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SPORT, TRIBES, AND TECHNOLOGY

The New Zealand All Blacks *Haka* and the Politics of Identity

Steven J. Jackson
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This study examines how global forces are shaping local indigenous cultures with a particular focus on the relationship between global capitalism, new media technologies, and transnational advertising. Concentrating on Māori culture and identity in Aotearoa / New Zealand, the authors examine a contemporary political debate related to indigenous culture and intellectual property rights. Specifically, the study explores the politics of identity associated with global sports company Adidas and its use of the traditional New Zealand All Blacks haka as part of a global advertising campaign. A key feature of the analysis is the controversy surrounding a lawsuit filed by a Māori tribe claiming compensation for the commercial use of its culture. Overall, the study highlights the problem of maintaining and protecting cultural spaces where indigenous identities can be constructed and affirmed.

Globalization has emerged as one of the foremost discourses of our times. According to Anthony Giddens (2000) in his recent book *Runaway World: How Globalisation Is Reshaping Our Lives*, "Globalisation is not incidental to our lives . . . It is a shift in our very life circumstances. It is the way we now live" (p. 19). Giddens's remark forms part of a mounting chorus of scholars, politicians, social activists, economists, transnational entrepreneurs, and ordinary citizens who, although not necessarily agreeing on the specific nature or consequences of globalization, understand that there have been dramatic changes in contemporary patterns of social existence (Appadurai, 1990; de Mooij, 1998; Featherstone, 1996; Herman & McChesney, 1997; Scott, 1997). Key forces in these changes are the new media technologies that enable distant events, people, and processes to have a more powerful and immediate impact on our lives (Miller, 1998; Morley & Robins, 1995). Consequently, there has been considerable discussion and debate about the impact of globalization and, in particular, the influence of global forces on local cultures. And although the local has been defined and conceptualized in a variety of ways, including the nation-state, our focus is within the context of indigenous cultures.

This study examines how global forces are shaping local indigenous cultures with a particular focus on the relationship between global

capitalism, new media technologies, transnational advertising, and Māori culture and identity in Aotearoa/New Zealand. We outline a contemporary political debate surrounding indigenous culture and intellectual property rights as they relate to the appropriation of Māori culture by transnational corporations. Specifically, we examine the politics of identity associated with global sports company Adidas and its use of the traditional New Zealand All Blacks *haka* as part of its global advertising campaign. Central to our discussion are the power, politics, and contradictions of representation. We begin by giving a brief overview of the changing position of New Zealand rugby within a global context. As the national sport, rugby is a key site for the representation of New Zealand national identity, including Māori culture and identity.

NEW ZEALAND RUGBY BETWEEN THE GLOBAL AND THE LOCAL

Although it had operated for quite some time as a semiprofessional sport, in 1995 New Zealand rugby experienced the most dramatic change in its 100-year-plus history. Two rival international companies were attempting to turn the All Blacks, along with the Australian and South African national teams, into a global commodity. Throughout 1995, and particularly around the period of the third Rugby World Cup in South Africa, the World Rugby Corporation and News Limited engaged in what FitzSimons (1996) described as the "Rugby War." Both sides attempted to sign players and major television contracts as part of a new global sporting competition. Eventually, Rupert Murdoch's News Limited emerged victorious with a 10-year, \$555 million (New Zealand currency) deal signed with the three rugby unions. Most people agreed that a major television contract was essential for the financial stability of the New Zealand Rugby Football Union (NZRFU), particularly given its difficulties in retaining top-level players who were being lured away by lucrative overseas contracts. Yet, although Murdoch's millions may have provided a healthy injection, it could also be argued that the unprecedented changes to the national game in 1995 served as an awakening with respect to New Zealand's position within the global economy. Arguably, the national game was now, more than ever before, subject to foreign influences and control. The nature of the global-local dilemma in New Zealand as well as rugby's centrality within that debate are outlined by Laidlaw (1999):

There is a real danger that control of the game in New Zealand will steadily be wrested away from New Zealand hands . . . It is the bottom line of the national personality that is at stake and we are in danger of letting McWorld have it for a few pieces of silver. The massive deals that have been done with major sponsors were the only way of preserving that sovereignty. (pp. 177-178)

Thus, on one hand, New Zealand rugby benefited, perhaps even survived, by harnessing the resources and technologies made available by transnational corporations such as Rupert Murdoch's News Limited and, subsequently,

Adidas. On the other hand, there was a price to pay for going global given that both Murdoch and Adidas demanded various forms of control over the brand in which they had invested. Part of that brand is the history, tradition, and culture of the All Blacks. Within a local context, this means ownership of aspects of the New Zealand community and its collective memory. Thus, transnational investment in the national sport provides privileged access to the past, present, and future meaning of not only the game but also the nation.

