
Article

Being Present: Embodying Political Relations in Indigenous Encounters with the Crown

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Abstract Political encounters between settler governments and indigenous communities are freighted with the unresolved issues of indigenous independence asserted under ongoing conditions of colonial domination. Within political science, these encounters have been primarily theorised and analysed as struggles of indigenous communities for political recognition from settler states. Further, the politics of recognition is widely understood as colonising by indigenous scholars, with some arguing for an alternative politics of (indigenous) resurgence and refusal, a ‘turning away’ from the state. In this article, we argue that in the case of Māori in Aotearoa ‘turning up’ is the ethical and correct practice of politics, a practice stemming from the relational ontology of the Māori world. Thus ‘turning up’ rather than ‘turning away’ can, for Māori, itself be a practice of refusal. We outline the centrality of the embodied, face-to-face encounter within Māori politics, and identify the ongoing presence of the sovereign’s body and embodiment more broadly within the Westminster tradition, as symbolised in the concept of the Crown. Building on these compatibilities within distinct political ontologies, we argue for the potential and productivity of face-to-face political encounters, and call on the New Zealand Crown to also prioritise ‘turning up’ in its engagement with indigenous communities.

Contemporary Political Theory (2021) **20**, 502–523. <https://doi.org/10.1057/s41296-020-00439-9>; advance online publication 18 September 2020

Keywords: indigenous-settler relations; political ontologies; the face-to-face; politics of recognition; indigenous thought



Political Personhood

We begin this article by picking out two moments of the many in which iwi (tribes), hapū (sub-tribes) and the New Zealand Crown have met face-to-face. Both point to the divergence in expectations between Māori and government regarding appropriate political engagement. This mismatch relates to differing understandings of the importance of face-to-face, embodied relations, which in turn links to different understandings of the enactment of political power. In the modern western tradition, we are used to understanding political power as bureaucratic and disembodied, travelling in documentary form, in contrast to the Māori understanding of embodied power operating in face-to-face and oral/dialogical form. In the article we unpack these two distinct approaches to political power and engagement, highlighting points of connection – as each side has ‘conditioned’ the other in Aotearoa New Zealand over 200 years of political engagement – and also bringing to the fore the ways in which personhood remains present but abstracted within the western political tradition practised by the New Zealand state. We suggest the Crown has a lot to learn from Māori approaches to political engagement, pointing to the political productivity and ethical possibilities that can arise in the face-to-face.

Failures of encounter

In October 2010, we attended a week of Waitangi Tribunal¹ hearings in the first round of the Te Paparahi o te Raki claim, in which the Crown and Ngāpuhi contested the Ngāpuhi tribal claim that, in signing Te Tiriti/the Treaty of Waitangi in 1840, they did not cede sovereignty.² This week of hearings was held at Whitiara marae,³ in the northern Bay of Islands of Aotearoa New Zealand. Tribunal hearings held on marae conform to the cultural practices of the local people and their spaces – practices that privilege manaakitanga, uplifting the standing and identity of guests through welcome, acknowledgment, hosting, and generally caring for all assembled. Day by day, each side presented their case in front of the Tribunal in a court-like format, with lawyers calling expert witnesses, and cross-examination by the lawyers of the other side, the legalistic protocols routinely interrupted by new rounds of pōhiri⁴ to welcome each claimant hapū who came in turn, led by their rangatira (leaders), to present their case. Ngāpuhi were present in numbers at the hearings, filling the marae and spilling over into the marquee erected on the forecourt, with proceedings from inside the house relayed on a large video screen. The proceedings were undertaken in a mix of Māori and English languages with simultaneous translation for any Tribunal members not fluent in Māori. One day, as we sat listening, a rangatira (tribal leader) giving his evidence called out, ‘Where is the Crown? Where is the Crown?’. The sense of indignation was clear in his voice,



as he faced the young Pākehā lawyer who was leading the Crown's case. This young official from the Office of Treaty Settlements *was* the embodied representation of the Crown that week at Whitiara marae, but clearly the rangatira wanted something – someone – more, the presence of a Crown minister, or even the Prime Minister, to bring that particular mana – the power and prestige of the Crown – to these momentous and historical proceedings.

Several years later, in December 2016, the third reading of the Treaty Settlement Acts for the Ngāti Ruahine, Te Atiawa and Taranaki tribal claims took place in the Houses of Parliament in Wellington. Again, this was a momentous and historical occasion, in which the iwi concerned and the Crown marked the hard won agreements at the culmination of long processes of colonial dispossession, grievance, protest, negotiation and compromise. This time, proceedings took place within the institution of parliament in which the government were the host party. Again, iwi turned up in large numbers, filling the public galleries of parliament to hear their settlement bills pass into law, and to mark their passing with waiata (song) and haka (performances). Other Māori protocols were also present in the House in the mihimihi (acknowledgments) with which Māori members of parliament began their speeches, and even the English language opening of the Treaty Negotiations Minister, Chris Finlayson, mimicked the format of Māori speech-making. However, yet again the embodied presence of the Crown side on this occasion did not meet expectations of what was tika (ethical, right) from a Māori perspective. In a news item following the passing of these settlement Acts, Māori Party co-leader and member of the government herself, Marama Fox, was reported as saying it was 'heartbreaking' that only 20 at most of the 121 members of parliament were present in the House for this final reading of these bills (Radio New Zealand, 2016).

These two examples of meetings between iwi, hapū and the Crown are not unique, but are repeated year in, year out on marae and within the offices of parliament. In these meetings, the institutions of iwi and Crown governance meet face-to-face, each 'turns up' to speak to the other. But, there is also often, as these examples show, a disjuncture in practices that points to differing expectations of both sides. For the Crown, it is the substance of the agreement as represented in documents signed and ratified via parliament and/or courts that is typically seen as most important. Face-to-face encounters, while part of the process of doing politics, are less significant. For Māori, embodied relations remain central to political engagement and crucial to the requirements of honouring and maintaining mana for all parties concerned. The failure of appropriate and sufficient numbers of representatives of the Crown to not only 'turn up', but to privilege and invest in ongoing personal engagement with iwi, diminishes the standing of both parties – and that, in itself, represents a political failure.

