

PONGA AND PUHIHUIA

*A H Angelo**

I THE STORY

This paper is concerned with a significant Maori story from pre-European times.¹ It was first recorded in John White's *Ancient History of the Maori* Volume 4 published in 1889. The text used for this paper is that which appeared in "Te Ao Hou" in serial form beginning on September 1963. The story was there published in Maori along with a revised version of John White's English translation.

Ponga and Puhihuia deals with a theme common to many of the world's literatures – that of two lovers from different social groups. The star of this story is Puhihuia, an accomplished and high-ranking young woman from a senior branch of the tribe to which Ponga belongs. Ponga is not of the highest rank but a handsome and able young man of a junior branch of the tribe. The two sub-tribes have a history of dispute, particularly over shared resources, and, though close enough by genealogy to avoid violence in most situations, there is a certain tension in the relationship of the two groups which could readily lead to further violence. While an agreed marriage between a young man and a young woman of the two groups would appear to have been perfectly acceptable and indeed encouraged, an elopement by the "treasure" of one group with a lower ranking member of the subordinate group would put extreme stress on the relationship and perhaps lead to destruction.

The scene was set. A group of young people, including Ponga, made a social call on the group to which Puhihuia belonged. Ponga and Puhihuia were mutually attracted and connived to arrange for Puhihuia to leave her group and go with Ponga's group when they returned home. The plan worked perfectly in the sense that they did leave together, however

* Professor of Law, Victoria University of Wellington, New Zealand. Originally prepared for a University of French Polynesia conference, the paper is here reproduced by kind permission of Professor Sylvie André.

1 About the middle of the 17th century.

this left an angry and dismayed group at Puhihuia's home and, some hours later, a much perplexed and fearful group at Ponga's home. The bulk of the story is concerned with working out, on the one hand, whether Puhihuia should be sent home or allowed to remain with Ponga's sub-tribe and, on the other hand, whether the matter should be remedied by attack by Puhihuia's sub-tribe or whether the situation should be dealt with in a more peaceful manner. The story has a bitter sweet ending. In the short and medium term the result is a happy one as the two tribes are reconciled and Ponga and Puhihuia are happily married. In the longer term the story ends tragically with the death of Puhihuia, Ponga and their child.

The story, now in approximately 25 pages of printed text, is a gripping one. It is interesting; it is well told. It has a dignity and also a very real symmetry. Obviously it is best read in the original but the story in English is also a fine one.

II THE STORY AS A SOURCE OF LAW

The purpose here is not to address the literary merits of the text or its place in Maori culture. The immediate concern is briefly to consider its possible use as a vehicle to explore the nature of the social ordering systems of pre-European Maori. It is admittedly but one story and a story at that. The literature of anthropological jurisprudence and in particular the work of Llewellyn and Hoebel in *The Cheyenne Way*² indicate the value of stores and of disputes³ within a culture to describe the rule systems of that culture.

In the abstract the story of Ponga and Puhihuia can be used to great advantage in this way. When an analysis of the story from this point of view is complete, other resources of Maori history can be drawn upon to build up information on the norms once current.

2 University of Oklahoma Press, 1941.

3 *The Cheyenne Way*, Chapter 2 page 20, "Law has as one of its main purposes to make men go around in more or less clear ways; law does in fact to some extent make men go around in more or less clear ways. Law purposes to channel behaviour in such manner as to prevent or avoid conflict; and law does in important degree channel behaviour ... But there is more to law than intended and largely effective regulation and prevention. Law has the peculiar job of cleaning up social messes when they have been made. Law thus exists also for the event of breach of law and has a major portion of its essence in the doing of something about such a breach. By its fruits is it to be known...".

The Cheyenne Way page 29 "It is the case of trouble which makes, breaks, twists, or flatly establishes a rule, an institution, an authority... The trouble-cases, sought out and examined with care, are thus the safest main road into the discovery of law. Their data are most certain. Their yield is richest. They are the most revealing".

This is a work that remains to be done in respect of the New Zealand Maori but to the limited extent that comparative data on New Zealand Maori is available, the indications taken from Ponga and Puhipuia are not inconsistent with other stories and that lends a certain confidence to those who would see these indications as valid statements of Maori law of former times.