In New Zealand, team sports, and in particular rugby, have been one of the few cultural sites where Māori have achieved any sense of equality. According to Starr (1992),

Rugby is one of the too few spaces on T.V. where *Māori* people are given texts which show *Māori* doing well Rugby is a Pakeha created game that has been adopted by *Māori* men and used for enjoyment, mana, group spirit, and for a few, prestige and upward mobility in a Pakeha world. (pp. 134-135)

Although Māori have certainly excelled at rugby over the years and are clearly overrepresented at the elite level, critics argue that this simply serves to justify Pakeha (White European) sentiments that a level cultural playing field exists.

It is rugby's mythical and popularized role in defining New Zealand identity and in uniting Māori and Pakeha that helps explain the significance of the *haka* (cf. Maclean, 1999; Phillips, 1987; Zavos, 1998). This may be because the *haka*, as one of New Zealand's most identifiable national sporting rituals, is performed and displayed during heightened moments of national significance, that is, when facing foreign opponents. It is during these key periods that a large segment of the population focuses its attention on 15 men who, before entering the battlefield of sport, demonstrate a unity of passion, commitment, and assertiveness that, although explicitly masculine and uniquely New Zealand, is expressed in Māori terms.

The result, according to Starr (1992), is that the *haka*, as a powerful symbol of Māori culture, has simply been colonized as a national rugby symbol to represent racial harmony despite the lack of Māori material advances. Thus, the *haka* represents much more than a national sporting ritual. It is a contested terrain, perhaps the key site where Māori culture gains more global exposure than any other aspect of Māori identity. Consequently, there are important implications associated with the appropriation of the *haka* both locally and globally. For example, there are crucial issues linked to intellectual property rights and the authority over the representation of one's cultural identity. According to Smith (1999), people and their culture, consisting of the material, the spiritual, and the exotic, have become "the first truly global commercial enterprise: trading the *Other*" (p. 89). Here, we examine the trading of the other within the context of indigenous culture, new media technologies, and transnational sport advertising.

As an introduction, we overview the historical origins and significance of the Māori haka, including its popularized, if bastardized, appropriation within sport. By providing a literal translation and locating the haka within its appropriate cultural context, we explain why some critics feel its status is being exploited. Subsequently, we provide a description and analysis of the controversial 1999 Adidas All Blacks haka advertisement. It was use of Māori imagery in the advertisement that contributed to recent challenges concerning the control and representation of Māori cultural identity. Finally, we refer to recent legal challenges, largely centered on intellectual property rights related to the haka, being mounted by particular Māori groups in their search for compensation from both the NZRFU and Adidas.

THE MEANING AND MANA¹ OF THE HAKA

Although we will later elaborate more fully on the history, meaning, and significance of the haka, it deserves at least a brief description here particularly for those unfamiliar with the sporting ritual. Although there are vast arrays of different hakas, globally, the best known is the All Blacks *Ka Mate* haka. The New Zealand national rugby team performs this haka before it competes in international test matches. Although descriptions cannot do it justice, it is important for readers to have some basic understanding of what the haka involves. In brief, prior to each game and immediately following the respective national anthems, the All Blacks, usually led by a senior Māori player, form a semicircle at midfield facing their opponents. At this point, they collectively engage in the haka, which consists of about 40 seconds of coordinated recitation of words and vigorous body movements that, in combination, tell a story. Arguably, the haka has become an essential part of any All Blacks sporting event, serving as an expression (or as we argue, misrepresentation) of cultural identity, an entertainment spectacle, and an attempt to motivate the players while intimidating the opposition. With the advent of globalization and new media technologies, there is increasing exposure to, and interest in, New Zealand, rugby, the All Blacks, and the haka. This has led to a corresponding production and circulation of images and narratives about the haka that are further removed from Māori control. As a consequence, there is greater potential for misunderstanding and exploitation. Below, we note some of the misinformed interpretations of the haka and, in turn, identify its meaning and significance within a tribal context.

