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**BONES, BREATH, BODY:
THE LIFE OF AN INDIGENOUSLY OWNED NEW ZEALAND
CORPORATION**

GWENDOLYN GORDON

**A DISSERTATION
PRESENTED TO THE FACULTY
OF PRINCETON UNIVERSITY
IN CANDIDACY FOR THE DEGREE
OF DOCTOR OF PHILOSOPHY**

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Adviser: Carolyn Rouse

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Abstract

Different orientations and values coalesce around different notions of ownership, debt, responsibility, the regulation of spaces, and the proper relationship between the corporation and the land. My dissertation focuses on the meanings of interactions between Wakatū and its shareholders, Wakatū and the State, and Wakatū and the wider public. In my work I give particular attention to parsing the social relationships and legal orientations that give rise to frictions such as those evident in the WAI 56 dispute. In addition to my observations of legal proceedings, I use peoples' day-to-day negotiations of legal processes, regulatory regimes, and historical accounts to trace the way that history and memory are (sometimes literally) written onto the land – how shifting ideas and accounts of the past are deployed, and how narratives of ownership, largess, sovereignty, and freedom are configured and reconfigured in these spaces – how the land itself is used to 'fix' notions of rights. My approach suggests challenges to conventional narratives of corporate power, social responsibility, and the supposed incongruities between indigenous cultures and indigenous commercial activity.

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Give me one matter of concern and I will show you the whole earth and heavens that have to be gathered to hold it firmly in place.

Bruno Latour 2004: 246

Pronunciation Guide and Glossary

The Māori alphabet has five vowels (a, e, i, o, u), eight consonants (h, k, m, n, p, r, t, w) and two digraphs (ng, wh).

Vowels:

- Vowels have a rather airy sound:
 - a: “ah”
 - e: “eh”
 - i: “ih” or “ee”
 - o: “oh”
 - u: “oo”
- Vowels will be either short or long. Long vowels, which are denoted either by a macron (ā, ē, ī, ō, ū) or by a doubled vowel (aa, ee, ii, oo, uu) sound like short vowels extended a moment longer. This extension generally ends up sounding like a stress. Thus “Wakatū” sounds like “WakaTU.”
- I have spelled words as my informants tended to spell them, which means that some words will use the macron and some the doubled vowel. I have left off the diacritic where the marking of a long vowel is conventionally disregarded.
- Vowel sounds do not blend or influence one another, thus “Māori” sounds more like “Mah-o-ri” (rhyming with “flowery”) than it does “Mowry.”

Consonants:

Most consonants sound like those in English. The exceptions are:

- T: When followed by “i” or “u,” becomes slightly shorter and more clipped. Thus, the last syllable in Wakatū sounds more like “tu” than “tew.”
- R: Extravagantly rolled.
- Ng: A blended sound, closer to the “ng” in “tongue” than to that in “finger.”
- Wh: An “f” sound. Thus, “whānau” sounds like it could be spelled “fānau,” and “whakapapa” like it might be spelled “fakapapa.”

Below are some of the Māori words frequently used in the dissertation. *Some words may be used as a number of different parts of speech or have a number of different connotations; I have included in the glossary my informants' most common usages.*

Ahi kaa (n.): literally, burning fire. Refers to the fires that would have been kept burning in a Māori occupation site. Is used to describe people who have authority over a place based in their having lived a long time there (figuratively, kept its home fires burning).

Hapu (n.): Something like a sub-tribe; a smaller part of the *iwi* kinship group.

Hui (n.): A meeting or gathering.

Iwi (n.): Literally, bone. The word, which is used to mean something like (and is popularly equated with) “tribe,” refers to an extended kinship group that can *whakapapa* (v) back to a common ancestor.

Kaitiaki (n.): Guardian, steward.

Kaumatua (n.): Elder or older person.

Manaaki (n.;v.): Care or hospitality; the act of providing care or hospitality.

Mana (n.): Authority, prestige, influence, charisma. The idea has connotations of the supernatural.

Mana whenua (n.): Authority or influence over the land accrued by possessing and occupying it over the course of generations.

Mihi (n.; v.): A speech made in greeting or acknowledgement; to greet or acknowledge.

Mokopuna (n.): Grandchildren, descendants.

Ngati (n.): Acts as a prefix denoting an *iwi* grouping.

Pakeha (n.): Non-Maori New Zealanders.

Papakāinga (n.): Home base, homestead.

Rohe (n.): Territory, area. Used to refer to an area associated with a particular *iwi*, *hapu*, or *whānau*.

Tangata whenua (n.): the people associated with a particular area of land.

Te reo (n.): The Māori language.

Tohu (n.): Sign, symbol, distinguishing mark.

Tupuna (n.): Ancestors.

Whakapapa (n.; v.): A genealogy; to recite a genealogy.

Whānau (n.): Extended family groupings. The word is used variously to refer to extended family groupings, a member or members of said groupings in relation to that group, and, in the context of Wakatū Incorporation, to the corporation's shareholders and their extended families.

Whenua (n.): Land, lands, the ground.

INTRODUCTION

Agnostic Anthropologies of the Corporation

Aunty Tui's Orchard¹

The rural plot of land adjacent to the land where Tui Rangi grew up and grew old is marked by the indigenously owned Wakatū Incorporation as land that is not “culturally significant.” The land that makes up most of Wakatū’s asset base was entrusted to Wakatū’s care by its shareholders in a relationship that is explicitly glossed in the context of debates internal to Wakatū and its shareholders as one not of ownership but of stewardship. In the wider regulatory context, too, the relationship is at least figuratively imagined as differing, in some fundamental way, from run-of-the-mill “ownership.” New Zealand’s 1993 Te Ture Whenua Māori/ Māori Land Act (“Māori Land Act” or “TTWMLA”) sets out strictures as to the alienation of the Māori-owned land that makes up the bulk of the assets of corporations like Wakatū and prescribes the ways in which it may be managed. When Wakatū made known its intent to sell this particular plot of land, the decision was met with outrage by many shareholders, of which old Aunty Tui was one. Though it was not officially designated as “culturally significant” (and therefore protected from sale) by the corporation, Tui explained that the land was significant to *her* – she played on it as a girl. She had memories amongst those trees. Wakatū was supposed to be an *indigenous* corporation, she and her supporters argued; how could it sell land that has these types of associations?

¹ Many names have been changed.

² Telling here is one manager’s initial description of the project to me: he asserted that the plan – both in its initial construction and in the intermittent reviews of the company’s progress with the

Wakatū Incorporation is a New Zealand company that deals in wine, fruit, seafood, and residential and commercial property development. Since its assets centrally consist in indigenously-owned land, Wakatū is explicitly a *Māori incorporation* under New Zealand law; ownership of a share in such a company is the ownership of interests in Māori land (Te Ture Whenua Māori Land Act 1993, Part 13). Māori incorporations are charged with acting as stewards of indigenous land and managers of indigenously held fortunes: the limitations on the actions of Māori incorporations affect and are affected by Māori-sponsored notions of communal responsibility and the relations between indigenous Māori and their land.

The corporation's shareholders are self-consciously called "owners" in acknowledgement that while the fee-simple ownership of the land vests in the corporation, the people retain a beneficial interest in it, retain *mana whenua*, authority over this land. Many shareholders expressed the corporation's relationship to the land as one of guardianship – *kaitiakitanga*. This land means in particular ways, to particular families and people. When the legal owner of the land is a corporation, while the land's moral owner is its shareholders, and more specifically the particular families who put that land into the corporation, what does ownership mean for these shareholders? Many of the shareholders whose interests must be taken into account have yet to be born: what does this mean for the ownership of the corporation? And what does it mean for the management of the corporation to be tied, in many respects, to the actions and beliefs of those who died long ago? At their roots, all of these questions echo that of Aunty Tui – which is the same one that motivates this dissertation: what does it mean to be – what *is* – an indigenously owned corporation? It is a timely question, coming at the moment of a new anthropological engagement with the corporate form.

The Indigenous Corporate Person

A central problem of this dissertation is the complicated relationship of distance and nearness between the company and its shareholders. At times, Wakatū's shareholders and their extended families – the *whānau* – claim a particular discursive distance from the corporation: Wakatū becomes something alien, a cuckoo set down by *Pakeha* (non-Māori) regulation in the middle of their Māori lives. At other points, whānau explain that the thing that is 'us' is prior to this, its corporate form, and will outlive it. At the same time, people devote a great deal of energy to making the corporation resemble what could be thought of as a version of themselves, voicing their strong feelings regarding what types of industries and actions the corporation, *as* a Māori corporation, ought to have no part in. Complementarily, it is often in the corporation's interest to intertwine or even identify itself with the whānau as the source of its 'culture' and its eminently marketable 'difference' from other corporations – to maintain the perception that the corporation 'thinks different,' acts according to a different logic than your standard-issue corporation. Meanwhile and simultaneously, it is careful to hold itself distant and apart from its shareholders' logics, dismissing some shareholders' calls for deep environmental responsibility, say, because honestly it is of course a *corporation*, and thus concerned, as corporations generally are, with making money.

Thus, always up for vigorous debate are the extent to which the corporation should be responsible for the economic, social and cultural development of its whānau or of Māori people in general (or more generally, the well-being of society), the forms this responsibility should take, and the shape of the constituencies to which it is responsible: What values should the corporation advance and from what sources should their legitimacy stem? Wakatū's whānau negotiate this ethical and legal landscape by employing notions of particular colonial pasts and

economic futures, the malleable personality of the corporation, and the strictures of the legal bureaucracy. Squabbles over the naturalness and the cultural authenticity of the corporation, individual versus communal agency, and imaginaries of kinship and relatedness animate relationships between Wakatū and its whānau.

The Māori incorporation is often described as a blend of Māori and Pakeha economic forms. What is invented to blend these forms, however, ends up something entirely different than its creators might have imagined, something that bucks traditional narratives of a homogenizing capitalism. There is, of course, friction amongst Wakatū owners and management over what some see as capital's colonization of Māori wealth. That the founding of the corporation was based in a limited set of choices offered by the state, for instance, smacks, to many, of compulsion and an abrogation of sovereignty. There are constant struggles over the authority of the corporation to speak for the people who are its owners, struggles extending to whether there even *is* any opposition between the corporation and the *iwi*, the tribes to which its shareholders belong. It is easy to conclude that of course one cannot mix the capitalist and the 'traditional' without subsuming the traditional in capitalist terms of debate – but look closer, and pushback against a narrative of the inexorable creep of a homogenizing capitalism manifests itself in interesting ways.

I demonstrate throughout the dissertation the ways in which actors (be they Māori shareholders or board members or Pakeha managers) use the corporation as a tool by which to articulate their notions of indigeneity – of Māoriness. Important in this respect is a project taken up by the corporation to draft a long-term strategic plan, titled *Te Pae Tawhiti* – “the far horizon.” In that context, a working group of whānau was charged with considering what should be retained from their peoples' past 500 years and taken forward 500 years into the future in the

company's actions. The Te Pae Tawhiti working group thus modeled the corporation after a plan which was itself modeled from idealized images of Māori-dom.² People undertake such actions consciously, deliberately: what is articulated in these attempts to describe who the corporation is their ideas of what it means to be Māori. Ideas of *their* motivating values become clear – become real – in their attempts to articulate the *corporation's* motivating values. Meanwhile the corporation (as the people articulate its values) shapes a model for the public and business behavior of the people, whose everyday behavior on the ground will likely vary from the idealized statements of 'our values' that they have articulated for the corporation. Thus 'indigenous values' are seen to inhabit the corporation itself, even in the face of the differing views of the various owners and management over what the corporation should be doing; even when the corporation declines – in the name of profit, say – to act according to shareholders' generalized conception of 'Māori-ness'; even when said values are always in a state of discussion, formation, and flux.

The question then arises: what image of "itself" does the whānau project upon the corporation when the two are, discursively, made coterminous? And how do images of the model whānau-member – its responsibilities, its rights, its connection to land – become wrapped up in management's ideation and presentation of the corporation to the public at large and become projected back to the whānau?

This sounds, in other words, like a question of corporate personhood. Regimes regulating corporations – and the makeup of corporations themselves as collective entities imagined singular – are marked by the imaginative uses to which has been put the shifting allocation of

² Telling here is one manager's initial description of the project to me: he asserted that the plan – both in its initial construction and in the intermittent reviews of the company's progress with the plan – should serve as a sort of "cultural test or audit" for the company. (March 9, 2010 field notes)

responsibilities and rights. The stock corporation is owned by the holders of shares of its stock, who are shielded from liability for the concern's debts; but control over its operations lies almost solely in the hands of its managers. Especially in the United States, but to a still-important extent in many other jurisdictions, including New Zealand, the corporation is conveniently fictionalized to be a "legal person" with many of the due process rights and legal protections accruing to human persons, a development originally intended to have solved a number of problems related to the contractual and other responsibilities of the collectivity (see Berle and Means 1991[1932], Coase 1990[1937]; cf Weber 1967[1925]). The separation of ownership and control in corporate law gives rise to complex issues of personality, intent, and responsibility.³

Corporate personhood is not, lately, an unfamiliar concept for laypersons. In the wake of *Citizens United*, of the Occupy movement, and of Mitt Romney's exhortation that "Corporations are people, my friend,"⁴ it is a central target of contemporary critiques of our economic system; the concept is often employed with the same "comic dismay" that Hertzfeld notes greets discussion of bureaucracy, or puns (1992).

The harm of the concept comes from its unqueried naturalization and the encroachment upon other domains this allows it (see, e.g., *Citizens United*). The notion of legal corporate personhood is about the extent to which corporations' rights and responsibilities resemble those of "natural persons." I want to talk about something more resembling the production of the

³ These have been classic points of interest for both legal scholars and anthropologists (Berle and Means 1991 [1932]; Nash 1979). They continue to serve as loci for energetic argument over the nature of corporate personhood (see, e.g. Mayer 1990; Welker et al. 2011), corporate responsibility (see, e.g. Berle 1931, Dodd 1932; Rosen 1995; Dolan and Rajak 2011), and corporate property ownership (see, e.g., Hartog 1989, Lehavi n.d.).

⁴ *Citizens United v. Federal Election Commission*, 558 U.S. 50 (2010). To Romney's statement (http://www.washingtonpost.com/politics/mitt-romney-says-corporations-are-people/2011/08/11/gIQABwZ38I_story.html) there is the bemused reply, via protest signs and t-shirts, that this statement garnered: "I'll believe corporations are people when Texas executes one."

corporate self. By this, I mean the way people remake the corporation in their own (complex) image as intending subject, transforming it into what is held to be an ethically accountable thing; and how the people involved in the running of the corporation construct *themselves* as ethically accountable people in light of their agency (or lack of agency) in shaping the way the corporation acts in the world: “corporations are [made of] people, my friend.” I am interested in thinking otherwise about corporate personhood.

This opens up another tangle of questions; questions expanding on the personhood-idea. How are notions of ‘our values’ fomented and articulated, and how does this ‘our’ come to be constituted? To whom is this ‘our’ accountable, and for what acts is it responsible? How might concepts of personhood and genealogical descent animate conversations around land use and corporate responsibility? The corporation, including the Māori incorporation, is molded from the same sort of clay out of which was made the western individual – ‘naturally’ ‘free,’ singular, equal (theoretically) to all others, utilitarian, entrepreneurial, rights-bearing: bounded by laws, sure, but (it follows) legally free to act in any other way. Does Māori corporate personhood bear any of the marks of the way ‘personhood’ is imagined amongst the whānau? Might thinking about owners’ interactions with Wakatū as a social relationship, as intra-whānau, go some way toward explaining some of the contrasting expectations and animosities that the whānau directs toward Wakatū?

As what sort of ‘person,’ in short, might the Māori incorporation be imagined? The crux of this question is the way that people imagine the individual, the ways they conceive of agency, and the way that they imagine the relationships between land and people; the ways in which managers and shareholders answer this question will have implications for the corporation’s actions and the way that the corporation presents itself to its shareholders and to governmental

and regulatory groups. My argument is that conflicts between management, shareholders, and regulators over the responsibilities and priorities of the Māori incorporation are at their heart struggles over the concept of what might be called indigenous corporate personhood – and that understanding these struggles is central to understanding Wakatū as a social actor while, simultaneously, finding a way around a number of issues that have long dogged anthropological engagement with indigenous peoples.

Anthropologists, mindful of our role in speaking critique to power, have tended to be uncomfortable theorizing corporate personhood. There is a tendency to invoke in our discussions of corporate personality an ironic distance to qualify our engagement with the metaphor (see, e.g., Comaroff and Comaroff 2009, Sawyer 2008, Shever 2010). In such cases, what are stressed are the apparent incongruities of the concept – a stress that will tend to obscure other, more interesting ways to engage with it. Part of our reaction might arise from a difficulty in conceptualizing responsibility as arising out of anything other than an inextricably combined intent and agency – the type of creative human agency we attach to ourselves, not to inanimate entities. Thus, one way to step beyond an initial skepticism, even revulsion, in respect to the idea that corporations are persons is to focus upon relativizing agency and intent: upon how intentionality and agency are often decoupled in everyday life.

Actor-Network theory (ANT) offers one way to consider the necessary intermingling of technical and human agency (see, e.g., Latour 1988, Gilding and Tatnall 1999). The paradigm was developed as an offshoot of Science and Technology Studies and, as developed by Michel Callon, Bruno Latour, and John Law, is centrally concerned to hold persons and things, the social and the technical, as equal actors: to show the ways in which “the stuff of the social isn’t simply human” (Law 1992:381; see also Latour 1988, Callon 1986).

While I do not undertake an analysis that hews to the orthodoxies of ANT, I found many of its tenets to be useful for understanding complex relationships such as that between the corporation, its shareholders, other organizations, and its land. For instance, a central feature of ANT is the way it shows how disparate parts come to be perceived as concrete, whole, and self-sustaining actors – as, for instance, in the case of the corporation. This concreteness is not stable but processual; it is continuously enacted. ANT, especially the approach articulated by Gilding and Tattnall (1999), makes clear the way that, while the technical/material is always shot through with the social/cultural, the inverse is also true for the social/cultural. ANT shares my commitment to the principle of agnosticism, which in the case of ANT takes the form of an “analytic impartiality” that rejects the privileging of any one viewpoint (Callon 1986, Gilding and Tattnall 1999). In the eyes of ANT, discourse is not determinative but is instead one of many actants contributing to the way things are how they are. Thus, like some sort of odd, fidgety, hyper-detail-oriented Boasians, ANT scholars prioritize a detailed understanding of a phenomenon before political position-taking (see Latour 1997 in regard to the notion of irreductionism as ANT’s “highest ethical standard”). While critics like Whittle and Spicer (2008) may cite this as a failing or weakness in ANT, it is, for the project of an anthropology of the shiny, a virtue.

Marilyn Strathern’s (1999) work, however, offers a critique of ANT’s valorization of its version of the ever-extending network that became central to my analysis. In her own work Strathern questions the boundaries of people and things, but she notes that the extreme decentering of intentionality that ANT performs vitiates the importance of human perspective and meaning that are at the heart of cultural anthropology (Strathern 1999). In this dissertation, I take up the insights of ANT through what might be termed a Strathernian lens. Corporations,

Wakatū included, have sometimes very usefully ambiguous institutional boundaries, boundaries that may come into resolution or dilate and entangle themselves further in the face of a lawsuit calling the corporation to account (cf. Rosen 1995; Sawyer 2006). The divisions (in access, in control) that property law puts into place, legal limitations upon corporate liability, and the divisions of responsibility within the corporate form cut what is otherwise an infinitely involving (in the Geertzian (1963) sense) skein of relationships into something legible, meaningful.

But Wakatū does not only use the ambiguity of institutional boundaries to constrict its accountability. Throughout this dissertation, I will describe ways Wakatū also uses the ambiguity of institutional boundaries to extend its accountability. The company's eminently marketable *difference* from other corporations is dependent upon its maintenance of a connection with its shareholders, and so at times lines of accountability are drawn to encompass not only the corporation's shareholders but also the wider whānau – as in the case of the corporation's long-term business plan.

The shareholders to whom the fictive person/corporation is accountable are fictive, too: I think here of Strathern's (1997) discussion of audit. The "self" described and thus the self monitored in audit will be an approximation toward a prescribed version of self – and this construction of a self for audit resembles the same process for the constitution of a "self" for an internal constituency. In each case the act of making-legible is a prime site for mis-translation, exacerbated by recursive re-translations of that self. Mis-translations, of course, can be wildly and uniquely productive. Having examined oneself and manufactured one's "mission statement," it is possible to meet it – to shape oneself in increasing orientation to that desired goal.⁵ One

⁵ Compare Deleuze and Guattari (2003 [1977]): "social production is purely and simply desiring-production itself under determinate conditions."

artifact this “self” reproduces, then, is itself. Or a reasonable facsimile: a new, different, prescribed self which in turn shapes one’s *self* self.

Interesting to note here is the way that the audited institution must discover the “moral” – which is glossed here as “that which aligns with public opinion” – before public opinion may be discerned. The institution’s holding itself to “best value” standards (for example) in order to render an account of itself to a constituency thus requires also an attempt at an accounting of constituents. The constituency must be made to appear “an entity with which communication can take place” (Strathern 2005:468) – an operation necessarily involving some schematization of both the institution and its putative constituency. The success of this move will involve the institution’s representation *of* the constituency *for* the constituency in a way that aims to make the constituency visible to itself, legible to itself, which implies the necessity of the institution’s careful management of the recognition and the elision of difference (Strathern 2005, following Greenhouse 1996). Wakatū’s self-representational legerdemain, and the dealings with land and people that shape it, forms one central focus of this dissertation.

Indigenous Peoples and the Re-litigation of the Gift-Commerce Dichotomy

There is a line of thinking, a dominant one, in which cultural values and morals are seen as antithetical to market participation and economic success. A familiar trope in the social sciences focuses upon the alienating effects of money, of markets, of the corporate form (Marx 1978 [1844]; Simmel 1990 [1907]); arguably related to this is a particular focus upon what has been characterized as an ever-increasing abstraction of capitalist enterprise (LiPuma and Lee 2002, 2004; Kopytoff 1986) and its decoupling from local material conditions (Appadurai 1986, 1996). Weber (1967 [1925]) wrote that money creates a certain kind of community and a moral order of its own. The markets become impersonal because, in the orientation of its participants

toward the rational pursuit of their interests, “market ethics” become directed not merely by the actual participant but by the participant, the ‘person’, as potentiality. Weber contrasts this with the monopolistic community of common land ownership, low differentiation of needs, and closed membership. The encroachment of the market economy, in this view, leads necessarily toward the individuation of such communities (195).⁶

An increasingly vocal strand of research counters this dominant view, with some researchers challenging claims of impersonal markets and unsocial money by paying attention to the culture of the markets (see, e.g., Callon 1998; Keane 2008; Mackenzie 2006, 2007; Maurer 2005; Zelizer 1994) and others by questioning both triumphal and elegiac views of the separation of markets from their material underpinnings (Comaroff and Comaroff 2001; Ho 2009; Keane 2001, 2008; Maurer 2002, 2005, 2006; Miyazaki 2003, 2005; Miyazaki and Riles 2005; Zaloom 2006; Zelizer 1994, 2005). Other challenges to the narrative of abstraction arise through a questioning of the seemingly fundamental sectioning off of nature and the human (Coronil 2001).

Not necessarily intending to contribute to the conflation of market behavior and “culture loss,” but arguably implicit in it nonetheless, is the focus of much scholarship of indigenous enterprise upon “casino capitalism” (Strange 1986): the energetic edges of capitalism – said casinos, for example, or enterprises such as the sale of tobacco, the leasing of rights to mining companies, or the storage of nuclear waste – which have tended to be inhabited by outsider groups (Darian-Smith 2003; Light and Rand 2005; Ferguson 2006, Perry 2006). Even outside of the criticism indigenous groups will tend to face for engaging in casino capitalism, however, they

⁶ Carolyn Rouse has drawn my attention to the resemblance of this analysis to a sort of proto-ANT theorization of money: here, money becomes a mediator shaping the way people think, act, and relate to one another.

will begin to be challenged if they venture “too far from the reservation” – if they get too rich (Comaroff and Comaroff 2009, Harmon 2010). An underlying notion of money as necessarily bleaching out culture is at work here, too. A number of researchers, however, have directly challenged the notion, adhering particularly if not exclusively to indigenous groups, that conflates economic success with assimilation or inauthenticity (See, e.g., Cattelino 2011, Harmon 2010, Colloredo-Mansfeld 2009).

Of course, the ideas that money is social, and that there is no strict division between gift and commodity, are not new ones in anthropology (see, e.g., Parry and Bloch 1989). They are, however, ideas that have tended to be weakened when anthropologists have turned their eyes upon corporations. In many cases, one can sense something akin to a re-emergence of the very gift/commodity distinction that anthropology has done so much to trouble – an idea that money will corrupt community, or the idea – persistent despite years of ethnographic evidence otherwise (see, e.g., Douglas 1979; Geertz 1978; Geertz et al 1979; Rosen 1984) – that market relations are impersonal or depersonalizing (see, e.g., Castile 1996).

Thus, much of the anthropology of indigenous interaction with corporations seems to come bundled with a set of moral assumptions regarding the corporate form. It seems that when we begin talking about indigenous peoples’ engagement with corporations those moral assumptions mix with other preconceptions about native subjects and modernity. There is a persistent idea that these things are, somehow, incommensurable with one another; there is the assumption that the corporation is necessarily an entity that kills tradition, and that money somehow bleaches ethnicity. The corporation becomes less an interesting ethnographic object

than an agent for the erosion of social richness and cultural particularity.⁷ Thus in scholarship, as in popular culture, indigenous peoples have tended to be figured in opposition to the corporation, as its foil and its victim (see, e.g., Bodley 2008, Sawyer 2004).

John Comaroff and Jean Comaroff (2009) resolve to critique the perennially emerging notion of a commerce-culture split in *Ethnicity, Inc.* They examine the commodification of ethnic difference, taking special care to parse the paradoxes of a corporate ethnicity. They note the seeming truism that the better (or, I suppose, more legibly) a group expresses its “culture,” the more valuable it will tend to be as a commodity (because it is more “real” in the discerning eyes of consumers) – but they stress the idea that this schematization and sale of culture will not necessarily deplete it or diminish its authenticity. *Ethnicity, Inc.* therefore avoids some of the usual traps of work on indigenous peoples. When Elizabeth Povinelli looks at Australia, for instance, she necessarily focuses on the (fairly horrific) victimization of her Aboriginal informants, as the way she approaches her topic makes into the salient point the oppression of an indigenous group described as mostly powerless against the impossible demands of the state, backgrounding relations of domination internal to the group.

Comaroff and Comaroff avoid this, taking care to highlight the potential for increased internal inequality in the wake of new group-wealth from ethnic enterprise, and to highlight the risks in taking at face value the statements of those who claim the authority to represent a collective subjectivity. Nonetheless, the same notion of a culture opposed to commerce underlies Comaroff and Comaroff’s *Ethnicity, Inc.* paradigm. Where Povinelli declines to address her informants’ own exercises of power, Comaroff and Comaroff leave themselves unable to engage

⁷ This is especially interesting because anthropologists long linked the notions of indigenous peoples and the corporate form, using the idea of the “corporate group” in describing the structure of indigenous or tribal groups. My thanks to Lawrence Rosen for helping me to see this point.

fully with their subject; they never transcend the idea of *Ethnicity, Inc.* as amusing and vaguely dismaying oddity, hampered as they are by the ever-ironic suspicion of their critical focus. As a result, the *Ethnicity, Inc.* paradigm fails to address what I see as a full spectrum of indigenous economic behavior, encompassing both reactions to external pressures and internal manipulations and power plays, taking indigenous groups seriously as rough-and-tumble economic actors. As I trouble the implicit moral valences of scholarly engagement with the corporate form, I aim simultaneously to counter the common image of indigenous peoples as mere victims of corporate activities.

Anthropological Engagement with the Corporation

Since even outside of the case of indigenous groups, anthropological views on corporations have tended to take on particular moralizing valences, perhaps the issue goes even deeper than I have described it: down, I will argue, to the very question of the nature of anthropological inquiry. In questioning the seeming thinness in anthropological theorization of the corporation, Welker, Partridge, and Hardin (2011) have conjectured that it is due perhaps to the intellectual genealogy of the discipline that anthropologists have tended towards a particular type of moralizing critique when speaking of corporations – a tendency to see our purpose as being wrapped up in critique – or, put more properly, denunciation.

Welker argues elsewhere (n.d.) that while a critical focus is necessary, the anthropology of corporations, like an earlier version of the anthropology of the state, has been burdened by an attachment to a too-simple, too-monolithic, and morally overdetermining notion of the object of its critique – to the near-exclusion of any other stories or points of view or angles of inquiry. Welker analogized the difficulties in the anthropological study of the corporation to the difficulty that Abrams noted in scholarship of the state. The difficulty of studying the state, it seemed, was

that scholars, while disaggregating the state in their theorizing, in practice found it necessary to act as if the state were a bounded agentive solid thing (Abrams 1988). Welker likens what anthropologists used to do to the state to what now we do when writing about the corporation: failing to demystify it, we tend to see it as smooth, all-powerful, and unknowable. Thus, Welker argues, unlike the anthropology of the state, the anthropology of the corporation has remained thin, homogenous, and under-theorized. Welker's work, and the work of those like her, has been a call for anthropologists to engage in more complex ways with the corporation.

The near-exclusive focus on harm within the anthropology of corporations meant that, despite the importance of corporations in society and despite their powerful presence in ethnographic explorations of the effects of global capital, there have been nonetheless very few diverse anthropological views on corporations. Despite decades of real interest of ethnographers in the effects of corporations (e.g, Rohlun 1974, Nash 1989, Allison 1994, Fortun 2001, Sawyer 2004, Kirsch 2006), Welker et al. assert,

we have yet to see the emergence of a sustained line of scholarship and inquiry that would extend to the corporation the same critical weight or significance accorded the nation-state... To date, one cannot discern a coherent set of research questions or competing schools of thought characterizing the anthropology of corporations (s5).

We have lacked, in other words, both a depth and a diversity of anthropological approaches to the question of corporations.

While acknowledging that “to many anthropologists, it feels right to be critical of corporations” (s7), Welker et al. also recognize there is more than can be said:

we must capture the more ambivalent and positive ways in which corporations make and enable, as well as curtail and destroy, life (s7).

In other words, we have a job to do: anthropologists, they argue, are particularly suited to destabilize the notion of corporations as all powerful, all encompassing, overwhelming force – a notion that Welker et al. conjecture is connected to “a parochial view that derives from the peculiar legal career of corporations in the United States” (s5). That is to say, from the naturalization of the notion of corporate personhood.

Welker et al. see one way to counter the aggrandizing effect of more abstracted impressions of corporations in work bringing “more anthropological attention to how the corporate form shapes and is shaped by daily life” (2011:s3). The idea is to “shift away from default conceptualizations of corporations as solid, unified, self-knowing, and self-present actors that relentlessly maximize profits and externalize harm” (s5) and with this, from an overemphasis on denunciation (s6).