At a more general level the anthropologists tell of particular characteristics of the rule systems of communally oriented societies. They speak for instance of the familial nature of the social organisation, of the holistic nature of the society's views (the social ordering norms are seen as but one integrated part of the total regulation of the world), and of the communal orientation of property, of decision-making and of responsibility. These features are also described by anthropologists as being those of ancient Maori society, and those very features are indicated and stressed in the telling of the story of Ponga and Puhihuia.

A Social Structure and Hierarchy

In terms of the social structuring the story speaks of the continuum from the gods through the ancestors, the waka,⁴ iwi,⁵ hapu,⁶ and whanau – all these aspects of Maori society are exemplified in the story. The closer the relationship, the more flexible were the rules. Equally the lower the rank or the younger the person the more flexible were the rules. The story demonstrates the role of the elders and the role and importance of rank. In fact, rank and hierarchy is the key feature both of the dilemma in this story and in its resolution.

B Source of Rules

The rules exemplified in the story are generated in a number of different ways. There is first the oral history which relies both on proverbs⁷ and on previous examples. In other words, the past in its various ways is presenting rules in the same way as court decisions do in modern legal systems. Secondly there are decisions taken during the events. These decisions themselves make rules and in turn are the precedents for the future. There are in the story

4 Tainui.

5 Ngati-Kahukoko.

6 Nga-Iwi of Maungawhau (Mount Eden) was Puhihuia's hapu; Ponga's hapu was from Awhitu.

7 Ponga said, "That is true"; but the old proverb says "Though the mokoroa grub be a little thing, it can cause the great koroi tree to fall". (Te Ao Hou, No 44, p 24).
Ka mea a Ponga, 'Koia koa, otira he iti mokoroa e hinga te koroi'.

several examples of the decisions being taken by groups. The clear reason for that being the communal consequences of those decisions. The decisions are reached on the basis of the free expression of views by all members of the group. In the more stressful situations the role of an individual also is seen eg that of the chief of Ponga's sub-tribe when a decision has to be made whether Puhihuia should be sent back to her own sub-tribe or whether her choice to stay with Ponga's group should be admitted

C Dispute Resolution

After rules come disputes about the rules and many of the typical contemporary strategies for resolving disputes are here seen in action. Talking is always a good way to resolve a dispute and that is one of the first options taken by participants in this story when they confront the problem. Another good way of resolving a dispute is to avoid it and there are clear examples also of that in the story of Ponga and Puhihuia: To avoid the consequences of a possible wrong-doing Ponga contemplated going home.⁸ Later in the story Puhihuia indicated that she too would avoid the consequences of her actions – in her case by suicide. Disputes are also resolved by individuals – by the chief in times of immediate pressure.

Rank or hierarchy have a role in a number of disputes in the story and Puhihuia in many cases is able to settle issues by use of her rank. For instance she says to a would-be protector who wishes to instruct her on proper behaviour that it is she who has the higher rank and that

8 "Let us return to our home, least evil befall me. I can see that those of our party who are my seniors in rank have fallen deeply in love with Puhihuia, and if I should gain her as my wife, my death would follow. (Te Ao Hou, No 44, p 24.)

Ka mea atu a Ponga, 'E hoa, he tika to kupu ko au kua mate noa ake: me hoki tatou ki te kainga, kei he au, he mea hoki kua mate ano a tatou ariki ki taua tamahine ra, a ki te mea ka riro i a au, hei take ngaki mate moku'.

he is an impertinent and she will not be told what to do by him.⁹ Similarly it is clear when

9 "She had taken her place [in the stern of the canoe] as soon as she went on board the canoe, because she was of the highest rank and because the stern was where those of supreme rank usually sat....

Puhihuia was left in the stern beside the young man who had the greenstone patu. When the canoe was off Paruroa this young chief who was steering took the greenstone weapon in his hand. He showed it to Puhihuia saying, "O young woman! there is your weapon, the weapon of your father, which he gave to me. It is an ancient heirloom, and as such, it was given into my charge: accept it as your gift to our high chiefs at Awhitu".

She replied, "Am I a man, that I should hold such a sacred thing? I would have thought that it would be for you, in the male line of supreme chiefs, to hold such an heirloom. I will not take it, less, when misfortune arises, it be said that the cause of it was that this sacred thing was contaminated through being held in the hand of a woman".