Whether one is examining Internet sites, watching All Blacks test matches or related television advertisements, or even discussing the meaning of the haka with everyday New Zealanders, its popular, albeit mistaken, definition is one of a war dance. According to Karetu (1993), the hakas have been "erroneously defined by generations of uninformed as 'war dances', the true 'war dances' are the *whakatū waewae*, the *tūtū ngārahu* and the *peruperu*" (p. 37). Within Māori culture, *haka* is the generic name for all types of dance or ceremonial performance that involve movement. Historically, some were used solely for spiritual reasons; others were used for

celebration, intimidation, or as a “psych up” prior to battle (A. Black, personal communication, March 5, 2000).

New Zealand’s sporting icons, the All Blacks, use a specific haka called *Ka Mate* composed in the 1820s by a famous chief of the Ngāti Toa tribe,² Te Rauparaha. Traditionally, the All Blacks leapt off the ground simultaneously to complete the haka, an action reminiscent of movement particular to the *peruperu*, where warriors folded their legs underneath their bodies as they leapt off the ground. “The *peruperu* is the true war dance and is performed with weapons when the warriors come face to face with the enemy . . . [It] has the psychological purpose of demoralising the enemy by gestures” (Awatere, cited in Karetu, 1993, p. 37).

Karetu (1993) pointed out, however, that when *Ka Mate* was composed, it was intended as a *ngeri*. *Ngeri* “are short *haka* to stiffen the sinews, to summon up the blood, but unlike *haka taparahi*, have no set movements, thereby giving the performers free rein to express themselves as they deem appropriate” (p. 41). Karetu expressed his concern with the popularized version of *Ka Mate*, which has “become the most performed, the most maligned, the most abused of all *haka*. Jumping is not a feature of either *haka taparahi* or *ngeri* and it is these irritating perpetrations that lead to a lot of discord” (p. 68).

Another source of conflict and tension in relation to the haka is that few people, including New Zealanders, understand and accept the story behind it, that is, its literal translation. Based on Karetu’s (1993) translation, *Ka Mate* was composed by Chief Te Rauparaha while seeking refuge from his enemies at Chief Te Wharerangi’s village. The story suggests that Te Rauraparah was concealed in a pit by Te Wharerangi’s wife, Te Rangikoahea. She sat over the entrance of the pit to hide Te Rauparaha and to neutralize the chants performed by his pursuers in their quest to flush him out. Here, it is important to note that in Māori culture it was believed that women’s genitals could not only neutralize chants but embodied considerable power. In the pit, Te Rauparaha hears the fluctuation of his fate in the discussion between his pursuers and the chief and consequently mutters, “*Aha ha. Ka mate, ka mate. Ka ora, ka ora. Ka mate, ka mate,*” or “I die; I die. I live; I live. I die; I die.” Finally, when he hears his pursuers leave, he exclaims, “*Ka ora, ka ora. Tenei te tangata puhurupuhuru nana nei i tiki mai whakawhiti te ra,*” or “I live; I live. For this is the hairy man who has fetched the sun and caused it to shine again.” As he takes his first two steps out of the pit, he says, “*Hupane, kaupane*” or “Spring up the terrace,” and as he stands clear, he shouts, “*Whiti te ra,*” or “The sun shines.”