The pieces associated with *Current Anthropology*’s Corporate Lives issue (Aiello and Brooks, eds. 2011) move away from that unified notion of the corporation by attending to entities that are not so slickly monolithic, entities whose seams show more readily than do those of your average Coca-Cola Company: entities that de-naturalize the easy brand/personality complex of large multinational companies. Hence, these researchers look at NGOs and development organizations (Merry 2011), indigenously owned corporations (Cattelino 2011), “activist capitalism” and chains of “ethical production” (Partridge 2011), and corporatization’s spread into less-typical realms (Merry 2011, Jain 2011) – to name only a few examples. In their varied ways, the pieces demonstrate ways in which “corporate forms are also being engaged to oppose the conventional ways in which large corporations are supposed to operate” (Welker et al. 2011:12).

There are other ideas regarding the root of the emphasis in the anthropology of corporations upon the denunciation of harm at the expense of a more agnostic inquiry. Benson and Kirsch discern something like an unacknowledged Marxism in supposedly Foucauldian critiques of the corporation (2010a:460).⁸ They note that a number of researchers of corporations make their critiques by means of a rather non-Foucauldian concept of governmentality; an *actually* Foucauldian view, they argue, would be agnostic about the workings of, and the moral valences of, power. Benson and Kirsch regard as the most significant result of this tendency a stymied attention to the political machinations of corporations, an assumption that corporations may be analyzed “primarily as extended branches of governmentality” (460). I would instead emphasize the ways in which this focus assumes “power pacifies resistance” – an idea that, because of its intuitiveness and simplicity tends to limit⁹ discourse¹⁰ via preconceptions of (bad guy) elites and (good guy) subalterns.¹¹

⁸ “Critical sensibilities from the Marxist tradition remain submerged within anthropology, as indicated by the assumption that power pacifies resistance, which contrasts with the Foucauldian argument that power and resistance produce each other. The result is ethnography that treats corporations primarily as extended branches of governmentality, or anti-politics machines (Ferguson 1994), and largely ignores the political processes through which corporations promote their own interests” (Benson and Kirsch 2010a:460).

⁹ Focusing exclusively or even merely primarily upon “harm” has two main dangers. First, the work of the anthropology of corporate harm has tended mainly to focus on obvious “bads”: mining, tobacco, and oil, for example (e.g., Shever 2010, Benson 2010, Kirsch 2010, Benson and Kirsch 2010a, 2010b, Ferguson 2005, Appel 2012). This obscures the banality and ubiquity of harm in society – it hides the fact that harm is *everywhere*. Allow me an off-topic example in order to demonstrate the (forgive me) harm in this: In novels (*The Help*, to mention one) or movies (*Fried Green Tomatoes*, *Django Unchained*) about the bad old days of slavery or of segregation, the tendency is to imagine that it would have been only the villains of the story doing the bad acts at issue – not the ordinary people. Evil is always imagined as the other, beyond-the-pale things that *other* people, *evil* people would do. Our ordinary everyday activities (or those of ordinary, everyday corporations like Starbucks, Ben and Jerry’s, or the Gap) are not evil; they are merely what everyone does. But even those ordinary everyday things have profoundly damaging effects on the world – for instance in terms of carbon emissions and resource over-use (Kelty n.d). But those negative effects (the fact that just living our overly-resource-intensive lives actually destroys ecologies and livelihoods) do not make these everyday

Further, the important work of detailing harm, and that work which Welker et al., referencing Benson and Kirsch (2010), describe as “undermining and destabilizing... countering the ‘politics of resignation’ that treats corporate power as inevitable and inexorable” (2011:s5), are not the only purposes served by countering impressions of corporate inexorability and inevitability. Countering these impressions is also a necessary move for the project of simply understanding and theorizing the corporation. It is lucky for us, then, that, as noted by Welker et al. (2011) in regards to the work of Cook (2011) and Cattelino (2011), indigenous peoples’ work in owning and running corporations can help to show the diversity of and complicate an entity that is otherwise so easily dismissed as merely “bad.”¹² This work necessarily puts in tension

actions (or corporations) “evil” in popular parlance. Evil is what the Big Bads do: tobacco companies, diamond companies in Sierra Leone. Calvin Candie. Nazis (Arendt 2006 [1973]).

¹⁰ In short, focusing on Big Evil obscures the interlacing of everyday violence all through the world and the interesting things we could say about our way of living and corporations’ role in that; the ways we are implicated and intertwined in that everyday evil. All corporations are involved in “harm industries.” Secondly, focusing on Big Evil oversells said evil; it makes the corporation into a larger-than-life specter as opposed to a textured ethnographic object deserving of nuanced analysis. The orientation toward harm is thus simultaneously insufficiently generous and overly generous to the corporation. To be clear, explicating corporate harm is necessary and important work. Corporations have massive effects on the world, their reach seems to be everywhere, and – even in organizations run with the best of intentions – that type of scale will have terrible effects (and it is probably safe to say that not many corporations are run with the best intentions). But focusing only on harm renders our insights absurdly thin and blinds us to other interesting things that may be going on. Anthropology needs a diversity of takes and critical conversations regarding corporations, just as we eventually saw the diversity and complexity and nuance necessary for studying the state.

¹¹ A necessary extension of this insight, albeit one beyond the scope of this project, would be to rehabilitate governmentality for the analysis of corporations; to show how it can – indeed should – be used more agnostically. This work, already common in theorizing political ecology (see, e.g., Agrawal 2005), would provide new ways to look at corporations.

¹² A preliminary notion: it seems as if the particular ways in which anthropologists have historically dealt with indigenous peoples flavors the way we look at indigenously owned corporations, working from the start to complicate our view, not allowing us to start off from the easy assumptions more common to our study of corporations – forcing us to hold in abeyance the need to find an oppressive power to which to speak truth. Perhaps the situation *forces* us to broaden our inquiry, to ask different questions.

anthropology's legacy of critique and its legacy of careful (if sometimes fraught) advocacy on behalf of indigenous people.¹³

Dolan and Rajak, writing about Corporate Social Responsibility (CSR), argue that a “normative preoccupation with whether corporations are a “good” or “bad” thing for society obscures... the ambivalences, contradictions, and tensions that populate the landscape of CSR” (2011:4). Indeed, some of the most nuanced and interesting recent work in the anthropology of corporations has directly addressed this question of the moral valences of anthropological engagement with the corporate form and the inflection of the ethical with the commercial and vice versa. For example, while most anthropologies of the harms worked by corporations focus on the previously noted Big Bads – oil, mining, or cigarette companies – Dolan works with Johnstone (2011) to examine the perfume-scented world of Avon ladies. The insights gained by Dolan and Johnstone – about kinship metaphors in corporate cultures, about entrepreneurial discipline – arise from the fact of their focusing on a type of company more neutral and less amenable to caricature than companies like BP or AngloGold. From there, they attempt to further complicate the much-critiqued dichotomy between rational market and social society, arguing that Avon creates a workforce of economically rational subjects specifically by means of social

¹³ I first became passionate about indigenous engagements with land in law school, having become involved in human-rights-based land claims of indigenous groups. There was so much injustice, standing there so baldly, and so much could be done: I got involved in every project I could find to fight for the rights of these poor downtrodden victims of colonialism and global capitalism. Then I began to notice something odd: the indigenous peoples with whom I worked did not see themselves as victims, nor as especially downtrodden. Instead, they were tireless fighters, savvy businessmen, or pragmatists playing as shrewdly as they could the cards they were dealt. It became clear that their engagements with the issues about which I was so angry was far more nuanced than I had assumed they would be: indigenous peoples' stances on land, on the environment, the future, sustainability, and business were complex, sophisticated, and varied. The trope of the Westerner riding in to save the day for the poor downtrodden indigenous people had never been more useless: I saw that I needed to improve my record at reading the complexities in cases such as this, to get beyond my love of “speaking truth to power,” of critique for the sake of critique.

interactions echoing the warmth of family (22). They invoke Foucault in regard to this entrepreneurial self, this “human machine, ‘who is his own capital, his own producer, his own source of property’” (23).¹⁴

Other researchers have commented upon the association of the rise of this Foucauldian entrepreneurial self with neoliberalism and with an increasing spread of corporate discourse into areas of society where this might be less expected (Comaroff and Comaroff 2009; Merry 2011, Jain 2011). Comaroff and Comaroff, for example, summarize Foucault’s (1979) explication of the difference between liberalism and neoliberalism by reference to the way neoliberalism “reduces social life to economic cost-benefit calculation [and thus] limits government to the ‘artificially-arranged’ protection of the ‘entrepreneurial and competitive behaviour of economic-rational individuals’” – citizens become entrepreneurs (2009: Kindle Locations 720-721; 723-724).

This critique of the entrepreneurial is thus part of a larger story being told of corporations’ efforts to separate themselves off from the consequences of their actions in the world, and from the risk-multiplying conditions in the “local” places in which they find themselves. Anthropologies of the extractive industries – oil, mining – have documented the ways corporations attempt to limit their liability for harm (Rajak 2009; Sawyer 2002, 2004, 2006, 2012; Ferguson 2005, 2008; Appel 2011, 2012a), and their efforts to assert their supposed separation from the politics of the places they inhabit – the corporation as “antipolitics machine” par excellence (Ferguson 1994). Hannah Appel describes in this regard the way oil companies use legal structures and norms to attempt this encapsulation off – “disentanglement” (2012a) and “modularity” (2012b).

¹⁴ In the end, however, Dolan and Johnstone (2011) might be a perfect example of Benson and Kirsch’s conjectured accidentally-Marxist-Foucauldian thought (2010).

While the Corporate Social Responsibility movement (CSR) might seem a move toward the re-integration of corporations into the grounds from which they had attempted to abstract themselves, anthropologists of CSR have argued that the movement might on the contrary be seen as captured – as taken up enthusiastically by corporations in an attempt to take over the discourse of responsibility, to limit demands for their responsible behavior; dividing themselves off from social concerns by appearing not to be dividing themselves off (Cross 2011; Shamir 2010, 2011; Dolan and Rajak 2011; Rajak 2008, 2011).

But the Māori incorporation troubles the narrative of the corporation's necessary interest in separating itself off from social ties. Fashioned, as it is, out of the popular ideation of capitalist and spiritual orientations to land – and Māori and Pakeha cultures – as entirely separate things, the Māori incorporation might well be thought of as a monstrous hybrid (in Latour's 1993 sense). It is a unique type of collective entity, charged with managing assets for traditional groups having their own conceptions of agency and "individual" versus "group" action. The corporation must distribute – to *individuals* within these groups – dividends arising from its management of communally owned assets. Meanwhile, the corporation must make its decisions in such a way as to preserve and grow these communal assets, a process which entails considering as its shareholder base not just those currently living but all generations of the whānau forever into the future. Thus, while it may be thought to encourage an entrepreneurial sense amongst those involved with it, this is an odd, particular entrepreneurialism, one always also concerned with connecting-together.

The notion of the corporation as dedicated to separating itself off from social ties makes a good, intuitive story (and one that happens to go well with the perennial gift/market, commerce/culture distinctions discussed previously), but there is also weaving; the knitting of

relationships, personalization and re-territorialization. It is, of course, possible that this is a characteristic unique to tribally and ethnically-affiliated corporations – corporations always caught in the middle of having to show themselves to be legitimately part of a professional, conventional business community and also legitimately, authentically indigenous (or tribal, or ethnic) people – and thus needing always to interweave themselves into one thing or another. It is nonetheless possible to see the indigenously owned corporation as less a corporatization of indigenous identity than what might be called an indigenization of the corporation.

Studying In

Laura Nader (1972) told us to study up – and when it came to corporations, we did try. But we have ever had an outsider's critique-laden view: anthropology has never achieved the sort of intimate familiarity with and understanding of the corporation that has been apparent in our work in other fora. This failure might, I suppose, be due primarily to practical considerations: while anthropologists' wariness of what we perceive as powerful hegemonic actors might motivate our tendency to disdain the type of intimate integration into corporations that we achieve (that we consider necessary; that we revel in) in other field sites, there will tend also be the well-noted problems of access in case we do pursue it.¹⁵ In either case, the result is an inability to get inside the "heads" of corporations -- a stymieing of that type of understanding that is necessary to allow us to take things on their own terms. Corporations have thus tended to remain mystified, and our contributions have tended to remain somewhat one-dimensional.

I have mentioned, however, that recent work has tended to countermand this tendency, attempting a more shaded understanding of corporations (see, for example, Partridge 2011,

¹⁵ I am marking a difference here as regards practicing anthropologists; but, too, their work might tend to share the lack of agnosticism of that of research anthropologists – since they will tend to be working for the interests of the entity they are studying.

Merry 2011, Welker et al. 2011, Welker n.d.). This work might perhaps be seen to take some of its inspiration from the work in finance that became more common in the run-up to and the denouement of the recent financial crisis – work like that of Karen Ho (2009), Hirokazu Miyazaki and Annelise Riles (2006), Caitlin Zaloom (2006) and others, notable for the level of access researchers obtained into organizational types usually imagined to be opaque to ethnographic inquiry (again, practical anthropology notwithstanding). This work in the anthropology of finance insists upon (on a larger scale) demystifying finance and (on a smaller one) making accessible the life-worlds of those who work in finance.

These bodies of work require a particular type of relativist commitment, concerned as they are with an inside-out understanding of corporations, of the financial industry, and of the elites who dominate each of these – bodies typically cast as the villains of ethnographic narration of the lives of non-elites. This project of agnostic relativism in analysis of the engines of capitalism— whether it takes the form of work demystifying the corporate form, the inner workings of actual corporations, or the world of finance— is in many ways a reimagining of “the Boasian attempt to efface the constitutive Otherness of the contemporary ‘primitive’” (Bunzl 2004:440). The relativism at work here is one less akin to the permutations that interpretations of Boasian thought have undergone over the years (with the work of Boas being read as naturalizing cultural boundaries, for example (Appadurai 1996), or as promulgating an amoral relativism (D’Souza 1995)) than to the actual writing of Franz Boas – or at least to the redeemed reading of Boas and his students propagated by the self-proclaimed Neo-Boasians.¹⁶ Bashkow et al. (2004) describe the Neo-Boasian project, and its relationship to that of the Boasians, thusly:

¹⁶ See, for example, Boas 1988[1896] on the permeability of boundaries; 2012[1911] on their contingency; and 1989[1889] and 2012b[1911] as two illustrations of Boas’ particular political

The Boasians developed empathetic models of and methods for cross-cultural understanding; a historicist orientation to culture change; a sense of tradition as perpetually reconstructed in the present, engaging emotional attachments, and motivating secondary rationalizations; and a healthy suspicion of social science itself as always potentially just such a secondary ideological reflex of our own culture. (Bashkow et al. 2004:433-434).

This is a set of stances that is of particular usefulness in meeting the challenges I have described in undertaking a more agnostic examination of corporations.¹⁷

A characteristic common to anthropological scholarship on finance, the Neo-Boasians, and the new anthropologies of corporations is that each attempts to get their audiences just to the point of seeing the people described *as* people, of getting some glimpse of the humanity of the people, getting the audience past its notions of the subject (the “uncivilized,” the corporation, the Wall Street bankers) being, necessarily, *bad*. The work invites readers to understand and not merely to deride or denounce the thought processes, justifications, and trajectories of these unfamiliar people. I regard each of these areas of work as part of a turn in anthropology toward more nuanced views of the inner worlds, the breathing lives inside the slick surfaces of places once considered too hard, too slick, too self-consciously and self-protectively *polished* ever truly to penetrate. Perhaps we could call this an anthropology of the shiny.

This stance has important consequences for the discipline of anthropology. In rejecting the notion of critique as defining of (or central to, or constitutive of, or as the justification for the existence of) anthropology, it reclaims an older idea that the mere existence of phenomena is

commitments. For Neo-Boasian articulations of the distance between the writing of Boas and readings of Boas see Bashkow et al. 2004, Orta 2004.

¹⁷ The unique suitability of this Neo-Boasian thinking for the study of the corporation is exemplified by Ira Bashkow’s burgeoning development of a specifically Neo-Boasian study of corporations. (Ira Bashkow, personal communication August 10, 2012)

reason enough to undertake to understand it – and that the pursuit of such understanding is reason enough for anthropology to exist. Thus, it is useful in regard to my particular project in that it performs an end-run around the “harm” focus: critique is not the point of this anthropology (although it is of course not precluded). The relativism underlying this stance is, like that of the original Boasians, *not* an amoral relativism; it is not a stance divorced from the political. It is, in fact, inextricably concerned with the political, sharing with Boas the commitment to seek understanding – and *then* render judgment. This, in turn, might open up a panoply of other lines of thought that can be traced out by means of ethnographic inquiry, questions that are bound to make richer and more rigorous anthropological debate over corporations.

Taking my cues from these recent approaches focusing in the study of corporations and financial institutions upon the quotidian and the small-scale, instead of upon grand sweeps of economic theory and epochal transformation, I undertake an anthropology that pays close attention to the ambivalent, the quotidian, and the technical. It is here that we can begin to see beyond large, dramatic stories of corporate harm or corporate domination to the more nuanced stories beneath – not necessarily in order to advocate on behalf of the poor beleaguered corporation, but certainly to open up the possibility of *other ways of looking* at corporate responsibility. Bringing to bear my legal training, particularly my experience advising corporations in regulatory compliance issues, I find the subtle, small openings that reveal the truly social life of the corporation.

Methods

In this dissertation I analyze ethnographic evidence based on 18 months of ethnographic fieldwork with Wakatū Incorporation. This included interviews with board members, managers, shareholders, employees, and tenants of the corporation, as well as local tribal representatives;

observation of the daily behavior of managers, directors, and employees including meetings and legal proceedings; and participation in projects and other activities. A large part of my work of participant observation came in the context of assisting the corporation to undertake research and organize the drafting of a project for the corporation – its long-term strategic plan business plan. I also analyzed legal and historical documents and my interlocutors’ negotiations of legal processes, regulatory regimes, and historical narratives.

Prior to my 2010-2011 time in New Zealand I spent five months making two surveying trips there. During these trips I made numerous contacts in the New Zealand, and specifically Māori, business and legal communities, focusing especially upon Māori corporations based in or profiting from a massive 2008 Waitangi settlement regarding rights to the forests of the central North Island (which had been nicknamed, of course, the “Treelord” settlement). When I returned to New Zealand in 2010 the first six months were spent working out the terms of the corporation’s participation with the project. During this time I was by turns invited to attend increasingly internal corporate events and meetings while at the same time being held at arms’ length while I and management hashed out the terms of the contract that would eventually result in my free access to the incorporation’s innards. The agreement barred the corporation from censoring my work, subject to clauses regarding trade secrets, culturally sensitive information, and the commercialization of information; and was attached to my assisting the corporation in organizing a research project called Te Pae Tawhiti.

As I mentioned a moment ago, this project entailed drafting a strategic plan for the corporation’s next 500 years of business. The abiding interest here, the managers told me, was in attempting to articulate where and how the values of the corporation’s whānau did and should manifest themselves in the deliberate actions of the corporation. Where, for instance, the selling

point of the corporation's products is their difference, their environmental responsibility, their indigeneity, where do, or should, these ideas spring from? From the idealized notions of the whānau abstracted by management? From the whānau themselves, an altogether messier and more heterogeneous group of people than is conjured up by common clichés of indigeneity?

After months of back-and-forth with the company over my status as an outsider attempting to do my own research project, I was happy to sign on. After this, incorporated into my schedule of ever-increasing intimacy with the corporation, I met with a group of whānau – some staff, some associate directors, some past recipients of the corporation's scholarships – as they discussed the corporation's trajectory and their understandings of who the corporation should be for them. Initially, my job in association with this project was to arrange the work schedule and the meetings for the working group, to act as recorder during these meetings, and to incorporate the group's revisions into the draft plan. Later, as the group reworked the plan, I designed questions for the group's survey of the board, managers, and whānau on their opinions regarding it and assisted with undertaking interviews. Te Pae Tawhiti was at once my way in and my day-to-day work; it was a separate project but also – in a meta-view – forms a significant part of the information upon which I base my dissertation.

Thanks to my work with Te Pae Tawhiti I was able to hang out in the office, shadow the corporation's general manager as he handled details of the project, and otherwise get a very good look at the day-to-day running of Wakatū. I visited the corporation's properties (such as vineyards, orchards, seafood processing facilities) on numerous occasions, examining the ways these were managed. I wheedled until they let me into their archive and onto their computer network, digging through each of these to read the corporation's historical materials, its financial and governance documents, its contracts and other legal documents. When working on projects

related to Te Pae Tawhiti, I worked from a Wakatū office, sharing the space of a woman I will call Mandy, who had begun working as shareholder's liason for the company a little before I came to Nelson. When working on my own material – say, writing down field notes regarding my day at the office – I worked from my kitchen table or in a Nelson café.¹⁸

Meetings were an enormous part of my fieldwork. I attended shareholders' meetings; board meetings; Te Pae Tawhiti planning meetings; meetings held to inform shareholders regarding the corporation's environmental policies and its understanding of its responsibilities for their land; meetings held to survey whānau's thoughts on the Te Pae Tawhiti project; meetings with Wakatū's project partners during which they hashed out the terms of their relationships or drafted memoranda of understanding; court cases; hearings – meetings galore.

Te Pae Tawhiti was my way in, but the contacts established there led to a number of other avenues for engagement with the leaders and whānau of the corporation. Continuing the snowball method by which I had come upon Nelson and Wakatū, I let my connections lead to other connections. I hung out with contacts at their homes and in their workplaces. Or on their

¹⁸ After a few days in a hostel and a few uneasy months with a neurotic roommate and her slightly scary boyfriend, I found a little loft at the edge of the city, at what happened to be the geographic center of New Zealand and right down the road from Wakatū's main office. But while my place was centrally located, it was not central for my interlocutors' lives; their lives were, for the most part, lived elsewhere (I will unpack some important consequences of this happenstance in chapter five, "The Center of New Zealand: Memory and Place in Te Tau Ihu.") I, meanwhile, lived in that un-central center, working some days at my desk in Mandy's office, some days at a bar called Baby G's or an excellent coffee shop, Kush, nearby; and some days at my kitchen table, crouched over, piles of books and notes strewn about me (my kitchen table was only ever clear when I had company over and needed to pretend to be civilized), transcribing interviews, drafting documents for the company, reading about the history of Te Tau Ihu, or scratching out notes. Baby G's became a kind of home at times, where an American named Jess and an Aussie named Urgent fed my tea habit and made me lamb curry; later, Kush, directly across a small street from Baby G's, would become home 2.0. My friends soon learned that, if I was not at the office or at home, this little crook of a street was where they would find me; most of my interlocutors, however, since their lives were elsewhere and they did not spend a great deal of time hanging out in Nelson City, did not know about the excellence of (or in some cases even the existence of) these places until I showed or told them.

boats. (Everyone seemed to have a boat.) I was well aware that connections to the company's board and managers would yield in general only more privileged or more pro-Wakatū contacts. For instance, most members of the working group for Te Pae Tawhiti had their educations paid for by Wakatū, and several had served on the board as associate directors – which is absolutely not to say they were necessarily going to be Wakatū cheerleaders, but, as I found, they did tend to be on average more positive about the corporation than did other members of the whānau. Thus, I worked to introduce myself to and build relationships with members of the whānau not so closely involved with the corporation – people who, for instance, had heard little of the corporation's associate director program or its educational scholarships. I examined how the image of the corporation changed with social distance from it.

Where I was permitted to do so, I recorded conversations by way of digital recording or (more frequently) note-taking. Otherwise, I wrote notes down after I returned home. In many, if not most cases, informants declined to have me record informal conversation.

I interviewed each member of the board and the upper management (and, separately, interviewed each for the Te Pae Tawhiti project) and interviewed middle management and staff as well, albeit with less coverage. I paid particular attention to the members of the working group. Additionally, I interviewed leaders of iwi governance, Wakatū's tenants and business associates, and members of the whānau more generally. Where my interlocutors are well-known, and where I have been given permission to do so, I have used their names; otherwise I have changed names and identifying details. In cases where people related some things to which they were open to attaching their names, and other things where this was not the case, I have used an alias for the information needing anonymization.

My aim in analyzing meetings, hearings and other official proceedings alongside peoples' day-to-day negotiations of legal processes, human rights discourse, regulatory regimes, and historical accounts was to trace the way that history and memory are (sometimes literally) written onto the land – how shifting ideas and accounts of the past are deployed, and how narratives of ownership, largess, sovereignty, and freedom are configured and reconfigured in these spaces – how the land itself was used to 'fix' notions of rights.

Plan of the Dissertation

One way that this dissertation might be imagined is as a repeated reframing of the question, "what is this corporation?" in order to better understand the corporate form: what is a Māori incorporation – what is so special about it? How do people understand it to be, particularly, a Māori corporation? What is the Māori incorporation for Māori in contrast to what their iwi are for them – what is the difference between a corporation and a tribe? How do people understand this corporation in terms of Māori cultural formations or political groupings? What is the difference between a corporation and a family?

How, for instance, might we think about the assertion and muting of claims to cultural distance as they are differentially deployed by owners, directors, and managers? How do people negotiate the subjective disjunctures required for engagement with the corporation as owners, iwi-members, managers and directors (sometimes simultaneously)? How do they engage with notions of 'tradition' and of 'indigeneity,' and how do these engagements change as they move from context to context? Learning the lay of the land in Te Tau Ihu involves the interpretation of several fairly specific types of knowledge; thus, each of the dissertation's four chapters approaches Wakatū from a slightly different angle.

Take One: What is a Māori incorporation, and what is so special about it? What are the characteristics peculiar to the Māori incorporation?

My first chapter, “A View from the Height of the Cathedral,” concerns insides and outsides, setting out a brief summary of my entry into the field and peoples’ reaction to me there, as well as an overview of the complications of the idea of indigeneity in New Zealand. I move inside the offices of Wakatū – to its dealings with subsidiaries, to board meetings, to its relationships with the city of Nelson, and to the finicky niceties of contracts and negotiations. I situate the idea of the Māori incorporation, with its entangled issues of values and tradition and authenticity and representation and indigeneity, in a broader social and economic context. I illustrate these issues with the story of my first interactions with Wakatū, and with members of its management and board. These interactions exemplify precisely this type of tangledness. I focus on this particular play of difference and familiarity, inside and outside, as it arose in my first few months exploring my field site.

Take Two: What is the Māori incorporation for Māori in contrast to what their tribes are for them? How do people understand the nature of the corporation in regard to its responsibilities and relationship to them, as opposed to the iwi?

In *Am I a Kaitiaki, Koro?*, a picture book for children, a little boy walks with his *koro*, his grandfather, who tells him the story of their Māori ancestors as they made their way from the North to the South Island of New Zealand. There, says the grandfather, the ancestors united to form a corporation that now looks after those ancestral lands. That corporation – and the power behind the book – is Wakatū. *Am I a Kaitiaki, Koro?* was penned by an indigenous shareholder and manager of the corporation. The book is one example of the remarkably elastic status of the

recognition and elision of difference as between the company and the whānau, the corporation's shareholders and their extended families.

While the corporation worked to draft *Am I a Kaitiaki, Koro?*, it was also waging lawfare versus the New Zealand government (and, arguably, some of the tribes of which its owners are members) in court over a land claim. Being contested was not the verity of the narrative painted in the storybook, but its outcomes – for instance, the image of a seamless relationship between shareholders, their tribes, and the corporation, which promulgated the idea that it was the corporation, and not the shareholders' respective tribes, that should represent the land interests of the whānau.

Chapter two, "The Court and the Kids: Narrative, Image, and the Making of the Corporate Self," is concerned with my interlocutors' engagement with just these multi-stranded debates, and most particularly with the feelings they express of being trapped between collective structures and laws that privilege a certain ideation of the individual. My interlocutors' debates over the corporate self are a particularly rich locus for challenging ideas of the culture-bleaching effect of capital. Their sense of hybridity gives rise to a manifest anxiety about the self. I explore how ideas of the kind of person Wakatū is (or should be) get folded into public discourse and projected back at the whānau. I examine the always-debatable shape of the corporation, thinking especially in terms of networks and the ways in which articulations of these linkages and fragmentations are related to imaginaries of the past and the future.

The corporation promulgates a particular version of history in its marketing materials, its training materials for staff and management, in its legal and treaty disputes, in its strategic planning for the future – and in the *Kaitiaki* picture book. These stories work to weave and to cut networks of relation and responsibility between the corporation and its owners in various

contexts. These moves are part of the corporation's self-making – but the same moves are made by the corporation's shareholders, members of an assortment of Māori tribes, to draw, redraw, or erase their organizational bounds as against (or within) the corporation.

Take Three: What is a corporation?

My informants have worked hard to inculcate in the younger generations of the whānau those same particular versions of history – as a form of future planning. In chapter three, “The Contingent Corporation: Ethnography and the Nature of the Firm,” I focus upon the corporation's long-term business plan, which grows from a vision of the future that depends to a great extent on a past that is a counter-narrative to state articulations of the debts and responsibilities owed by the State to indigenous people.

Here, I build upon the legal theorization of the firm by holding in tension legal and ethnographic views on the corporation. In the case of Wakatū, seemingly incongruent points of friction between the “cultural” and the “commercial” unsettle some of the common assumptions underpinning economic and legal theorization of the firm. Thus, the ethnographically-informed understanding of the making of the corporate self developed in chapter two allows us to see the shifting stability of the social and ethical boundaries of the corporation – both its contingency and the meaningfulness of the momentary shapes it holds. This makes possible a new understanding of longstanding debates regarding the corporate form.

Take Four: What is the difference between a corporation and a family?

Chapter four, “Whanaungatunga: We Are a Family Business,” follows out the line of reasoning in chapter three, examining what corporate “weaving” looks like in detail. I show three parameters upon which Wakatū moves not to cut off responsibility but to promulgate connection. First, I examine the varied effects of Wakatū's employment of a market-friendly language of

social responsibility in producing and marketing wine. Environmental discourse becomes important to the corporation for the way it legitimates with market logic the corporation's necessarily long-term temporal stance. Further, the company works to legitimize indigenous engagement with wine by reference to its *terroir* – its particular placedness – and the association of this term with land and artisanship.

The importance of these concepts and these discourses of connection does not, however, lie only in their usefulness for marketing products to consumers. Thus, I next turn to the permutations of this discourse in Wakatū's interactions with its own shareholders. Due to Wakatū's status as a Māori incorporation, it becomes unusually important to encourage shareholder identification with and approval of the company's ventures. Thus the connections I have outlined are also part of an *inwardly* oriented commercial sensibility. In this context does another discourse of connection become important: that of the "family business." Through kinship connections both literal and figurative, the people affiliated with Wakatū carefully keep dynamics between Wakatū leadership, Wakatū shareholders, and related entities functional – if never serene.

Take Five: How do people understand the nature of this corporation in regard to the land it is charged with looking after?

While in chapter two I explore the retrievals of pasts for the use of the present through narratives related in a book manuscript and a court case, in chapter five ("The Center of New Zealand: Memory and Place in Te Tau Ihu") I consider the ways the often-unknowable but always-present past shapes place. Researchers writing on place have considered the roles of imaginaries of center and periphery in the making of place. In this chapter I discuss my interlocutors' feelings on their *placedness* and on the relative importance of peripheral centers

and central peripheries in their making of themselves at home. Through a series of vignettes involving circuits of the land – in physical walking as well as in imagination – I show the ways presence, story, and memory, no less than regulation and economic considerations, shape the relationship between the land, the corporation, and the people involved with it. I draw upon the anthropology of materiality, actor-network theory, and other examinations of boundaries between persons and things to describe how the company’s articulations of its dealings with the land affect and are affected by corporate and environmental regulation, shareholders’ expectations, and notions of the corporate form as intending and responsible agent.