He answered, "Accept it; and let it be a gift to our chief at Awhitu for your having run away from there, and having come here in the company of us, who are your juniors in rank. Will it be right for you to go into their presence without a gift in your hand? Will you go with the empty hand of a poor person into the presence of the chiefs at the pa to which we are now paddling?"

She answered, "Should an exchange be twice repeated? No: I shall take with me only that which I now possess".

...

She said, "You are impertinent and inquisitive. You can see, and have seen, that I am here with Ponga, and am going with him; also, I sat next to him in this canoe. Yet you ask questions."

"I noho a Ponga i te whakarei o te waka ra i a ia e urungi ana i te waka, tena e unga (tonoa) e tana hoa, i ki mai ra kia tukua te hoeroa ki a ia, ka haere ke atu a Ponga, a, ka mahue a Puhihuia i te taha o te tangata i a ia ra te patu pounamu. Ka taka te waka nei e hoe ana i waho ake o te awa i Paruroa, ka nanao (toro) iho te tangata e urungi ra ki taua patu pounamu. Ka whakaaria (whakaaturia) atu ki a Puhihuia ka mea atu a ia, 'E ko tena to patu, te patu a to matua i whakahekeka mai ki a au ta tatou manatunga mau ai, tena to patu hei koha mau ki o tatou ariki i Awhitu'.

Ka mea atu a Puhihuia, 'He tane au kia mau i tena patu? Hua atu mau, ma te uri tane, tena mea te manatunga e mau, kei riro ki a au ka kiia a ona ra e aitua ai, i poke i te ringa wahine.'

Ka mea atu te tangata ra, 'Ano ra hei koha mau, mou i whati mai nei, i haere mai nei koe i enei teina ou. Oti me haere ringa ware koe ki te aroaro o o tatou kaumatua ki te pa e hoe atu nei tatou?'

Ka mea atu a Puhihuia. 'Kia rua hoki he hokohoko? Kati ano ra ki a au; ko taku e mau i a au nei. He tangata te tangata i te mea e kore ana ona popo, ka popo, ma toke tena, ma weriweri.'

Ka mea atu a Puhihuia, 'Tae to pakiki, kite atu ano koe i a au, e haere mai ana maua ko Ponga; a, i noho tahi nei maua i te waka nei, a ka ui ano koe?'

E hoe ana te waka ra, a, ka taka ki te au o Puponga, ka mea atu ano te tangata i te hoe roa ki a Puhihuia, 'E ko, tenei to patu, ko te patu a o tupuna, ko te patu rongonui nei ko Kahotea.'

Ka mea atu a Puhihuia, 'Ki a koe ano ra mau ai tau patu'.

Ka ki atu te kaiurungi ra, 'Kati rapea taku koha ki a koe, penei rawa ake e kore tatou e u ki Tipitai'.

Ka mea atu a Puhihuia, 'Nau au whakaaro; naku aku whakaaro'.

...

They paddled on, and when they were halfway across the harbour from Puponga, the young chief who was steering again said to Puhihuia, "O young woman! accept this, your weapon; it is the weapon of your ancestors; it is the famous weapon called 'Kahotea'."

She answered, "The weapon is yours, and you must keep it".

The steersman said, "I shall be forced to end my overtures of kindness to you; and we will not land at Tipitai".

Puhihuia said, "You may think your thoughts, and I will think mine".

...

"And now, O young woman, that you have come to this branch of your tribe, I had wishes to put this heirloom into your hand, that I might have the honour of protecting you."

She answered, "Of us two, you are the more ignorant."

...

The steersman said again, "Then, do you say Ponga is to be your lord?"

She answered, "Certainly I do".

He said, "Very well; let it be as you say".

She answered, "Who are you? And what is he, that I should not take him as my lord?" (Te Ao Hou, No 45, pp 19-22.)

Ka mea atu ano a ia. 'Kati hoki ra ta taua tohe ki te patu a o tipuna i maioha ai; e kore te ringa ware e mau i te patu nei, hei koha mau ki enei matua ou, hei maungarongo mau me o matua o Maungawhau ki enei matua ou. He rongo te rongo o mua, he mau te mau o te moana e hoea nei a tatou a, ehara koe i te mohio e ngaro ai i a koe nga mate o te iwi ki nga ika o te moana nei; te kati i era ko tenei e ko, nau to haere ki enei o tou iwi, koia ahau i mea ai ki taku oha ki to ringa mau ai, kia ai he mea, maku koe e awahina.'