In this article, we argue that the Māori approach, in which longstanding, embodied, face-to-face relationships are crucial to productive political engagement,



is powerful and important. We argue that the Crown needs to ‘learn from’ Māori (see Jones and Jenkins, 2008) that it is in the face-to-face that politically and ethically productive shifts and engagements can take place that uphold the mana and honour of both sides of the relationship (Hoskins, 2017). It is not just that care for the face-to-face relationship can be a marker of respect for a Māori worldview and ways of operating, but that it is in face-to-face encounters that things happen. Such encounters are potent. They offer opportunities for understanding others as they understand themselves, they offer moments to affect and be affected, to interrupt dominant flows of power, to experience rare moments of attunement that open possibilities for ethical responses and the establishment of commitments, the catalysing of different trajectories toward new and maybe better outcomes. Thus, we argue, if the Crown genuinely cares, as it purports to, about its honour and ethical conduct in future relations with Māori, it needs to pay more attention to and care for the moments of face-to-face engagement, big and small.

We develop our argument through a two-part discussion. Having already illustrated the significance of political personhood in the relations between Māori and the Aotearoa New Zealand state, in the remainder of this first part of the article we explore the differing conceptions of political personhood on each side of this relationship, while also highlighting points of similarity and connection. In the second part of the article we explore further potential meeting points between Māori political preferences and contemporary political theory. We discuss the politics of recognition and important indigenous critiques of its ongoing colonial dynamics and calls for an alternative politics of resurgence. We argue that, from within a Māori political philosophy, this opposition between recognition and resurgence is a false dichotomy. Finally, we turn to Iris Marion Young’s theory of political communication as offering further points of connection between Māori and western understandings of the practice of embodied political engagement.

The politics of Mana

In the Māori world, face-to-face engagement is central to acknowledging the mana – the identity and standing – of others. Mana is an ontologically distinct idea that relates to the personal and psychic force, influence and identity of people, places and things, derived from non-ordinary sources like gods and ancestors (Durie, 1998a, 2000; Marsden, 2003; Royal, 2006). Respect for the mana of others is the basis of everyday social ethicality in the Māori world and acknowledging the mana of distinctive groups is central to the possibility of good and enduring political relations. According to Sir Edward Taihakurei Durie, respect for the mana of others requires acknowledgement of them on their own terms: ‘an intimate understanding of what the other party perceives their mana to be’ (2000, p. 95). Tensions have arisen between Māori and the Crown, Durie argues, from a failure of the Crown to



respect mana Māori. This is not just a failure to recognise Māori political authority, but also a failure to appreciate mana as ontologically distinct – constitutive of completely other ways of being and doing the political. Matui and Mutu (2003, pp. 156–157, cited in Godfery, 2018, p. 497, italics in original) distinguish between two forms of mana significant to the organisation of Maori political life: ‘*take mana tupuna* – “authority and power handed down through chiefly lineage” ... – and *mana whenua* – political power deriving from “a person or tribe who possesses land through a relationship of occupation or use”’. We see parallels with both of these forms of mana within the concept of the Crown, which will be fleshed out below.

Māori practices to support and enhance mana and respect are observable in everyday interactions. They involve speaking directly to the other. It is greeting, acknowledging and dialogical encounter that establishes how the mana of each side should be recognised and upheld to the fullest extent possible (Durie, 2000). The simple greeting, ‘tēnā koe’ (behold, you, that is you), goes some way to secure the status and identity (the mana) of the other and can initiate social bonds and the capacity for generosity in relations. Creating space to first acknowledge and understand the sensibilities of others may presage better outcomes. Disputes and debates may resolve themselves, or answers might be found, if engagement begins by acknowledging others, their histories, connections and areas of continuing interdependence (Durie, 2000). Meeting, greeting, eating, gifting, and sleeping together are all processes of mana enrichment that develop and deepen mutual commitments – and they require time and embodied presence.

Mana, as (iwi and hapū) political self-determination, is simultaneously the condition of independence *and* interdependence (Kruger, 2017). A level of independence, or mana motuhake, is required for the flourishing of people and groups. Independence also provides the capacity to enter productively into relations of *interdependence* – into social, political and economic commitments. And it is relations of interdependence between self-determining groups that work to maintain and enhance the mana and independence of all parties. In calling for the maximisation of mana as political authority, Māori mean the capacity to be self-determining, to take responsibility for their people and places, and to manaaki – to enhance the mana others.

Māori continue to struggle for the political ideal of mana motuhake as relational and interdependent. And, as M. Durie (1998b, p. 49) notes, productive and enduring political relationships with any group are ‘founded on the intricacies of good personal relationships’. They are discernible in ethical behaviour and honourable conduct between parties. This goes some way to explain why, in the face of poor Crown conduct, Māori continue to encourage and care for the mana of the Crown. Māori persistence in engagement with the Crown is an act of manaaki (mana enhancement) because engagement itself indicates regard for the mana of the Crown and the possibility of better relations. Through their engagement, Māori



are teaching the Crown about mana and demanding that the Crown act with mana. With every demand, the Crown is gifted another opportunity to respond, another chance to act with mana – to care for and support Māori independence, and to partner with iwi Māori in productive relations of interdependence (Durie, 1998a; Hoskins, 2012; Williams, 2017).