Conclusion

In order to understand Wakatū Incorporation as a social actor, I am questioning commonsense divisions between nature, people, and things, taking note of the ways in which regulation, various ideas of “self,” and various ideas of personality shape Wakatū and its land. The ideation of Māori and Pakeha business forms as entirely separate things is a notion that obscures the mixed-up, granular nature of these categories. This creature, Wakatū, bucks the traditional narrative of overwhelming, culture-bleaching capital; thus a second prong to my approach to this project builds upon the theorization of markets and of indigeneity that challenges the persistent idea of money, market participation, and economic success as necessarily detrimental to cultural distinction and, specifically, to culture in indigenous, communal groups. I am examining the complexities that lay behind the corporation’s behavior, taking indigenous people as economic actors capable of undertaking all sorts of actions without losing their “indigenouness,” and avoiding hiding in simple narratives of victimization and villainy.

CHAPTER ONE

A View from the Height of the Cathedral: Te Tau Ihu, Nelson and Wakatū Incorporation

Nelson is a small, bustling town that thinks it's a city. Well, *technically* it is a city – ever since, in 1858, a Royal Charter from Queen Victoria made the place a bishop's see; a church atop one of Nelson's high spots, an old Māori defense site, was made into its cathedral. It has, however, a small-town feel to it; the city proper only extends for about three square miles.¹⁹ Nelson is nestled in the center of the northern end of New Zealand's South Island. It is a city center surrounded by mostly-rural land, across the narrow Cook Strait from New Zealand's capital, Wellington. Māori tales describe New Zealand's shape as that of a fish hooked from a canoe. The North Island is the fish; the South Island the *waka* – canoe – of Maui, a legendary figure charged with a number of heroic exploits. Thus, the top of the South is called in Māori *Te Tau Ihu o te Waka o Maui*, “The prow of the boat of Maui.”

It is relentlessly sunny there; the area's climate (hot bright summers; crisp, cold winters during which, perhaps due to the odd impermeability of the place to precipitation, it almost never snows) makes it excellent for growing white wine grapes – pinot gris, sauvignon blanc – and crisp apples and pears. The air feels almost precisely like that of San Diego.

The Nelson area was long ago settled by an assortment of *iwi*, tribes, but the people who now hold *mana whenua* (authority over or responsibility for the land) are a collection of *iwi* who

¹⁹ Its suburban and rural surrounds in contrast, which are often also called Nelson, add another 170 square miles. In case that was insufficiently confusing, the clutch of small towns and wide swathes of national parkland sometimes also included in the broad category “Nelson region” extend “Nelson” to something like 3,500 square miles.

came in the 1820s and 1830s from the North Island – conquering the previous inhabitants, undertaking to establish cultivations, and becoming recognized as the people of that land. Hardly had they managed this, however, when in the mid-1800s representatives from the British New Zealand Company, having decided to establish a second colonial settlement in New Zealand (Wellington was the first), came to survey the area.²⁰ They established Nelson in 1841, and colonists began to fill it.

Nelson, like much of the South Island, has a sparse Māori population relative to the North. Before the continuing “Māori Renaissance” that began after the end of World War II (see Rosenblatt 2003), there were no *marae*, ceremonial meeting-houses and gathering places, here. The twin projects of the assimilation of Māori and of Māori land alienation had perhaps its greatest success here (New Zealand Ministry for Culture and Heritage 2012a, 2012b). Here, one does not see *tā moko*, face tattoos – as is not the case in the north, especially in the far north. The image of the area is a very white one.

Nelson is, nonetheless, the home of one of the world’s most successful indigenously owned corporations.

Māori Economic Enterprise and Business Legitimacy

I had spent several years, both in law school and as an anthropologist, researching issues of indigenous social and economic development. My work in law school had focused on the hobbling effects of a frozen idea of “culture” in Australian native title law, tying it to state demands for indigenous peoples’ demonstrations of an “authentic” indigeneity in the context of land claims. With that work in Australia, I had grown wary of one- or two-dimensional representations of what indigeneity looked like and what forms indigenous social and economic

²⁰ I will describe this situation, and its outcomes, in more detail in chapter two.

development should take – both those critical of indigenous groups and those seeking to help them. The economic status of indigenous peoples worldwide is fraught. This situation seems always to be made more difficult in situations where institutions attempt to deal with the indigenous people in question in ways that schematize and purport to simplify the relationship – tribal recognition in the United States; redress for past wrongs that comes solely in the form of money; or, in Australia, redress for past harms based on a calcified notion of culture.

I wanted to focus my Ph.D. research upon Māori corporations precisely because of the ways their development seemed to provide a fiendishly complex counter-example to the Australian case. Issues of ownership, membership, responsibility and tradition wound themselves through both of these lands. Despite the glowing reputation New Zealand has for indigenous social and economic rights when compared to Australia, Māori people in New Zealand are generally far from well off (Anaya 2011, Statistics New Zealand 2012). Māori life expectancy at birth is persistently less than that of white New Zealanders (Statistics New Zealand 2012).²¹ Māori are among New Zealand's poorest, least educated citizens, a status alternately Starkened and ameliorated by their high (and exponentially increasing) population relative to non-indigenous people (Anaya 2011, Sykes 2010; Statistics New Zealand 2011). But Māori do have advantages that most indigenous groups do not: their visibility (it is practically impossible to get a “vanishing native” narrative going when said natives make up more than 15 percent of your population), and the power of the Treaty of Waitangi, widely considered to be the foundational document of New Zealand.

²¹ While figures have narrowed considerably over the past decade, as of 2012, life expectancy at birth for non-Maori is 83.7 years (female) and 80.2 years (male), while life expectancy at birth for Maori is 76.5 years (female) and 72.8 years (male). Statistics New Zealand 2012.

Though it has its problems (not least among them its ambiguous language regarding the sovereign status of Māori relative to the British Crown), this 1840 document has been successfully used by Māori to make claims for land, for some measures of environmental self-regulation, and for social and economic rights (see, e.g., Ngai Tahu Claims Settlement Act 1998, Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, Waitangi Tribunal 1988, 2008). Of course, for more than a century after its signing, the treaty was unenforced and mostly ignored. But in the wake of the passage in 1967 of the Māori Affairs Amendment Act, which legislated the sale of “uneconomic” shares (those worth less than 50 pounds) of communally-owned land to other owners or to the government, rising Māori awareness of and involvement in Human Rights activism brought attention to treaty issues and demands for the Waitangi Treaty’s ratification. In 1975, after almost a decade of protest, the Treaty of Waitangi Act was passed, giving the treaty teeth and establishing the Waitangi Tribunal to investigate treaty breaches and make recommendations for redress (Treaty of Waitangi Act 1975).

The year 1993 brought a very significant Waitangi-related settlement between Māori and the New Zealand government, one that necessitated a rethinking of Māori engagement in the economic life of New Zealand. Popularly called the “Sealord” settlement, its immediate result was half ownership by Māori of the largest commercial fishing concern in New Zealand. Suddenly, Māori corporate enterprise was a very big deal. Buttressed by further Waitangi settlements and increasing involvement of Māori in entrepreneurship and business, it only got bigger in the years following: in 2010, Māori enterprise organizations accounted for \$10.6 billion of a \$36.9 billion “Māori economy” (Te Puni Kokiri 2010).²² This is 5.9 percent of the

²² In its 2010 report summarizing the progress since 2006 of “the Māori Economy,” Te Puni Kokiri Ministry of Māori Development (Te Puni Kokiri, or TPK) adopted a broad usage of the term: “We wish to capture all entities and enterprises that self-identify as part of the Māori

contribution of enterprises to the production dimension of New Zealand's GDP; 8.1 percent by income; or 12.6 percent by expenditure (Te Puni Kokiri 2010).²³

There are several varieties of Māori-owned enterprise organizations. Although the term is debatable (see Durie 2002, Harmsworth 2005), what might be termed “Māori companies” are generally regarded *as* Māori companies due either to their claiming the title or through the bare fact that the majority of their owners are Māori people or entities such as tribes, sub-tribes, or other Māori corporations (Te Puni Kokiri 2010:5; New Zealand Institute for Economic Research 1993). These are Māori businesses registered under the 1993 Companies Act – what might be considered the general legislation for companies – and have the same duties and responsibilities of any other New Zealand company founded under that act (Companies Act 1993). As compared to other types of Māori enterprise organizations, they are very flexible in terms of their management, tax structures, their financing (and, on a related note, the types and amount of risk they can take on), and how they are organized (Te Puni Kokiri 2011).

But the characteristics that make the company a practical option for certain types of Māori business present a particular set of difficulties for others. Iwi and *hapu* (sub-tribe) structures and politics might be incompatible with the very individually-focused nature of the company. Even leaving aside the focus upon individually-determined benefits that is integral to the structure of stock companies generally, cultural or societal priorities might not be able to be

economy. In particular, we do not limit ourselves to collectively-owned assets, or those arising from Treaty settlements. It is our aim to include Māori entrepreneurs active in individually-owned businesses and/or SMEs [small and medium enterprises], as well as the contribution of Māori employees in terms of wages earned” (6).

²³ Te Puni Kokiri emphasizes that this figure does not mean that the remaining 94.1% of enterprise contribution to GDP is necessarily attributable to non-Māori enterprise – given that included within that number are “enterprises for which it is conceptually difficult to assign ethnicity (e.g. finance and banking)” and “activities of government sector producer activities” (19). New Zealand's 2010 GDP was estimated at US\$139.8 billion.

recognized in the context of the company. These issues will loom large for groups whose main asset base is communally owned Māori land. The people who are of the tribes and sub-tribes affiliated with that land, or whose families have owned for generations that land or had mana whenua over it, might have particular feelings about its management. If they were to incorporate their interests in this land, the corporation's shareholders – the land's erstwhile owners – might prefer to think of themselves as owners of land rather than merely of shares of stock. Further, they might not look kindly upon managers taking risks – even merely the risks common to business – that might lead to the loss of land; and they might disapprove of management taking on operations that would affiliate the people underlying the company with unsavory business dealings. Having as shareholders tribes or subtribes – communal groups having particular social priorities – might present still other difficulties.

The government will have ideas regarding how the land should be managed as well. In New Zealand, there is a particular sensitivity with respect to the shame brought to the government by the cheerful land-grabs of the colonial period and after. Section 2 of the Māori Land Act emphasizes the Act's pronounced concern with how land can be protected from alienation (and thus the government protected from further shame). Both these forces – the pressure bubbling up from landowners as well as that bearing down from the political and legal apparatus of the state – make the notion of founding a corporation upon an asset base of communally owned Māori land somewhat tricky.

Thus, New Zealand has a set of institutions in place for specifically this situation. These are a variety of types of organizations registered under and primarily under the ambit of Te Ture Whenau Māori/ Māori Land Act 1993 (TTWMLA or “Māori Land Act”). Passed in the wake of the Sealord settlement and the sudden attention it brought to Māori land and money, the Māori

Land Act clarified the obligations and distinctions of the land-based “Māori incorporation,” as well as a variety of types of land-based trusts (TTWMLA Part 13).²⁴ It also put in protections meant to address the idiosyncrasies of communal land ownership I described above. The Māori Land court has a close rein on all of these types of entities, and the beneficiaries or shareholders (who, for specifically the reasons I outlined above, are generally called “owners”) are extremely involved in the way each is run (see, e.g., TTWMLA Part 8 and Part 13 and footnote 24).

Although they have more freedom to undertake commercial activities than do the trusts founded under TTWMLA, Māori incorporations like Wakatū are nonetheless very closely regulated as regards what they can do with this land. In the cases of all of these types of organizations, the protections put into place by the Act to secure the interests of the beneficial owners of Māori land against alienation make it harder for boards to secure approval for the sale of land and, not entirely coincidentally, harder to conduct business at a profit. Among other restrictions (see chapter three and chapter five), the Māori incorporation must hold on to a certain amount of land at all times; and in order to sell any portion of Māori land the board must gain approval for the sale by a special resolution passed by those holding 75 percent of the incorporation’s shares (TTWMLA Part 7 Section 150B).

²⁴ The trusts under the 1993 Māori Land Act – Māori Land Court Trusts – tend to differ from Māori incorporations in a number of ways, but most particularly in their (relative) unsuitability for high risk/high reward business. There are several types of these trusts; out of all of these, the variety called the Ahu Whenua trust is the most amenable to commerce. Like all of the Māori Land Court Trusts, however, Ahu Whenua are quite limiting in terms of their risk-taking, their management, and their alienation of land (TTWMLA Part 12). For instance, despite their restriction in contrast to Companies Act enterprises, Māori incorporations do have considerable freedom to exercise their business judgment. The law requires greater duty of care on the part of trustees, a demand that will necessarily make the trust form less suited to risky (and thus putatively very profitable) ventures (223). Māori incorporations, on the other hand, are encouraged to take on at least moderate risk; bad outcomes of this behavior do not subject the incorporation to actions in breach of trust: “no Māori incorporation acting in accordance with its powers and in compliance with this Act or any other Act shall be in breach of trust” (Part 13, Section 250(5)).

There are other external pressures for the directors and the management in terms of fiduciary expectations. In contrast to duties for directors of other companies, the duties of directors of Māori incorporations (and the courts' standards for the determination of the breach of those duties) are remarkably vague (Companies Act Section 128; TTWMLA Part 13, Section 269).²⁵ The Act's first priority is the limitation of the alienation of Māori land (Section 2); there is an argument that might be made that the provisions for directors' responsibilities, and the courts' explication of their breach, are so vague precisely because the Māori Land Court has such an involved role in the conduct of Māori incorporations. In addition to being involved with directors' decisions regarding land use, the court has enormous freedom to choose and replace directors (TTWMLA Part 13, Section 269 and 280); the close but capricious scrutiny by the courts might explain Māori incorporation directors' punctiliousness in terms of seeking shareholder approval for the incorporations' ventures. Thus the Māori incorporation might be said to be bound as much by social and cultural demands as it is by regulatory ones.

Māori corporations under the 1993 Companies Act and under the Māori Land Act are both separate legal entities from their shareholders, entities with a putatively perpetual lifespan. Despite this similarity, however, there are some slight but important differences in the temporal orientations of the two. That directors' obligations under the Companies Act are laid out in detail does not necessarily result in restraining company directors more than Māori incorporation directors; instead, the Companies Act restrictions act as a long leash – giving Companies Act directors considerably more freedom to take risks than have Māori Land Act directors. This

²⁵ See also *Opawa Rangitoto 2C Incorporation* 142 Aotea MB 69, August 12 2004; *In re: Opawa Rangitoto 2C Incorporation* 86 Taupo MB 94, July 17 2006; *Bramley v Hiruharama-Ponui Incorporation Committee of Management* 11 Waiariki Appellate Court MB 144, November 13 2006.

means that, speaking even merely in terms of legal structuring, the focus of the Māori incorporation will tend to be much more long-term than that of the company.

The protective stance of the government against the alienation of Māori land means that those whose main asset is communally owned Māori land, and who wish to form a commercial corporation, will necessarily form a Māori incorporation. In addition to protecting Māori land from alienation (which would include shielding it from risky ventures) however, one of the primary purposes for the comportment of the Māori incorporation is to allow some commercial flexibility (that is to say, risk). Māori incorporations can risk more of their assets than can trusts. As against other entities formed over Māori land, the Māori incorporation is a veritable capitalist playground.

Consonant with the focus of most New Zealand business, Māori enterprise tends to concentrate mainly on primary production – forestry, agriculture, fishing, and land management (NZIER 2005:i). This is especially true of Māori incorporations: while it is not strictly required by law, their operations will concentrate upon land-based activities as their asset bases are generally focused on land that they cannot easily exchange for other assets. As a result of the Sealord settlement and the vesting in Māori of fishing quota, some Māori businesses are also well placed to involve themselves in seafood enterprises of various types. Wakatū, for instance, has on several occasions partnered with the Sealord company (which remains under Māori ownership) to undertake fisheries ventures.

The particular ways in which Māori commercial activity and its relation to authenticity are imagined in New Zealand society are important factors in the institution of these legal and economic changes and in the outcomes of these changes for Māori people. Māori social and economic rights based in claims to traditional ownership of land are not pegged to a legally

articulated frozen notion of culture, as they are in Australia (see Povinelli 2002, Native Title Act 1993, Corporations (Aboriginal and Torres Strait Islander) Act 2006). Where Americans might look upon Native enterprises (such as casinos or, to a much lesser extent, Alaska Native corporations) and shake their heads over the “vanishing ways of life” disintegrating before their eyes, Māori corporate enterprise is relatively quotidian in New Zealand. Newspapers and government fact sheets marvel over the massive growth of the “Māori economy” (Williscroft 2012), and the status of the Māori incorporation – as corporation, and thus able to pursue a wide expanse of non-traditional enterprise, and as “Māori,” and thus subject to certain checks and balances on those activities – is, as I have outlined, carefully enshrined in legislation.

Still, for the Māori incorporation, perceptions of legitimacy rest on what looks like a paradox: these corporations need to be “fully corporate” to be successful at the same time they need to be “authentically traditional” to be successful. By “fully corporate,” I mean that these organizations work against high-profile Māori business failures taken to mean that Māori are bad at business; against a supposition that Māori political complexities hobble Māori enterprise from the outset; against, that is, a suspicion “that tribal politics interferes with market efficiency” (Cattellino 2011:S142). In the face of this settler nation’s “structures of expectation” (Cattellino 2010:248) regarding the incompatibility of indigeneity and capitalist enterprise, Māori businesses must be exceedingly careful to project an image of prudence, of professionalism. By “authentically traditional,” I mean that Māori involved with running businesses also fight a supposition that engagement with capitalist enterprise disqualifies or at least reduces them in terms of Māori identity (see, e.g., Rata 2011, Sykes 2010). Whether they are very successful or less so, Māori companies must constantly negotiate this particular Scylla and Charibdis of inside and outside, difference and similarity.

Wakatū's is an unusual history, and it holds various implications for the corporation today: for example, Wakatū is uniquely placed in terms of those same issues of public perception. Wakatū's founding was independent of any Waitangi settlement, and well preceded the events of the late eighties and early nineties that entered the public view en masse in the wake of the Sealord settlement and made Māori corporate enterprise into an economic and political force – and which have funded the founding of many Māori corporations. That Māori businesses are today the subject of so much public scrutiny seems partly to stem from a perception that their (assumed) founding in Waitangi settlement money makes them answerable to the New Zealand public.²⁶ This view tends to result in a heightened scrutiny of the affairs (and foibles) of these new Māori corporations, most especially those whose founding is based in very large, very public settlement awards.²⁷ For those paying attention, Wakatū's status in *not* having grown out of settlement proceedings provides a measure of legitimacy as a business. Even outside of a distinction between companies established with versus without settlement money, Wakatū still compares favorably to its peers; having passed its “ugly duckling” stage prior to the large-scale politicization of Māori enterprise, the corporation chugs along now conducting several moderately profitable ventures, with seafood, vineyards, and land development concerns chief among them.

²⁶ Māori of course counter this with the observation that Pakeha did not give them this land or the settlement money stemming from land claims; it belonged to Māori to begin with (Field Notes April 16, 2010).

²⁷ For example, a 1995 settlement netted the Tainui iwi NZ\$170 million, the investment of which (in projects like a casino, a sports team, and a stadium) ended in embarrassing disaster (Gardiner and Bidois 2000, Anderson 2000, McLeod 1999). Keith Palmer, CEO of Wakatū, relates the relevance of the Tainui settlement for the changing situation regarding public scrutiny of Māori enterprise: “there was tribes getting settlements, which is difficult for the incorporations... tribes getting settlements, and some of them doing well with them, like Ngai Tahu, some of them doing terrible with them like Tainui, so there was that— people just watched with interest to see whether it was— whether it was growing or whether it was being wasted.” (Interview with Keith Palmer, February 9, 2011.)

This unusual history sparked a number of questions for me: how did these idiosyncracies affect the way the corporation operated as versus other Māori companies? And how did it affect the way the corporation portrayed itself and its values, especially in a post-1993 world – where the political valence of indigeneity had changed? Coinciding with the sudden prominence of Māori businesses was a rising sense of the acceptability – or necessity – of an environmentally responsible image for business. In New Zealand, where a “clean, green” image seems a birthright, each buttresses the other: New Zealand’s green image helps the image of Māori businesses; and the indigenous bonafides of Māori businesses help buttress the image of New Zealand – each feeds off of the other’s branding.²⁸ As was the case in the interactions Elizabeth Povinelli (2002) described for Australia, even as indigeneity is internally pegged as difference (difference from Australianess, or Kiwi-ness), that difference is used to characterize something like Australianess or Kiwiness for an imagined audience external to the nation. It becomes not merely a distinct strand making up the multi-cultural state, but an inherent, undifferentiated part of Kiwi heritage – “*our*” heritage, the very “our” against which indigenous groups are made to perform their difference in order to gain recognition *as* different.

While the Māori incorporation might be seen on one hand as a problematic Pakeha invention busy Westernizing Māori, encouraged by the wider Kiwidom not least because the ethnic flair of its products helps sell the country, a less obvious facet of this process is a deliberate Māorification of Pakeha Kiwi-ness. This is apparent in the wider culture but also in business, and not merely to a superficial extent. The national uptake of the Māori term “kia ora” (a “hello” that is by now un-self-consciously spouted at every turn) may seem minor, but it is one aspect of the almost unconscious interconnectedness of Māori and Pakeha, the common-sense

²⁸ In Carolyn Rouse’s phrasing, “branding by proxy.” (Conversation, October 8, 2012; see also Rouse 2004).

importance of Māori in Kiwi life. It's the little things that make an unremarked Anglo-Celtic "our" a little less commonsensical.

In her work on the Bafokeng nation-slash-corporation, Susan Cook highlights the ways in which foundational documents and legal and political structures of the country in which the corporation is situated enable it to enact this type of subtle dance (Cook 2011). Elizabeth Povinelli engages with a similar dynamic, focusing on non-indigenous fetishization into "real culture" of indigenous internal struggle regarding deontological orders, of the frictions between simultaneous, antithetical compulsory strictures – of conflicting requirements to indigenous and non-indigenous social demands (2000). Throughout this dissertation, I look at the way these same processes, the same frictions, become reframed by the indigenous people dealing with them; an appearance of fluidity in moving between these registers, even if it is never comfortable but is instead always a point of stress and grinding, is also made into a tool by the people themselves.²⁹

The Coca-Cola of Māori Companies

I first encountered Wakatū during preliminary research in New Zealand in the summer of 2009, the year before I began my field project. I spent the summer following a trail of leads regarding Māori-owned companies involved in land management. First, I met a member of a tribe that owned a successful forest-management company in Gisborne, a well-to-do town on the North Island. This tribe was famous for a long history of business savvy and economic success (Reedy 2012). This was, I thought at the time, an interesting counterpoint to the phenomenon that I had been examining in Rotorua: groups newly engaged with business enterprise due to the

²⁹ Wakatū makes more complicated the stories that might be told about indigenously owned corporations; for example, it does not fit neatly within Comaroff and Comaroff's (2009) *Ethnicity, Inc.* formulation, a point I will outline in more detail in chapter four, "Whanaungatanga: 'We Are a Family Business.'"

need to manage money arising from Treaty land claims. Gisborne was as dead as only a summer town in winter can be, but I did as much poking around as I could. I had no luck getting the attention of the leaders of the Māori forestry business there, but spoke to a woman involved in the lumber business who told me that, while the Gisborne tribes were very private about their business concerns and very reluctant to work with outsiders, there was a similar situation going on in the South Island: Māori corporations involved in forestry that were not based in treaty settlements. She told me to check out a place called Nelson.

I went to explore the place. Nelson's blocks appear flipped inside out: they tend to be thin skins of buildings built around large parking lots – “car parks” – meant to hold the cars of the city's massive commuter population. Cutting through one of these on my way out of my hostel, I noticed the beauty of the building directly behind it. There seemed to be some sort of intricate carving behind its sleek plate glass door. I went closer. A massive column stood in the center of the building's entrance hall, carved with Māori designs. A staircase wound neatly behind it up to higher floors; each level opened onto the entrance hall so that you could – probably – see the symbols even at the highest parts of the column. I didn't dare go inside – the place was far too shiny, and I looked like the grad student I was – but there was a plaque on the wall outside reading “Wakatū House.” I wrote this down and resolved to figure out what it meant, what the building was for, who owned it.

The owner, I discovered after a little digging, was the Māori-owned Wakatū Incorporation – which happened to be one of the companies I had previously researched as worth exploring in Nelson after speaking to the woman in Gisborne. I had emailed the company to see if they would meet with me, but like the Gisborne companies they had not responded, and I probably would have given up on them and stuck with the companies in Rotorua with which I

had already established connections. Thus, my happening upon the actual building was extremely lucky: I could not have found a company more suited to the lines of inquiry that concerned me.

When I returned to the United States in the fall of 2009, I followed out the various leads I had found over the summer, hunting down the general manager of this shiny corporation and wheedling until they agreed to let me attend the next shareholders' meeting, which would occur a few months from then, in March. Over the months preceding the meeting, I spoke on the phone with people from Wakatū and emailed back and forth with them. A characteristic of these initial conversations was the extent to which the people were concerned with selling the corporation and its business to me. But there were some issues with how each of us imagined the working relationship between us.

“What would you – in terms of workspace... is that something that you’re expecting we’ll be able to provide?” the company’s general manager, Ropata, asked me at one point. He and I had gotten off to a shaky start – the first time we spoke, he had put on a no-nonsense “tough-guy” persona and I had been a little cowed. Our interactions were full of misreadings: we simply had differing ideas of the nature of the relationship between the researcher and the company, of the nature of the research project itself. I thus spent a fair few weeks hashing out the details of my proposed plan with this general manager, sending him a sketch of my plans and a copy of my research project from law school, discussing the idea of indigenous epistemological uniqueness, the “human subjects” requirements I needed to have sorted, and the meaning of “consent” as regards a corporation.

I had started out with a very clear idea of the type of anthropology I would be doing. I was hoping to conduct a research project that ended up looking like Anna Tsing’s work in

Friction (2005). I thought that I was politically progressive, culturally sensitive, well-trained, and prepared. I thought that I knew what to expect – especially given that I would be working with a corporation, and I knew nothing if not corporations – but as it turned out, there was much that I did not know. My time in Nelson was, especially initially, a parade of missed connections and misreadings – specifically the misreadings that come from encountering structures, relationships, and ideas that feel familiar but which hold within them, just below the surface, an incredible strangeness.³⁰ And the straining to make connections, to feel grounded in something.³¹

As it turned out, the general manager with whom I had had such fraught initial interactions ended up being an ally and a friend, and through relationships like this, I found some of that sense of grounding. Ropata provided my initial entrée into the auspices of the corporation, and worked to make that entry as smooth as possible; for example, it was he who introduced me to what was to become a running theme in New Zealand: *whakapapa*, or genealogy. The first time that we spoke, Ropata asked about my family’s background. In the United States, not only would this be a rude question, it would also be specifically a racial one. I might go into the details of my family’s varied provenance, but in the end the point of the question would be an evaluation of the quality of my blackness: “*are you mixed with something?*” Amongst Māori people, I came to learn, such discussions were about something else entirely.

For the Māori people I met, part of getting to know people was plumbing where they were from – the paths their ancestors had taken to place them *here* at this moment. More interesting than my impending moves – from Princeton to JFK to LAX to Auckland to

³⁰ “[P]erhaps,” suggest the Comaroffs, “misrecognition of this kind is inherent in signs that cross social frontiers bereft of their cultural nuances” (1991:239-240).

³¹ “...construct[ion of] a common world in a world of apparently understandable practices, meaningful symbols, and power relations. But since it has few agreed referents or fixed lines, this world looks different to the various people who inhabit it” (Comaroff and Comaroff 1991:271).

Wellington to Nelson – would be the movements in my past; my paternal grandparents’ placement by the waters of the Chesapeake, my Native American paternal great-grandmother, the movement of my maternal grandfather’s family from the middle east to Jamaica, my maternal grandparents’ immigration into the U.S., and their settlement in Stone Mountain, my childhood home.³²

When I finally arrived in Nelson for the meeting that Ropata had arranged with the board, elders, and executive management of the corporation to discuss the terms of my project, he spent an hour instructing me on protocol for the meeting – do this; don’t do that.

The meeting was to take place in Wakatū House, the building with which I had fallen in love the summer before. Through the glass doors; up the winding stairs, examining all the while the carved pillar rising through the center of the building’s atrium. The pillar symbolized an upright canoe, carved with images describing the journey of the tribes affiliated with Wakatū to

³² More than mere unfamiliarity with such straightforward discussion of ancestry, my discomfort was due also to the differing politics of such discussion as between the people I would meet in New Zealand and those I knew in the United States: in the United States, the claiming of Native ancestry is charged on numerous levels. Thus, when Ropata, picking up on my mention of my great-grandmother in my stilted, awkward run-down of my history, stressed that the people I met in Nelson would be especially excited to hear this fact, I felt only oddness and illegitimacy in claiming my Native American blood. While in New Zealand I tried at various points to describe how racial politics are such in the U.S. that African Americans (most of whom are “mixed” to some extent as a matter of course: see Hickman 1997, Hodgkinson 2001) will regularly advertise themselves as “part-” so as to position themselves as somehow “better than” “plain-old-black” people; a conceit which is sneered at as often as it is tendered. Add to this the fraught nature of disputes over Indian tribal membership and disenrollment. I tried to explain that, partly because of these factors, I could hardly fathom calling myself “part-Indian” – and most particularly, that I did not feel that I could claim the Native bit of me without showing a disrespect for the black bit. These explanations generally failed to convince, perhaps because of the Māori way of determining Māori-ness. Legislation defines a Māori person as “a person of the Māori race of New Zealand” and “any descendant of such a person” (Māori Purposes Act 1974:7), but in Māori eyes the operant idea is not the mere technical existence of such descent but the *practice* of whakapapa: if you can recite your lineage back to a Māori ancestor, you are Māori. As one of my interlocutors put it, “We make your grandchildren ours.” Things are different in New Zealand.

the top of the South Island. (*Wakatū*, Ropata clarified as we climbed the stairs. *Waka* – boat; *tu* – upright.)

The start of the meeting was full of intricate protocol (order of speaking, when to sit, when to stand, how far back to stand, when to move forward) as we conducted a small-scale *powhiri*, a welcoming ceremony. The boardroom became the *wharenui*, the meeting house. A tall older man stood at the end of the room, dressed in a casual authority; he was surrounded by other men similarly garbed. Behind them, glass walls opened two sides of the room to a view of the hills that stand watching over the city. The older man spoke, a deep sort of chanting, and Ropata sung out a reply; as this exchange proceeded, we moved forward to meet the group at the other end of the room. When we reached them, Ropata asked permission for me to introduce myself, which I did with the specificity he had warned me to undertake: who was I as a person? Who were the people I came from? Why was I here?

Having paid careful attention to the earlier instruction from Ropata (and then having diligently studied my notes), I imagined I was navigating the *powhiri* beautifully (I had to guess, as it was all conducted in Māori) – until it ended, and Rore Stafford, the very grave-and-dignified-looking elder who had done most of the speaking, suddenly grinned cheerfully and told me I could stop looking terrified now. The elders spoke warmly to me; they appeared at once curious and amused about my interest in their company, but seemed quite pleased to have me there. The younger board members, however – a Ph.D. and a professor of law – were not at all impressed with me and my fancy degrees and wordy project proposal; Hone, the Ph.D., a short, handsome man with an air of wry wit, dissected my plans, querying them with a fierce discipline and intellectual agility that clearly, and deliberately, communicated a fluency in scholarly discourse.