There are many myths associated with the meaning of *Ka Mate*, in part, linked to Pakeha efforts to interpret Māori culture to suit their own beliefs and interests. For example, sportswriter Spiro Zavos (1998) discounted the former Māori reading of *Ka Mate* because it makes reference to a woman’s genitals (“the hairy man”) and to the protection of men by women, a theme common to Māori culture. Zavos’s response is typical of Pakeha who

believe they have a right to explain Māori culture so that it conforms to their own cultural norms:

It does not ring true to *Māori* tradition *Māori* culture is male hegemonic It seems implausible that the All Blacks . . . would embrace a *haka* that had such embarrassing connotations The hairy man in this *haka* is an archetype of strength, a figure of power, capable of bringing about the triumph of life over death When the All Blacks chant their *haka* . . . they will lead their great team, and the nation that identifies with it, into the sun that shines. (pp. 71-73)

Thus, a Māori interpretation of the Ka Mate haka is rejected, not because it has been shown to be illegitimate but rather on the basis that it threatens male power and in particular White male power. However, few New Zealanders, Māori and Pakeha alike, seem to know this literal translation of the haka within which a male chief acknowledges a woman's genitals because they are viewed to embody such power and strength. Understanding the literal meaning of the haka is important, but it is also important to consider how a cultural tradition and ritual that originally had nothing to do with sport gained its popular, contemporary sporting identity.

In 1888, 4 years prior to the formal formation of the NZRFU, the first New Zealand team, referred to as the New Zealand Native Football Representatives, toured Britain and Australia (Phillips, 1987; Ryan, 1993). For New Zealand, it was an opportunity to demonstrate its sporting prowess against its colonial masters. One aspect of this demonstration was the performance of a haka. Notably, from its earliest sporting introduction, the haka performed a dual function: first, as an expression of cultural identity and, second, as part of an entertainment spectacle to attract British crowds. However, it was the tour of one of New Zealand's most famous teams that marked the first official use of the Ka Mate haka within a sporting context. The 1905 All Blacks, now referred to as "the Originals," are viewed as playing a key role in the formation and confirmation of New Zealand identity (cf. Phillips, 1987). Notably, the haka may have played a much more significant role in defining New Zealand's national identity than previously recognized. For example, Andrews (1996) noted that prior to the final game of the 1905 tour against Wales, the home team sang the Welsh national anthem *yHen Wlad Fy Nhadau* in response to the All Blacks haka. To this extent, the performance of the Ka Mate haka not only served as a symbol of New Zealand national identity, it may also have stimulated a burgeoning sense of Welsh identity. Inasmuch as identity, particularly national identity, is constructed out of difference, the haka can be seen to play a pivotal role in defining New Zealand identity both domestically and abroad.

The place of the haka within New Zealand cultural identity has been a site of contradictions and resistance, both locally and globally. For example, foreign opponents, misinterpreting the meaning and purpose of the haka, often ignored or mocked it (Barlow, 1996; Revington, 1997). Yet, the real disrespect lies not in the opponents' disregard but in the NZRFU's placement of

the haka into an inappropriate arena. Increasingly, there are signs of criticism and resistance.

For example, the haka has been challenged for its role in contributing to the violent nature of sport particularly in New Zealand high schools ("Call to Review," 1991). The Ka Mate haka has also been challenged because it is considered offensive to some members of the Māori tribe Ngai Tahu, whose ancestors were slaughtered by Chief Te Rauraparāh (Revington, 1997). There have also been a number of criticisms concerning the exploitation of the haka as it is linked to popular cultural spectacles such as the mock performance by the Spice Girls during a promotional tour of Bali in 1997 ("Spice Girls," 1997, p. 1). Finally, with respect to the focus of this study, there have been increasing concerns over the commodification and commercial exploitation of the haka within contemporary advertising. In the past 5 years, there have been numerous examples of haka-related imagery being used in advertising campaigns, including AMP Insurance, McDonald's, Lion Red beer, Steinlager beer, Lotto, Ford Motor Company, and, most explicitly and recently, Adidas. Next, we outline the emergence of the new sponsorship relationship between Adidas and the NZRFU, including the launch of the global advertising campaign featuring the All Blacks haka commercial. In turn, we examine the implications of the ad with respect to the politics of identity and subsequent Māori challenges based on cultural insensitivity and intellectual property rights.