The personhood of the Crown

While in the modern, western state political power operates mainly in bureaucratic and documentary form, the idea of the subjectivity of sovereignty remains significant in the Westminster tradition. This residual subjectivity, most evident in the symbolism of the Crown, offers a point from which a sense of governmental political authority and political practices might be developed that are able to ‘meet’ with Māori political leadership in more concordant and productive ways. In Aotearoa New Zealand (as in other British settler colonies), the idea of the personhood of the Crown has a significant presence. Specifically in Aotearoa New Zealand, there is a preference in relation to the treaty to speak of Māori-Crown relations and of Māori and the Crown as treaty partners (Godfery, 2018). This presence and significance of the Crown, we argue, offers possibilities for expanding opportunities for embodied face-to-face Māori-Crown relations. In other words, we are interested in how the Crown might not just symbolise personhood but *become or enact* an embodied, albeit distributed, political subjectivity.

In Aotearoa New Zealand, a commonsense understanding would be that the Crown and government are terms that can be, and are, used interchangeably (see Godfery, 2018, pp. 493–494). However, the reality is more complex. In New Zealand constitutional law and political practice there are important distinctions between Crown and government to be made. Strangely paralleling the query and frustration of the kaumatua at Whitiara marae in 2010, the precise nature of the Crown is difficult to pin down. It has variously been described as a ‘useful fiction’ (then Attorney-General, Margaret Wilson, cited in Shore and Kawharu 2014, p. 17), ‘flexible’ (Quentin-Baxter and McLean, 2017, p. 43) and ‘an empty legal form’ (McLean, 2008, p. 37). But it is an ‘abstract’ or ‘empty’ form with significant value within our political system.

In that system, the Crown is the symbolic representation of state sovereignty, a sovereignty shared amongst various arms of government. But that symbolic function is significant. It seems to do at least three closely intertwined and important things. Firstly, it personifies the power of the state, holding the residual sense of the subjectivity of the sovereign long since abstracted, for non-Māori anyway, from the sovereign’s body in the Westminster tradition. Secondly, it provides a sense of continuity that the state – and certainly government – cannot. These two functions are combined in Quentin-Baxter and McLean’s (2017, p. 40)



description of the Crown as ‘an abstract, perpetual legal person’. Thirdly, and deriving from these two, the Crown has come to be seen as the symbolic repository of justice, invoked in the phrase ‘the honour of the Crown’. Each of these functions of the Crown is significant in the relationships between the state and Māori communities and, when unpacked a little further, provide points of connection with Māori political preferences and practices.

By the time a colonial government was established in New Zealand, following the 1840 Treaty of Waitangi, constitutional monarchy and the split between the ‘two bodies’ of the monarch, personal and legal, were already in place in the British political and legal system (Quentin-Baxter and McLean, 2017, pp. 35–37; McLean, 2008, pp. 39–43). It is this legal personhood of the sovereign that is represented by the concept of the Crown, an enduring entity apart from government and the personal body of the reigning monarch:

The Crown signifies a legal person and office which endures over time and outlives particular Sovereigns and governments. It also represents a legal actor who can own land and other assets, borrow money, enter into contracts, sue and be sued, and exercise prerogative and other powers on behalf of the whole government (Quentin-Baxter and McLean, 2017, p. 40).

The intergenerational life and property-based authority of the Crown arguably parallel the power and authority of take *mana tupuna* and *mana whenua* within Māori politics, and certainly Māori have demonstrated their interest in an enduring relationship with the Crown beyond the life of any particular sovereign.

Quentin-Baxter and McLean (2017, p. 43) state that the Crown is more frequently referred to in politics and the law in New Zealand than in the UK, Canada or Australia, a situation that is likely to stem from the authority of the treaty itself, kept alive by Māori since the 1840s and re-centred within national politics with the establishment of the Waitangi Tribunal and the treaty settlement process from the 1970s – arguably one of the ways in which Māori political preferences have shaped, or ‘conditioned’, settler political forms. The person of the sovereign is invoked in the preamble of the treaty, which expresses Queen Victoria’s concern for Māori rights and interests (Quentin-Baxter and McLean, 2017, p. 263), creating the idea of a ‘special relationship’, an idea reinforced for Māori subsequently as they noted the ‘frequently more sympathetic Māori policies of the early Governors as compared to those of settler governments’ (p. 264). From the beginning, Māori leaders have sought to keep this relationship alive via face-to-face meetings with the monarch of the day, from the time of the visit of Hongi Hika and Waikato to King George IV in 1820 (see O’Malley, 2015, pp. 73–79 for detail of this meeting), although on many subsequent occasions actual meetings with the monarch were denied.

In terms of the continuity beyond particular governments that the Crown provides to Māori-state relations, we can think perhaps of the Crown in relationship



to Māori and the treaty as ‘a repository for the obligations the government of the day owes Māori’ (Godfery, 2018, p. 494). In this sense, the Crown is more than the government of the day because it has had ongoing relationships with Māori back to the treaty’s inception and to the sovereign herself. We now have a government Minister responsible for Māori Crown Relations, indicating political commitment to these accrued responsibilities and obligations of the Crown towards Māori. Regarded as such, the Crown possesses a kind of subjectivity – one that holds memories, apologises and makes promises. As former Crown treaty negotiator, Michael Dreaver, asked at ‘The Crown’ symposium:⁵ ‘Does the state have a whakapapa like the Crown? Does the state have a memory? Can the state apologise and mean it? Can the state make promises regarding the future?’. The Crown, in our practice of government, seems to have a form of consciousness, and a capacity to feel, that the state does not. Thus in the apologies delivered as part of a treaty settlement, we find such wording: ‘The Crown apologizes...’, ‘The Crown profoundly regrets...’, ‘The Crown seeks to atone...’ and ‘The Crown looks forward to building a new relationship...’.