Ka mea atu a Puhihuia, 'Ko koe o taua te mohoa, te kite koe na Ponga ahau i whina i a tatou i oma mai ra ki Onehunga, nau te kite i a au i neke mai nei i te wahi e nohoia na e koe, ka noho ahau i te taha o taku i mohio ai, o ta taku ngakau i mea ai, i ta taku hinengaro i manaaki ai hei awahina i a au.'

Ka mea atu ano a ia, te kaiurungi ra, 'Kati, e mea ana koe ko Ponga he ariki mou?'

Ka mea atu a Puhihuia, 'Apaia'. Ka mea atu ano te tangata ra, 'Ae, e pai ana; waiho i tau'.

Ka mea atu a Puhihuia, 'He aha koe, he aha a ia te pai noa ai au hei ariki a ia moku, nau ko te aha? He tapu koia koe te kite ai i te uaua ngaki kai, i kiiia ai te pena me koe, "Ko te toa taua he toa paheke", a, i kiiia ai a Ponga u a Ponga, "ko te toa ngaki kai te toa paheke". Naku, na gaku ngakau, taku i kite, a, penei rawa ake, kia mate ra ano ahau, ka wehe ai maua ko Ponga.'

Puhihuia arrives at the village of Ponga that her rank is a significant factor in the final decision of the chief who meets her on the foreshore.¹⁰

Several group decisions are taken to resolve difficulties: In one case by senior members and in two other cases by all members of the group. Reference is made to the supernatural to

10 "The old chief said "Welcome! Welcome but you must leave! Take the girl back to her home,

...

"I, Puhihuia, stand in your presence. What I have found is mine. I am not, and will not be, amenable to the order of anyone who may say, "Do this", or "Do that": and if you persist ... The ocean is my home (Te Ao Hou, No 45, p 24).

...

"O my child! All is death in this world. Come to our home."

"O my granddaughter, who is yet my elder in birth and rank. O young woman, welcome! We your elders, welcome you. Evil and death did not have their origin with you; evil and death are of old. Did you ancestors live husbandless and did the tribe choose a husband for your mother? No; she found and took the husband of her own choice." (Te Ao Hou, No 45, p 40.)

Ka ki mai te kaumatua ariki o Awhitu, 'Haere mai, haere, hoes ano te kotiro na ki tana kainga.

Ka karanga atu ano a Puhihuia, 'Ko au tenei, ko Puhihuia. Naku taku i kite, e kore au e taea e te tangata te ki e, "Penetia, peratia"; mau ka pono i a koe to kupu kia hoki au ki Maungawhau, penei rawa ake, a te po nei moe ana mau ko Ponga i te heihei o te wahapu o te moana nei.

E taku potiki, he mate anake to te ao nei. Haere mai ki te kainga.

Katahi te kaumatua nei ka tahuri, ka titiro atu ki te kotiro e tu mai ra i roto i te wai, ka karanga atu a ia, 'E taku mokopuna tuakana, e ko, haere mai ki enei matua tupuna ou. Ehau i a koe te mate, no mua mai ano te mate. I noho tane kore hoki i ana ou tupuna wahine, a, he mea tipako he tane e te iwi mana? Nana ano raia i titiro he tane mana, koia kei a koe, nau tau i kite.

resolve disputes on two occasions. There is also an elaborate account of ritualised warfare¹¹ (one step back from the real thing), the references to suicide and, where relationships have collapsed beyond repair or are between groups with no established relationship, the evidence is that the dispute will be resolved by warfare.

D Marriage

The third set of rules which come through clearly are those relating to marriage. There are clear descriptions of formal marriage of people with status as involving the groups.¹² For instance, the marriage of the mother of Puhihua was to have been a formal marriage and, as the story goes, it was (for political and economic reasons) also a relationship which involved both her community and that of her husband. The formalisation of marriage by less formal means is also described. In fact Puhihua's mother who should have married formally did

11 For a long time after Puhihua had spoken the canoe floated there in silence, then her mother called from the canoe, and said to the occupants of the pa, "Come outside. Why did you rob me of my daughter? What property have I of yours, that you should take my precious greenstone to wear on your heart? Come outside, that we may fight our battle".

...