Hone and Kerensa (the law professor) tempered the enthusiasm of the others on the board with a battery of probing, detailed questions. Hone asked about the input Wakatū would have into the design of the project; I imagined I was being generous in offering to assuage their misgivings by having someone from the company serve as fourth reader on my dissertation committee. Hone rejected this idea out of hand, explaining that he would not be satisfied with solutions that were “really just whitewash.” They wanted to be in the sinews and bone of the project.

Kerensa, for her part, was especially concerned with the project’s intellectual property implications, and asked about the ownership of the information going into and the products coming out of the research. At one point she crisply suggested that we should begin thinking about the terms of the contract that would govern the research and intellectual property relationships between the corporation and me.

All of this questioning was stressful, but exciting – it caused me to think through details of the implications of my project that I had not considered despite my having prepared for it for years, and despite my having devoted the due amount of attention to questions from the IRB concerning the impact of my project on its participants. One question, however, came completely out of left field, and left me feeling as if we had not been speaking in the same language the entire time:

“Why should we have you do this research instead of someone from our own kinship group?”

Ropata and I had, I had thought, ironed out the basic questions before I had left the United States – topics such as “would I be able to do the project in the first place” and “would the corporation cooperate.”

At this meeting, however, it soon became clear that these were by no means settled questions.

In fact, it was only now – now that I was in front of them, in person – that the board was even seriously considering my proposal. It was, Ropata would tell me later, a matter of *kanohi kitea*, “the seen face”: there is no knowing someone unless they make themselves physically present. It was only now that I was in New Zealand, in Wakatū’s offices, in that conference room, face-to-face with most of the leadership of the corporation, that any serious “ironing out” could begin. Such as whether I got to do the project at all.

I set aside for later the initial, most unsettling issue folded within that question (why should they “*have me do*”? Who did they think I was, and what did they imagine I was suggesting?) in favor of the more basic ones. Unable to quite process the idea that they were imagining that I would be doing this project *for them*, as their hired anthropologist, I answered the question as if they had asked merely about my specific suitability for the project.

I pointed to my outsider status: since I had a different background from them – different eyes – my work would yield insights different from those of someone asking questions from inside the organization.

They greeted this suggestion with a silence that made it very clear that they were not impressed with my “outsider” argument.

I pressed on, however, elaborating the differences between a Wakatū-based researcher and myself: my background, I said, made my research likely to be read in American legal and business contexts. Having Wakatū as the center of this research would publicize the company and make better-known Wakatū’s, and Māori, ways of doing business.

I then added that this would help Western companies change the way they think about corporate responsibility.

Ropata, who had up till then been so helpful, now said: “that doesn’t really do *Wakatū* any good, does it?”

I clarified: my research would not help only Western businesses – that would be a side product of the project’s contribution to knowledge more generally. This suggestion was even less helpful to my case.

Kerensa was not present in the room; she was being teleconferenced in. Nonetheless, her dry tone spoke volumes. “You might want to familiarize yourself with some of the Māori writings about the experiences we’ve had with outside researchers. How things that help ‘the greater good’ have tended to hurt us.”

She was right, of course. Māori had famously been subjected to negative unforeseen effects of neutrally – or even well-intended research projects. One of the most prominent of these instances had been the influence of the “inventing tradition” critique (Hobsbawm and Ranger 1983), especially its elaboration by Allan Hanson (1989), which appeared to have been developed with an eye merely toward complicating the notion of “tradition,” and pointing out its constructedness in every case. In New Zealand, however, this work was used as evidence Māori were “making it up as they went along” – that their ways were (therefore, went the argument) not worth maintaining, and the legal and political efforts put forth to do so were ill-gotten gains (see, e.g., Rata 1997). That, in other words, their “difference” was, itself, a ploy for political and economic gain.

I knew all of this background. But prior to this conversation, I had not considered the possibility that I – black me – might be seen as carrying the Western colonizing project with me.

Even beyond being a person of color just as they were, there was all of my preparation, with my having read and thought about many of these issues in depth in the course of two and a half years of graduate school. I had of course read Said, Asad, Foucault, and company; I had cut my teeth on the introspective anthropology of George Marcus, Renato Rosaldo and the like.³³ The type of anthropology in which I had been trained, while not ever entirely able to purge itself of the stain of the colonial project, had spent three decades flagellating itself as it considered and attempted to address its artifacts (e.g., Asad 1995[1973], Wolf 2010[1982], Fabian 2002[1983], Stocking, ed. 1991, Rosaldo 1993). But this was mostly undertaken in a conversation solely among anthropologists. The wider public saw none of this growth – it was an epiphany under wraps. And so I found myself re-litigating, there in the main boardroom at Wakatū House, practically the entire span of anthropology’s reflexive turn, trying to show that I actually had these considerations in mind already and was therefore patently harmless. (It crossed my mind as I spoke that this was probably what all of those prior researchers had said too, but that was not a helpful thought.) I was struggling to say – without saying – that I was *obviously* on their side; I was a minority *just like them*, navigating the connections and disconnections of discourses of indigeneity and belonging. As I have mentioned, however, I had underestimated the differences I saw – I had prematurely addressed them as familiar.

The terms of belonging were different here; they changed like the day changed when my plane crossed the International Date Line. My “colored-ness,” whatever its nature (whether articulated in terms of blackness or in terms of indigenous identity) had a different valence here from, and was incommensurable with, their Māori-ness. More than that, their whānau-ness. The

³³ See, e.g., Said 1994[1979], Asad 1995[1973], Foucault 1980; Marcus and Fischer 1999, Rosaldo 2004.

way we set up categories and the way we drew lines of similarity across them were different.³⁴

Difference looked different to each of us; everyone in the room had what in the United States we would call “mixed” blood, and many looked, phenotypically, white. Each of us looked on the other and drew the lines of difference that were familiar onto this ambiguous surface. One of the board members, James, would poke fun at the phenotypical ambiguity of both them and me later, as we left the meeting and headed for the elevator. James, who looks like a white man, would say, his eyes twinkling: “You’re pretty white for a part-Cherokee part-black person.”

Before this moment of leavening, however – back in the board room – the play of difference and belonging began once again as, attempting to conceal my exasperation with their exaggerated wariness, I tried to differentiate the type of anthropology that I did from popular depictions of anthropologists – those bound to classic (albeit less-than-accurate) images of a Malinowski or a Radcliff-Brown bandying about in pith helmets and making pronouncements beyond the reckoning of the “natives” they studied (and who the anthropologist imagined he understood better than they understood themselves).

The provenance of their question as to why I, and not one of their own researchers, should do this research project, soon became clear. The corporation was thinking about a research project of its own – one that actually dealt almost precisely with the issues in which I was interested. Where I would focus on theorizing responsibility and regulation and values, however, they were considering these topics with an eye toward operationalizing the information

³⁴ “As the participants communicated through a clutch of terms they seemed to share, each side began to recognize the differences between them: differences that became visible, simultaneously, in other domains.... And each came gradually to objectify their world in relation to a novel other, thereby inventing for themselves a self-conscious coherence and distinctiveness, even while they accommodated (often unwittingly) to the new relationship enclosing them” (Comaroff and Comaroff 1991:212).

– better focusing their marketing and branding, solidifying their management philosophy.³⁵ A working group made up of whānau who were recipients of scholarships from the corporation had been tasked with thinking about what was important to their people 500 years ago, and what is important now, and what of these ought to be carried into the future. The group was meant to draft a strategic plan extending 500 years into the future: thus its name – *Te Pae Tawhiti*, the far horizon.

Thus, the corporation's leaders had entered the meeting with the idea that I might act as a hired gun, a contractor who might conduct the research supporting this project; with this starting assumption, the question – why me and not one of their whānau – made sense. They were asking, as I was asking, what this indigenous corporation was. I worked to make clear to them my view of the relationship between their research and mine, noting that we shared the same questions, but that the projects meant to answer them, and the uses to which this data was to be put, were entirely different. Our questions presented two sides to one coin – Wakatū asked them in order to put their practical answers into use, while I asked about the practical concerns of the corporation out of a surfeit of curiosity about the workings of capital and communal property, of networks and boundaries and the question of the relation of corporate responsibility to the nature of the corporation itself. I wondered about the corporation's conflicts in order to refine my understanding of the natures of law, of culture, of power.

³⁵ In a later conversation Hone and Miriana, another of the whānau who had served as an associate director, made it clear that to them these questions were constitutive. To whom was the corporation responsible was the same question as what was the temporality of the corporation's responsibility. They used a dispute between the corporation, the iwi, and the Crown as an example. Which was more important: keeping owners happy now, ensuring they got their dividend checks and a quick solution to a land settlement upon which they pinned their present hopes, or ignoring their complaints and reinvesting, thinking about future benefits to future owners, and fighting to maintain the viability of the corporation's own land claims, the reward for which seemed, in relation to the other settlement, so far off as to be invisible? (I will detail this dispute in the next chapter.)

I managed to get this across, but did not get a sense that I had inspired any sort of commitment on the part of the corporation. As the meeting ended, Hone lent me two books by indigenous scholars held in high regard, a generous gift that managed nonetheless to injure my pride; I considered myself well-read in the work of Māori researchers. I avoided saying so, conscious of the impression given off by the hyper-defensiveness of those accused of ethnocentrism of which they are generally, if not specifically guilty (*“I’m not racist! One of my best friends is black!”*). That I had actually been well-versed in indigenous research issues was not the point; the fact that I saw my own preparation, not their input, *as* the point, was.

The reaction of the associate directors was perhaps symptomatic of conditions of indigenous engagement with capitalist enterprise – as indigenous people must be always on guard against the types of wrongs to which they had been previously subjected; always on alert, enunciating who they are and what they will not stand for, showing that they are legitimate indigenous persons (to stave off accusations of inauthenticity or whitewashing) and at the same time having to stress that they are legitimate businesspersons (to fend off the negative expectations regarding Māori in business that I described earlier). Even the building, Wakatū House, is such a statement, with its sleek glass and its prominently displayed Māori designs – carvings, colors, woven textures. Subtle allusions: tucked along the boardroom walls are tiny silver hat hooks meant to prompt meeting attendees to avoid placing their hats on the table or floor, both breaches of protocol. Their shape is that of oars – like those upon the boats that brought Māori to New Zealand. The top floor is accented with lovely, subtle shades – black, white, and a number of grays (charcoal, slate, ash) – and filled with light and plate glass windows. It is fronted by a terrace situated such that, looking to the right over the stretch of nearby roofs, you stand just at the level of the cathedral whose establishment gave Nelson its

status as a city. The cathedral is built on the site of an old pa, a Māori fortification of times past, built, for defense, upon the heights. That the boardrooms of Wakatū House are situated at the level of the former place of the pa is hardly accidental.

The building, which opened in 2008, stands out from everything else on its block, making clear to everyone in the area the fact of Wakatū's success – making unmistakable the fact that one of the economic powerhouses of the area is a Māori-owned corporation. (Neighboring businesses have complained that Wakatū House makes their perfectly decent establishments look shabby.) Wakatū House looms over the Montgomery Square car park, which for more than 30 years has filled each weekend with a market holding what feels like the entire city. Nelson-area craftsmen and food vendors line the parking lot with an assortment of stalls, turning the place into an Araby of locally-produced jewelry, woodwork, pottery, clothing, flowers, produce, preserves, and candies.³⁶ The location of Wakatū House was well-selected: the market is iconic for Nelson, and the car park that houses it is symbolically central to the city.

In short, Wakatū is – down to the structure, design, and location of its headquarters – postured for defense.

In the weeks after my meeting with the board, however, a tentative solution to our impasse arose: if I helped to organize the Te Pae Tawhiti working group, to get its planning off the ground and to facilitate its implementation, I could count on the corporation's cooperation with my project. We would spend the next few months ironing out the details of this relationship and of the specific work I would do on the Te Pae Tawhiti project. In the meanwhile, however, as I waited for the board to come to a decision regarding the company's participation with my

³⁶ I developed a vice of stopping by the market each Saturday on the way home from church to feed my addiction to a lady named Shelley Wilson's inimitable shortbread. The Sabbath purchasing alone was an offense for Seventh Day Adventists; this is to say nothing of the soul-imperiling shortbread itself.

research, I worked on building relationships with the people involved with the corporation and worked to flesh out my knowledge of the board's structure and concerns.

A Brief Tour of Wakatū

Wakatū is the biggest landowner in the top of the South Island aside from the Crown; it is the biggest taxpayer, and the biggest developer of land (Harmsworth 2005, Waitangi Tribunal 2008).³⁷ Much of the land the company manages came from 1841 negotiations between local Māori leaders and the British New Zealand Company as it came to settle New Zealand. The company manages lands over which its owners had long been acknowledged to hold mana whenua as well as some “investment land” purchased since its founding. For over a hundred years, lands reserved for Māori were managed (or mismanaged; or alienated) by a variety of agents, most recently a “Māori Trustee” meant to undertake the obligations of the Crown toward Māori but seemingly concerned primarily with managing the interests of long-term lessees of Māori reserve land (Waitangi Tribunal 2008: Section 9.5). In 1974, the Māori Trustee was relieved of his duty to manage the Tenth reserve lands. Landowners were presented with three options: they could leave the 2,993 acres left over from this history of alienation in the hands of the trustee; they could form their own trust; or they could incorporate. In 1977, cognizant that the trust form might be quite limiting in terms of the actions it would allow them to undertake, the owners of the land chose to incorporate their interests in the remnants of these lands, forming Wakatū.³⁸

Like many corporations, Wakatū is better described as a group of interrelated companies of various legal types. Wakatū Inc. is a Māori incorporation of the type I outlined above. Given

³⁷ These assertions may change in the near future, as the tribes of Te Tau Ihu are meant soon to be receiving a number of Waitangi Treaty settlement benefits including land and money.

³⁸ Again, I leave a more detailed relation of these events to chapter two, “The Courts and the Kids.”

the limitations to the form (and the desire to protect the land to which those limitations are intended to speak), Wakatū Inc. devolves many of its (economically or culturally) riskier activities to other types of business entities – limited companies, for example, or partnerships. Through these entities Wakatū grows fruit, runs vineyards, bottles and distributes wine, develops property, conducts aquaculture research, and sells seafood, among other activities. When I arrived in March of 2010, the corporation was surrounded by a mass of wholly or partially owned subsidiaries. There were 24 subsidiaries divided amongst four sectors. The Whenua (land) group was, and remains, Wakatū’s main concern and that for which the corporation is best known. Wahanga Ltd was a wholly-owned property development outfit. Wakatū Industrial Estate provided rented space for other companies’ industrial operations.

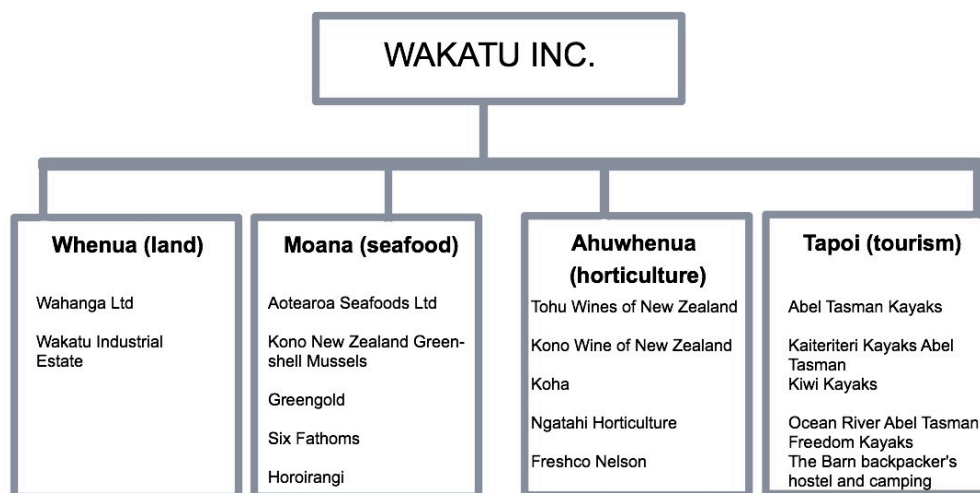


Figure 1: Chart of March 2010 Wakatū structure

Within the Moana (seafood) group, there were a number of fisheries ventures capitalizing on Wakatū’s sea species quota. Through Aotearoa Seafoods (the joint venture with Sealord), Six Fathoms, Green Gold, and Kono New Zealand Greenshell Mussels, Wakatū developed, harvested, packaged, and sold a number of seafood species, primarily mussels and crayfish (which, gainsaying their dainty name, are actually beefy, monstrous rock lobsters). Horoirangi, a

joint project between Wakatū and an aquaculture research institute, is an aquaculture and seafood research facility. Around the time I arrived in Nelson, aquaculture had recently been declared the Next Big Thing for the area, and Wakatū was pouring a great deal of money into the idea – yielding jobs, funding, and good press about which people in Nelson were incredibly excited.

The Ahuwhenua group dealt with the corporation's diverse horticulture concerns, while Tapoi dealt with tourism.³⁹ With a fruit growing company, Ngatahi (of which they were 60% owner alongside other Māori groups), they were focusing on growing and distributing pipfruit – apples and pears – as well as hops flowers. (Their ventures into kiwi-growing had been stymied by the 2010 influx into New Zealand of a devastating bacterial kiwi disease.) In addition, Wakatū would soon take on full ownership of the wine company Tohu (in which they at the time of my arrival had a joint venture partnership with Ngati Rarua Te Atiawa Iwi Trust (NRAIT) and Wi Pere, two Māori owned trusts). They also had a 50 percent stake in a somewhat less successful wine company, Kono. Finally, there was their part or whole ownership in four different kayaking operations and one backpackers' lodge for tourists trekking through the Abel Tasman national park. A final group, Manaaki, oversaw what was described to me as the corporation's cultural initiatives, including looking after shareholders' concerns.

At the first shareholders' meeting I attended, however, the corporation unveiled its plans to consolidate the corporation's varied sub-entities via what one board member called “a four stage restructuring” (field notes March 20, 2010). This slightly mysterious phrasing played out during the year and a half I was in Nelson, with the corporation rearranging its structure, revamping its branding, and hiring people for the new positions created by these changes. As

³⁹ There was, I should point out, no group that dealt with forestry. The May before I arrived in Nelson, Wakatū had sold its forest holdings, the Waihopai Forest, which had, as I have mentioned, been the concern that had originally brought the company to my attention.

between my arrival in Nelson and the time I left, the corporation added several new positions at the main office and re-organized the structure of its subsidiaries, folding all of its food and beverage brands, including Tohu, under a more general Kono brand.

Thus, as I write this in early 2013, the corporation's structure is much different from the structure with which I became familiar during my fieldwork, streamlining and hierarchizing the former mass of relationships.

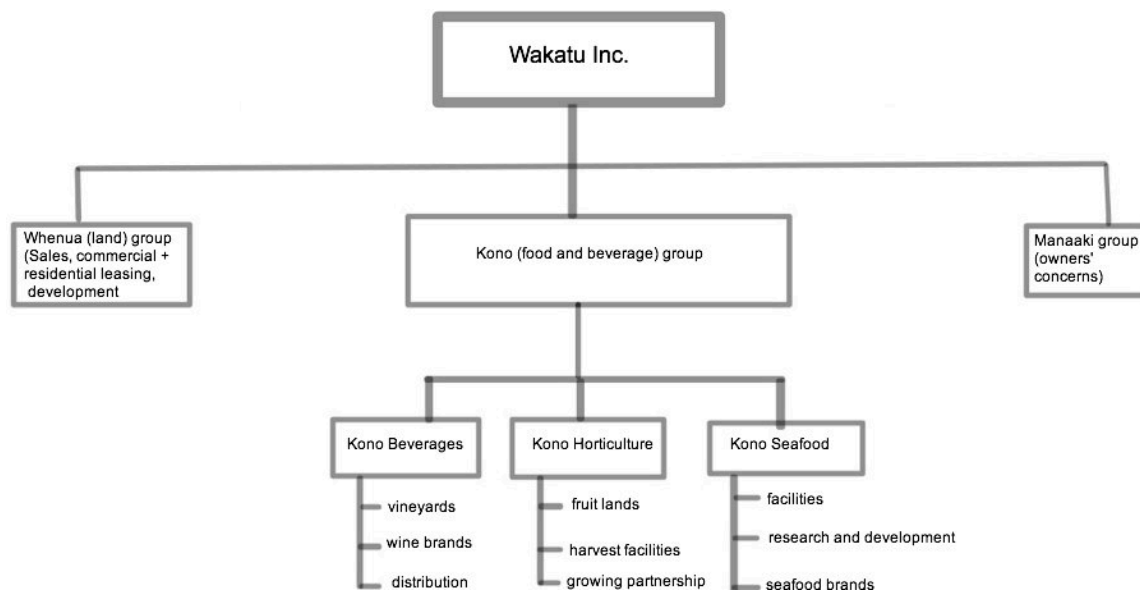


Figure 2: Organization of Wakatū as of January 2013

Governance

The corporation is governed by what the law calls a committee of management, but which in everyday parlance is called a board of directors. The head board's directors will tend to be members of the whānau, but there are always exceptions – for instance, one of the most well-regarded and long-serving former board members (now independent director), Bob Shore, is a Pakeha, non-Māori. Members of the top board lead boards in each sector, and in some cases independent directors are brought in for their sector expertise. Members serve staggered three-year terms, at the end of which shareholders vote to reappoint or replace them. Associate directors, young, accomplished whānau who are being groomed to run the company in the future,

are selected for two-year terms from an application process open to whānau. They serve one year on a sector board and a second year on the head board. (One measure of the initiative's success is that Miriana Ikin, the corporation's first associate director, was recently elected to the head board proper.)

Staff

Walking into Wakatū's office building, the striking and modern Wakatū House, you will pass by a *poupou*, the pillar with which I was so taken upon first encountering the building and which stretches up almost thirty feet in the middle of the atrium in the entrance area, carved with a pictorial representation of the history of the four tribes affiliated with the company. If you are so inclined you might go to the elevator and ride up to level three (we in the U.S. would call it the fourth floor), the elegantly appointed area full of light and air and details that subtly broadcast the place's Māori ownership, which houses the corporation's executive management and two board rooms.

But if instead you choose to step off of the elevator at level two (the building's third floor), you will be faced with a much more closed-off picture: a small reception area that, until 2011, had no permanent receptionist. Instead there was a phone which, when picked up, would ring at the desk of an employee who would set aside her main work to take up the task of acting as receptionist. She would come from a suite of offices through a door on your left, a suite that housed a number of Wakatū's middle management and staff. The offices of NRAIT, the iwi trust with which Wakatū frequently partnered, are on the right as you stand in the reception area; the trust rents the space from Wakatū.

Most days I did not continue up to the top floor; most days, I stopped at level two. In my capacity assisting with the corporation's Te Pae Tawhiti project, I worked in Wakatū's suite there, sharing the office of Mandy, the corporation's owners' liaison. The managers of the

corporation's land group managers had their offices there as well; the rest of the suite was an area lined with cubicles for several administrative staff such as the accounts administrator and erstwhile receptionist I mentioned and who I will call Beth.

Wakatū prides itself on having a “horizontal hierarchy,” but – speaking in terms of physical movement – it is remarkable the extent to which people on the second level stayed on the second level. When Mandy would forward a funny email, it went to the workers on the second level – both Wakatū's and NRAIT's. If Beth, say, brought in cookies, she would invite the NRAIT folks next door into the Wakatū suite to share them. Level two employees would pop next door to NRAIT to chat. (Meanwhile, I appeared to be the only level-two person ill-bred enough to do any such “popping in” in regard to the top level.) What this office structure meant was that Wakatū staff and NRAIT office workers were able to easily hang out and air their Wakatū gossip and grievances. Since NRAIT is a trust for the benefit of the members of two of the Wakatū-affiliated tribes, Ngati Rarua and Te Atiawa, many shareholders are also NRAIT beneficiaries. The particular difficulties and opportunities this presents will be explored in greater detail in chapter four, “Whanaungatanga: We Are a Family Business.”

Managers

Managers are mostly Pakeha. When I arrived, the only Māori manager was Ropata, who runs the Manaaki sector, which, as I have said, is positioned as overseeing the “cultural comportment” of all of the other sectors. A few months after I arrived, as the organization of the company changed, Wakatū hired Viv Williams, a Māori woman from outside of Te Tau Ihu and the whānau, to head up the reimagined Tohu structure. Most of the front-office employees are Pakeha, as are many of the laborers in the agricultural concerns located in Motueka. This has tended to raise some ire in owners; while recognizing and supporting the corporation's longstanding assertion that it meant to hire whoever was “best for the job” for complex

leadership positions requiring special training or education, they saw the giving of less-skilled jobs that could have been filled by whānau, or at least by Māori, as a betrayal or at least a lost opportunity.

The shareholders with whom I spoke appreciated, even commended, the company's rhetoric about conservative business practices and maintaining a long-term view; and they appreciated the company's defensive stature regarding its *mana* (a concept quite resistant to translation but which might be glossed as some amalgam of status, authority, and a sort of supernatural charisma (Rosenblatt 2004:466)) and the mana of its whānau of which that long-term view was part. But what was the point of a Māori-owned company, they wondered, if it did not provide tangible benefits – today, not in some imagined future – for Māori?

This question was absolutely crucial; during my time in New Zealand its importance was made manifest over several contexts. For instance, the company and I had finally come to an agreement regarding their involvement in my project and my involvement in theirs. Thus, I would be assisting Ropata and the alumni to undertake the research, organization, and drafting of the company's long-term business plan – one central question of which was how to prioritize the needs of current shareholders as versus future ones – the ones in the generations to come. The question of the nature of these relationships went to the heart of what Wakatū was, what a Māori incorporation was; the complexity of the answers to that question will form the center of the next two chapters.

CHAPTER TWO

The Court and the Kids: Narrative, Image, and the Making of the Corporate Self

The perfect narrative is revealed through the layers of a variety of retellings.

To articulate the past historically does not mean to recognize it “the way it really was.” It means to seize hold of a memory as it flashes up at a moment of danger.

Walter Benjamin (2007[1955]: 93, 255)

Telling the Tenth as Legacy

Ropata was writing a children’s book, and it was making me very anxious.

Ropata is the general manager I mentioned earlier. He’s a tall, barrel-chested man a few years older than I am. Balding. Talks a lot. But very good at the talking, though; charismatic. And sort of cheerfully intense. He, along with Rore, is often described by employees and others involved with the corporation as “the conscience” of the company. In addition to being the general manager of the corporation, he can trace his lines of descent from the ancestors associated with each of Wakatū’s affiliated tribes and is an owner.

He had shown me the book manuscript earlier that day, offhandedly, while we were in the middle of a meeting to discuss our work on Te Pae Tawhiti. He explained that he took as his point of departure a recently published New Zealand history/storybook, one that he admired in terms of concept if not execution. In 2009 a beloved New Zealand children’s book author, Margaret Mahy, published *Awesome Aotearoa: A Kid’s History of New Zealand*. The book was full of her trademark whimsy and dry wit – characteristics that, when applied to descriptions of

the colonial situation, did not go over well with many Māori people. Ropata thought the idea – a pictorial history book for children – was a worthy one, but saw as the originating error in the book its lack of any Māori point of view.

He wanted to publish a book for children that clearly and elegantly related the history of the tribes undergirding Wakatū – how they joined together, how they traveled to Te Tau Ihu, and the connection of those events to the founding of the corporation. In the story he had written, a young member of the whānau travels with his grandfather to a spring important to Motueka Māori and falls into it, through-the-looking-glass style, to see the history of his ancestors – and the company – play out before him. One of Wakatū’s scholarship alumni, Jessica, an artist and a filmmaker, had provided gorgeous illustrations that referenced traditional Māori design themes. I thought this idea was brilliant. I was, however, concerned about the *text* – as I muttered the words to myself, their rhythm seemed to be off. I was (am; remain) both a children’s book aficionado and an officious little busybody; having seen the harmful effects of a brittle dependence upon rhyme at the expense of rhythm in too many children’s books, I could not let this stand in my friend’s work.

I asked Ropata if he minded if I made some editorial suggestions. As he shrugged, forwarding me the manuscript PDF, I scurried away to the office I shared with Mandy to ink it all up with suggestions regarding meter and rhythm.

Amidst a flurry of gleeful editing – after I had completely displaced the day’s work on Te Pae Tawhiti in favor of the construction of a document laying out the original passages beside a new version of the passages which had been edited for more clarity for young children and a third version edited for musicality – I paused. Back in March 2010, at the initial meeting I described with Ropata and the board, I had felt the discomfort in the room engendered by my

blithe suggestions that I, with all my legal expertise and my unique, outsider's perspective, would be able to see the corporation in ways that people more closely involved with it might not. While I had imagined that the suggestion that my perspective might have a unique contribution to the corporation's work on seeing itself and making itself seen was a neutral, even obvious fact, my interlocutors reacted defensively, wanting to stress the fact that Māori were able – even best qualified – to undertake research projects on their own, utilizing Māori methodologies and purposes. Since then, I had been careful to remain alert to the points when my innocently officious busy-bodging might be turning into something more akin to a random passerby attempting to use her unique land-bound perspective to teach surfers how to surf.

Further, I had always to be aware of identity and status issues laced throughout the relationship between Ropata and myself. This was his *rohe*, his territory; he was my host and, technically, my supervisor. I imagined that it did not reflect well on him if I were to march about telling him how to do his work. And he was a man. Although everyone insisted that hierarchical gender roles only obtained in ceremonial contexts – like the central portion of each of the marae-based powhiri ceremonies I attended, when each group's men sat before the group's affiliated women, symbolically protecting them⁴⁰ – I nonetheless saw faint echoes of gender-role lines in everyday life. Although I am certain that the vague pressure I felt not to be seen to be lording it over the men with whom I worked came mainly from my status as an outsider (and an outsider they were vocally concerned would attempt to do said lording) and from my own considerable self-consciousness, a small number of interactions gave me evidence that some of it came from

⁴⁰ Protocols for powhiri vary from area to area, but this was the case in powhiri I saw at two Te Tau Ihu marae (Te Awhina and Whakatu).

these faint gender lines.⁴¹ Thus, in the Te Pae Tawhiti events Ropata and I arranged, and in the meetings for the working group, we both downplayed my involvement. Ropata did the speaking, and when email needed to go out to the working group, he sent it. Te Pae Tawhiti was his project, his and Wakatū's; I had my own. Long tale short: as eager as I was to discuss changes to Ropata's manuscript, I was incredibly uncomfortable that doing so might be taken as an act of colonization.

To get another woman's perspective on the propriety of my aggressive refereeing of Ropata's book project – and on the soundness of my suggestions in relation to the content and the feeling of the stories upon which they were based – I went to visit a friend a few floors down. After listening as I described the changes that I wanted to encourage Ropata to make, Viv gave me a small crash course on Māori scansion. The story was written in English, but it would be read aloud with the cadences of *te reo* (Māori language – literally, “the language”), and thus, the way I thought the words would sound as written was not how they were actually meant to sound as read.