These expressions of feeling and morality point to the idea of the honour of the Crown. This concept arises from the split between the enduring Crown and time-limited governments, the Crown standing for ‘what is just and reasonable’ while governments are ‘susceptible to corruption and misconduct’ (Arnot, 1996, pp. 339–340, in Quentin-Baxter and McLean, 2017, p. 270; also McLean, 2008, pp. 55–56). This idea of the honour of the Crown became ‘a constant theme in Māori petitions’ to the sovereign, from the time of Hone Heke writing to Queen Victoria in 1849, calling on her ‘to honour her ancestor’s wish that the substance of control should be left with Māori’ (Quentin-Baxter and McLean, 2017, p. 264).⁶ And, as Quentin-Baxter and McLean note, these petitions and the invocation of the honour of the Crown enabled Māori leaders to distinguish the disputable behaviour of government officials from the intentions of the monarch, so that ‘honour on all sides was able to be preserved’ (Quentin-Baxter and McLean, 2017, p. 264; also see Durie, 1998b, p. 234). They argue that these petitions also acted as repeated reminders to the colonial government of their obligations to Māori, helped keep the treaty ‘alive ... as a statement of ongoing obligations’ and ‘sustained the Māori sense of a direct relationship with the Sovereign in person’, a sense reinforced by Governors and officials ‘who reassured Māori of the monarch’s concern for their fair treatment’ (Quentin-Baxter and McLean, 2017, pp. 267–268). This sustained discourse of the honour of the Crown ultimately has fed into the treaty settlement process, which is underpinned by the acceptance that historically the Crown has acted dishonourably and that ‘the redress of Treaty grievances is necessary to restore the honour and integrity of the Crown and the mana and status of Māori’ (Waitangi Tribunal, 2003, p. 29; also see McLean, 2018).

The idea of the honour of the Crown invokes, at the very least, a moral and ethical personhood, which in the treaty settlement process has proven positive. As



Quentin-Baxter and McLean (2017, p. 271) argue, the concept of the Crown ‘depersonalises the fault (it is not the fault of the Ministers negotiating the settlements) but simultaneously locates the fault in a personification of the state’. The positive function of this moral and ethical personification is well described by Richard Hill – who served as a Crown negotiator of treaty settlements in the 1980s and 1990s and subsequently as a member of the Waitangi Tribunal, and has close first-hand knowledge of Crown actions in negotiation. Reflecting on his involvement in the early years of treaty settlement negotiations, Hill (2018) argues that, in the actual practice of ministers of the Crown and government officials, the concept of the Crown, and especially the honour of the Crown, has had an overall positive impact on decision-making, encouraging government functionaries to be more honourable in their dealings with treaty claimants. Hill (2018) reports the view of the lead Crown official in the Waikato-Tainui claim in the 1990s, that invoking the Crown was a way of invoking ‘a higher interest’ than that of a single minister or department – proving particularly useful in intra-governmental contestations over the extent of the settlement package.

Hill outlines a detailed personal example of how the idea of the honour of the Crown, impressed upon him not least by Māori leaders in negotiations, tipped the balance in terms of the position he took as a Crown negotiator in a crucial meeting that ultimately led to establishing a national landbank of surplus Crown lands available to be returned to Māori communities in settlements. As Hill (2018, p. 9) describes it:

It was this claimant call for the Crown to honour its commitment to right the wrongs of the past, combined with recent strong Government assertions that the Crown was (finally) behaving honourably on Treaty matters, which clinched my on-the-spot decision. I had been fortified, in effect, by my internalisation of the honour of the Crown, assisted by knowledge that the Minister thought the same way and would fight hard within Cabinet for the new approach.

Thus, while in legal and political theory, the personification of the honourable Crown may be an abstraction, in the practice of face-to-face negotiations, this sense of honour can be internalised and embodied by officials, affecting their personal decision-making and, ultimately, the political outcome.⁷

For Māori, the subjectivity of the Crown is not at all abstracted, but resides in the actual people who comprise the Crown. Personhood for Māori is inseparable from whakapapa. Whakapapa (commonly glossed as genealogy) is the dynamic network of relations between all beings – it concerns descent ties and relationships, as well as the conduct and potential of relations for desired outcomes (Williams, 2001; Henare, 2007). In keeping with a generally collectivist emphasis Māori understand themselves, not as monadic individuals, but as the living face of their ancestors, and in particular events and through particular objects, time and space collapse and we



are our ancestors – a single genealogical entity. The legal personhood of the Crown is, we argue, not a dissimilar conception, which likewise operates across generations, linking the actions of those gone to the responsibilities and honour of those living. For Māori, the mana of rangatira (leaders) was also extended to the Treaty of Waitangi document itself through the drawing of their moko (facial tatoo) or signature on the document. The treaty document, as Amiria Henare (2007) suggests, became an instantiation of their personhood and ancestral efficacy in a particular form whose presence and effects continue. In marking the treaty, rangatira joined their mana with that of Queen Victoria as a crucial step to establishing a relationship with the Crown. In the same way, Hobson's signature on the treaty for Queen Victoria establishes a lineage through to current day members of the Crown as inheritors of the promises made by Victoria. The 'potency' of the Crown for Māori, noted by Hill (2018), lies not simply in the person of the sovereign with whom Māori first treated, but remains alive in the living faces of her lineage (who include members of the Crown), in the parchment of the treaty, and in the whakapapa of relations, promises and obligations (both met and refused) that connect iwi, hapū and the Crown.

There are then a number of meeting points or similarities between the Crown and mana within the New Zealand political system. Both of these conceptions carry meanings of continuing, intergenerational and collective political identities, embodied within individuals who change across time. Both conceptions also encompass notions of honour and justice or correct/tika behaviour. Together they encapsulate central understandings of political power and authority in relations between Māori and the New Zealand state. However, we argue that the Māori conception of mana, and particularly of politics as practices of engagement between communities aiming to enhance the mana of both/all sides, is an especially productive and positive political force that the state and its actors can learn from and do more to emulate. And, as stated earlier, practices of mana enhancement depend on face-to-face engagement and acknowledgment. Thus, in the rest of the article we turn to consider the face-to-face in contemporary western political theories of engagement.