THE ADIDASIFICATION OF THE ALL BLACKS

In July 1999, the New Zealand All Blacks commenced their relationship with a new major sponsor, global sports company Adidas. Arguably, the deal was timely for both sides. As previously noted, the NZRFU had been struggling financially despite the substantial 1995 television contract deal signed with Rupert Murdoch's News Corporation. According to then chairman of the NZRFU, Rob Fisher, "We believe this is the single largest and most strategically important decision ever made by the NZRFU" ("Adidas Appointed," 1997, p. 23). Adidas, on the other hand, was making significant progress in its plan to overtake Nike as the world's premier sports company. Adding the All Blacks, the premier global icon within the sport of rugby, would do wonders for its image, particularly in the lead up to the 1999 Rugby World Cup. Yet, although rugby administrators rejoiced, there were concerns within certain sectors of New Zealand about how a foreign company was going to handle the nation's most treasured commodity, the All Blacks. Not only was Adidas displacing long-standing local sponsor Canterbury for control of the most famous and respected jersey in rugby, but also there were rumors that Adidas might actually change the traditional design. Indeed, a new jersey was released, but judging by popular demand for the brand, the new sponsor was a huge success (Jackson, Batty, & Scherer, 2001).

Notably, the haka became a focal point for both the NZRFU and Adidas during 1999. The All Blacks sought advice from Māori cultural leaders about how they could reinforce the power and mana of the haka. On July 10,

1999, New Zealand witnessed the performance of a rejuvenated All Blacks haka at Carisbrook Stadium in Dunedin complete with boom microphones that reverberated sound around the stadium like never before. Coincidentally, this was also the launch of the new Adidas brand and All Blacks jersey. Leading up to the 1999 Rugby World Cup, Adidas, in conjunction with global advertising firm Saatchi, launched a dramatic, 60-second, black-and-white commercial featuring the All Blacks haka. The New Zealand-produced advertisement, which was a year in the making, was intended for a global audience of more than 40 countries ("Primal Team," 1999). In brief, the commercial begins with shots of bubbling mud pools, symbolic of the volcanic thermal hot springs that are a key feature of the tourist hot spot, Rotorua, home to one of the largest tribes, Te Arawa. The scene then shifts back and forth between images of current All Blacks players performing the haka and Māori warriors of the past. The scantily clad warriors are portrayed as intense, angry fighters complete with *moko*, that is, traditional Māori facial tattoos. The ad's concluding shots feature Māori All Black Kees Meeuws staring back intensely at his opponents after completing the haka. A key feature of the ad was the dramatic sound. The audio track was created using 80 layers of sound beginning with the actual game haka but also including the voices of individual players through postsynching. According to Howard Greive, Saatchi head of television, the concept "was always centered around the *haka* and a 'primal' sound design We always wanted to create a sort of primal scary ad" ("Primal Team," 1999, p. 22). Further insights from the producers provide important information about the intentions of Adidas. The commercial was shot by a community of cinematographers, including two cameramen from the National Football League, during the first night game at Eden Park (Auckland). This was done to capture the dramatic atmosphere and to control the lighting. According to Greive, Adidas was looking for something unique to brand its products and believed it could capture this through the haka:

You have to go back to: why did Adidas come in and pay all that money for the All Blacks? It's because the All Blacks can deliver something to their brand that no other team or individual can in sport. Which is they are playing a very, very physical game—it has been called the last warrior sport in the world. Not only that, but they play it with intensity and the easiest way to judge that intensity is through the *haka*. That is exactly what Adidas wanted in terms of what the All Blacks could bring to their brand. It introduced a gutsier, more primal element—as well as the sheer artistry of rugby. ("Primal Team," 1999, p. 22).

Greive's comments are revealing. First, although he does not explicitly refer to globalization, he certainly alludes to the unique contribution that the All Blacks can make to the Adidas brand. However, it is Greive's statements about how the All Blacks can provide this that are most interesting. He suggests that it is the intensity and physical nature of their style that sets the All Blacks apart, a style characterized by a primal, warrior element that is

best expressed through the haka. In an interview with *AdMedia* magazine, Greive's further notes that

one of the key words that Adidas were keen to go with was authenticity—so that's why we shot a game and that's why we shot the *haka* We knew that if we could just show people what it is actually like to be confronted by the *haka* and to watch the All Blacks play their game—then you don't have to manufacture anything. All you have to do is show it. ("Primal Team," 1999, p. 22)

One can only wonder if Greive sees the irony of his statements about authenticity in light of the extreme lengths to which his production team went to socially construct the powerful collage of signs that cumulatively constituted an Adidas advertisement.