I was quite familiar with Ropata's oratory skill. In the context of powhiri, for instance, or in other social contexts that resembled them (for example, calling meetings to order involving visitors to Wakatū, or welcoming participants to events the corporation sponsored), he would launch into skillful and beautiful *whaikorero*, ceremonial orations in *te reo* using poetic imagery to invoke the protection of gods (*tuaparapara*), to acknowledge the living earth (*mihi ki a Papatuanuku*) and the spirits (*mihi ki te hunga mate*), to illustrate the speaker's geographic and

⁴¹ For instance, I tended early on to spend most of my time in the company of the men, with whom I best fit in and with whom I had most quickly bonded. I was made aware of this pattern by a female friend (one of perhaps two I made early on) who warned me that I should take more care to get to know the women, especially the older women, because “the Aunties are always watching.”

genealogical provenance (*mihi ki te whare tupuna*), and to acknowledge visitors, sketch out the purpose of the gathering, and illustrate his relationship to the audience to whom he spoke (*te take o te hui*).⁴² Part of Ropata's great mana might be considered to have been related to his skill in communicating in this genre.⁴³ As I ran the words of the story through my mind, I needed to imagine the context of their transmission, as Māori mothers and fathers read the book to children who were likely raised from a young age to speak both English and te reo.

More, I needed to keep in mind the unique ingredients this audience would bring with it to the text. Ropata's manuscript was very evocative in a particular way. It was obscure and dense with references, almost like code. I had of course attempted to correct this worrisome trait in the version of the text I had edited for clarity:

Rhyme	Story	Rhythm
<i>Karanga soaring far and wide. Ngāti Koata and Ngāti Rārua have arrived. Manaia spies a special stone. From Te Ātiawa and Ngāti Tama – an ancient tohu from their home.</i>	<i>And when he opens his eyes – he is in the past! He sees his Tupuna from Ngāti Tama and Te Ātiawa as they prepare to leave Taranaki. He holds a white mountain stone in his hand, and knows it is an ancient tohu for them that they will take from here when they leave. He hears Karanga soaring far and wide as Ngāti Koata and Ngāti Rārua arrive. The iwi will all work together on a Heke to a new home.</i>	<i>Manaia's in the past! He holds an ancient mountain stone – a tohu Te Ātiawa and Ngāti Tama take from home. From Tainui friends for the journey arrive; greetings are lifted and fill up the sky: "Ngāti Rārua! Ngāti Koata!"</i>

Figure 3: From a version of my editing document

⁴² Ceremonial whaikorero are usually (or in the case of my own experiences, always) made by men.

⁴³ The term *mihi* can indicate some parts of these oratories and can also indicate less formal introductions one might give to contextualize one's presence in the rohe (whether one is male or female). A very basic mihi might commonly refer to the mountains and rivers to which the speaker claims connection (thus sketching out the place that gave rise to her); to famous ancestors from which she descends (thus describing the bloodlines from which she runs); and to her purposes for being where she is at the moment. I was insufficiently skilled at this oratory to concoct these on the spot and thus when introducing myself generally stuck to these fairly standard mihi-ing tropes: when attempting mihi, I tended to undertake a recitation of my Princeton provenance, my connections to Stone Mountain in Georgia, and to ancestral connections to the long Black River in Jamaica and to Virginia's Chesapeake Bay.

Ropata had written the manuscript in a way that illustrated stories and concepts that the audience would have already heard their parents – likely Wakatū whānau and other Māori connected to the area – discuss over their heads. The manuscript did not need heavy doses of explanatory text like those that I had concocted: the people to whom it spoke would tend to recognize those glancing references. In other words, the manuscript would be read differently – not just in the sound of the words but in their meanings and referents – by different audiences.

Walter Benjamin described the chronicler as one who tells the story of history, one who conveys an experience, an encounter with the past, a past that is always in bits moving against each other to form new images (2007 [1955]). The chronicler is contrasted with the historian who takes the past as whole and done; to the chronicler, the past is not inscribed via a linear narrative. He goes looping back to reclaim and make new things of what looks like rubble – echoes, bits, songs, images, designs, zigging and zagging to make the past mean, to make the present mean. The teller of the tale, and the present he addresses, affects not just the way the story is told, but the content, the shape, the feel, the aesthetics of the story. History, in Benjamin's telling, while having been written by the winners, is not a thing that can rightly be told "as it was." It is told as today is, as is relevant to the concerns of those who have survived it and seek to use its shards so as to do more surviving. This is a past that is never past – that needs to be, and is, broken open, broken up, with bits of it retrieved, re-examined, and reinterpreted for the purposes of the present, many and varied and conflicting as they may be. It is the challenges faced in the present that are important to the tale that gets told. A thousand different repetitions and a thousand different views contribute to this project, this redemption of the bits of things mostly invisible to history.

The story of the *heke*, of the journey of the tribes Te Atiawa, Ngati Koata, Ngati Rarua, and Ngati Tama from the North to the South Island, and the story of connections between those groups and Wakatū today, is retold from different perspectives, and with different generic conventions, in different contexts. As Ropata was drafting *Am I a Kaitiki, Koro?*, Wakatū was preparing to litigate the meaning of this story in New Zealand’s High Court. Not by way of contesting the story’s validity – this was for the most part taken as granted by both sides – but by its actionability under trust law and the nature of the relationship between the corporation and its affiliated tribes. Although the contexts and the audiences of these ventures was very different, the way the story was told became centrally important in each, with similar narrative and rhetorical techniques being used in each to make claims about the nature and the biography of the corporation.

This is more than mere mimicry, and more than reiteration. Different narrators, different histories and images, construct the corporation as more or less “natural,” organic, and more or less connected to the tribes. The storybook laced the interests and the pasts of the tribes and the corporation together. The court case, however, simultaneously claimed that connection and also distinguished the corporation’s claims from those of the tribes. In this chapter I will show the way these repetitions – via a children’s book, a shareholder’s meeting, and a legal case; before the courts and the kids – refract and bounce off of one another to construct these different biographies. What results is not a “perfect narrative,” if such a thing is ever possible, but one of many layers and great complexity.

Ropata’s Motueka

In late 2010, a car ran over Ropata’s dog Motu, killing him. Barely had the dog been hit before the driver, a neighbor, was at Ropata’s door – demanding that Ropata pay for the damage

done to the car. As she told me about this, one interlocutor conjectured that the situation was either due to or exacerbated by ill feeling on the part of the whānau for Ropata's position in the corporation and in the economic and cultural life of the whānau.

At the time of his dog's death, Ropata lived in a massive old Motueka house (the dog, Motu – short for Motueka – had been named for the place) with an equally massive yard covered in fairy-tale roses. An ancient tobacco kiln in the yard beside it put one in mind of the type of tower in which some Disney princess might get herself stuck. One informant complained that the previous family that had lived in the house had been “moved aside” so that Ropata's family could move in. While Ropata seemed to dismiss these sorts of accusations with a bemused sort of annoyance, others characterized this as yet another power move by the corporation and the families who dominated it.

Ropata had by that time lived in Motueka, considered the home-base of the corporation, for years. He saw himself as *ahi kaa*.⁴⁴ Others thought differently. Ropata had been raised outside of the *rohe* (the tribes' traditional lands are at the northern tip of the South Island) and had come to the top of the South relatively recently. But he had heard stories all his life about the whānau and about a corporation, Wakatū, with which his family had a connection:

Wakatū was always the context that caused us to reflect on who we were as a family – because it was the latest part in this sort of tradition of our family's story of who did what and when and why, how.

What he could not understand, however, was how it was that people – his family and his hapu – who had this kind of history and had a powerful corporation in their corner were not better situated in the world. Further, if this corporation was owned by his people, why was this

⁴⁴ *Ahi kaa* refers to people who live on the whānau's land, the *rohe*, who “maintain the hearth” for the whānau.

connection not more deeply woven into (and more prominent in the public perception of) the company?

I grew up listening to [these family stories], and being – being perplexed about – ‘*well—* if *that’s* the case—’ and there were battles, and there were romances, and ah, there were, you know... sagas and scandals and all sorts of things that were – that they would discuss and talk about – and Wakatū came at, sort of at the end of that... Wakatū sort of represented that connection with all of that history. And so I was always *fascinated* by it; and as, I remember as a young child thinking, ‘Ah, I’m gonna sort this out and work out, like, what happened here.’

Thus, when Ropata came to Te Tau Ihu, it was with a store of knowledge about the corporation and the whānau, along with the type of charisma and influence and regard that, rolled together, express something of the meaning of the word *mana* – and an unshakeable strength of conviction regarding the way the corporation should be run.

In a very real sense, Ropata built Wakatū into what it now is, undertaking the continuing project of what he called an “indigenization of what it is the corporation does, particularly in terms of how it communicates that to its own people.” He denies, however, that the “Māoriness” of Wakatū arises from these conscious efforts. According to him, the company is Māori down to its innards, its history and genealogy. When I asked him where the impetus for this “indigenization” came from, for example, he said that the indigenization he had mentioned was not some radical change to the organization; it had instead more to do with timing and degree:

It was really about looking at the framework that the organization operates within and making sense of that in a cultural way – so that our people are more aware of what’s going on and so the organization can be more responsive to its owners; and the owners can feel that they have a – a portal back into the organization to influence it.

Ropata was adamant: “this is an indigenous organization and it always has been.”⁴⁵

When Ropata was hired to work full-time for the company, its only employees were Keith Palmer (a Pakeha and the then-and-present CEO⁴⁶) and a single assistant.⁴⁷ Wakatū became their project; with the imprimatur of the board, they dreamed it into life. They built an administrative infrastructure, added more management positions. Courting joint venture relationships with similarly oriented organizations, they branched out, diversified. The company grew larger. Within a decade Wakatū went from the tiny operation it had been since the 1970s to the several-hundred employee- and NZ\$250 million assets-strong organization it is now. Thus to other Te Tau Ihu Māori, Ropata was inextricable from this often oddly alien, often-despised and suspect Pakeha invention, the corporation. And the whole time, Ropata was there at the center of it talking about “culture” and “legacy.”

It is no wonder the whānau did not know what to think of him.

The company’s board has always been mostly whānau, but prior to hiring Ropata, had mostly relied on outside contractors for production as well as management of projects. I have mentioned that the corporation’s leaders make explicit their dedication to hiring “the best person for the job,” constantly announcing that they do not discriminate against Pakeha in hiring or in contracting. This has been a policy of the company from early on. For many years Ropata was the company’s only Māori employee – and not just a Māori employee – a member of the whānau, and a shareholder of the company. Regarding being a shareholder and an employee, Ropata noted that his presence seemed to make his coworkers feel odd – made them feel as if he

⁴⁵ Interview with Ropata Taylor, August 2011

⁴⁶ While he served as CEO throughout my time in New Zealand, in June of 2013 Keith Palmer announced his decision to retire.

⁴⁷ The board had necessarily depended a great deal upon contractors in the conduct of its operations.

was putting them, and the corporation, under scrutiny. He did not fault them for this feeling; he acknowledged that he felt a difficulty in— an impossibility of— an *aversion* to separating out the different strands of the roles he had vis-à-vis the corporation, describing his unwillingness in:

being able to separate myself as an owner, from like, ‘this is *my* business, and you *all* work for *me!*’ and ‘*how* much did you spend on that? That’s my grandmother’s money, you know!’ Haha. ‘*Hope you appreciate that!*’ – and never saying that, but you can’t help feeling that.

Nonetheless, he recognized the importance to his coworkers of the maintenance of at least a rhetorical distinction between these roles:

You have to get over that ... everyone else, all your colleagues are conscious of it, it’s a little bit like working – having – the boss’s son or daughter working with them?

There were political hazards to this hybrid positioning, hazards that, he said, would be familiar to people involved in family businesses.

There is, you know, always that question – are we employed because we’re the best people for the job, or are we employed because we’re the boss’s kids? ... As an owner, you’re conscious of that, and you sort of think to yourself, ‘well, does everybody else *understand?* that this is our organization? and we’re emotionally attached to this, this is *not* just a job for us?’ Versus that sort of feeling, ‘does everyone understand that we actually add value to this, and we’re not here ‘just because’? You know? We own it.’

Versus ‘who cares if we are? This is *our* business!’

Ropata spoke of a constant awareness of this tension between running a company in the most professional, profitable way, and the opportunities that the corporation’s success might provide for present whānau – his brothers and sisters, his cousins, nieces, and nephews. Many of the new hires made by the corporation over the time I was there were Māori. Since the corporation had long been seeding the next generation of whānau with educational scholarships and associate

directorships, young members of the whānau were frequently among these hires. Reiterating their often-repeated mantra about “the best person for the job,” the company had conducted their selection with exquisite care. Each of the whānau hires was a highly educated, highly competent person.

All of this is very present in Ropata’s current positioning. He is constantly having to assert his legitimacy to whānau as authority on traditional knowledge and on the land, as ahi kaa; and to Pakeha simultaneously as a level-headed businessman and a legitimate spokesman of Māori culture. In the context of these varied roles, he must constantly demonstrate that he is of the company and simultaneously not of it. He is not always successful in this balancing act. To many Motueka whānau, when Ropata moved into the rose-garden house, it was as if the corporation had moved in.

Ropata downplays these difficulties, always expressing to me his feelings of having combined the two in himself, of the two being always-already complementary.

Other shareholders, on the other hand, make very clear their feelings of being caught between being owners of the corporation and members of the tribes.

Inside the Shareholders’ Meeting

Wakatū shareholders’ meetings are always cacophonous and participatory, an indisputable fact of which I was not aware when I first arrived in Nelson. A bit under two weeks after I had first arrived in New Zealand, and having convinced the board to let me attend, I went to the March 2010 Special General Meeting (the “SGM”) expecting something like the dullness of Monday meetings at my old law firm with the added bonus of the inescapable, unending length of one of its retreats. The meeting was in a well-appointed Wellington hotel. After a breakfast meeting where I was introduced to Wakatū’s scholarship alumni (more on whom in

chapter three), we moved to a larger room where the main meeting was to be held.⁴⁸ My new acquaintances among the board and managers each took up positions near the front of the room. Feeling acutely my status as intrusive newcomer, I scuttled to the back where I sat with a few of the alumni I had met at the earlier meeting.

Soon, Rore and Kerensa rose and spoke about something they called “Wai 56.” Wai 56 appeared to have something to do with the talk I had heard buzzing around regarding what Ropata always called “the Tenth’s legacy.” Ropata had related to me the story of Māori land loss in the area and the founding of the corporation based on the remaining scraps of land. The reiteration of this history *now* was odd to me, as was the summary of the history prominently printed inside the front cover of the financial report distributed at the meeting: I would have thought the land loss issues to which Ropata had introduced me would have been familiar – beyond familiar – to the shareholders. In this meeting, however, it sounded as if the board were trying to convince them of something. And it turned out that they were. In the wake of these seemingly uncontroversial statements regarding the history of Wakatū, shareholder after shareholder got up and voiced their uncertainties, reservations, or outright objections to the board members’ claims.

The meeting had started out fairly unremarkably; it might have been an illustration of *Robert’s Rules of Order*. Things only began to get odd once Rore and Kerensa stood to begin talking about Wai 56. Very early on after the Treaty of Waitangi Act gave Māori people a tool with which to get justice for past grievances (Kerensa explained), Rore and another *kaumatua* (elder), Hohepa Matuaiwi Solomon, had filed a claim with the Tribunal. The claim was based in

⁴⁸ In comparison to other meetings I attended later in my stay in New Zealand, this was a rather small one. That seemed standard for the SGMs. The Annual General Meeting (the “AGM”) is a much larger affair, attended by many more shareholders, but this first meeting was nonetheless an incredibly rich and consequential one for me.

a historical promise by the New Zealand Company, later taken over by the Crown, to reserve for the prominent Māori families in the area a tenth of the lands that Te Tau Ihu Māori permitted the newcomers to settle (over and above the lands on which Māori already lived and had their cultivations) (Waitangi Tribunal 2008:787, 793). In 1893, a Native Land Court commission affirmed that interests in these Tenths lay in 254 people descending from the original Māori promisees.⁴⁹ Some of this land actually was set aside – but instead of tenths, the amount might better have been tallied in thirtieths. The amount of land upon which these tenths was meant to have been figured is much debated. Two methods of finding these numbers were held by the Waitangi Tribunal to be most plausible: by one method, the amount would be 172,000 acres; by another, it would be 151,000 (Waitangi 2008:850-851). According to the Waitangi Tribunal 172,000 acres was more plausible (2008:940). In either case the amount actually set aside, 5,053 acres, was perhaps 1/34 of the first and a little over 1/30 of the second.

Further, of the amount set aside and supposedly managed by the Crown, much of it was taken at the request of settlers in the town of Nelson, appropriated for public works projects, otherwise alienated, or simply mismanaged (Waitangi Tribunal 2008:852-856). At the time of Wakatū's founding, the "Tenths" had been whittled down to 1,626 acres. In the time leading up to Wakatū's founding, the administration of Māori reserve land across New Zealand fell under the ambit of a trustee acting under 1967 land legislation that was very hospitable to the alienation of Māori land (Māori Affairs Act 1953, Māori Affairs Amendment Act 1967). Most of the land that had not been alienated had been put into perpetual leases at below-market-value prices to non-indigenous renters (Mitchell and Mitchell 2007). The Māori landowners complained that the trustee, who was meant to be carrying out the Crown's duty to manage the land, was instead

⁴⁹ Wakatū Wai 56 Claim Brochure, n.d., available at teharakeke.wikispaces.com/file/view/WAI56+Brochure.pdf

grievously mismanaging it, adding insult to the historical injury of the land's diminution. The claim was for redress of these injuries and a number of complications arising from them.

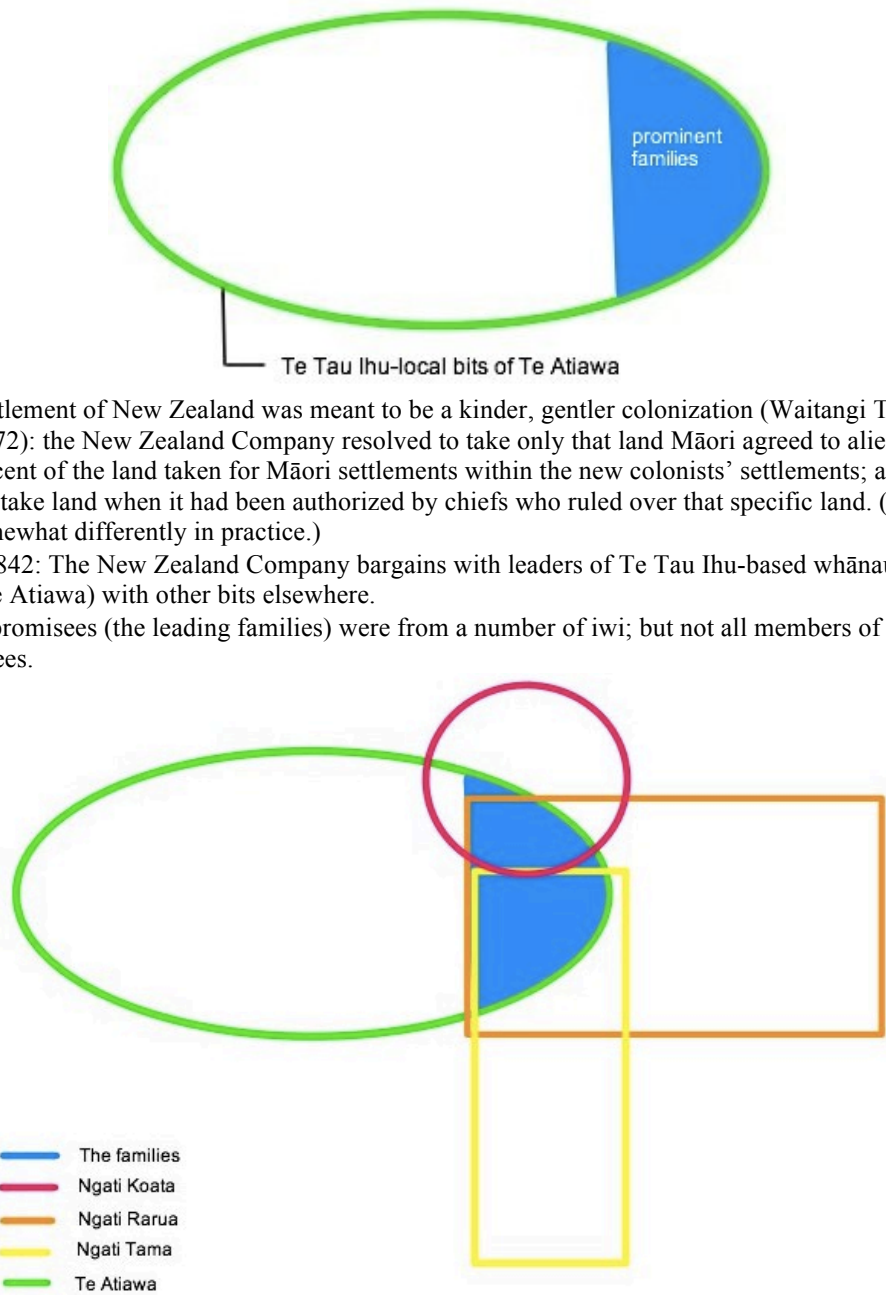
This was only the 56th such claim filed at that time. Accordingly, it became known as the “Wai 56” claim, named for the Waitangi claim number attached to it. Its merits were affirmed by the Waitangi Tribunal in 2008 alongside a number of other claims having to do with the land of the Northern South Island: the Crown's actions and failures in regard to the Nelson Tenth's reserves were breaches to the Treaty of Waitangi, the Tribunal declared, and the Crown should remedy them (Waitangi Tribunal 2008: 1446). The Tribunal's recommendations were, however, just that; they were suggestions meant to be used by the parties involved to negotiate a settlement. The government was not necessarily obligated to follow them. While it took up the work to negotiate redress to other Northern South Island injuries recognized by the Tribunal – those claimed by tribes – the Crown declined to negotiate with Wakatū regarding the Tenth's claims. Wakatū's claims were seen by the Crown as being at once less legitimate than, and a “double dipping” of, the claims by iwi.

The Crown, said Rore and Kerensa, did not want to talk. Thus, they explained, Wakatū had undertaken a number of other paths to seek redress, including raising the issue before the United Nations Committee on Human Rights. So strongly did the corporation's leadership feel about the rightness of the claim that they had brought a civil suit against the Crown in the High Court; they were considering “other legal action” should things not work themselves out.

It was at the mention of legal action that shareholders erupted, denouncing the notion of the corporation's “taking the owners to court.” Clearly rattled, James leapt up to deny this accusation – a protest that was not especially successful. This might have had something to do with the fact that it was he who had been the substitute Chair who had overseen the rowdy

meeting at which had been debated the selling of Aunty Tui's land (mentioned in the opening vignette of this dissertation). This circumstance probably contributed to James being seen as a symbol of rapaciousness for selling land that many of the whānau attributed to Wakatū, and to the deep mistrust of the company they exhibited now.

Figure 4: Iwi members, Tenths families, and Wakatū shareholders



- c. 1893, a Native Land Court commission compiled a list of the people who had dealt with the New Zealand Company in 1841, as well as their families. These 254 people would be listed as the Tenth's promisees.
- In 1977, the descendants of these 254 promisees still holding interests in the Tenth's lands voted to incorporate those interests, until 1974 held by the Crown on their behalf, to form Wakatū. Thus, many, but not all, of the descendants of the promised Tenth's became the shareholders of Wakatū.

To make their case more strongly, the corporation's leaders went into detail regarding the status of the claim. That week, they explained, the UN Committee on Human Rights would hear from the government regarding Wakatū's claims of human rights issues in regard to the discriminatory effects of the Crown's Tenth's breaches.⁵⁰ Only days prior, Rajsoomer Lallah, a human rights lawyer and a member of the Committee, had chastised the government for its refusal to negotiate with the corporation. The implication was that the corporation was on the right side of history – and if owners wanted to be as well, they should support the corporation's efforts. Invoking the specter of colonial land-grabbing, the company's leaders emphasized that after May 2010, the Tenth's claims would be extinguished unless specifically excluded from the settlements the Crown made with iwi.

At this point, the board made their recommendation: while Te Kahu Ngahuru (a trust formed to oversee the Tenth's claims) supported the Waitangi settlements that were currently being negotiated for iwi, they resolved that Wai 56 should not be settled with the package that the government had currently offered to iwi. Done making their case for this measure, the leaders asked for a vote.

The room remained split. Much of the uproar seemed to stem from a deep uncertainty over the motives of the corporation and the potential for hidden tripwires that might blow up the iwi settlements. One owner demanded, “can you assure us that the Wai 56 claim is going to address issues that *are not addressed* in the iwi settlement claims? Can you give me that

⁵⁰ This was in the context of the UNCHR's periodic review of New Zealand's cooperation with respect to the International Covenant on Civil and Political Rights.

assurance?” The board’s response to this – an explanation of the intricacy of the relationship between the claims and of the particular differences between them – fell on stony ground. As was evident with the earlier debate over Aunty Tui’s complaint, when it came to land, many of the whānau simply did not trust Wakatū. Although they did not challenge the Tenths claim’s merit, or Wakatū’s standing to push it, they were deeply afraid that through some combination of corporate bad faith and governmental malice, Wakatū’s pursuit of the claim would end with the further delay – or even destruction – of the settlement agreements for iwi. (As it turned out, they were correct – but more on that later.)

Also apparent were differences in the way people saw the proper role of iwi versus the corporation, and the power and efficacy of each, in the realm of political dealings. In the eyes of some, these sorts of claims were simply better looked after by iwi. Te Atiawa, asserted a woman I will call Marsha, had been “doing its own thing” – the tribe was “ready to settle.” In her view, the Wai 56 claim, in addition to being unnecessary, was *ethically wrong* – to her, it meant that the corporation was asking whānau, “are you iwi or are you shareholders – and that’s an unfair question to ask anyone.”⁵¹

A man I will call Joe, an owner whom I would later come to know as an opinionated and gleeful gadfly to Wakatū, raised a question that, in this case, if answered well could have actually defused much of the situation’s then and later tension. First, he noted that while “the assumption has always been that we *have* to choose one or the other,” the two things might not

⁵¹ Ropata often cautioned that the sharp critiques that Marsha and other shareholders made of the corporation were their way of trying to add value to the collective conversation going on. Explaining that the way Māori solved problems was via consensus, which necessitated that someone play the role of “devil’s advocate” so that all sides were considered, Ropata warned me that taking the criticism of shareholders (referring in one instance specifically to those I call Marsha and Joe) out of context would give me an inaccurate view of these relationships (Field notes May 12, 2010).

necessarily be in direct conflict. Very seriously, he asked for the people sitting at the head of the room to confirm or deny the necessity of choosing between the two. His request went unresolved at the time. However, in months to come, as events escalated, the corporation's leadership would come to realize the importance of clearly-stated explanations regarding how the two were not in conflict and would begin to put great effort into broadcasting them.

Others in the audience, less critical of the corporation's motives than the first few (and loudest) speakers had been, talked about the way the controversy seemed to exemplify the government's success in divide-and-conquer tactics – “the same strategy they've been practicing since the colonial era.”⁵²

Having arrived in Nelson barely ten days prior, and having until then been privy mainly to Wakatū leaders' views on relationships between the corporation, the Crown, and iwi, these heated exchanges left me unsettled. Wakatū was trying to right a past wrong on the whānau's behalf! How was it, I wondered, that shareholders could term such largesse an *imposition* – as one older woman did? She explained that she felt her interests as a shareholder were in conflict with her interests as member of her tribes – and that, furthermore, this was not the first time Wakatū issues had put this conflict in relief:

The concern I have now... I have shares in this huge successful corporation, but also am a party to all the little iwi claims – and now you're making me make another decision just like the one I had to make at the original hui that formed this corporation.

Then, she said, as now, the organization was asking her to pit herself as owner against herself as iwi member—

⁵² Unidentified speaker. Field notes, March 20, 2010.

Asking us to make a decision that could stop the settlements of all the [iwi]. So we're all at loggerheads – that's what this claim is doing. It's a big ask; you – *you* know about all the [claim details] you just showed. *I don't understand them.*⁵³

As she spoke, the dispute grew clearer. There had been hints that the Crown was considering putting the settlement of iwi claims on hold in response to the continued pressure of Wakatū's claim, and particularly to its High Court action. Wakatū, meanwhile, maintained that the claims were not in conflict: if the Crown wished to suspend negotiations, it would merely – and groundlessly – be using Wakatū's actions as an excuse for doing so.

Wakatū's leadership characterized Wai 56 as entirely separate from the later claims entered by iwi. They stated that those claims concerned iwi at large (rather than the specific families who made the Nelson Tenth's deals) and concerned the wide sweep of land in the area (as opposed to the recompense for the Nelson Tenth's land that was, insisted Wakatū's leaders, rightfully meant to go specifically to the Tenth's families). In describing the situation, Ropata tended to employ a variety of hedging technique resembling that popular with anthropologists: “You couldn't say that the tribes sit on one side, and the corporation sits on the other; that would be— the tension is there, but it's not one against the other. That's— that would be too... that would be an oversimplification. It's complicated.”⁵⁴

Since the time of its founding, Wakatū has tended to be at the center of land-use controversies in the area – whether as a node of conflict, as seemed to be the case with Wai 56, or positively, as with a number of Nelson-Tasman resource rights disputes. Where national or local government sought to undertake initiatives counter to the interests of the whānau – such as

⁵³ Field notes March 20, 2010

⁵⁴ Interview with Ropata Taylor, August 16, 2011. In many ways, the pressure of the presence of the indigenously-but-not-tribally owned corporation upon tribes reinforces – or forces to be articulated – tribal identity (cf Cattellino 2011).

the district council's bids to take water and gravel from the rohe for general use – the corporation would tend to have more clout and more resources than would iwi to intervene effectively. It would thus tend to be looked at for leadership on those issues before the tribes were. Wakatū management were careful to express to me, however, that there was a distinction (albeit one that is shifting, sliding, and unclear) between the role of iwi and the role of Wakatū. For example, a senior executive in the company told me that it was, necessarily and unequivocally, the job of iwi to advocate on behalf of their people – but because iwi currently lacked the money, the organization, and the influence of Wakatū, the corporation had an obligation to intervene on behalf of the whānau.⁵⁵ This is what the corporation's board said they were doing in pursuing the Wai 56 claim.

When I asked James his opinion regarding the tensions between the claims of Wakatū versus those of iwi, his response was sharp:

The difference between us and the iwi is that we are the owners of the remnants of the Tenth's land, and the iwi... the iwi is actually a government description of a bunch of hapu or families.⁵⁶

James, like many of my interlocutors, was well-read in the classical anthropology of tribes, and was very self-aware in terms of the constructed nature of the different valences assigned to tribes, sub-tribes, and family groups in New Zealand legal and political arenas. When he spoke of these things, he worked to reshuffle those valences to stress the extended family group, the whānau, as organically and non-contingently important: as natural, in contrast to the tribes for which he stressed the political:

⁵⁵ “The iwi are responsible for the cultural and the representation of Māori. We’ve got our own culture and our own values, but we can’t take iwi’s place in representing iwi in the social fabric.” (Interview with “Blair,” February 09, 2011).

⁵⁶ Interview with James Wheeler, November 18, 2010.

