard Larsen, and Mariève Pouliot, “People, Plants and Health: A Conceptual Framework for Assessing Changes in Medicinal Plant Consumption,” *Journal of Ethnobiology and Ethnomedicine* 8, no. 43 (2012).

²⁵ S.G. Brooker and R. C. Cooper, “New Zealand Medicinal Plants,” *Economic Botany* 15, no. 1 (1961): 1.

²⁶ *Ibid.*

²⁷ New Zealand Ministry of Business, Innovation and Employment, “What Is Intellectual Property,” <http://www.iponz.govt.nz/cms/what-is-ip/what-is-intellectual-property>.

²⁸ Toon van Meijl, “Māori Intellectual Property Rights and the Formation of Ethnic Boundaries,” *International Journal of Cultural Property* 16 (2009): 341.

²⁹ *Ibid.*, 344.

where magic ended and medicine began.”³⁰ The knowledge of how to use the medicinal plants to bring about treatment is arguably just as important as the plants themselves. Thus, the concept of Intellectual Property Rights is innately tied to the protection of plants in Māori vision of life.

A challenge to the study of Māori tradition and Intellectual Property Rights is the identity of the researcher and their connection to Māori. The so-called Māori perspective is lacking in exploration by Māori scholars, for those of a western background have done most of the existing research. Māori scholar Te Maire Tau is quoted as saying, “...a vision of traditional Māori knowledge (*mātauranga Māori*) is a separate way of knowing in contrast with the western worldview.”³¹ This way of knowing permits Māori claims of cultural and intellectual ownership of knowledge.³² It is incredibly difficult for non-Māori to research Māori cultural traditions, and since legislation is almost always exclusively *Pakeha*-dominated, Māori cultural tradition and the Intellectual Property Rights that accompany tradition have not been adequately served by New Zealand legislation. As Meijl concludes:

In practice, the discourse of intellectual property rights when applied to prevent the misappropriation of Māori cultural aspects functions chiefly to reinforce ethnic boundaries between Māori and non-Māori by employing a rhetoric of cultural appropriation, piracy, or theft and ending as far as possible the external movement of virtually anything originating in Māori society.³³

The division between Māori and non-Māori is

sharp in regards to researchers, which acts to both protect Māori research in traditions (attempting to avoid cultural appropriation or misunderstanding/simplification), but also confines Māori Intellectual Property Rights to Māori society.

Key challenges to securing Intellectual Property Rights are the legal hurdles to obtaining patents and obtaining legal acknowledgment of intellectual property (being that property is not always a tangible, concrete object). Procuring patents, trademarks, copyrights,³⁴ and other legal forms of protection for property requires time and money to pay for legal proceedings and the bureaucratic paperwork required to sign the protection into legal documents. As with many indigenous groups around the globe who face similar difficulties, there is a constant frustration as to the requirements for ancient traditions to be appreciated and protected through piece-by-piece legislation. Each facet of Māori vision of life has to be protected separately (i.e. *moko*, plant varieties, language, etc.), which requires time to process all required documents, as well as funds to pay for the cost of securing documented protection. There is also the challenge of how to convert cultural tradition into fragments that fit the current Intellectual Property Office’s categories of intellectual property. This is incredibly time consuming and requires knowledge of the New Zealand legal system, as well as the intricacies of submitting government documentation. In order to protect their cultural history, Māori need to secure Intellectual Property Rights. However, this is an arduous task, complicated by the administrative confusion of government services. Māori have the right to their own history, but only if they have government documents to support it.

³⁰ Brooker and Cooper, “New Zealand Medicinal Plants,” 7.

³¹ Meijl, “Māori Intellectual Property Rights,” 349.

³² Ibid.

³³ Ibid., 351.

³⁴ New Zealand Ministry of Business, Innovation and Employment, “What Is Intellectual Property,” <http://www.iponz.govt.nz/cms/what-is-ip/what-is-intellectual-property>.

CONCLUSION

In conclusion, Māori vision of life remains tied to the traditional practices of centuries past. The importance of particular plants in subsistence, medicine, and spiritual connection remains intrinsic to Māori. Although Māori have been met with many challenges in regards to protection of their natural environment, the natural world continues to be integral to Māori life. The *kumara* acts as a conduit through which the natural and supernatural worlds can communicate, for *kumara* is directly related to Rongo, god of the environmental realm through a shared *whakapapa*. The *whakapapa* itself acts as a lineage and record of relations, much like the *moko*. *Moko*, in reference to the lizard deities, further represents the intrinsic union between the natural and supernatural aspects of the world. The act of receiving a *moko* tattoo represents an acknowledgment and reverence of Māori tradition and their vision of life. However, *moko* wearers become instantly politicised due to the visual nature of their Māori identity, and the centuries of cultural appropriation and forced condemnation of Māori heritage by European settlers.

Related to the practice of *moko* is the concept of Intellectual Property Rights as, “Māori consider their cultural knowledge as their property because it is understood to have been transmitted over generations of Māori people.”³⁵ The knowledge in creating and understanding *moko* is the property of Māori people, and to be used for mere decoration or entertainment is a grave insult. Within the concept of Intellectual Property Rights is the protection of indigenous species of flora and fauna in context of cultural and intellectual heritage. This includes the healing practices associated with many of the indigenous plants found in New Zealand. Lastly, the difficulty in creating conversation with legislators about Intellectual Property Rights and the protection of Māori culture is exasperated

through the conflict between Māori and non-Māori researchers. It is abundantly clear that Māori vision of life is intimately tied to the natural environment that bred Māori culture through the centuries. The significance of *kumara* and *moko* in the Māori cosmology demonstrates this relationship, and it is only through the protection of Māori cultural practices by way of Intellectual Property Rights legislation that Māori vision of life will be preserved for future generations.

³⁵ Meijl, “Māori Intellectual Property Rights,” 343.