The politics of recognition and the embodied encounter

In this section we discuss the politics of recognition, which has been so significant in the theorisation of indigenous-settler state politics, and Young's theorisation of political communication, as two useful points within contemporary western political theory for considering the centrality and importance of the face-to-face embodied encounter to political life.⁸ We explore the logic of the politics of recognition – the body of political theory often used to make sense of and analyse the contemporary reparative politics with indigenous peoples in settler



jurisdictions. We point to its foundations in the face-to-face encounter between self and other in Hegel's philosophy and rehearse some of the key critiques of the continuing colonialism of recognition politics in indigenous-state relations. Despite the significance of these critiques, we argue that the dichotomy sometimes proposed between a politics of recognition and a politics of resurgence is, for Māori, a false one. As we have shown, for Māori, 'turning up' is the ethical and correct practice of politics, a practice stemming from the relational ontology of the Māori world. We then turn to Young's deliberative theory of political communication as a source of further meeting points between Māori and western political theory regarding some of the important elements in the *practice* of the embodied political encounter that can catalyse political agreement and change.

The politics of recognition in Crown-Māori relations

The connection between political authority and personhood is apparent within the theorisation of the politics of recognition, the broad field of political relations within which contemporary treaty settlement processes can be argued to sit (Bell, 2014, ch. 6). The era of biculturalism and treaty settlement is one in which the Crown 'recognises' Māori as distinctive subjects and communities in various forms and contexts. So, to some degree at least, inadequate as it is, in contemporary Crown-Māori relations the Crown can be seen as 'turning towards' Māori in new ways that at least purport to acknowledge the distinctiveness of Māori communities, worldview and culture. The New Zealand state no longer seeks to assimilate Māori completely into the Pākehā majority, but acknowledges the ongoing existence of a distinct Māori society within New Zealand society.

Consequently, in theorising contemporary state policies of engagement with indigenous communities, such as treaty settlement processes in Aotearoa New Zealand, scholars have turned to recognition theory as a means of conceptualising and analysing these 'new' relationships in which the difference and particularities of indigenous communities are being offered forms of recognition by the state (for example, Howard-Wagner *et al.*, 2018). But it is a moot point how distinct these new relations of recognition are from earlier assimilatory approaches. At both the theoretical and practical level, we can point to ways in which the 'politics of recognition' within western theory and practice fails Durie's standard of acknowledging the other *in their own terms*, or as they perceive themselves to be.

The theory of recognition is drawn from Hegel's philosophy of the development of self-consciousness through the – face-to-face – encounter and struggle between Self and Other. This struggle can result in relations of domination (the famous discussion of the master-slave relationship in *The Phenomenology of Spirit* (Hegel, 1977 [1817]) or – ideally – in relations of reciprocal recognition of the autonomy and equality of Self and Other). While reciprocal recognition might sound like



Durie's acknowledgement of others in their own terms, Hegel's enlightenment philosophy is founded in the understanding of a single, shared ontology between the parties to the relationship. In other words, there is an essential sameness in the understanding of what it means to be a subject/self. The subjects of recognition are assumed to be universal, essentially subjects of western modernity, fundamentally monadic individuals abstracted from any kin, let alone other-than-human relations and webs of obligation. The difference that is recognised in relations of reciprocity is a matter of the recognition of the autonomy or self-determination of the other (again, a shared characteristic). And while the contemporary theorisation of recognition, such as Charles Taylor's work, extends Hegel's interpersonal encounter to an encounter between collectives – the state on the one hand, and so-called minority groups on the other (whether they be groups based on gender, sexuality, or culture) – arguably the same expectations of a shared ontology remain. In terms of ethnic minority or indigenous groups, the difference that the state sees itself as being called to recognise is fundamentally one of 'culture', which is reduced to understandings of the existence of different values, beliefs and practices in what is, at bottom, the same world. From the perspective of indigenous-settler state politics, the singular ontological foundations of recognition politics fail to acknowledge the existence and import of distinct indigenous ontologies for the practice of politics.⁹

Further, contemporary relationships between settler states and indigenous peoples are widely understood to fall far short of the reciprocal relations of the ideal of mutual recognition. Instead, the continuing power imbalances between settler state and indigenous claimant groups mean that the state holds the upper hand and is able to impose its own, western view of the subjects involved and the relationships between them (Bell, 2014, pp. 139–168; Coulthard, 2014; Povinelli, 2002). The state continues to operate from a view of itself as the ultimate sovereign power and sets limits as to what and who will be 'recognised' and what 'recognition' will entail (what is being offered or allowed). Crucially, for indigenous communities, what is on offer falls far short of self-determination, and nor has the settler state been prepared to discuss the (il)legitimacy of its own claims to sovereignty. For example, the Crown's response to the Waitangi Tribunal's landmark finding that Ngāpuhi did not cede sovereignty in signing the treaty, was to simply assert there is no legal requirement for the Crown to respond to tribunal reports. As Moana Jackson points out, this (non-)response is not only a 'denial of an historical promise' but a denial of the obligation to the relationship (He Tohu, 2017). It seems that the honourable personhood of the Crown can quickly become the disembodied bureaucracy of the state when decisions don't go its way.



Indigenous responses to recognition politics

Māori desires for recognition by the Crown can thus be seen as dangerously misguided – as another phase of colonialism where limited forms of Māori political power are allowed by and contained within the state. It is certainly important to acknowledge that there is always the risk, even the likelihood, that engagements with the Crown can condition Māori toward acceptance of limited forms of state permitted authority that do not approximate *tino rangatiratanga* (the unqualified exercise of hapū authority), an inherent status not requiring recognition and affirmed by the treaty. This point is made by Coulthard (2014, pp. 17–18), when he repeats Fanon’s argument that colonial recognition results in subaltern communities developing “‘psycho-affective’” attachments to these structurally circumscribed modes of ‘recognition’. Further, the singular ontology that underpins practices of settler state recognition are designed to erode Māori ontological difference. Māori become an extension of the Crown’s subjectivity, rather than acknowledged as independent and never fully knowable persons and groups in their own right (Bell, 2014; Markell, 2003).¹⁰ Through these processes, indigenous/Māori others are made recognisable to the dominant polity (as another, albeit lesser, self) and it is on the basis of Māori subjection to the Crown, that forms of recognition, like rights, are awarded.