The families hang together as... ‘iwi’ in times of need, but apart from that they operated as families. The reality of day-to-day living was families, they did the mucking around the place, the business... That’s why we have a bit of a problem at times with the iwi saying they own Tenth’s land; they don’t.⁵⁷

The Tenth’s claims were not made by or on behalf of a tribe; they were made on behalf of the owners of the Tenth’s lands, which is to say, the shareholders of the company and other descendants of the original Tenth’s promisees.⁵⁸ In Wakatū’s eyes, shareholders should support its claims because its claims regarded *their particular ancestral lands*, while the iwi really had little to do with these specific lands.⁵⁹ The government’s insistence that settlement with iwi would remedy the harms done in regard to all of the land in Te Tau Ihu, including these Tenth’s lands, was, to the proponents of the Wai 56 claim, ludicrous. They centrally stressed the idea that it was the hapu and the whānau, these families, who held mana whenua, authority over the land, not the tribes. If Māori ways were meant to mean anything in the context of modern New Zealand, they said, then at the very least the Crown should be able to acknowledge the salience of this distinction.

⁵⁷ Interview with James Wheeler, November 18, 2010.

⁵⁸ Another board member, Barney, echoed James’ take, adding to it a theorization of the sources of the political prominence of iwi as against hapu and whānau: “We have – just of recent – now they’ve introduced this term called iwi. Now, if you put that word ko in front of it, it means bones, all right? Koiwi is bones. And so underneath, this is what it looks like. Underneath is— what we have is our hapu, which is a number of families grouped together and then underneath that, we have whānau. Now, if we look at it correctly, this should be turned upside down, because these whānau here are the ones that will be living here. ... iwi make it easy for entities like the Crown and local authorities to go and talk to, because they don’t have to talk to everyone down *there*.” Interview with Barney Thomas, February 10, 2011.

⁵⁹ James put it most vividly in a Wakatū media statement: “if your house was taken from you and 100 years later the Government said, ‘Oops! Sorry we took your house,’ and then gave it back to someone else who was distantly related to you from another town, would you think that wrong? I do.” (Wakatū Media Release, March 31, 2010)

While Wakatū argued that the claims were unrelated and not at odds, many shareholders argued that they were.⁶⁰ The wording of the offer letter for the settlement of the Te Tau Ihu claims indicated that were the mandated claimant group to challenge the offer, the Crown could cease its negotiations with the group: this was, the Crown agent had advised, its “best and final offer.”⁶¹ The painful, drawn-out experiences had by other groups attempting Waitangi negotiations were still sharp in peoples’ minds. Such reminders included a spiritual successor to the Sealord settlement, the massive “Treelord” settlement covering the forests of the Central North Island, which took ten years and a great deal of inter-tribal rancor to iron out. In some cases, the process failed outright. No matter the merit of the Wai 56 claims, and no matter the propriety of the corporation’s standing, the Wai 56 issue was being used to endanger more certain gains for the tribes. Even if the corporation’s claims were supposed to benefit the people themselves, its expectation that whānau ought to support the Tenth’s claims was, as the woman said, “a big ask.”

Wai 56 and the Corporate Mimic

The histories that are constructed in the context of treaty claims are significant to the ways in which land is imagined in the now. The rights guaranteed by the Treaty of Waitangi, generally considered to be New Zealand’s founding document, are used as the basis for land-

⁶⁰ Oddly enough, I never heard any Māori person challenge the corporation’s pushing of the Tenth’s claims on the grounds that the benefits of the original promises were meant to go only to what were at the time the elites of the region (though this particular stratification is not necessarily apparent today). This might have had to do with the idea that the customary ways of figuring authority over land (which would have affected the decision regarding who would benefit from the arrival of the new settlers) were to be respected.

⁶¹ Tainui Taranaki ki te Tonga Letter of Agreement (n.d.). Tainui Taranaki ki te Tonga (TTktT), the mandated claimant group, was headed by a chair and two representatives from each of Ngati Koata, Ngati Rarua, Ngati Tama, Te Atiawa, and Wakatū; the group was required to make unanimous decisions.

based and other claims by Māori groups against the Crown.⁶² The Waitangi Tribunal hears claims of the Crown's having breached the treaty and once having accepted a claim as legitimately made (that is, nontrivial and in good faith) encourages all stakeholders to join the fray. (Such stakeholders may be, in any given area, members of different tribes or hapu, each having a particular historical tradition.) The Tribunal combines claims that are related – such as numerous claims of breaches to different iwi with overlapping rohe. The claimants, interested parties, and the Tribunal research the claim, tendering oral testimony, reports based upon oral histories, reports from professional historians based upon historical documents, and other evidence which will be selectively evaluated by the Tribunal. After deliberating over this information, the Tribunal drafts a report of its findings of breach (or no breach),⁶³ upon which the Crown and the claimants are meant to base their negotiations as to how the recognized treaty breaches might be recompensed.⁶⁴

As the Tribunal is readying for publication the final report on the claims, it may distribute a preliminary report meant to enable the groups involved to begin their negotiations.⁶⁵ The government is expected – but not required – to enter discussion with each harmed claimant

⁶² “This process is dedicated to healing the nation’s past and restoring the Treaty relationship between the Crown and Māori” (Waitangi Tribunal 2008)

⁶³ At times the report may come in two stages, with a first report relating the Tribunal’s findings and a second recommending remedies.

⁶⁴ As important as these proceedings are, so too are those initial documents and oral histories submitted by stakeholders. Historical accounts of the way different plots of land were used (as homes, as gardens, as locations for commerce) are displaced from their Waitangi Tribunal context and utilized to support the current popular delineations of land in Motueka or Nelson or Picton as more or less central to the whānau.

⁶⁵ While the assertion of a claim before the Waitangi Tribunal is not necessarily required before an entity claiming harm by Crown breach may begin negotiating with the Crown, this seems to be the usual case. The reasons for this tendency are not difficult to deduce: a finding of breach by the Tribunal acts *prima facie* as a satisfaction of the Crown’s first requirement for dealing with claims, that they be “well founded.” Further, having the Tribunal affirm your claim of breach will add a measure of legitimacy to your claim and place you in a much better position from which to discuss redress with the Crown.

group. Based on those negotiations, the parties draft a document that outlines the details of putative remedies. After this proposed set of remedies (the “draft Deed of Settlement”) is given to the Cabinet for its approval, the claimant group’s mandated representatives put it to “all members of the claimant group” over eighteen for their approval by ballot. If the draft Deed of Settlement is thus ratified, the Deed becomes binding. Usually legislation is then passed to make it official, i.e., to ensure its “finality” (Office of Treaty Settlements 2002).⁶⁶

Over the course of four years, from 2000 to 2004, the Waitangi Tribunal reviewed the claims of 31 groups across Te Tau Ihu, including those in respect to the Tenth’s grievances pushed by Wakatū – and including those of the corporation’s affiliated iwi. Maui John Mitchell, a member of the whānau of Ngati Tama descent, and his wife Hilary Mitchell, both historians, compiled and analyzed much of the historical documentation and rendered reports laying out the evidence for the Tenth’s promises and for the claimed breaches to those promises. Reports came in from other quarters as well, outlining the claims and the particular histories of Ngati Koata, Ngati Rarua, Ngati Tama, and Te Atiawa. The Tribunal found “significant breaches” to the treaty in the claims of each group, including the various Tenth’s injuries.

When Wakatū attempted to negotiate a settlement for the Crown breaches that had been delineated alongside the other claims verified by the Tribunal, however, the Crown balked, refusing to recognize the authority of Wakatū to negotiate settlement of the Wai 56 claims. In an effort at administrative streamlining, as well as an effort at avoiding claims being settled only to be challenged later by groups claiming authority other than those with which the Crown had

⁶⁶ This is a very general sketch of the process; it appears to have been conducted slightly differently for TTktT and for Kurahaupo, another mandated claimant group in the top of the South Island. In these cases it was a draft letter outlining proposed remedies in only broad brush strokes that was presented to the members of the claimant group for ratification; only once the letter was ratified were the government and the claimants meant get down to the dirty work of hashing out the details.

negotiated, an issue quite commonly seen in indigenous land negotiations, the Crown excluded from negotiations certain types of claimants and claimant groups. While the Treaty of Waitangi act authorizes the Tribunal to hear claims from “Māori” – whether these be individuals, families, hapu, tribes, or clusters of several or each – the government makes clear that it “prefers that settlements are concluded with *large natural groupings* of claimants for all their historical claims” (Office of Treaty Settlements 2002, emphasis mine). This is a preference that has been articulated throughout numerous settlement proceedings and critiqued, perhaps, just as often (see, e.g., Birdling 2004, Aho 2006, Mutu 2008, Rivers-McCombs 2008, Sykes 2008, Johnston 2011, Joseph 2012; cf Dawson and Susko 2012).

The Crown thus requires claimant groups to undergo a mandating process before it will begin negotiations with them. The “deed of mandate” that the group provides to the Crown authorizes a subset of the group to make binding negotiations on behalf of the group in its entirety. The mandate lasts only as long as the negotiations do – a group having been the mandated representative in the context of the process of negotiation does not necessarily mean that they will govern the uses to which is put any settlement assets arising from it. The Crown leaves the choice of representatives to the group, hoping to avoid potential accusations of having chosen non-representative representatives or of other wrongdoing. At the same time – and again out of a keen desire not to “get it wrong” – the Crown makes known its requirement that the selection process be “fair and open to all members of the claimant community” (www.ots.govt.nz). TPK and the Office of Treaty Settlements (OTS) evaluate the degree of inclusiveness and representativeness of the deed of mandate. If TPK and OTS approve, the deed is published to allow commentary from stakeholders— the other members of the claimant group and groups that might have overlapping or opposing claims. The Crown then looks to the deed of

mandate to determine the boundaries of the claimant group, what lands and actions are involved, and the identity of those authorized to negotiate for the claimants.

These requirements are all meant to act as fail-safes against the possibility that the Crown might later be called upon to answer charges it considered already resolved – for instance, by a hapu group claiming to have actually held mana whenua over the land that the Crown had just given to another group of persons claiming to be or to represent the hapu. Likewise, there could be charges from some subset of a group whose claims had been settled that the wrongs claimed had not been fully redressed, or that the representatives had not been authorized to settle when they did. The Crown’s policy is to settle all of the historical claims for a group at once – to ensure what it calls a “comprehensive” settlement. And it requires, therefore, that the boundaries of the claimant groups with which it negotiates be quite standardized:

The Crown... prefers to negotiate with large natural groups. A large natural group is usually an iwi (tribe) or a cluster of hapu (sub-tribes) with a significant population, and a large distinctive claim area... Many forms of redress work best when they apply to a large natural grouping of claims interests that is limited by customary association. (Office of Treaty Settlements 2002)

The Crown thus prefers bureaucratic consistency, seeing it as the way to avoid the injustices of the past. It is on this basis, however, that claims and claimant groupings that had been vindicated by the Waitangi Tribunal might nonetheless go unrecognized by the Crown.

It is a funhouse mirror version of the original New Zealand Company intent to deal only with the people actually holding the authority to deal in land; in other words, it is an attempt to fix the same problem the New Zealand Company was trying to solve – but now via standardization, where the New Zealand Company’s (idealized) way was meant to be about figuring out how things actually worked in the specific circumstance. Particularity, the New

Zealand Company's proposed solution – their way to ameliorate the cruel realities attending colonial efforts – now becomes, in the eyes of the Crown, the problem. In the eyes of Wakatū, on the other hand, the Crown's solution – standardization – is the problem. In the eyes of the Crown's negotiators, however, Wakatū was nothing more than a dim copy of the iwi that are the place of real Māoridom and real indigeneity: to the extent Wakatū claimed to represent the people underlying the Wai 56 claim, it offered a false representation.

The question of the standing of a corporation to represent the interests of Waitangi claimants would only grow in importance. Around the time the Wai 56 controversy was rising, the Supreme Court was examining a decision of the High Court judge who would come to preside over Wakatū's case. Judge Clifford had been faced with a situation strikingly similar to that of Wakatū when the Crown had refused to negotiate redress for the harms particular to the interests of a corporation that had represented sub-iwi interests in a Waitangi claim. As was the case with Wakatū and TTktT, the mandated claimant group was made up primarily of tribes, with the corporation fighting for recognition of breaches in reference to a particular bit of land, with interests accruing to a distinct subset of claimants. The Crown ignored the corporation and went to deal only with the tribes.

The company, Mangatu, asked the Waitangi Tribunal to undertake an urgent hearing to consider making a binding order requiring Crown redress of Mangatu's claims. The Tribunal refused Mangatu's request on the grounds that negotiations with the mandated claimant group were still ongoing – unlawfully acquiescing, Mangatu alleged, to the Crown's desires regarding the conduct of the negotiation. Judge Clifford held the Tribunal's decision to be lawful; the Court

of Appeals affirmed this judgment.⁶⁷ The Supreme Court, however, reversed the lower court: the Tribunal's decision had been unlawful, and it must take up again the consideration of Mangatu's request.⁶⁸ The Mangatu ruling came down as the Wakatū hearings proceeded and was read with great interest, concerning as it did issues of standing and mandate. What would this decision mean for Wakatū, and for the Tenth's claim? What would it mean for the perception of the nature of the corporation as 'true' indigenous organization, or a 'copy'?

Memesis, Alterity, Stability, Image

Drawing on Frazer (1889), but wary of proposing his ideas as a "theory of primitive magic," Michael Taussig transfers a discussion of imitative magic – of the "power the copy extracts from the original" from the realm of the societies – lost, primitive – in which we are wont to imagine it, to locations, "equally fantastic," on the colonial frontier (1992:59). In the 1970s and 1980s, the author spoke with practitioners of yagé medicine – healing concerned with interpretation of the visual images arising out of the use of certain hallucinogenic substances. The taker of the medicine is privy to the appearance of "paintings" that can be interpreted and "passed on" to others (61). Florencio, a friend of a healer, describes to Taussig a vision of a painting suffused with singing birds, angels, and a battalion of the army all dressed in pure gold. "And I try to raise myself ... so that I too can sing with them, and dance with them, me too" (61). Here is an illustration of the mechanism underlying imitative magic: the desire of the perceiver to identify with (raise himself up into) the painting, "so the self is moved by the representation into the represented" (61).

⁶⁷ Haronga v. Waitangi Tribunal HC Wellington CIV-2009-485-2277, 23 December 2009; Haronga v. Waitangi Tribunal [2010] NZCA 201.

⁶⁸ Haronga v. Waitangi Tribunal SC 54/2010 [2011] NZSC 53

Taussig does his own bit of yagé interpretation: this golden army is an amalgam of the power of the State (as embodied in its massive flood of soldiers) and the power of the yagé magic (62). The representations “capture” something. Taussig uses the word “capture” instead of, say, “portray,” to indicate the way in which the pictures fix— or restrain— or *seize* the power of that which they represent. These pictures are not a ‘faithful likeness’ of that which they represent; they instead capture “a power.” Images work a little like Benjamin’s (2007 [1955]) stories of the past to refine and strain off the power of that which they represent. In this manner the image is “more powerful than what it is an image of” (Taussig 1992:62).

But Taussig sees these sorts of images in the mirror, too. We stand here in a funhouse of “colonial mirrors”: fascist goose-stepping becomes a “mimesis of mimesis,” capturing the magic of distant and mostly imagined others, controlling it and making it cohere (1992:63). Just as the yagé practitioner sees and uses the magic of the State, the State can draw upon “a power that derives from the mysteries that they, the colonists, attribute to the primevality accorded Indian rite and lore”(63).⁶⁹ While this fascism is, at its surface, about forced homogeneity, just under the surface bubbles difference – drumbeats and goose-stepping being echoes of, or dim mimicry of, the suppressed “primitive.” In the context of the New Zealand government’s treaty negotiations, on the other hand, what we see on the surface is the state attempting carefully to respect (or shepherd – cf Povinelli 2002; Greenhouse 1996) difference. And in order to do so, the alterity is— must be— made to appear homogenous. Dealing with the actual spread of differences in the ways that claimant groups figure authority and belonging would be both administratively overwhelming and open to the same accusations of injustice to which the Crown is subject today

⁶⁹ We could also think about this type of capture (the State finds power in image of the mystical Indian forester) in terms of multiculturalism. I am thinking here both of Povinelli (2002) and also of Memmi (1991[1965]): our images of those we “conquer” help us boost our conqueror-self esteem.

as a result of its previous dealings with Māori, *even* in the cases when those dealings were not necessarily done in bad faith.

Reflections and imitations of reflections – mimesis and alterity necessarily work with and against each other to form the appearance of a tensed internal stability. Taussig asserts that “alterity is every inch a relationship” and that thus stasis is an illusion. Alterity is in this case “an actively mediated colonial relationship meeting contradictory and conflicting European expectations of what constitutes Indianness” (129-130). Stability comes out of a constant interplay between unstable, shifting bits of difference and similarity.

The Crown posited iwi as the original, the “real thing” that is mimicked, a real thing that is in the end always elsewhere. The “real” that the Crown seeks in relation to the corporation is over there, with the iwi. In relation to Te Tau Ihu iwi, however, the “real” will be with some distant, rurally-based iwi; in relation to rural iwi, an “intact,” unspoiled past is imputed to it by colonial fantasy (Cf Povinelli 2002). Mimicry requires one thing mimicking another, different thing. For the Crown, group boundaries needed to be bright lines (cf Anderson 2006:165-167). The Crown thus represented Wakatū as a mimic of the politically legitimate claimants, the corporation’s affiliated iwi, who were figured as once-now-and-always the group that mattered, the stably traditional group, thus rendering Wakatū’s status as a corporation dispositive: the government thus sees repetition, mimicry, “double-dipping.” What is clear in the book manuscript and SGM that I have described, however, is the way lines shift; are shifted; necessarily shift.

The same issues that were debated in the shareholder’s meeting and the abortive Waitangi negotiations (what is the corporation in relation to the people? To the iwi? Is one of these more properly connected, more “real” in its relation to the people?) played out in a pas de

trois around standing and representativeness when the Tenth claim issue was taken up in the High Court. Whereas in the shareholder's meeting, the Wai 56 claim had been narrated less as litigiousness than as the mandated protection of a legacy, it would soon become transmuted, recast into a specifically and vociferously legal claim.

Shortfall, Uplift, and Diminution

Wakatū sued the Crown in the High Court in March 2010, claiming that the wrongs that had been held by the Tribunal to be treaty breaches, and the Crown's refusal to correct them, amounted to breach of trust. It took months, but finally the storm came: in October 2010, attempting to prompt them to pressure Wakatū to drop the case, the Crown called a halt to its negotiations with the tribes.⁷⁰ As James put it:

[T]he government has decided – wrongly, of course – to suspend negotiations with our iwi because of what we're doing. And they're trying to snowball us into withdrawing our court action.

The move worked just as the Crown intended. Whānau involved in the leadership of iwi and Tainui Taranaki ki te Tonga ("TTktT"), the mandated body for the Northern South Island treaty claims at issue, began to howl for Wakatū to drop its case. In James' mind, however, and in the view of many other Wakatū leaders, the corporation was following the will of the people.

So there will be iwi members there on the 27th who want us to cease and desist. And we, the board, don't want to do that because we're doing what the owners have told us to do for the last 25 years – go forward and further the WAI56 claim.⁷¹

⁷⁰ "Crown suspends negotiations with Tainui Taranaki," Press Release, October 20, 2010. Available at: <http://pacific.scoop.co.nz/2010/10/crown-suspends-negotiations-with-tainui-taranaki/>

⁷¹ Interview with James Wheeler on November 18, 2010.

Despite Wakatū leadership's characterization of the Tenth's claim as the will of the people, however, the government's move had predictable effects, deepening lines of distrust that had already been apparent at the March 2010 SGM. It further divided the leadership of the tribes (some of whom were shareholders) as against the leadership of the corporation (most of whom were members of the tribes). Different claims to difference were litigated here, with claims being made about the coterminousness of the tribe and the corporation, the corporation's status as co-opter or mimic of the culture of its underlying shareholders, versus the tribes' status as co-opters of the land claims belonging to the specific families owning the Tenth's lands.

Instead of being based on a claim of a breach of the Treaty of Waitangi, Wakatū's new action was a claim made in private law. The corporation argued that the Crown's taking over responsibility for the Tenth's promises, and its assertion that it would look after the lands on behalf of Māori, resulted in either an express, resulting, or constructive trust. The three main causes of action asserted by Wakatū were based in the assumption of the presence of an express trust. The company asserted that the Crown failed to reserve the tenths it had promised and, receiving the shortfall of that original promise, had been unjustly enriched. That the Crown had not reserved these "shortfall" lands for Māori meant, Wakatū argued, that the Crown was in breach of trust. Further, the Tenth's were supposed to have been figured in reference to the size of the Nelson settlement. The settlers ended up taking up 172,000 acres (instead of the 151,000 acres initially estimated). Thus, a second injury occurred in the Crown's failure to increase the (putative) Tenth's offered from 15,100 acres to the 17,200 acres that would have been a tenth of the acreage of the actual Nelson settlement. The Crown, Wakatū argued, had a duty – as trustee or fiduciary – to reserve this land as well: a duty, in Wakatū's phrasing, to "uplift" the size of the promised reserves. As the Crown had not done so, Wakatū accused it of equitable fraud. A third

claim went under the catch phrase “diminution.” Out of the land the Crown did reserve for Māori (which was only 3,953 acres), it alienated 1,179 acres. This was land that was supposed to have been inalienable; the Crown’s disposal of it was, again, a breach of trust.

When the case opened, I traveled to Wellington to observe the hearings. On the left side of the courtroom sat leaders of Wakatū: Ropata, Rore Stafford, Lynn Stafford, members of the board and management. Most of them would present testimony on Wakatū’s behalf. Oddly, and perhaps not randomly, this side of the courtroom was organized as if for a powhiri, the ceremony of welcoming. The older men sat in the front rows, while the women all sat safely behind. I sat next to Lynne Stafford and a bevy of the old Aunties. The rows behind us were filled with an assortment of other supporters.⁷²

On the right side sat the “intervenors” – mainly whānau who were involved in iwi leadership. Roma Hippolite, a leader in the iwi and chair of the TTktT mandated claimant group, was prominent among them. When the Crown presented its case, it would be supplemented by the work of a lawyer for iwi intervenors like Ngati Koata (Roma Hippolite’s tribe, which was relatively less powerful in terms of control of the company but more powerful in terms of their presence in and political activity in the Nelson area) and the testimony of the iwi intervenors. Ropata, ever concerned with downplaying any divisions within the whānau, sharply protested my offhand characterization of the right side of the room as “the ‘against’ side.” The next day a few whānau supportive of Wakatū’s bid sat on the right.⁷³

⁷² And here my powhiri analogy fails.

⁷³ In general the whānau seemed to see the proceedings in a much less adversarial light than I did, with even the blunt and hardnosed Roma quite diffident in the face of my questions regarding the differences between the company and the leadership of the tribes. Further, the proceedings appeared to grow less and less rancorous the longer the Māori groups had to sit next to each other in court expounding upon their opposition to each other: many witnesses for the intervenors refused to present their statements in court despite having entered briefs of evidence.

In its response to the corporation's opening statements, the Crown attempted to re-order the field. The lawyer for the Crown acknowledged that it did not live up to its *mana whenua* obligations (i.e., its duty to care for this land), but then went on to clarify the Crown's stance on the controversy: the Crown had made mistakes, and accordingly "we entered into negotiations with the *iwi* over that" (Field notes, March 31, 2011). The Crown thus challenged Wakatū's standing to bring this set of claims on behalf of the *whānau*. Wakatū, the Crown reminded the court, was a legal person "distinct from its members." Not every right that vested in its members at the time of settlement necessarily vested in the corporation itself. (Here the Crown reached into the question of the corporation's ontological and temporal status, that question that haunted *whānau* and corporate leaders alike.) Further, the obligations that the Crown had failed to meet were treaty obligations, which were not a source of private law obligations.⁷⁴ Even if there were private law obligations, the Crown argued, the rule against perpetuities would void any supposed trust that had been formed.

Wakatū's lawyers protested that the Waitangi settlement process was a political one, distinguishing the settlement process from an entitlement to seek legal redress "just like any New

The mechanism underlying this strange alchemy is made clear in the statement of one *iwi*, Te Atiawa, in a memo to the court from which the judge quoted in his opinion: Te Atiawa had "made a conscious decision not to participate in these proceedings because the proceedings are against the Crown and Te Atiawa does not see its role to support the Crown in defending litigation brought against it by other Māori" (*Proprietors of Wakatū Incorporated v. Attorney General*, CIV-2010-442-181[2012] NZHC 1461, Paragraph 26).

⁷⁴ Interestingly, at the time that the proprietors of the New Zealand Company promised to hold the land "in trust" for the Te Tau Ihu Māori, English law did not actually extend to New Zealand; Wellington (the only colony actually established at the time) was considered an outpost of Queensland – part of Australia. In detailing these facts, the Crown seemed determined to demonstrate that the New Zealand Company did not have standing – did not have the Crown's authority – to make its tenths promises, and that therefore the Crown had no responsibility for those promises. This was striking because it, too, echoes the questions of the corporation's standing/ mandate (What is this corporation? Who does it represent? On whose behalf may it speak? On whose behalf *can* it speak?) that reverberated through Wakatū's case.

Zealand citizen” (Field notes, March 31, 2011). This became a refrain throughout the case, one spelled out very firmly on the web page the company put together to host its FAQ about the High Court case:

IS THIS CASE A TREATY OF WAITANGI CLAIM? No. The case has nothing to do with the Treaty of Waitangi negotiation and settlement process. The case is about legally enforceable rights and obligations based in trust law. It is a legal process.⁷⁵

This struck me as an interesting turn-about: a claim that seemed on its face to be based simultaneously in the particular duties the Crown owed to the petitioners as Māori, *and* in a demand to be treated “just like any New Zealand citizen.”

As much as the corporation worked to background itself as the entity petitioning the court, it filled the room with reminders of its presence. Dainty Kerensa, she of the earnestly polite ferociousness, the mother lioness of the alumni, the keeper-in-line of the errant anthropologist, was there assisting counsel from Pitt and Moore, the corporation’s barristers and solicitors. She had experience writing, teaching, and advising on Māori land claims issues, but her main purpose there might have been described as something akin to being the “lawyer in charge of the proper representation of indigeneity before the law.” There presenting briefs in support of Wakatū were many of the leaders of the corporation: Rore Stafford, Wari Ward-Homes, James, Ropata, and Paul.

In line with the tendency toward submerging the corporation’s presence in the courtroom even Paul, who could usually be counted on to give the most anodyne, business-centered statements regarding the corporation, began his testimony with his whakapapa (in Māori and in English) and a great deal of verbiage regarding his upbringing, his culture, and his connection to

⁷⁵ <http://Wakatū.com/home/whanau/lands/responsibility-of-our-lands/frequently-asked-questions-high-court/>. Last accessed May 16, 2013.

the land. This decision seemed to backfire in respect to the response from the Crown lawyers. His emphasis upon “Māori culture” seemed to increase their feeling that the individuals testifying were “really” “iwi people” – that the proprietors of Wakatū were thus “double-dipping.” It was clear that the Crown could not see these people in terms of their status as members of families – they could not see them as legitimate Māori aside from as primarily in connection to their iwi.

The Crown would continually seek to emphasize this view, often cross-cutting it with indications that Wakatū was taking advantage of the people of the tribes – that the Māori people involved with Wakatū were not truly “of the people” but were instead a cadre of elite oppressors. As had not been the case when the issue was contested by members of the whānau, the Crown’s lawyers commented upon the way the Tenth’s deal had been made with the area’s prominent families, not with all of the Māori there – seeking, it seemed, to play up both the idea of Wakatū’s claims as divisive and the idea that the claims were a bad-faith effort by elites to pull a fast one on the “real” people. They were especially successful at portraying poor patrician Paul as one of these elites – as someone not representative of a wider “people” or authorized to speak on their behalf; as someone not speaking on anyone’s behalf but his own.

The Crown also worked mightily (albeit, as it turned out, vainly) to discredit oral and traditional knowledge. As I have mentioned, much of Paul’s evidence made reference to or took the form of stories and oral traditions. The Crown lawyer continually pressured Paul to “disentangle” (read: rank) evidence based in “traditional knowledge,” historical documents he had read, and his own research. Earlier, in initial proceedings, the Crown had protested that much of this evidence was “inadmissible and irrelevant hearsay and opinion” and thus that Paul’s

brief should not be admitted as evidence. Judge Clifford had dismissed this with a brisk reminder of the particular issues around time and culture inherent in a case such as this:

I think it would be surprising if appropriate evidence of oral history was not admissible simply because it did not fit easily within the concepts of hearsay and opinion evidence as it is most commonly dealt with.⁷⁶

Nonetheless, in a March 2011 hearing, the Crown continued testing (and sometimes challenging outright) Paul's authority to speak in certain ways and to make certain claims as a person with his particular positioning. During one such onslaught, as the Crown harried Paul over his recall of stories regarding the colonial situation circa 1844, Ropata whispered to me with great scorn, "I wish they'd ask *me* about traditional knowledge." Ropata is, as I have mentioned, considered to hold great authority as an orator and as a repository of traditional knowledge.⁷⁷

As might have been expected, the Crown lawyer worked constantly to erode Wakatū's standing, insinuating that the company was merely a parasite, appending its claims to the real claims, those of the iwi: "TTktT has the mandate, not Wakatū!" He inquired of Paul whether it was "consistent with your role as kaitiaki" – as, that is, the land's steward – to "act counter to the wishes of the beneficiaries of the land," pursuing the Wai 56 claim. His words worked to (not-so) subtly reframe the wishes of iwi leadership as the wishes of the beneficiaries of the land, and to frame the parts of the whānau who opposed the corporation's claims as representative of the whole. Further, the Crown attempted to spin the meaning of kaitiaki, to align it most closely with something like "agent" or "representative." Paul swiftly rebuked this wholesale importation of a

⁷⁶ Wakatū Incorporation v. The Attorney-General HC Nelson CIV 2010-442-181, 7 December 2010 at 45.

⁷⁷ Lynne, for her part, pointed out indignantly that the Crown lawyer was "trying to make it into a drinking game!" She was right; counsel for the Crown was playing a familiar lawyerly game, trying to play "gotcha" with comments Paul had made in earlier actions, years ago – and succeeding wherever Paul had to give longwinded explications requiring a great deal of nuance most easily glossed by the judge as "different from what he said another time."

Pakeha definition – something like “democratic representation” – into the Māori idea of kaitaitanga. He stressed, instead, that Māori viewed the role as being more concerned with the generation of consensus than of perfect representativity: “Being kaitiaki doesn’t mean you have to agree. There’s always difference.” The will of TTktT, Paul said, was not deduced via the grafting in of democratic ideals, where the mandate is what the majority says. “The will of TTktT” was in five parts. Wakatū’s part did not wish to settle. In this context, the idea that “the will of TTktT” was to settle was incoherent, even meaningless.