Keep in your canoe, but let the women with you come on shore that I may do battle with them, and if I kill them, then put my body aboard your canoe; but if I conquer your women, then you can go home weeping. (Te Ao Hou, No 46, p 19.)

12 "I am not yet the wife of Ponga, but if my parents and people like to visit this pa when the moon is full my husband will prepare a feast for my parents" (Te Ao Hou, No 46, p 14).

Roa kau iho ano te waka ra e tau ana I muri iho o te kupu a Puhihua; ka pa ano te karanga a te wahine ra, te whaea o Puhihua, ki te pa ra, ka mea, 'Putā mai ki waho nei. He aha koe i tahae ai i taku kotiro? He aha tau i a au, i maia ai koe ki taku kahurangi kia hei ana i to uma? Putā mai taua ki waho nei kekeri (whawhai) ai'.

Kati mai koe i to waka, tukua mai au hoa wahine ki uta nei, kia ririri matou, a, naku ka mate, utaina atu ki to waka; nau ka mate ou hoa i a au, haere e hoki tangi atu ki to pa. E kore au e hoki ora atu i a koe'.

Ko taku moe i taku tane kahore ano; ki te pai aku matua kia hoe mai a te wa e rakaunui ai te marama, tena te hakari pakuha a taku tane ki aku matua.

not¹³ and the method of her marriage and the consequences of her failing to follow the communal expectations are fully described. The reader also sees that polygamy was a possibility within the Maori culture.

13 "My lord whom I married was the one of my own seeking and my own choice, but we married without formality. I did not give a feast when we took each other; I defied my brothers".

And I took my husband. As I had proclaimed aloud to these my elders what I intended to do, I had done all that ancient custom demanded of me.

When the people of Takapuna and Raratonga heard that we were married and that I had not given the customary pakuka feast for the tribe, those people (Nga-iwi) were furious with me; and while we were living in the pa here, my relatives from Takapuna came with a war-party and attacked this pa; but when they attacked it they found it deserted. All the people had gone away to gather cockles at Onehunga, to fish in the Manakau, to spear birds at Titirangi, and to collect mussels on the sea-coast. When they attacked, the pa was deserted. Some old women and old men were all they found living here. The war-party plundered the kumara storehouses and ate the dry fern-root from the stages on which it was kept; they took the eel baskets and the nets for catching mullet. They went back, and just as they were leaving, on this same day, a war party from Raratonga appeared. As they came up, the Takapuna party was disappearing down the track to Waipapa. The Raratonga party talked and uttered threats, but there was nothing for them to take, so they sat down and talked to the old men and women and then went away empty-handed (Te Ao Hou, No 46, p 16).

Ko taku ariki e moe nei maua, naku ano taku i kite, otia i moe noa iho maua, kihai i kiia e au ki te hakari pakuha, he whakahihi hoki naku ki aku tungane. He tane ano a ratou i mea ai moku, kihai au i pai atu, a, moe nei au i taku ariki; i noho koa au i Takapuna, a, ko taku tane no te pa i Raratonga, tena e hoe te kaihi manga ki Puponga, i nga wa o te riri i ririri ai Nga-iwi ki Ngati-Kahukoka. Ka hoe mai matou ki te pa nei, whiti mai matou i Takapuna, a, ka moe i konei.

...

"E kore e huna atu e au, maku taku tane; naku taku i kite i Puponga, a, ko konei au moe ai i taku tane. No Raotonga a ia, no Takapuna au; ma koutou e mohio mai." Heoi ano, ka moe maua, he mea hoki kua kiia e au ki enei o aku matua, kua pono ki to mua tikanga.

'Rongo kau ano koa era i Takapuna, me era i Raratonga i a maua kua moe, a, kahore nei i taka he hakari pakuha ma te iwi, ka tu te weri (riri) o aua iwi, ara, nga hapu o Nga-iwi. A, i a maua e noho ana i te pa nei, ka hoe mai aku whanaunga i Takapuna, ka huakina te taua ki konei; huaki rawa ake, hore kau he tangata o te pa nei, kua poto ki te marara noa atu, ki te koha pipi i Onehunga, ki te hi ika i Manukau, ki te wero manu i Titirangi, ki te tiki kuku i te akau, huaki kau ana, ko te pa anake. He kuia nei, he koroheke nei nga mea i rokohanga mai e noho ana i konei. Ka murua e ratou nga rua kumara, ka kainga nga pataka roi, ka maua nga hinaki tuna, me nga kupenga hao kanae, a, hoki ana, pahure kau ano era. I taua ra ano, ka tae ake te taua o Raratonga, tae kau ake, e haere ana te taua o Takapuna i te ara e heke atu ai i te pa nei ki Waipapa, a, ko taua taua o Raratonga nei i wawau kau noa iho, hore he mea mana e rarahu ai, ka noho ka korero ki nga kuia ra, me nga koroheke, a, hoki kau ana.