In response to these limitations of recognition relations, some indigenous scholars argue for a ‘turning away’ from the state. Dene political theorist, Glen Coulthard (2014, p. 154), for example, calls for a politics of ‘resurgence’, suggesting that indigenous communities need to ‘turn away from the assimilative reformism of the liberal recognition approach and instead build our national liberation efforts on the revitalization of “traditional” political values and practices’. And Mohawk scholar, Audra Simpson (2017, p. 19), similarly argues that indigenous ‘refusal’ rather than recognition is an option ‘for producing and maintaining alternative structures of thought, politics and traditions away from, and in critical relationship to states’. These theorists remind us that ‘every possibility is not in the gaze or minds of the master, nor is the hope of mutuality ... something all seek’ (Simpson, 2017, p. 29).

These arguments for resurgence and refusal point to two crucial elements of indigenous politics in the present – the importance of holding on to and working from the ontological, cultural and philosophical base of the community itself, and the importance and power of moments of refusal of what the state offers or seeks to impose. Both are hugely important, but as Coulthard himself notes, ‘turning away’ is not a total strategy. The settler state cannot be completely disengaged from. Indigenous communities cannot ‘vacate the field of state negotiations and participation entirely’ (Coulthard, 2014, p. 179). Instead, he argues that indigenous communities need to approach their engagements with the state with ‘a degree of



critical self-reflection, skepticism, and caution’ and pursue ‘a resurgent politics of recognition that seeks to practice decolonial, gender-emancipatory, and economically nonexploitative alternative structures of law and sovereign authority grounded on a critical refashioning of the best of Indigenous legal and political traditions’ (2014, p. 179). In other words, Coulthard argues for an orientation towards the state firmly grounded within the values and practices of the indigenous community itself and its aims for a decolonised future, what he calls elsewhere in his book a ‘prefigurative politics – the methods of decolonization prefigure its aims’ (Coulthard, 2014, p. 159).

Coulthard’s acknowledgement of the need to continue to engage with the state – and, in doing so, to prefigure the decolonial future that indigenous communities seek – gels with our perspective on the importance of the persistence of Māori practices and values in engaging with the Crown.¹¹ And, in our view, Māori ontological approaches to political relations and engagements are enduring even where they may appear to be settling for less than tino rangatiratanga (self-determination). For example, Māori are engaged in treaty settlements that represent limited forms of redress and recognition within the unity and authority of the nation state, and at the same time continue to assert their *mana motuhake* (enduring, inalienable independence). Though the Crown claims to regard treaty settlements as ‘full and final’, Māori do not. They are completely aware that the parameters have largely been set by the Crown, that settlements are unjust (representing approximately 1% of the value lost to Māori), and more than anything represent an exercise in Māori generosity.¹² Māori engagement in treaty settlements is of course complex. Engagement represents a pragmatic desire to establish some conditions (an economic base) through which greater authority can be attained and leveraged. It includes significant time and energy spent in institutional systems and processes that are not grounded in the values and practices of Māori communities themselves. Engagement in treaty settlements also includes sustained periods of Māori engagement with the Crown and the development of institutional and personal relationships.

What is discernible across these apparently opposing positions of Māori engagement with forms of recognition and assertions of independence is a continuity of Māori cultural logics and practices at work within a self-conscious project of Māori development and resurgence across the social field. Māori engagement with forms of recognition should not be understood as acceptance of political subservience, or ‘psycho-affective attachment’ to the systems of the coloniser, nor should assertions of independence be understood as the pursuit of an abstract stand-alone idea of sovereignty. This binary does not hold up within an ontological orientation that is essentially relational, where dependence and interdependence are inseparable and mutually constituting. Māori *mana motuhake* is realised contextually and relationally. It is the working out of best systems and practices for the flourishing of the people on their own terms. In some spheres,



mana motuhake may well be achieved through a single system or institution as long as it works for Māori defined outcomes. What remains constant is a relational orientation where productive outcomes are made possible by acknowledging the mana of others – not recognition of others as the same, but respect for the ways in which others understand themselves, in other words, nothing short of respect for other worlds/ways of doing and being. Māori engagement across seemingly contradictory political positions makes sense in the Māori world. Mana relations remain a distinct Māori mode of personal and political engagement that continue to be enacted in Māori-Crown relations. And this ‘resurgent’ Māori mode depends on ‘turning up’ and meeting the Crown face-to-face.

These face-to-face engagements between government functionaries and iwi/hapū leaders, we argue, offer fruitful opportunities for the practice of a Māori politics and ethics of relationality that can shift political relationships further in a decolonial direction. In addition, as with the relationship between mana and the Crown, we can find points of connection between Māori preferred modes of political engagement and western political theory and concepts. In terms of political theory, this directs our attention to deliberative democracy. Thus in the following section we turn to Young’s theory of political communication to highlight the importance of face-to-face encounters for inclusive political engagement.

Meeting with others: theorising political communication

Concerned with the ways in which minority communities and perspectives can be excluded from democratic decision-making, Young (2002, pp. 53–55) distinguishes between external exclusions, where such groups are not enabled or invited to participate, and internal exclusions where their views are ‘included’ but discounted – for example, patronised or seen as irrelevant. Against these tendencies, Young theorises three modes of inclusive communication – greeting, rhetoric and narrative – that can mitigate such internal exclusions. Though our article is not concerned with ways Māori, as an excluded indigenous minority, can be better included within existing, colonial forms of nation state democracy, we do see value in and focus on the role of greeting and rhetoric as having particular resonances for our argument. Tellingly, we also note that these modes of communication, and the examples Young gives in her discussion, are all elements of face-to-face interaction.