Soon, another lawyer for the opposition, also a Pakeha, stood to question Paul – and elegantly opened with a mihi in fluid Māori. The majority of the people in the courtroom looked duly impressed, but Lynne made a dismissive noise and leaned in to warn me regarding Mr. Castle, who was counsel for intervenors Ngati Koata, Ngati Rarua, and Ngati Kuia: “That one thinks he understands Māori groupings, *but he does not.*” This may have been; but all his speaking in te reo and his courtly flourishes seemed to go a long way toward convincing people that he represented the “real Māori.”⁷⁸

Lynne soon stood to read her statement. She talked about her life, about Rore and her, about Rore’s family. She talked about her efforts regarding the Tenth land and her actions on behalf of the ahi kaa. And she talked about her resistance to the idea of iwi members with no connection to the land at all claiming the land. When Lynne continued her testimony the next day, the Crown lawyers champed at the bit, moving quickly to tear into her tales. The lawyer zeroed in on Lynne’s work in securing land that Rore’s father had owned but known very little about, first attempting to paint Lynne and Rore as out-of-touch elites (Rore’s father “had inherited a great deal of land in the Waikato”), and then, having been met by Lynne’s cool

⁷⁸ Later, Castle would begin his questioning of Lynne with another elaborate mihi. Lynne would meet this display with a crisp, “I can hardly hear you.”

slipping of that trap, pointing out that her father-in-law had had the opportunity to complain about the loss of Tenth's land but never did, even while putting in other complaints. Yes, Lynne explained patiently. Because he didn't understand it.

Crown counsel ended his questioning abruptly, seeming to realize the dangers it presented to the Crown's case. This line of questioning highlighted the injustices done to Māori and their insecure position, now and even just one generation back – when there simply was not a lot of discussion regarding redress for Māori land loss – and when the concept of being able to critique the way the land was managed was one that was certainly not immediately accessible. David Williams, a scholar of Māori land law issues and an expert witness for Wakatū's side, played up this strand in his testimony later in the hearing. He compared the relationship of Māori, the Crown, and the land the Crown “looked after” for Māori to that of olden-days wives as against the husbands who husbanded their property – there was no Waitangi Act, no Sealord settlement, no example to give the idea. Māori were in such a vulnerable position that the idea of challenging the way things had turned out with the Tenth's would have been, at the time, unthinkable.

Without fail, each of the Māori witnesses for Wakatū painted vivid pictures of their forebears – the people who, according to the company, animated this fight – whether through telling stories their parents had told them or by entering old documents (maps, deeds, letters) into evidence. This move illustrated the idea that the claimant/victim here was not just the corporation, Wakatū (an entity for whom it was, admittedly, difficult to feel sympathy) – which was how the Crown had been trying to paint the issue. Bits seized from the ineffectual Waitangi claim – the old maps and old letters, but also old tales and local chronicles – were woven together to form a new chronicle, a new attempt to illuminate the recesses and holes of history,

out of which new tales of the self of the company arose. The presence of these bits “simultaneously record[ed] a certain apparent continuity and emphasize[d] its loss from memory” (Anderson 1983:204). And further, this re-array of distance and nearness recreated (again) Wakatū as a certain kind of corporate person, arising out of a certain and particular kind of life: “Out of this estrangement comes a conception of personhood, identity... which, because it can not be ‘remembered,’ must be narrated” (204).⁷⁹

Making the “Indigenous Corporation”

The story of the foundation of the corporation, the WAI56 claim, and the High Court case to which it gave rise, show, first, the shifting nature of the corporation’s and the tribes’ claims to represent or map onto, or not map onto, the indigenous land owners – of claims to distinction. Second, it demonstrated the way people use law as a tool to negotiate those configurations.

These retellings of this story bring into the present these flecks of the past (which can never properly be said to be from the past, any more than they might be said to *be* the past; they are always, in the case of iwi and State just as in the case of the corporation, mimicry of past-as-imagined). The historical documentation from the High Court hearings *appear* – on their age-darkened faces – to be unslanted bits of the past; but they are, in the first place, things-that-mean solely because we give them meaning via today’s needs and today’s interpretations. They mean differently in the context of (for instance) the Waitangi hearings than they do in the context of

⁷⁹ How the case turned out: the judge denied that an express trust was created and declined to read in a resulting or constructive trust, meaning the main three claims necessarily fell; and, interesting in light of the Mangatu ruling, he denied Wakatū’s standing to bring the claims. Speaking to the Nelson Mail, Ropata responded to this conclusion by posing a somewhat exasperated-sounding question: “If not us, then who has the right to bring the case?” “Wakatū appeals ‘law trust’ decision,” Nelson Mail 7/8/12. Available at: <http://www.stuff.co.nz/nelson-mail/news/7430061/Wakatū-appeals-law-trust-decision>. The iwi claims were all resolved, with the last settlement to be signed being that of Ngati Tama in April 2013. A bright spot for the proponents of Wai 56 was that the Tenth claims were exempted from extinguishment by the resolution of the rest of the claims.

the High Court case. In any case, we interpret the language and motives without knowing – without being able to know – the original ones; and, in the second instance, they are (when presented in court) representations of those representations, full stop. They are, going back to Taussig, a faithful “capture” of a power (1992:62).

In *A Moment's Notice*, Carol Greenhouse argues that “time articulates people’s understandings of agency” (1996:1). Time is social, and plural, and political; official discourses and temporalities might be seen as part of the management of diversity in the modernist State. Greenhouse highlights the law’s tendency toward the linear notions of time, and the simplified, compressed narratives that accompany them (narratives animated by particular sets of ideations of agency that become starkly apparent with the importation of Wakatū’s narratives into the High Court). In these narratives, actors are, or are not, certain types of people; legally cognizable events (such as “murder” or “treason” or “breach of trust”) did, or did not, happen; and a number of different perspectives must necessarily be flattened out into “the facts.” In Susan Coutin’s words, “the ‘character of a narrative must remain constant if a narrative is to be institutionally comprehensible” (1998:125).

Perhaps what is most interesting in the case of Wakatū’s narratives – via book, Waitangi negotiations, and court case – is not necessarily the endpoint reached in these negotiations, but the contingent, shifting figures formed in the crucible of debates; in the way these issues circle about the kernel of the past. The processes by which these figures take their forms are, in the words of Susan Silbey and Austin Sarat, “not entirely knowable”; they are processes necessarily full of “great silences and omissions; many voices are unheard, not well understood, even subjugated” (1987:169). As Silbey and Sarat remind us, the comportment of events, and the various claims of them *as* “the” “facts” do a great deal of social work. The social world may be

indeterminate, but its contingent meanings really mean something while they hold their form. It is the narration that is the pause; it is in telling the tale that people create new encounters with the past and “blast open the continuum of history” to make of the present a place to stand (Benjamin 2007[1955]:262).

In this chapter I have shown how people became invested in the policing of boundaries within the context of the relationships between the corporation, the tribes, and the whānau. I argue that this was the case because what is at stake in these circumstances is at its root an ontological question: what is this corporation? It is a question about the shape and nature of the corporate self. In the next chapter I will show how the ideas developed ethnographically in this chapter are useful in analyzing more theoretical questions of the corporate form.

CHAPTER THREE

The Contingent Corporation: Ethnography and the Nature of the Firm

Juxtaposition of language of business and language of culture

Paul Morgan has a tell: a tic, a tremble at the edge of his eyelid when he speaks about something he cares about very deeply. Paul, the chairman of the board of Wakatū, was holed up with me in a large conference room at the headquarters of the corporation. It was there that I interviewed him in my capacity assisting Ropata in assessing board members' thoughts on Te Pae Tawhiti. These interviews were fairly cut and dried: I was tasked with examining the opinions of the board, executive management, and a selection of stakeholders regarding an early draft of the plan. But in worrying at Paul's statements about "culture" and "tradition," I seemed to have hit a nerve. If the company was, as he asserted, deeply and intrinsically *Māori*, what did that mean on a small scale, day-to-day basis? The skin around Paul's eye scrunched up as he answered:

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As he talked about the corporation's laying of the mauri stone (a large rock traditionally put into the ground at places where food is grown; it is meant to hold the life spirit, the *mauri* of the place, so that it is fertile), Paul switched fluidly between idioms of "business sense" and of "tradition."

The event to which Paul referred was the beginning of a new joint venture project where Wakatū would grow Jazz apples, a new type of fruit developed by a British company. Although

the apples are very technologically advanced, boasting a particular taste and crispness that is advertised as being standardized across apples grown throughout various continents, the company makes sure to emphasize that the apples are *not* GMOs. As they related it to me, my interlocutors saw an aversion to GMOs as an aspect of “Māori culture.” Ropata had more than once explained that this came out of ideas regarding *whakapapa*, genealogy: your whakapapa is you, you are owed to the past, and it is pure arrogance to assign to yourself the power to rearrange your genetic legacy or that of any other thing – to think yourself so wise as to be able to do better than your history or nature. Thus, my interlocutors’ aversion to having Jazz apples mistaken for GMOs could be cast simultaneously as “about” culture and “about” business sense.

When I asked what he meant in speaking of the “cultural,” Paul’s first response to me referred to the positive effects of this “culture” on business. But it is not simply that Paul uses the language of business to provide a rationale for undertaking actions that are discursively framed by the corporation as distinctly “cultural.” In the same breath, he uses *culture* as the rationale for how Wakatū practices business. In Paul’s telling, it is not just that the company undertakes the ceremonial welcoming activities to impress customers and salespersons, so as to better the business – the move can also be seen as an undertaking to improve the business, impressing the customers and salespersons, because that is a natural effect of what is, in Paul’s earnest words, the “ethos” of the corporation.

A Case of “Cutting the Network”? What Weaving Has to do With It

“Register-switching” concerns a speaker’s ways of positioning herself and positioning her audience by speaking about specific topics, in particular, culturally coded ways (Urcioli 2009). This type of negotiation does a particular type of social work: the speaker’s appropriate use of situationally prescribed registers, and her fluidity in switching between them, says

something about her – and says something about the person with whom she is interacting (Irvine 2011). My exchange with Paul is notable in that it demonstrates the many ways that “traditional indigenous culture” can mean (and *does* mean, in context) – many layers underlie an interaction that might have been most easily and quickly framed as being *just about* or *really about* business. These register switches might be seen to signify the restriction of relations of responsibility between actors, serving as the tool by which to “cut” networks of responsibility. One’s skein of relationships might, as Marilyn Strathern asserted in critiquing the flaws of Actor-Network Theory, stretch out forever – across the universe. Thus, “people must work to divide themselves from each other,” cutting the network, so to speak, down to manageable size (1995:70; 2001). The infinite is illegible: we will work to cut the connections between things at some point, if only to be able to apprehend them.

But this chapter will make clear the importance of the recognition that there is also deliberate *weaving* – moves made by peoples and groups to bind themselves to others in relationships of responsibility. Taking the network weaving and network cutting around the Wakatū Incorporation as its ethnographic object, this chapter will examine the effects of these acts of drawing lines of inclusion and exclusion upon the intersection of law and indigenous culture. In doing so, it will comment upon the contributions of an anthropological examination of the corporation to the theorization of the firm.

Cutting, Weaving, and the Theory of the Firm

Over the past thirty years, questions of the authenticity or invention of the traditional have overwhelmed the anthropology of the Pacific (see, for example, Hanson 1989, Thomas 1992, Linnekin 1992, Clifford 2001, Rosenblatt 2003; see also Wagner 1981 [1973], Hobsbawm and Ranger 1983, Briggs 1996, Conklin 1997). My focus in the opening vignette, however, is not

upon questions of how or whether Paul's statements and the corporation's actions are "authentically" or "sincerely" traditional, nor is it upon how or if this powerful corporate actor might be "co-opting" traditional ideas and terminology. In fact, this is a situation in which the insufficiency of these approaches becomes clear. Here it is instead more important to ask, what is Paul doing with these terms and ideas? How is he using them? Further, what can these sorts of points of contact – between the "traditionally indigenous" and the "corporate" – tell us about common assumptions underpinning dominant ways of theorizing the firm?

I examine here the way people's thoughts about the corporation's relational boundaries affect the corporation's governance behavior. Looking at the question of corporate boundaries ethnographically allows me to access people's perceptions, in their own words, of the relationships of the firm and the boundaries of its commitments, as well as people's subjective positioning as bound by or owed ethical responsibilities, and their ideas regarding the proper role of the corporation in society. By these means, ethnography allows us to see what I call the "shifting stability" of the corporation's social and ethical boundaries – how they are constantly changing, but not just into anything; they change into patterns based on particular relationships and expectations.

This work builds upon the literatures concerning the theorization of the boundaries of the firm and the anthropological examination of corporations, holding them aloft simultaneously: at once holding in view the theorization of these boundaries and the lived experiences of the construction and policing of those boundaries. To do this, I use anthropological methods and concepts – cutting the network, register switching, gift economies, and fictive kinship – to build upon theorizations of the nature of the firm.

Boundaries and the Firm

Because scholars have considered the issue of corporate boundary-making from a number of very different standpoints, a comparison of theories can resemble the old story of the blind men and the elephant: the question you are asking determines the value of the answer you receive. The commonality between the dominant approaches to the theory of the firm (Transaction-cost, e.g., Coase 1990[1937], Williamson 1985) and related property rights theories (e.g., Grossman and Hart 1986), as well as contractual views on the firm (e.g., Jensen and Meckling 1976; Easterbrook and Fischel 1991) is their emphasis on questions of the economics of the firm: why the firm, and what is its best organizational arrangement? Make, or buy?

Instead of beginning with (or even aiming toward) economic questions, I start from the legal and social underpinnings of the firm to ask a set of ethnographic questions: What is the meaning of this boundary drawing? How – and for whom – and in what contexts is it accomplished? Here I do not speak merely in terms of Wakatū's integration of, and disconnection from, its subsidiary groups over the years in undertaking certain types of production – although that topic might make a chapter of its own. More interesting to me are the ways in which the social and ethical boundaries of the corporation are drawn and redrawn. The starting point here is the legal theorization of the firm. The law is one thing, however, and it changes in unexpected ways in contact with actual people. Thus, empirical evidence – the consideration of the messy and the personal in how people interact with, and think about, the law on the ground – is necessary for the theorization of the firm.

This chapter is most usefully situated as building upon research that expands the grounds of inquiry regarding the nature of the firm. Edith Penrose's field-based and historically situated work, for example, brought down to earth the abstraction of contemporary economic approaches,

seeking to bring attention to the grainy internal processes and power relationships that affected the growth of the firm (Penrose 1959). In this context it became important to take account of managers' mental "images" of the possibilities of action and resources available in the firm's surrounding environment. Models and abstract concepts are one thing; how they become used and changed on the ground by the usage and interpretations of people is another.⁸⁰ Thus this work departed from traditional economic analyses of the firm, those focusing on modeling the external forces shaping a firm that was, Penrose noted, "not at all the economic institution that ordinary people would think of as a firm" (1959:7). In looking at the nature of the firm "on the ground," Penrose's work brought attention to the ornery, unruly, often irrational force of the agentive human being – a messiness excluded in versions of the theory of the firm contemporary with her work.

Penrose influenced a variety of theoretical approaches to understanding the firm.⁸¹ Prominent among these, and most immediately associated with her work, are the various disciplinary iterations of resource-based theorizations of the firm (Connor and Prahalad 1996, Rugman and Verbeke 2002), including approaches focusing upon the role of knowledge as a resource (Grant 1996, Connor and Prahalad 1996, and Kogut and Zander 1996). Others draw their genealogical lines from Penrose to capabilities approaches (Langlois and Robertson 1995, Loasby 1998, Araujo et al. 2003) and the relational and discursive views of the firm within economic geography (Taylor and Oinas 2006). Each of these approaches has contributed to the way that work on the theory of the firm has grown progressively richer and more nuanced.

⁸⁰ "[T]he environment is treated, in the first instance, as an 'image' in the entrepreneur's mind of the possibilities and restrictions with which he is confronted, for it is, after all, such an 'image' which in fact determines a man's behaviour; whether experience confirms expectations is another story" (Penrose 1959:5).

⁸¹ For two overviews of some of these approaches see Taylor and Oinas 2006 and Araujo et al. 2003.

The capabilities approach promulgated by Araujo et al. (2003) asserts that cooperation is a mechanism of coordination distinct from the markets and hierarchies outlined by Coase or the hybrid structures of more recent work (see, e.g., Holmstrom and Roberts 1998). This work makes clear the importance of relationships in theorizing these boundaries. One drawback to this summation of the workings of boundary drawing is that it leaves the process almost arbitrary, almost meaningless. An anthropological perspective would take seriously the way actors imagine the firm, at each station of these changes, to have *that* boundary. When lines are drawn, it is because they matter, because they mean something. There is, in other words, something *there* and real about them in terms of the way people speak and act. These boundaries change but not just into anything – they wind into patterns based on relationships and expectations.

In Taylor's view, the seeming analytical uselessness of "the firm" (given its seeming fuzziness and multi-boundedness) merely presents a challenge – because "firms continue to trade, make profits and losses, employ people, self promote, and have major social and environmental impacts." It follows, therefore, that really looking at and rigorously theorizing these slippery boundaries remains "a major question for theory" (18-19). Oinas answers this challenge by pointing out that the importance of recognizing that there are two versions of the firm: one with very strict, sharp lines, the other with lines less sharp. When we ask economic questions about the firm as an economic institution, boundaries are sharp. When the firm is queried as a business organization, boundaries are shifting and complex, but never "fuzzy" – never indeterminate (41). The seeming indeterminacy of firms that results from examining them closely and in nuanced ways is an illusion.

A running theme throughout this dissertation is the demonstration of the ways that social and ethical boundaries are really real, as well as their being really imagined (seemingly arbitrary

and eternally flexible – which, socially speaking, they are not). As I will demonstrate, Wakatū is, at times, in a very real way, as big as the whānau, as the links (chains?) of obligation direct or constrain the corporation’s behavior in regard to their interests.

Others have taken up the insights of resource- and knowledge-based views of the firm circulating in the management literature and have sought to extend it in other disciplinary directions. Many of these views are downright anthropological, looking, for example, at the play of discourses and relationships between actors (Bathelt and Glucker 2003), in order to understand the organization of firms. Indeed, for Weeks and Galunic, “firms are best thought of as cultures, as social distributions of modes of thought and forms of externalization” (2003: 1344). Seeking to undertake a “genuinely descriptive” (1309) theorization of the firm that “takes seriously the idea that firms are cultural in nature” (1310), Weeks and Galunic focus on firm culture and the identifications of its people. This work does much to broaden the terms of debate regarding the firm.

Taking the extension and cutting-off of social relationships of debt and obligation as an actual drawing and re-drawing of the boundaries of the firm means that the shape of the firm must necessarily bear a relationship to the way the corporation is governed; to the question of who are owed obligations, as well as what form those obligations take. To quote Cecile Cezanne-Sintes:

It is not possible to completely answer the Coasian question relating to the existence and the boundaries of the firm without understanding the corporate governance issues raised by Berle and Means... Reciprocally, it is not possible to have a complete understanding of the general system by which firms are owned and managed, discussed by Berle and Means, without having some notion of what a firm is, i.e. neglecting Coase’s perspective (2008:448).

Part of this figuring is an analysis of the way social and ethical commitments become drawn and redrawn in the context of shareholder and other constituencies – a task for which ethnographic research is particularly suited.

The Thousand Year Plan

In the decades since the passage of the 1993 Māori Land Act, leaders of land-based Māori corporate enterprises have worked to simultaneously determine and articulate what it means, specifically, to be a Māori incorporation – to be a “*Māori*” “*corporation*” – what it meant in terms of business and in terms of tradition, and how to articulate that difference to shareholders, employees, board, and management down through the years (Federation of Māori Authorities and TPK 2004, Potiki 2005, Te Runanga o Ngai Tahu [TRoNT] 2011, TRoNT [n.d.]; see also NZIER 2003, Durie 2002, Harmsworth 2005, Roskrige 2009, TPK 2010). It was in this context that Wakatū took up the task of drawing up a long-term strategic plan. Long-term strategic planning had become vogue among Māori enterprises (see, e.g., Te Roopa Takitini 2005, Pukeroa Oruawhata Group 2008); in undertaking to create its own long-term strategic plan, the corporation could look to examples like the much-admired 25-year plan of Ngai Tahu (TRoNT 2001). In its more specific details, the idea for Te Pae Tawhiti sprang from Native American tribes’ seven-generation plans wherein each generation is charged to consider what ought to be preserved from the three previous generations; how this ought to be enacted in the present one; and what of this needed to be passed down to the next three.⁸² Wakatū’s plan was inspired by these, but was a bit more ambitious: the company wanted to construct a thousand-

⁸² In introducing the idea to me, my interlocutors forwarded to me documents outlining Native American and other indigenous people’s intergenerational plans. See, for example, “The Seventh Generation Community (7GC) Initiative” (available at <http://lone-eagles.com/7gc.htm>), “Ivan Makil: Understanding ‘Seven-Generation Thinking’ Key to Developing Indian Land” (available at <http://knowledge.wpcarey.asu.edu/article.cfm?articleid=1565>).

year strategic business plan.⁸³ Whānau, shareholders and non-shareholders alike, were asked to consider what had been important in the tribes' past 500 years, what values drive their lives today, and the specific values that interlace themselves through Wakatū's "way of doing business," without which they would not be "themselves" – the values they needed to take with them 500 years into the future.

Te Pae Tawhiti had begun to germinate a few months prior to my arrival in Nelson in March of 2010. Recognizing the interest that the project might hold for me as I studied the corporation (and pleased to take on the help of a researcher trained in social scientific methods), Ropata gamely involved me in the project. I worked to assist Ropata in organizing the corporation's research and drafting of Te Pae Tawhiti, bringing together to execute it a working group drawn from assistant directors and Wakatū's "scholarship alumni," members of the whānau whose educations or professional development had been funded by the company.⁸⁴

The project took a great deal of time coming together, partially because there were a number of divergent ideas regarding what the project (and, more generally, the company itself)

⁸³ In later iterations, it began to be termed a "vision" rather than a "strategic business plan," and the finished document used this terminology (Wakatū Incorporation 2011: foreword). It is likely that this shift was made in response to criticisms that the timeframe was such that it was not "planning" for the future that they were doing with the document but envisioning it. The feeling of Keith, the company's CEO, regarding planning for 500 years in the future, was a critique often heard (albeit with different degrees of ire): "I don't believe you can **go** beyond ten years... not in terms of **plans**. You can in terms of visions, and ideas, but – the world just changes too quickly." (Interview with Keith Palmer, February 09, 2011)

⁸⁴ Since at least May 2012 the company has worked to encourage any member of the whānau who is working toward or has obtained a tertiary degree to participate in its "alumni network" (Wakatū 2012). As I understand it, while not having their studies funded by the corporation, these network members would join in when the alumni gather to work on projects for the corporation or do team-building-style activities. Thus it is that now as a group "the alumni" cannot necessarily be said to all have had their educations funded by the corporation. (Additionally, current and past Associate Directors (whānau who are selected to serve a term on the board as junior members) are often included when people speak of "alumni." They receive no scholarship support, but are paid in their capacity as members of the board.)

was meant to be doing. To head off these disputes – and, it was hoped, to corral more of the whānau’s energy into the construction of the project – Ropata arranged to hold a series of meetings and interviews with shareholders and the leadership of the corporation so that people could give their opinions regarding an outline of the plan.

The first meeting was in Wellington, where many of Wakatū’s whānau had migrated over the years, in a brand-new, metal-and-glass meeting house – a *marae* – built by the iwi into whose territory Wellington falls.

“They’re all our cousins,” Ropata told me, “so they gave us a good deal on the space.”

As we set up the room – screen and projector, iwi-branded pens and notepads, markers and that particular type of notepad used in corporate break-out sessions the world over – an assortment of shareholders trickled in. Most of these were young people I knew very well, a few of whom were Wakatū’s scholarship alumni starting careers in the busy capital city. Two of these, John and Jessica, had been involved in plotting and drafting the first iteration of the strategic plan. As they entered, Jessica sat down next to me at the sign-in table to help me organize the attendees. John, for his part, looked around for something to do and, finally noting with what looked like relief that there were no trash bins in sight, flagged down a young member of the marae’s staff to procure one.

The place by then was only half-full; Ropata stood at the head of the room but delayed starting the meeting, having expected much more interest from shareholders (not only were they planning their economic future; people who attended the meeting went into a drawing for an extremely large flat-screen TV). I leaned against a wall beside Jacky, an independent director of the corporation who was working with Ropata and me to organize the drafting of the strategic plan, and scribbled some words on a notepad with a fat red marker: *Time’s a-wasting*.

I held up the notepad and did a funny little dance to get Ropata's attention. He laughed; then he began.

He started with a history lesson. In a low, slow, carrying voice he told the story of the tribes of their ancestors – his and the gathered whānau – as, about 200 years ago, members of four tribes came together and made their way from the middle of New Zealand's North Island, trekking out to the coast and launching canoes across the water to Te Tau Ihu. How they passed over the lands in between, warring with the tribes there, planting their enemies' bodies in that land but not staying and cultivating it. How they stayed in Te Tau Ihu, dwelling intensely in certain spots there, putting ash from their fires into the earth and making their gardens fertile, drinking from the highest pool at the Riwaka River source and reserving its lowest pool for childbirth, building houses by the Motueka river – becoming *tangata whenua*, the people responsible for and acknowledged to have authority over that land. How representatives of the New Zealand Company arrived barely a decade later and bargained for permission to settle there. How the ancestors had pointed out specific places in the area that is now Nelson City where they would allow Pakeha to settle if, in return, the newcomers would agree to set aside a tenth of that land for Māori. (“So that,” Ropata stressed when recounting this story, “we could participate in what was to be a new society.”) How those supposed Tenths were successively reduced, forgotten, or mismanaged by a Crown-appointed trustee. How in 1974, in the face of a great deal of Māori aggravation with such treatment, the care of Tenths land was taken out of the hands of the Crown trustee. How, with their land returned to their care, the descendants of the promisees of the original Nelson Tenths decided in 1977 to incorporate their interests in the land – to form

Wakatū – and have, ever since, been managing their own affairs.⁸⁵

Where does the firm begin, here, and where do its boundaries end? In this account, the dividing lines between the corporation and the iwi are not especially clear; this is not accidental. Out of all of the corporation’s executive managers, Ropata is the only one who could have convincingly given this opening, made this claim of a co-extensiveness as between the whānau and the corporation, calling, as it does, upon a whakapapa⁸⁶ that would have sounded ridiculous coming from the mouth of the CEO or any of the other Pakeha managers. Ropata is the only one of the corporation’s executive managers who is a member of the whānau, and one of two who is Māori.

Just as he had done with *Am I a Kaitiaki, Koro?*, Ropata told the history of the whānau as the history of Wakatū. This history, as narrated by Ropata, is a performance that is absolutely central to the project of Te Pae Tawhiti itself. This was iterated as the “past” to which the alumni should look when considering what needed to be retained from “the past” and brought into “the future.” This narration made less apparent certain of the divisions between the iwi, the company and the whānau, the disagreements between the corporation’s affiliated tribes regarding territorial commitments and histories – like Wai 56. Wakatū’s claims about history are explicitly stated as genealogy and are thus made to interlock with claims about continuity and representativeness. Having been on this land for n generations and being charged with looking after it for n generations to come, Wakatū’s leaders say, the company is concerned not merely

⁸⁵ This genealogy is rendered spatial: it is not only about relatedness between people, it is about relatedness within this landscape. This is imagined differently even from other ideas of kinship. For example, there are people who are your family in much different ways than you are part of the corporation’s whānau. This is about a collection of disparate groups of people – people from different places and families – who journeyed together and became tangata whenua.

⁸⁶ Here, my use of the word whakapapa is meant to indicate the way in which the history of the ancestors of the whānau is used to draw links of kinship between the whānau and the corporation.

with the next quarter, the next fiscal year. The organization thus extends to include in its constituency not just whānau alive today, but also the *tupuna* (ancestors) of the past and generations of beneficiaries yet to be born.

Further, in asserting connections stretching far into the past and forward deep into the future, this history is used – by the corporation as well as the shareholders – to weave relationships of mutual obligation. Take, for instance, the corporation’s relationship with its scholarship alumni. Each year, Wakatū sponsors the educations of a number of accomplished young whānau – who, upon earning their degrees, are called upon quite often to put their Wakatū-funded educations to use for the company. The young alumni speak of this relationship in terms of gift and reciprocity: recall John’s and Jessica’s attitudes upon arriving for the Wellington meeting.

The language of gift and time extends to discussion of the corporation’s relationship to land. The term *kaitikaitanga* refers to responsibility for the care of land.⁸⁷ People describe this responsibility in terms of gift, terms which are reflected in Ropata’s history of the *heke* (the migration of the ancestors to Te Tau Ihu) and of Wakatū: their tupuna had stewarded this land for them, and thus they have a responsibility to care for it for their children. In this telling, *Wakatū*’s responsibilities are only incidental to *their* involvement in the company’s decision-making processes. More commonly, however, directors describe the corporation’s responsibilities for the land as a direct result of the shareholders having transferred control of the land to Wakatū. Here, the corporation becomes itself twined into the genealogy of the people.

Derrida’s reading of Mauss casts at the very kernel of the gift, the relationships that inhere in exchange. As soon as you give a gift to “someone else,” you are building something

⁸⁷ A “kaitiaki” is something like a guardian of land. The addition of the suffix “-tanga” indicates the *concept* of land guardianship.

that merely constitutes a bigger “someone,” a bigger “us” (1992:11). This means that the gift (if it can be said to exist at all) entails at once an event of giving and the utter inability for “someone” to give “something” to “someone else” without at once, as soon as the gift is thought, making the other someone a part of the giver. Further, and crucially, Mauss’s gift “is not a gift, the gift only gives to the extent it gives time... *There where there is gift, there is time*” (1992: 41, emphasis in original). Wakatū connects itself to its shareholders in such a way as to stretch out both its timeframe and the size of its constituency. Meanwhile, its constituent group (its “us”) is represented to include not just shareholders alive today, but also the tupuna and the generations of beneficiaries to come; pasts are made familiar countries, and futures are annexed as well. The corporation, then, becomes a container that continually enlarges itself, expanding backwards to the tupuna and forward to the *n*th generation.

Shifting and sometimes conflicting visions of how the corporation will be linked or decoupled from the descendants of the traditional owners of the area are absolutely characteristic of the relationship between the corporation and its whānau. While the corporation gains great utility from its ability to link itself to the cache of its tribal owners, it also works to disentangle itself from certain types of responsibilities this brings to bear on itself. Similarly, the whānau emphasizes connections with the corporation at certain points, and works to enhance these points of contact, while endeavoring to cut contact at other, less-desired points. But the divisions are always sharp and clear when they are made; they are not random.

The impetus for binding the corporation to the whānau is not one-way, and is not uncomplicated. The company’s claims to connection with the whānau engender similarly phrased claims – or demands – from the whānau. At the Wellington meeting, this was especially obvious in the context of one task to which Ropata set the meeting attendees. They were asked to

form groups and draft letters to their grandchildren's grandchildren, advising them as to what industries the corporation should be involved with, what dangers they should be on guard against, and what qualities they should seek in board members. The attendees seized upon this idea enthusiastically; it made real and think-able the extended time-span of the plan as nothing else had that day. One group was made up of Jessica, the alumna I mentioned earlier; Peter, a quiet boy in his late teens; and Dorian, one of the leaders of the corporation. After suggesting a charming opening for her group's letter (in the most flowery of tones: "*Deahhh Moko...*"⁸⁸), Jessica argued the desperate importance of providing guidance to future generations about environmental issues. In illustration of the type of discourse she wanted to include in the group's letter, she vividly described a recent development in environmental law. Bolivia, led by Evo Morales, its first indigenous president, had just amended its constitution to the effect that the environment had all of the rights of persons. As Jessica, speaking excitedly, began to outline the ways such thinking could be used to guide Wakatū's behavior and outlook toward its land, Dorian interrupted, chuckling:

"So you can do grievous bodily harm to the environment, eh? Smack it around." He mimed a slap: "*psht!*"

But the idea of the environment as a rights-holding subject seemed, to Jessica, no more strange than the idea of corporate personhood. She pointed to Wakatū's claims that, as a Māori corporation, whakapapa was essential to their business, and noted that through whakapapa (which is meant to go back to the earth — the mother of your mother's mother back to the year *n* is the earth, Papa⁸⁹), environmental personhood was already a part of the traditional Māori

⁸⁸ "Moko" is short for "mokopuna" – "grandchild."