The purpose of the visit of the young people from Ponga's community to Puhihua's community was explicitly for the purpose of finding future marriage partners. The story therefore gives a guide both as to the groups within which marriage was to be expected and also as to the rules for the conduct of marriage itself. Marriage within the tribe but outside the immediate group, was the preferred option; this was a way of strengthening community ties and improving the security for the larger group.

E Commodity Exchanges

Social relationships were maintained in a number of ways particularly the exchange of resources, heirlooms, and the sharing of commodities.

The pattern for dealing with resources and the pattern of exchanges shows the extent of the relationships and also range of the commodities and their relative values. For instance an inland group would exchange various plant and animal products with a coastal group who would provide sea foods or, in New Zealand, a north/south exchange might involve carved work from trees from the north such as canoe being exchanged in the south for jade (pounamu). Some of the exchanges were consumption commodities and they operated very much in the manner of contemporary sale and purchase arrangements. Where non-perishable items such as greenstone artifacts were exchanged, the rules relating to their use and destination were much more elaborate, and the gifts were frequently used both to create a particular relationship and subsequently over generations to confirm and renew that relationship.

The relationship of people to property is very clearly seen in the gift giving. The property given is typically social, family, or communal property and the giving has a social purpose. Obligations are created in respect of the property and in some cases it is seen that some people avoided relationships because of the need in certain circumstances to give gifts which in turn would create obligations. Equally some circumstances created an obligation to receive gifts. In

the story this is exemplified¹⁴ in the discussion about the exchange of *mere* and in the discussion about *mere* and the scented oil. No gifts are free – it is difficult not to accept a proper gift and equally difficult to avoid the obligation to reciprocate. Mutual obligations arise out of the giving and the accepting of gifts. By this means a number of social purposes are achieved: Not just economic purposes which relate to exchange or trading of commodities, but also various political purposes related to making and keeping peace, and ceremonial purposes. Within the social system the consequence of the gift exchange is a cycle of obligation. Giving generates a duty of reciprocity and then a cycle of giving, receiving and giving again.¹⁵

14 "The head chief of the pa rose, and took his greenstone mere and gave it to the young chief of supreme rank of the Awhitu guests, who in return gave his greenstone mere to the old chief. These two mere were heirlooms, ... Heirloom weapons were kept by members of one head family for a time, then they were handed to those of senior rank in another branch of the same tribe. This exchange of weapons was a ratification of any terms of peace which might have been agreed upon by the tribes, and also a final pledge of the complete and genuine feeling of friendship felt by the young guests from Awhitu towards the Mt Eden people. Thus each held possession of the others mere." (Te Ao Hou, No 44, p 42.) See also, above n 9.

Ka whakatika te ope tamariki nei, ka tatua i a ratou mo te haere, ka nui atu te tangata whenua ki te poroporaki i a ratou, a, ka rupeke (poto) mai te iwi o te pa nei, ka whatika te rangatira o te pa, ka mau ki tana mere pounamu, ka hoatu ki te tamaiti ariki o taua ope nei, a, ka hoatu hoki te mere a taua tamaiti ra ki te rangatira o te pa, he mea koa aua mere nei, he manatunga, a he tika ki nga ritenga o mua kia hokohokoa aua tu mere nei e aua tangata, no te mea ko raua nga uri toitu e takoto haere ai aua mere, a, he mea hoki ko taua tu mea nei ko te manatunga patu, he wa ano ka mau i nga uri o tetahi hapu o te iwi, a roa noa, ka kawea e aua tangata i a ia taua manatunga nei e mau ana, ka kawea ka tukua ki etahi ano o nga uri o te tupuna nana taua patu i te timatatanga, koia nei te tu hokohoko o aua mere nei. A, tetahi tikanga, he whakapumau i te rongo taketake kua takoto i nga koroheke o aua hapu nei, ara, o Nga-iwi, a, o Ngati Kahukoko, a hei mutunga ano hoki mo nga korero o taua ope taitamariki ariki nei ki nga rangatira o Maungawhau, hei maunga hoki mo ta ratou rongo, ka mau nei hoki tetahi i ta tetahi patu, a tetahi i ta tetahi patu.