The advertisement certainly received attention, and Adidas ensured that it gained additional exposure beyond television through a synergy of media technologies. For example, the ad was featured on the Adidas Web site where it could be downloaded and viewed. Moreover, corresponding poster and billboard campaigns were launched in conjunction with the television advertisement. One dramatic image revealed a huge black-and-white billboard in central London featuring various All Blacks doing the haka with nine tribal warriors montaged into the background. Another billboard showed a huge moko-faced Māori warrior glaring angrily at all who gazed on him, with the Adidas trifoil logo and the NZRFU trademark silver fern subtly located on the left- and right-hand sides of the image, respectively. For ardent rugby fans or perhaps even those who had simply seen the full-length video advertisement, the giant billboards may have served to reinforce the brand. However, it is not known what unsuspecting pedestrians must have thought about this compelling image. Perhaps, it left a lasting impression about the Adidas brand in which case it succeeded as a transnational marketing exercise. However, it is important to consider the implications with respect to the global image of Māori. Could such representations reinforce global stereotypes of New Zealand's indigenous people as violent noble savages or exotic others? For example, according to Wall (1997), the ambivalent and contradictory signifiers and discourses made available through the media (and arguably via the Adidas television and billboard advertisements) reinforce stereotypes of Māori as the "primitive savage warrior, the immoral sexual predator, the naïve comical simpleton, the spiritual/irrational environmentally-aware tribesperson" (p. 41). As a consequence, the image produced and reproduced is what she described as the "quintessential Māori" (p. 41). Although we can only speculate, the Adidas quest to capture the authenticity of the All Blacks through the primal images and sounds embodied in the haka suggests some attempt to seize, or more accurately manufacture, one particular aspect of Māori culture. Ultimately, stereotypes of Māori are used as part of a transnational marketing campaign that is, in effect, exploiting indigenous culture. The exploitation occurs not only through the misappropriation of a ritual but also through the attempts

to nostalgically forge a particular version of New Zealand's past. As a consequence, the inequalities of history are erased, or at least ignored, while Māori, as a racial/ethnic group, are repositioned into the stereotypical representations of the past. According to Fleras (1991), the use of racial/ethnic stereotypes works to sanitize majority perceptions such that indigenous minorities are "rendered less threatening by framing them in familiar and comforting terms; this, in turn, diminishes their impact as a threat to the social fabric. Stereotypes also reassure the audience that potentially troublesome constituents are still 'in their place'" (p. 352). Arguably, stereotypes are an important issue with respect to Māori culture and the performance of the haka. To perform the haka correctly requires intensity and strength that is displayed by, for example, dilation of the eyes and a protruding tongue. However, just like the earliest Europeans who encountered Māori, those unfamiliar with the haka may view such rituals as uncivilized and confine "themselves to such epithets as 'grotesque', 'savage', and 'indecent'" (Karetu, 1993, p. 29). Yet, the stereotypes are truly in the eye of the beholder and only become stereotypes because Māori culture has become decontextualized. For Māori, the expression in haka is a reflection of their culture, that is, "the eyes are the windows of the soul and . . . say much that the rest of the body can't . . . The tongue is the avenue whereby the thoughts of the mind is [*sic*] conveyed to the audience" (Karetu, 1993, pp. 29-30).

A key issue in relation to the global circulation of indigenous rituals and images is control. Few familiar with rugby and the All Blacks would deny the intensity of their play or the symbolic power of the haka. Yet, given the vast array of new technologies and representations, Māori have less and less collective determination of how the haka and other aspects of their culture are represented and distributed. For example, a cursory search of the World Wide Web using the keyword *haka* reveals more than 20 sites, in various languages and with different purposes. Largely, these sites focus on the sport of rugby and tend to celebrate the legend of the All Blacks. Notably, most at least attempt to provide an explanation about the meaning and significance of the Māori haka. However, one must ponder the implications of a decontextualized American-, German-, or Japanese-based Web site dedicated to explaining the meaning and significance of the haka particularly in relation to Māori cultural history. Recently, there have been signs of resistance to the appropriation of Māori culture, particularly the haka. We examine one of the most publicized challenges to date: the intellectual property rights case against Adidas and the NZRFU following the launch of the new global haka advertising campaign.