For Young (2002, p. 61), the recognition or acknowledgement involved in greeting is the starting point of political engagement, as opposed to the endpoint as posited by recognition theorists, such as Taylor:

This meaning of recognition is considerably thinner than the meaning Taylor gives to the term. Political greetings name the others with whom one is



discussing issues in their situated specificity. It acknowledges the legitimacy of their situated and differentiated points of view. This is far from the affirmation of cultural understanding and independence that Taylor gives to the term (Young, 1999, p. 111).

In greeting others ‘in their particularity’ (Young, 2002, pp. 57–58), a political actor opens herself to engagement with the difference of her political others. The act of greeting announces her readiness ‘to listen and take responsibility for her relationships with her interlocutors, at the same time that it announces her distance from the others, their irreducible particularity’ (p. 59).¹³ Such acts of political welcome and opening parallel the Māori perspective on greeting as an acknowledgement of the mana of the other person or group as they perceive themselves to be. It should be noted, Māori practices of greeting and encounter are not one-way. The Crown cannot simply greet Māori from the position of a dominant (but unmarked) political actor. The Crown too is called to identify themselves – to say who they are and why they have come. And each time the Crown is called in their greeting Māori, to also name themselves, their mana is enhanced, as are opportunities for productive engagement.

In her discussion of rhetoric in political communication, Young stands against theorists such as Habermas, who, following Plato, wish to privilege rational argument, the ‘what’ of political discourse, and exclude the significance of the ‘how’, the ways in which the argument is conveyed. As Young rightly notes, such theories ignore the fact that all speech involves rhetoric. The favoured ‘neutral, universal and dispassionate’ mode of rational speech is itself a rhetorical form (Young, 2002, pp. 63–64). All speech involves a ‘how’ as well as a ‘what’. Rhetoric, the emotional tone of discourse, its use of figures of speech, and its non-verbal accompaniments (gesture, visual media and so on), is a means of ‘orienting one’s claims and arguments’ to the particular audience (Young, 2002, p. 65). Rhetoric, Young argues, is ‘the flesh and blood of any political communication’ and an important element in constructing meaning (Young, 2002, p. 65). Further, she argues that these ‘affective, embodied and stylistic aspects’ (Young, 2002, p. 65) are uniquely powerful in situations that require the resolution of conflict. Here Young makes three points about the positive functions of rhetoric: the affective force of rhetorical moves can help get an issue on the agenda; rhetorical form appropriate to one’s interlocutors creates a relationship, acting as a form of invitation to discussion; and rhetoric can provoke the shift from thinking issues through to making a decision, or political judgement (Young, 2002, pp. 66–69).

In relation to our argument, we note the centrality and valuing of rhetorical forms within Māori oratory, which is deeply metaphorical and layered with multiple meanings, and seeks to engage and move the audience through the power of affect as well as argument. It is also interesting to consider the work of the ‘honour of the Crown’ as a powerful rhetorical device in Māori-Crown relations, which, we argue,



involves each of the three positive functions that Young outlines. This figure has an affective dimension that appeals to the morality or ethics of Crown agents, while also addressing them as already such honourable actors, and, as we have seen in Hill's account of the process that led to the creation of a landbank to be used in treaty settlements, can be a spur to a shift from reasoning to decision-making that provides a resolution appropriate for both sides.

Conclusion: the productivity of the face-to-face

In his critique of the politics of recognition, Patchen Markell (2003, pp. 25–32) argues that the classic theorisation of political recognition based in the Hegelian account of face-to-face engagement is not helpful to describe contemporary bureaucratic and institutional political forms. However, in our view this argument misses the peopling of those state bureaucracies and institutions. In myriad contexts and relations, the power of the state is embodied in various officials *and* in face-to-face relations – in meetings, committees, negotiations, on the floor of the Houses of Parliament, and so on. Bringing this back to Māori-Crown relations as experienced in treaty settlement negotiations, multiple meetings take place over many years, sometimes decades, between representatives of claimant groups and Crown negotiators and officials. Thus, the one-to-one, face-to-face, element of political engagement remains central in Māori-Crown collective relations. We add to this the fact that Māori are far more interested in the honourable conduct of parties and possibilities for ongoing relationships with people than they are in the precise terms of a contract itself. As E. Durie (1998a) notes, Māori contracted by giving generously and creating obligations for the recipient to respond with equal or greater value at some appropriate time. But the Crown do not turn up enough. Mana acknowledgement, as the basis of good relations, requires face-to-face, embodied engagement. The abstracted authority and bureaucracy of the Crown will not do. It is people who embody/constitute the subject of the Crown, and it is with these leaders, those who hold positions of power, if not mana, that Māori demand engagement.

We conclude this article by drawing on accounts of face-to-face engagement in the early era of treaty settlement negotiations that point to the political and ethical productivity of these interpersonal encounters. Representatives from both the iwi and Crown side of the Waikato-Tainui negotiations in the early 1990s refer to the significance of honourable relations as central to the achievement of the settlement. The Minister of Treaty of Waitangi Negotiations at the time, Sir Douglas Graham (1997, p. 22), argued that the negotiations 'were conducted in good faith and with a generosity of spirit'. Similarly, Nanaia Mahuta, the daughter of Waikato-Tainui lead negotiator, Sir Robert Te Kotahi Mahuta, argues that 'the agreements reached were matters of personal integrity for my father, and I firmly believe, Sir Douglas



Graham' (Waikato-Tainui, 2017, p. 17). Face-to-face meetings between these two leaders were crucial to the establishment of these relations of integrity, good faith and generosity. To give one example, in his account of the negotiations, Graham (1997, pp. 72-75) talks of monthly meetings being held between the two sides over at least three years, and particularly of the importance of a private, one-to-one conversation between himself and Sir Robert at the final meeting at which the Crown presented its offer. In this meeting, a compromise was reached on final sticking points in the proposal.