15 See the interesting thoughts on this by M Mauss *Essai sur le don* (PUF, Paris, 1950), and more recently by eg Firth *Economics of the New Zealand Maori* (2ed, Government Printer, Wellington, 1959); O'Connor "Honour the Treaty? Property Right and Symbolic Exchange" in (1990) *Society and Culture: Economic Perspectives* (New Zealand Association of Economists, Wellington, 1990) Volume 1, p 138.

Not only were gifts not free in the sense that they generated the duty to receive and to reciprocate but also they were not free in the sense that the appropriateness of the response was monitored. This is at least hinted at the end of this story with the listing of the gifts exchanged. A failure to fulfil the obligations meets with a social response in the form of a range of different consequences. Immediately there is a loss of *mana*, or standing, and therefore of wealth, because there will as a consequence be non-reciprocation from the other party, and more vigorous response is found in the sanction by *murū* which is a form of direct taking of compensation for the loss suffered by the failure to honour the obligation system. And finally the possible alternative sanction – war – which is indicated at the end of the story.

E Compensation, Balance, Equivalence

The *murū* raid is exemplified in several independent descriptions of Maori culture and is here depicted¹⁶ as elsewhere described: that it is an unresisted non-violent event with the taking of property from the offender by the offended by order of rank. The consequence of this is seen to reflect on the status and the significance of the offender in that the greater the takings the more important is the offender in the community of the offended. The major consequence of the *murū* raid was the reinforcement of community social cohesion of members of the group. If the raid was resisted the cohesion would be lost and there would be extreme violence; as an unresisted event the taking of compensation was accepted by the offender and the balance of the relationship with the offended was restored.

The balance is visible everywhere – the sense of proportion and a sense of due equivalence in the exchanges. *Utu*, in the sense of equivalence or balance, may also be seen more generally in the structure of the story. In its symmetry it begins with jollity and the activities of young people about to go courting; it ends with the loneliness of death. The romantic part ends at the marriage feast when parents of Puhihuia and those of Ponga and their communities come together for the marriage feast and she declares "Now I say, my husband, yes, my husband is Ponga". However, the story continues for about another 500 words. This has the purpose of completing the genealogical record when highborn Puhihuia and her issue die out. There may

¹⁶ See above n 13.

also be implicit in the ending a sense of balance and symmetry or reciprocity in that ultimately the breaking of the rules by Puhihuia has been matched by her death.¹⁷

III CONCLUSION

The story has much to commend it from the point of view of literature and, it is submitted, it may also be a useful starting point for understanding the operation of Maori law in a form unaffected by European influence. Such an understanding has great contemporary cultural value, based as it would be on a view that stable social relationships need know nothing of Justinian or Montesquieu.¹⁸

-
- 17 This is the song of lament which Puhihuia sang for Ponga—
- | | |
|---|--|
| <p>The mountain Pikihero rises above me—
Which way shall I take
To lament thee, Ponga?
This is the way I shall go—
Alas for such a death!
Around me, in my widowed bed,
A dark mist swirls!</p> | <p>Nei te waiata a Puhihuia mo Ponga:

Tera Pikihero ka rewanga mai,
Me ra whea atu au?
Te mihi ki a Ponga ra,
Me ra konei ake,
He kino mate ra;
Auahi pu ake,
I roto taku moenga na, i.</p> |
|---|--|
- And she added as a recitative this portion of her lament—
- | | |
|---|---|
| <p>This is the cliff
From which I shall throw myself—
You, Uru-harakeke, must lose me now.
Your parent.</p> | <p>A, ka kiia reo noa iho enei kupu o tana waiata e ia:

Ko te pari tenei e rere ai au
Koe, e Uru-harakeke,
Ka wehea I a au
Te matua.</p> |
|---|---|
- And so she died, and went to the world of the spirits.

18 "The Indian on the prairie, before there was the White Man to put him in the guardhouse, had to have something to keep him from doing wrong" – High Forehead, *The Cheyenne Way*, page 2.