RESISTING COMMODIFICATION

Although the Adidas campaign was launched in July 1999, it was nearly a year later that a formal, consolidated protest emerged. On June 11, 2000, the front page of the *Sunday News* displayed the headline "\$1.5m for *haka*." The accompanying article outlined claims by Ron Peters, a Northland lawyer, rugby administrator, and brother of controversial New Zealand First

political party leader Winston Peters, that “there are immense concerns out there among *Māori* people” (Reid, 2000, p. 1). In part, these concerns center on some *Māori* believing they “deserve a large slice of the \$120 million adidas sponsorship of NZ [New Zealand] rugby, because the sportswear giant uses *Māori* imagery in its branding” (Reid, 2000, p. 1). However, the very next day, the NZRFU, through its chief executive, David Rutherford, refused to recognize any such claim for compensation. According to Rutherford,

We don't want the *haka* to be for sale and if it were we wouldn't be a willing buyer of it. I don't think anyone thinks the *haka* is performed for commercial purposes. If it was ever reduced to that I'm reasonably sure we wouldn't want to perform it. If the *haka* is for sale, what isn't? The *haka* is very special to New Zealand rugby and it has a very special place. It's a part of our game; we've defended the right to do it against attack from time to time. We've never had to pay for the privilege. To do so would demean the mana of it for us. (“No \$1.5m *Haka*,” 2000, p. 18)

The hypocrisy of Rutherford's comments are self-evident. On one hand, he claims that the NZRFU “wouldn't be a willing buyer” of the *haka*, but in effect, they serve as the broker that sells the *haka* through television rights contracts to broadcast All Blacks games and, in the case of Adidas, through an advertising campaign. The use in the Adidas advertisement of All Blacks players under contract is a clear example of the commodification of the *haka*. Moreover, each instance in which the NZRFU is affiliated with corporations that use the *haka* in their advertisements, directly or indirectly, condones its use.

Approximately 1 week after publication of the newspaper article, the issue of ownership of the *haka* appeared in the media again. This time it was featured during a segment of *Backchat*, a Television One arts, culture, and entertainment program (Harcourt, 2000). The show, hosted by Gordon Harcourt, featured three guests: copyright lawyer John Hackett, *Māori* claims lawyer Maiu Solomon, and *Māori* artist, designer, and curator Julie Paama-Pengelly. Several segments of the discussion are worth noting in detail simply because they embody the most comprehensive public discussion of the issue to date. The segment begins with the perspective of copyright lawyer Hackett. From a legal standpoint, Hackett argued that there are two central issues with respect to Adidas's use of the *haka*: trademark and copyright. He immediately discounted the trademark issue and, in turn, rejected any claim of copyright because, as Hackett claimed, they are not absolutely certain who created the *haka* and there is no written contract to verify ownership making it part of the public domain. However, as Solomon pointed out, the very use of a colonial legal tradition to evaluate and judge cultural and intellectual property rights is fraught with contradictions:

I think what this whole debate highlights . . . is, one, that the intellectual property rights system is totally inadequate to recognise and protect *Māori* cultural

values and cultural rights. For example, the IPR [intellectual property rights] system was developed to protect private economic rights that came out of the industrial revolution. But when you talk about Māori tanga cultural heritage rights, these are collective by nature. So they don't belong to one individual; they belong to the whanau, the hapu, or the iwi. What we are seeing happening now, increasingly, is that you've got major corporates who are drawing upon Māori branding, Māori imagery, and Māori icons to promote their products. Now if they're going to do that, they've got to go to Māori and make sure that they have the proper authority, that they are doing the right thing, that they are using those images and icons in a culturally appropriate way. And if there is going to be a commercial return, then what share of those benefits will Māori get. (Harcourt, 2000)

The host of the program, Harcourt, probed to gain an understanding of what the real problem is:

As a Pakeha New Zealander watching that ad, which it was an incredibly powerful branding campaign for the All Blacks, [to me] it creates a powerful image of New Zealand. It attaches enormous significance and heart to that Māori imagery, and that Māori imagery then becomes an ambassador for New Zealand. What really at the end of the day is wrong with that? (Harcourt, 2000)

In response, Paama-Pengelly replied,

Well that's a great thing, but Māori aren't in control of how they're portrayed in their imagery. How do we know that that's how they want their moko to be seen because moko is not just about being warriors or champions. (Harcourt, 2000)

Here, the moko, what we have previously described as Māori facial tattoos, becomes the focus of discussion. Responding to Paama-Pengelly, the host noted that

it's a bit simplistic I know, but there's a Māori guy involved in that [ad] whose face had a digitally created moko on it. I'm not sure of the ins and outs of the making of that ad, but its not just being done without anybody's say at all. (Harcourt, 2000)

In part, Harcourt made the case that if a Māori person consents to the use of the image then there should not be a problem. However, as Solomon quickly pointed out, the moko, haka, and other aspects of Māori culture must be located and understood within an appropriate cultural framework:

The tau moko is not just the individual lines on the face; it tells a whole story of that person's heritage, of the marae of the tribe . . . It's part of that collective right . . . The person carries all of that mana, all of that heritage, all of that tradition. So, it is wrong for me to go and try and copyright an ancestor figure that's been carved on a tree because I've got a company and I want to use it on a logo because that belongs to my collective; it belongs to my iwi. (Harcourt, 2000)

The point being made is that in Māori culture, like many other indigenous cultures, there is a different sense of history, ownership, and community. Individuals are defined in relation to their family history, and in Māori culture, this includes family (immediate), *whanau* (extended family), *hapu* (subtribe), *iwi* (tribe), and *waka* (lineage based on the boat in which one's Māori ancestors arrived in New Zealand). At this point, the legal proceedings regarding the haka are in their very early stages. However, given the symbolic power of the haka in the cultural, ideological, and commercial realms, it is likely to remain a site of considerable tension and debate.

CONCLUSION

New global technologies appear to hold the potential to serve as both savior and enemy of indigenous culture. On one hand, new technologies such as the Internet and satellite television are enabling remote, often marginalized, tribes to communicate and gain a sense of solidarity with other global indigenous groups. Likewise, the media can play a significant role in drawing the world's attention to the serious plight of some groups thereby providing a stimulus for social change. However, these same technologies can, intentionally and unintentionally, contribute to the exploitation and perhaps even eradication of indigenous interests.

The implications of global capitalism, new media technologies, and transnational advertising for indigenous cultures are immense. In 1996, the leading world advertising and broadcasting associations devised a single global standard for the purchase and production of television advertising (Ross, 1996, p. 3). Furthermore, predictions are that global advertising will increase from \$335 billion in 1995 to \$2 trillion in 2020 (Coen, 1995). In combination, the consolidation of these major global political, economic, and cultural power brokers is driving a new culture of enterprise that enlists the enterprise of culture (Harvey, 1987; Jameson, 1991). The implications of such a shift with respect to global advertising and indigenous culture are highlighted by Goldman and Papson (1996). They asserted that as advertisers seek new signs and excavate fresh cultural territory "no meaning system is sacred, because the realm of culture has been turned into a giant mine" (pp. v-vi). In light of such a forecast, the outlook for maintaining authority over the representation of indigenous, and other, cultures will be increasingly difficult. According to Melucci (1989), "The freedom to belong to an identity and to contribute to its definition presumes the freedom to be represented" (p. 258), therefore we need cultural spaces "which enable individuals and social groups to affirm themselves and be recognized for what they are or wish to be" (p. 172). The case of the (mis)appropriation of the Māori haka by the NZRFU and Adidas is but one of many examples of the challenges faced by indigenous cultures. Although there are avenues and signs of resistance, transnational corporations and their vast array of technologies continue to benefit from an expanding environment of national, commercial, and legal deregulation. Consequently, within the context of global

capitalism, the struggle to maintain and protect cultural spaces where identities can be constructed and affirmed will become increasingly difficult.

NOTES

1. In general terms, *mana* refers to prestige and respect but often carries even more significance.
2. This is a tribe from the Wellington area.

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