It is important to note, also, that the success of these encounters do not just rest on rational persuasion and the logic of argument, but on the personal and affective dimensions of relationships between the parties. For example, Graham recalls an early meeting at which he asked why the 20 previous years of negotiation with the Crown had come to nothing. It is worth quoting this passage at length:

[Sir Robert] explained that the parties had been talking past each other, and that there had not been any meeting of the minds. The government had been unable to understand what was crucial to Waikato. As he spoke it was clear the burden of responsibility lay heavy on his shoulders and it was not long before tears appeared in his eyes. The Crown officials had clearly not experienced this emotion and seemed embarrassed. Sir Robert went on to relate how he had reported the failure of the talks to Dame Te Ata [the Maori Queen and Waikato-Tainui leader] and the elders back at Turangawaewae and how one old man asked whether that meant Waikato had received nothing. Sir Robert confirmed that was so. After a pause the old man said, 'We must always remember that it is better to have nothing – than to be nothing'. It is difficult now to explain why that simple statement had such an effect on me and on all the Crown team. It seemed to epitomise all that was good – faith in one's self, patience in adversity, honour and integrity, and a confidence that, eventually, all would be well. It was the first of many memorable events. I will never forget them (Graham, 1997, pp. 71-72).

It is clear here that Sir Douglas was himself affected by this encounter, and was able to get a sense of the mana of Waikato-Tainui that would have strengthened his resolve to work towards a settlement that, though not 'fair' in any sense of being equal to what was lost by Waikato-Tainui, exhibited honourable conduct between parties borne from trust built up in face-to-face relations.

Face-to-face embodied relations between Māori and the Crown are no political panacea. They will not lead in any direct way to utopian future outcomes. But they do represent the persistence of Māori modes of being and forms of political practice that hold further potential to develop mana relations, to interrupt particular flows of power, and to ignite commitments to justice. Face-to-face relations between Māori and the Crown are also calling into being an intergenerational and distributed, but also crucially embodied, Crown personhood. A Crown that talks about the need to



restore its honour and to establish meaningful, embodied relations with iwi and hapū might just be a Crown Māori can work with.

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Notes

1. The Waitangi Tribunal is a permanent commission of inquiry set up in 1975 in Aotearoa New Zealand to hear claims against the Crown for breaches of the Treaty of Waitangi.
2. Effectively there were two treaties between the British Crown and Māori signatories, one in English – the Treaty – and one in the Maori language – Te Tiriti. One is not a direct and unambiguous translation of the other. Most Māori leaders signed Te Tiriti, which promised them the retention of their tino rangatiratanga, or sovereignty.
3. 'Marae' are indigenous-Māori cultural centres usually located within tribal or kin-group communities.
4. Rituals of encounter or ceremonies of welcome on marae.
5. This quote is from the notes of one of the authors who attended the symposium, the full title of which was 'The Crown: Perspectives on a political enigma and symbol of statehood'. See the symposium programme at <https://cdn.auckland.ac.nz/assets/arts/documents/the-crown-and-constitutional-reform-programme.pdf>. For a collection of papers from the symposium, see the 2018 special issue of *The Round Table: The Commonwealth Journal of International Affairs* 107(4).
6. Reference to the 'substance' of control remaining with Maori echoes the well-known argument of northern ariki, or paramount chief, Nopera Panakareao, who at the signing of Te Tiriti in Kaitiāa famously explained to his people that the agreement meant that 'the shadow of the land is to the Queen, but the substance remains to us' – a view he reversed as early as one year later (see Orange, 2011, p. 84).
7. Paradoxically, the honour of the Crown may be part of the explanation for the low turnout in parliament when acts of settlement are passed. In the 1990s, Sir Douglas Graham established an agreement that there would be no contestation of proposed Treaty settlements in the House, as the honour of the Crown demanded that settlements agreed between claimants and negotiators be adhered to (Quentin-Baxter and McLean, 2017, p. 273). Hence, this may mean that there is no 'need'



for a 'good' turnout to debate these bills, although we would argue that the requirements of mana suggest that there is such a need.

8. With thanks to the suggestion from the anonymous reviewer who drew our attention to the usefulness of Young's work to the argument of this article.
9. Developing this point in any detail is beyond the scope of this article. But as an introduction to the import of these debates for settler-indigenous political engagement, see Mario Blaser's (2016) discussion of the difference between 'reasonable politics' and 'cosmopolitics'. While reasonable politics views differences in cultural and epistemological terms that can be resolved within a common world, cosmopolitics does not presume what might constitute a common world in advance of political engagement over what are understood as ontological rather than cultural differences.
10. Patchen Markell (2003, pp. 14–22) argues that recognition politics are essentially dominating, aiming to shore up a fantasy of sovereignty via the subsumption of others, against the reality of the constitutive, intersubjective vulnerability of human life. We are struck by the way this argument echoes Tamati Kruger's (2017) understanding of the simultaneity of independence and interdependence within the concept and practice of mana.
11. And see Simpson's (2017, p. 21) comment on the simultaneity of demands for recognition and strategies of refusal within Mohawk political practice.
12. Cf Robert A. Williams Jr's (1987) discussion of Native American political strategies of engagement in the face of the reality of their weaker position vis-a-vis colonial political and legal systems. Williams's key point is that when indigenous leaders seemingly 'go along with' the settler colonial forces, they may in fact be engaged in a non-naive, interim strategy of engagement in the interests of the longer term project of decolonisation – with thanks to the anonymous reviewer who pointed us to this article.
13. For Markell, Young's call to welcome the other in their particularity is akin to the recognition of identity, that is he assumes that this is a limited form of welcome to political participants only within the confines of *who they already are* (their identity) at the moment. He follows Arendt in arguing that identity can only be known retrospectively, coming into being through our actions and words (Markell, 2003, p. 13). In our use of Young's theory, we are interpreting her invocation of 'particularity' somewhat differently, as a means to mark the distinctiveness and difference of the other at the outset of political engagement, but not as intending to suggest that this particularity is not a thing in process that will continue to change. We note also that, at the moment of any political welcome, participants on all sides already have identities in-process. They have all, already been engaged in words and actions.

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