⁸⁹ One version of this widely-known story may be found in Grey, 1976[1956]. See also Jackson 1968, Te Ahukaramū 2012.

worldview. There was a lump of silence after that.

To Dorian's wary statement — "you're a big environmental person, aren't you." — Jessica answered, "I am."⁹⁰

Jessica, I should mention, was the first person I ever heard voice the notion that the corporation and the whānau were, while not coterminous, integrally connected; that what is their "us" has been in existence for generations, and will exist for generations to come.⁹¹ For Jessica, the corporation's need to be socially responsible does not stem from the need to keep up with CSR trends,⁹² from the monetary benefits of socially responsible behavior, or even from Wakatū's own version of claims to a kaitiakitanga responsibility for what happens to the land. Instead, it goes back to, and comes out of, her statement about generational linkages. When I later asked her about this statement, she explained: "I think that comes down to it being a Māori organization, because – it's whakapapa. You're always talking, always tracing back. And that way – that's why I think it'll stick around. Because you'll always find, '*and then – and then – and then – and then – and then*'." This linkage specifically enabled Jessica to articulate a demand that the

⁹⁰ Field notes, May 21, 2011.

⁹¹ In a Te Pae Tawhiti drafting session the year previous, John had mentioned that, while he conceptualized Wakatū as a vehicle for the people's well-being, he wondered if the vehicle would endure into the future, or whether in fact it "*isn't* a 500 year vehicle." Whether, in other words, the plan would, in 500 years, have no object, or at least not a recognizable one. Jessica challenged John's framing of the situation, asserting that they, as the thing they today called the whānau, "were a thing before the incorporation," and "will be after." The form of the corporation was not the salient point: "we can't stay shackled to a Western construct – we have to be able to take advantage of changes, because when this thing crumbles (which it will) and we've not thought about our plans in terms of Māori, not a *Western incorporation*, we're left with nothing." For her, this "we" mattered; the "we" endured.

⁹² In fact, this instance is most interesting to me as a moment of something like *de-trendification*: Jessica changed a conversation that had seemed to be pregnant with commensurability, generalizability, exchangeability (issues of environmental responsibility and indigenous leadership on that front that have been made transnational, 'global' concerns), suddenly grounding it, de-generalizing it by showing how the idea's relevance for Māori does not stem from an idea of an internationally applicable indigenous ethics of nature but specifically from a very particular notion of whakapapa.

corporation prioritize the environment and frame that demand in the corporation's own language of obligation and kinship. These interacting claims and demands are a critical part of the relationship between Wakatū and its whānau.

“Dear Moko—”

“My grandfather, who we called Papa, was from Wanganui, and he's from Te Atiawa, which is my connection to Wakatū,” Jessica told me about a month later.⁹³ Jessica, I have mentioned, is a Wellington-based artist and filmmaker. I was in the capital city for another session of Wakatū's suit against the Crown in the High Court; I had not seen her since the Te Pae Tawhiti meeting here a month prior. We met at a cafe down the street from the High Court and Parliament and drank coffee in a tiny, angle-laden nook covered with faded posters of Breughel landscapes.

Light of skin and eyes, and with her Māori father having died when she was very young, Jessica gained a great deal of her knowledge of her Māori heritage in the course of frequent visits with her paternal grandparents.⁹⁴ As she began to think about attending university, she received a letter from her grandmother outlining her connection to her iwi and to Wakatū, and her grandmother's hopes for her grandchild's future. Her grandmother explained that Jessica was part of Wakatū's whānau, and so she could apply for its educational scholarships.

Wakatū's owners are mostly not highly educated and mostly not well-off. The corporation's scholarships are aimed at helping young whānau complete tertiary and graduate education. These are not, however, given solely with an eye toward enhancing the

⁹³ As I described in chapter two, Wakatū's shareholders come from four iwi: Te Atiawa, Ngati Rarua, Ngati Tama, and Ngati Koata.

⁹⁴ Jessica clarifies that others, too, had an important influence in teaching her things Maori, particularly her eldest maternal cousin and a teacher who, against the grain of her high school, taught New Zealand history instead of English history. (Personal communication, October 7, 2013)

socioeconomic status of poor whānau. As I mentioned before, they are a means of reinforcing⁹⁵ links of obligation, and they are often spoken of in terms of succession planning, of “growing people” who are expected to take up various roles in leading the company. Thus, most of Wakatū’s alumni aim for sturdily practical careers with obvious uses to the corporation in terms of this succession planning. The company’s alumni include a large crop of lawyers, a few accountants and scientists, some MBAs, and a variety of other young professionals that the company calls upon at various times for various projects – such as Te Pae Tawhiti.

The ambiguity of the meaning of the scholarships is manifested in the shifting status of the scholarships in discourse, where, depending on the situation, they may be framed as another kind of dividend for the shareholders or as canny future planning for the corporation itself. People sometimes frame the scholarships as both – in helping to grow successful Māori thinkers to lead the corporation, the corporation is helping both itself and its shareholders – but to the shareholder contemplating whether or not these scholarships are “for” them in particular, the corporation’s focus on supporting those who undertake careers directly useful to it in the short-

⁹⁵ Reinforcing – not forging. This is not merely a matter of tit-for-tat; the sense of obligation felt by these young people does not *originate* in their receipt of scholarship money or employment with the corporation. Here is a young non-alum member of the whānau, recently moved back into the rohe, schooling me on the feeling behind this relationship more generally, here in terms of returning home and acting as ahi kaa:

Gwen: A lot of the time people say, like, “Oh and I came back because that is what was expected.” Why did you come back?

Harry: ‘Cause this is home.

Gwen: Yeah.

Harry: I felt I had – have to come home.

Gwen: Yeah. Yep. Like obligation and everything. Gotcha.

Harry [sharply]: Nobody made me come home.

Gwen: Yeah.

Harry: But I just...

Gwen: It’s never like a, “My mom told me,” but it’s, it’s like a –

Harry: Feeling within yourself.

(Interview with “Harry,” August 24, 2011.)

term is what characterizes the scholarship program. As open to all whānau as it may have framed the scholarships to be, Wakatū had no framework in place to support young people to undertake training in careers focused on manual labor or in, for example, traditional fishing, farming, and weaving.

In many ways, Wakatū has taken on for its shareholders the substitute-state role often remarked upon in research concerning the changing role of the state (Antlov 1995, Hart et al 1989). This is especially familiar in development literature (Welker 2009); the shifting expectations that this relationship engenders become most obvious in the context of the scholarships. Jessica is the first to obtain scholarship support from the corporation for an artistic field – something Ropata related with a bemused sort of pride when he first introduced us, many months before, at the first shareholders’ meeting I attended. She is one of very few people who won funding for any course of study whose usefulness to the corporation was not immediately obvious.⁹⁶

Aware of the corporation’s reputation for funding this very practical work, Jessica had set aside her grandmother’s advice that she might apply for Wakatū’s scholarships. She forgot about it until after her grandmother had passed away. Then, reading through the missives she had sent her, Jessica found that old letter. Something clicked for her: though she wanted to major in not-especially-practical design, she decided to apply for a scholarship anyway. Wakatū agreed to fund her education ... until she changed her major to performance design. When the corporation cut off her funding, she went to the board with a slew of arguments regarding the value of her chosen major for the corporation.

⁹⁶ Two alums have sought architecture degrees, with one later switching to finance. In 2004 an alumnus was funded for a degree in Creative Advertising, a field with a fairly direct relationship to the business of the corporation (www.wakatu.org).

I was *really* upset – it wasn't really a money thing, it was more like, 'how can you say that I don't have a place, and that I can't contribute? I *can!* I'll *show* you I can!' Haha. 'I *can*. These are the reasons – all of the reasons how I can.' And I was as much talking to my grandparents as I was to them.

Jessica convinced them. Wakatū continued to pay for her degree; she graduated in 2009. Soon after, Ropata began to call on her to lend a hand on various projects involving visual arts and design, flying her in and out of Te Tau Ihu so she might undertake to produce a series of short films regarding shareholders' lives, to illustrate the picture book penned by Ropata relating the company's history of the four iwi and the founding of Wakatū, and to join the Te Pae Tawhiti working group.

Te Pae Tawhiti began with the idea that the alumni would act as a brain trust, as simultaneously the qualified (well-educated, successful) elites and something like the voice of the owners. A few of the alumni had served short stints as associate directors (directors-in-training), but none were solidly part of the Wakatū establishment (at least, not from the perspective of the board and management— those outside of the company's leadership tend to see things a little differently). Thus, these alumni were imagined as simultaneously elite and yet also able to serve unproblematically as a metonym for the rest of the whānau in drafting the business plan from whole cloth. The alumni took up the task thoughtfully. They drafted an outline of the important points the plan should cover, thinking, as they had been instructed to do by Ropata, of the past of their people and of the most desirable future. Their ideas were big ones: ideas regarding how the company they owned could resolve the various economic problems of the whānau, could take the lead in "cultural" issues, and could take an active role in solving environmental problems. These broad-ranging ideas were presented to the board and executive

management for review in September of 2010.

The company's executive management spat it back, complaining that the plan lacked sufficient consideration of business issues. One very senior executive stated tersely that Wakatū was *not the owners' iwi*. In his view, it was the role of iwi to safeguard the whānau's cultural heritage, and Wakatū's role to protect and grow its value. Attempting to understand the provenance of the demands of the draft plan, he speculated to me that it was perhaps likely that iwi were not quite up to this leadership role, and the alumni looked to the rich and powerful Wakatū to fill that vacuum. The grey line between Wakatū and its whānau, between domains demarcated "business" and "culture," the line that generally remained deliberately obscure, was at the moment of these demands asserted to be bright and sharp.⁹⁷

Using Business and Culture to Craft a Third Way

In addition to demonstrating its "indigeneity" by means of its rationality (casting its business success and its stance toward the environment in terms of adherence to what are articulated as Māori values), Wakatū also shows its rationality by means of its indigeneity. The idea of a responsibility for and connection to a long-existing and forward-stretching indigenous culture lends a plausible economic rationale to actions by the company that are not immediately obviously in line with rational economic sense. For instance, the company used a Māori psychic in categorizing land's fitness for sale or development (on which more in chapter five) and likewise shielded from sale and development land that would be economically valuable but

⁹⁷ The working group was sent back to the drawing board. Ropata advised them to undertake a period of consultation with the corporation's leadership; thus, the spate of interviews I mentioned that Ropata and I conducted with the board and management to get their ideas on what needed to be included in the strategic plan, and, later, meetings with whānau like the Wellington hui I described above, online and mailed surveys, and interviews with whānau done specifically to canvas their opinions regarding Te Pae Tawhiti. These were undertaken in addition to the interviews I did with board, management, employees, and whānau for my own purposes.

which has a spiritual or cultural significance to the whānau. For instance, managers assert that – specifically because of the long-term perspective that comes built-in with shareholders who are not yet even born but whose well-being must nonetheless be provided for – sustainable practices are the only route that makes sense. Sustainable development is the only thing that counts *as* development. Wakatū leadership uses a discourse of sustainability and narratives of outstretched futures to legitimize its actions in precisely the same way other companies use the idea of shareholder value. More than merely a goal, it is the touchstone, the ultimate explanation, the rationale for the actions of the leaders of the company.⁹⁸ Since the company is so often linked to and even defined by its shareholders’ indigeneity, its claims to corporate responsibility gain a *rational* explanation, and thus a measure of legitimacy they might otherwise lack.

The stress on the rationalization of the company is a move that *must* be made in the case of Wakatū. Wakatū is one of the few well-regarded Māori business ventures in New Zealand. As I mentioned previously, media portrayals of Māori business tend to cast them as constitutionally flawed, poorly or corruptly managed, politically gridlocked, and, most damning of all, “unprofessional.” Media portrayals of Māori business failure and fiasco abound (see, e.g., Duff 2011, Anthony 2012, New Zealand Press Council 2012, Kitchen 2010, Fairfax New Zealand News 2013; cf McCreanor et al 2011). Similar characterizations are put forth by Pakeha scholars seeking to discredit or destabilize “tribal elites” (see, e.g. Devlin 2006, Rata 2011) and Māori scholars and activists seeking to hold Māori businesses accountable for their failure to alleviate the continuing poverty of most Māori and for their complicity in the acceleration of inequality between different Māori populations (see, e.g., Sykes 2010). Wakatū’s leadership thus works

⁹⁸ In Paul’s words, “we’ve got the benefit of being able to look way out into the future; way further than most individuals, ‘cause they’re focusing on their micro-existence – generally – and they don’t have the resources and information that we have” (Interview with Paul Morgan, November 16 2010). Sustainability as competitive advantage.

hard to stress the company's professionalism, the rational manner in which it is run.⁹⁹

Simultaneously with and despite these bids to be seen as a “traditionally Māori” group or “solidly rational” business, in managing its public image, the leadership of Wakatū work hard to highlight the ways that the business's practices hew neither to what they regard as traditional business practices *nor* to traditional Māori practices, but instead forge a third way. Compare the frequent discussions of the norms of Māori business (low debt ratios, low risk, and a ‘long term’ view), as well as various ideas of the obligations that Wakatū ought to fulfill in regards to its shareholders (environmental responsibility, preservation of land, social programing for whānau) to the way measurement came to be incorporated into Te Pae Tawhiti:

The plan, it was decided early on, needed to contain some mechanism by which to evaluate the corporation's progress toward its goals. Initially, Ropata and I researched a number of different measures incorporating social parameters and wrote up a summary for the working group. Despite Ropata's concern for measurement, however, it was perhaps the lowest priority of the group – seemingly uncomfortable with the idea of devising hard-and-fast evaluative measures, they continually put the task aside. Ropata suggested that the group might think of evaluation less in terms of statistics and number-crunching than in terms of the way the company and the whānau will look in 25, 50, 100, 250, and 500 years “if we are doing things right.” But this suggestion was viewed warily – just as was every other idea for measurement and analysis of

⁹⁹ Interestingly enough, the same goes for whānau – who otherwise will tend, at least in discussions among whānau, to be very critical of the company. William and Jocelyn, for example, were two of the interlocutors most critical of the corporation. Of the way the corporation is run, Jocelyn said: “They operate very professionally, they have the right policies and procedures as to how they're supposed to operate their businesses... I always thought Keith to be quite astute and that he operates from a professional angle.” When I asked William how he thought that Paul Morgan was doing in his position as chairman given the corporation's recent disappointing economic performance, he firmly defended both Paul and the corporation: “He's done well for where they are at present day. It's no one person's fault that they've had losses like they have in the last few years, it's all to do with world economics at the end of the day.”

the plan's effects. Every other idea except for one: from the first, everyone agreed that the parameters of evaluation would include a generational review of Te Pae Tawhiti conducted via *hui* – meetings – and consensus. This idea remained intact through all the iterations of the plan, and in the final version it came to be the one parameter for measurement that was included.¹⁰⁰

This type of measurement will probably resemble *hui* like those I described above, or more specifically the “Kaitiaki” *hui* that Wakatū held between the two Te Pae Tawhiti *hui*. This was a meeting at the Whakatu marae with corporate leadership, *whānau*, and representatives from the Nelson Environmental Center and the Cawthron Institute.¹⁰¹ At this meeting, the leaders of the corporation wished to discuss (and publicize) their ideas regarding what it meant to be *kaitiaki*, and the corporation's policies regarding the same. Additionally, members of Wakatū's *whenua* (land) group presented its policies regarding *kaitiakitanga* to the *whānau* – their notion of what *kaitiakitanga* was, ideally, and the corporation's current practices along those parameters. They provided participants with documents laying out the company's policies toward land and maps of some of the territories with which Wakatū was currently dealing. They asked the *whānau* what they thought of these stances, facilitating a discussion about the failures and limitations of Wakatū's land practices as they are, and how they might be changed. Discussion went round and round, but the end of the *hui* saw a general consensus regarding what needed to be kept or changed.

This sort of *hui* process, however, is tightly regulated by the corporation. For example,

¹⁰⁰ This situation is remarkable for a number of reasons. First, it demonstrates what might be seen as a response that is uniquely and specifically Māori response – one that is remarkable for its unremarked nature. This was not one of the corporation's many performances of indigenous legitimacy. Also, this incidentally dealt with the problem of what entity was to be measured, a problem underlying the working group's reluctance to discuss measurement in detail. It retained the ambiguity of the dividing lines – an ambiguity that, as discussed above, is useful to the *whānau* and the corporation alike.

¹⁰¹ Local groups with which Wakatū often partnered in environmentally-oriented initiatives.

the documents distributed outlined processes regarding the sorting of plots of land into an assortment of categories (more to less ‘culturally important’) that are by themselves highly regimented. The categories were put in place by means of policies internal to the company’s land division, and the decisions as to what category a piece of land fits into are made by Pakeha managers going on advice from a consultant and from elders (usually hailing from two powerful families). Yet, this is not your standard tale of bureaucracy and disenchantment: they are fonts of a particular kind of re-enchantment, such as the presence of the consultant (a *matakite*, a Māori psychic, who reads the importance of the land [again, see chapter four]) and the tales and myths of the elders (slanted though they may be toward the interests of two families), and the reverence that even the managers hold for marking on the maps the places where bodies lie that should not be disturbed.

In addition, this heterogeneous bureaucracy is notable for its evasion of usual ways of thinking about knowledge and monitoring and the presence of critical counter-discourses that render the regimented nature of the hui neither as uncomplicatedly top-down nor as homogenous as it might have been. For example, at one point the kaitiaki hui was wrangled by one shareholder into a discussion of the controversial vote to sell rural land – the land adjacent to Aunty Tui’s – forcing Wakatū’s leadership to discuss the founding assumptions of the land policy and to take note of where it falls short in actually matching up with the people’s current notions of what ‘culturally important’ means. The use of the hui/consensus method of evaluation for Te Pae Tawhiti underscores the way the plan holds in tension the fulfillment and transgression of what one might call the genre conventions of the strategic business plan (cf Palli et al. 2013).

Shifting the Boundaries of the Corporation

With different audiences come different senses of proper register; different subjectivities coalesce depending on who is authorized to speak in that register. These differences signal something about subject position and power amongst the different people in a given context. Ropata, as locally knowledgeable shareholder and highly accomplished general manager, became the only person able to speak fluidly in all of these registers. Paul, on the other hand, the chairman of the board, is a shareholder but has less of a connection to the area. The particular ways in which he is situated allow him to speak authoritatively in registers of “business” to whānau, and of “culture” to outsiders – but his authoritative footing is less sure when he speaks in terms of “culture” to whānau. The alumni, highly educated as they were, served for the corporation’s managers as a symbol of connection to the cultural demands of the shareholders – a characteristic that, in the eyes of that senior executive, rendered their having been called to draft a business plan a fundamental mismatch.

The same principles held true for the company’s leaders’ reactions to me, their ways of speaking, and their ways of regarding what I said. I was an outsider of a particular stripe: an American, a lawyer. An anthropologist, and thus someone who was perceived, in some ways, as emblematic of the colonial relationship. An academic, a person who would be publishing her impressions of the corporation in academic journals. A woman of color. An indigenous person (as my interlocutors firmly informed me upon discovering that I could claim a sole Native American great-grandmother). Words have different meanings when directed toward different audiences, for example, when directed toward me, toward Robert, or toward the shareholders. These various characterizations, these various ways of talking to me and about me, were a way to exclude me from the ethical ambit of the corporation (as an American Ivy League know-nothing)

and a way to bind me to it (as indigenous kin, charged with justly representing them in my work).

What is clear here is that the meaningfulness of these boundaries co-exists, somehow, with their contingency. To paraphrase Chris Roy's (2011) reading of Ira Bashkow (2006), this boundary-drawing is not necessarily the erection of borders. For instance, consider Bashkow's description, in *The Meaning of Whitemen*, of the construction of racial categories using the Orokaiva concept of "whitemen." The Orokaiva's whitemen have bodies, foods, and manners of moving about that differ from those considered Orokaiva. Whitemen, Bashkow notes, have very little to do with actual white people. Representations of whitemen are quite ambiguous. Depending on the situation, whitemen (the way they act, the things they use) can be construed in positive or negative ways. As such, the Orokaiva can use these representations – entrenched, but binary, and thus wonderfully malleable – to solidify and to criticize "their own moral strengths and failings" (2006:21). These representations, Bashkow argues, become a tool used by the Orokaiva in the organization of their societies.

But the construction of race in this way is not something that is specific to the Orokaiva (as contrasted, of course, to what might be imagined as sober Western constructions based upon actual persons). Race is constructed in a way that has much to do with qualities, activities, and objects: although we imagine that race has something to do with people themselves, the messiness of our categories and their dependence upon the neighborhoods in which we live, the types of cars we drive, and the way we speak (for instance) gives the lie to the basis of our racial categories. In Pittsburgh or Paris as in Papua New Guinea, the "genetically mixed" may become "socially black" (Bashkow 2006:171) by a mechanism of osmosis, or, better, magical contagion.

Qualities, activities, and objects are seen to “infect other bodies with ‘their own intrinsic nature’” (172).

It is not as arbitrary as it looks. There remain certain “things” upon which we focus in drawing up racial lines. And this ‘othering’ is not necessarily pernicious: ethnocentric constructions of others tend, Bashkow notes, to be ambivalent, “involving attraction as well as repulsion” (2006: 92). This ambivalence is possible specifically because “othering” others is less about the “others” than about those doing the othering. Bashkow sees this as a universal function of culture, one which “always has indigenous motivations, even when it simultaneously reflects external influences such as colonial ideologies” (240).

This alchemy of boundaries extends to the corporation’s engagement with other constituencies and with a globalized world. When Wakatū’s leadership talks about the corporation’s way of doing business, their claims to difference shift with the shifting of context. Claims of difference and identity do not inhere in the “indigenous” corporation *or* in its indigenous owners, but in the negotiation of these networks of relations as their strands are variously cut and extended, keeping all of these alternate, shifting meanings in the air – in this case, the shareholders’, managers’, and board members’ deft alternation between rationales of “business” and “culture.” Here is a demonstration of how “difference... is not intrinsically oppositional but insistently plural”; of how “‘difference’ affirms a contingent relationship rather than a bounded set of characteristics” (Greenhouse and Greenwood 1998:11). This formulation highlights the contingency of difference, and addresses the way groups are not solid, are not bounded, and yet can be somehow stable and real. Meanwhile, it does not necessitate a *something* constituted in opposition to another, different something. The nature of claims of difference as placeholders is made clear in the way that Wakatū shareholders, managers, and

board members variously reserve or assert the right to discursively divide themselves off as different and to elide that difference, based on circumstance and relationship. The corporation's "indigeneity," like that of the indigenous people who own it, is never about stasis, nor about timeless unchanging ways. Indigeneity, like the corporation, is a process.

The boundaries my interlocutors negotiate demarcate the boundaries of their imaginings of lines of ethical responsibility. Wakatū's impetus for socially responsible behavior comes from various sources. The higher demands of the law upon the Māori incorporation are one source, but so is shareholder ire (specifically that stemming from different people's conceptions of the specifics of proper engagement with land), the trendiness of CSR, and perceptions regarding the cultural norms for a Māori corporation. As contexts, audiences, and stakes shift, my interlocutors used more (or less) expansive language, in more (or less) effective ways.

The network weaving and cutting I have described comes through very clearly in my field research, but it is not limited to the Māori incorporation. The way people articulate links and cut bindings is an aspect of the corporate form itself; all corporations, not just tribally or family-owned ones, are bounded by relationships, not by fixed limits. Weeks and Galunic reference Wittgenstein in pointing to the "family resemblance" of participants in a firm's culture – individuals who "share enough of the beliefs and values and meanings and language to be recognized and to recognize themselves as part of the culture" (2003:1316). These acts of inclusion and exclusion are always a relationship; they are always a process.

CHAPTER FOUR

Whanaungatanga: We Are a Family Business

The hillside slanted sharply downward on this side, even more sharply than it slanted up on the side the large charter bus took to get us here (after much chugging and panting and cursing getting stuck). “Us” being a passel of people affiliated, to greater or lesser extents, with Wakatū – some managers and board members; some new hires, joint venture partners, or customers; and one anthropologist, me. In front of us sloped a field, planted in neat rows of wine grapes, but curving about the far edge of the vineyard we saw marauding thickets of gnarly gorse. We had been transported here, about halfway between Nelson City (where the corporation has its headquarters) and rural Motueka (where most of its land-based operations are located), to be shown the corporation’s main properties and operations. These include this, Whenua Matua, a vineyard built on land over which the corporation’s owners hold mana whenua. As hinted at by the rough land surrounding it, Whenua Matua was, until recently, merely a small and recalcitrant patch of the alien gorse imported with British colonists as they settled New Zealand in the mid-1800s.

Of course, the grapevines now planted there are not native to the area, or even to New Zealand. But the sense that I got from Jonny, the vineyard’s manager (who had spent the last five years developing the plot and who now showed us around the vineyard), was one of having turned this place back “indigenous”: of triumph at having beaten back the ornery invading gorse and turned this small patch of land, which had for a long time made little money for its owners, into a source of grapes for a well-regarded wine company; one that brought them more than money – despite recent controversies regarding the contentious ownership relationship in regard

to the company (ownership was until recently shared between Wakatū and two Māori trusts), it brought them *mana*. This was Tohu, at the time New Zealand's only 100 percent Māori-owned wine company. Though a newcomer to winemaking in an area already sporting a number of esteemed makers of white wine, Tohu had begun to garner acclaim for wines like its 2010 pinot gris. Now as we stood atop the hill, Jonny, along with Bruce, the company's winemaker, handed out glasses of the 2010 pinot gris and a pinot noir they had named "Rore." As it so happened, I stood with another Rore – my friend Rore Stafford – and his wife Lynne, who I have mentioned previously and whose dry, snapping wit had kept me chuckling throughout the bus trip with tales of her exploits in the early days of Wakatū.

Lynne would later relate to me how this idea of bussing stakeholders to view the lands originated with her: when the landowners (later, shareholders) were asked to decide whether they should incorporate their traditional lands, Lynne was appalled by the fact that they had gotten so little information about the land they owned; the historical circumstances of Māori in New Zealand meant that many whānau had long been forced to move away from Te Tau Ihu, and few had the means to go on a trip surveying their never-seen lands. She had lambasted the land's interim committee of management until they had bussed in whānau to see the lands that were theirs. Since that time, having stakeholders see and walk on the land with which the corporation is concerned has been articulated as an integrally important Wakatū activity.¹⁰²

¹⁰² For instance, it was always part of the introduction the company gave to new employees and partners to what was described as the cultural values of the whānau, an event held intermittently and called a *wananga* (which is also a term used to describe a sort of cultural school more generally). The trip I just described was part of the first wananga I attended on arriving in Nelson.

As we sipped the Rore pinot noire someone asked about the name, and Bruce gestured toward the Rore beside me. “We named it after Uncle Rore here,” he said, explaining that they named their best wines after the tribes’ *kaumatua*, elders, of which Rore Stafford is one.

The naming of wines and of vineyards, the emphasis upon the status of the land as traditional to Māori, and even the mere act of bringing us all out here – these are all parts of showing the ways that this corporation, Wakatū, and its wine company, Tohu, are specific and different – specifically *Māori*. They are all a part of how it comes to be that an indigenously owned alcohol company is not the contradiction in terms it might seem at first breath.

Central to this process is the land. The material basis of the company’s wealth relative to other indigenous groups in New Zealand and elsewhere, the corporation’s land is often described in conversation as being, somehow, more than the proverbial “material things.” The land holds the bones of the whānau’s ancestors: more than poetic phrasing, actual burials in actual plots of land down through the years constrain how the corporation uses, builds on, or rents out land. These constraints actively shape the type of companies that Wakatū, and especially Tohu, are, and the shareholders’ feelings regarding them – the material world shaping the world of ideas.

At an even more nut-and-bolts level, however, it is the material body of the land that links the company to wine, that justifies and legitimizes the foray of this indigenously owned company into wine in the eyes of the public, the shareholders, and the self-narratives of the managers and workers themselves. The familiar trope of an indigenous natural wisdom has been used fruitfully by indigenous groups to gain leverage regarding land claims (Conklin 2002).¹⁰³ This has caused backlash where the simplified language necessary to make such claims

¹⁰³ And vigorously debated by anthropologists, most famously in the case of the debate between Marshall Sahlins and Gananath Obeyesekere regarding the legitimacy of each scholar’s reading of contemporary indigenous perceptions of the death of Captain Cook (Sahlins 1987, 1996; Obeyesekere 1997 [1992]).

politically effective made them appear to contradict indigenous practices misaligned with popular notions of environmentalism (Redford 1991, Krech 1999, Kolig 2002; but see Nadasdy 2005). Public discourse – and scholarship echoing or critiquing that discourse – will thus tend to focus on the apparent contradiction between an indigeneity imagined to be set apart by a superior social and environmental sensitivity and the undeniable fact that indigenous peoples have tended at times to involve themselves in activities that can be glossed as harmful, or in the promotion of industries at the very periphery of “respectability” (Darian-Smith 2003; Light and Rand 2005; Nadasdy 2005; Strange 1996).

As familiar and well-worn as these discourses might appear, however, these moves nonetheless are used in interestingly complex ways: the way my interlocutors use them does something unexpected, moving beyond the stereotypical. By some discursive alchemy, what start out as standard-sounding tropes of indigenous environmental wisdom end up instead somehow as part of a glue actually connecting the corporation to things, to people, and to other organizations: *rhetorics* of connection become lines of actual connection. The interactions I describe in this chapter are another view upon the ways in which Wakatū and Tohu negotiate the complex dance that indigenously owned enterprises must dance, the simultaneous maintenance of business legitimacy and indigenous bona fides – a dance that seems so paradoxical to outsiders. I outlined in chapter three the ways in which people associated with Wakatū nimbly weave between that discourse and one of business savvy, moving conversations about environment and land from their focus upon the “ecologically noble savage” to focus instead upon what they see as indigenous advantages in business responsibility, in future longevity, and stability. The companies’ particular relationships with the material – with territory and *terroir*, plants and landscapes – act to blunt backlash, repositioning Māori as leaders in responsible

business practices and redefining the terms of debate over indigenous peoples' relationships to land. As it turns out, there is, here, movement away from the idea of the “ecologically noble savage” – but it is accompanied by retention of the idea of “native wisdom.” This is a new permutation of that trope, however: now “native wisdom” becomes forward looking and business-centered.

In the case of the Tohu wine company, Wakatū was still cutting and weaving. Here, however, these discourses are used to weave and cut a network that alternately included the tribes of its shareholders, the grapes, the land, the wine, and its “*terroir*.” I will show how talk about wine, artisanship, localness, tradition, indigeneity, and kinship are all bound up in each other and, emerging out of crises of legitimacy and coherence, are necessary to make Wakatū's venture into wine – and the relationships between Wakatū and an organization with which it is closely affiliated, and with which it previously owned this wine enterprise – work. Through these examples, I suggest new ways to rethink Comaroff and Comaroff's (2009) *Ethnicity, Inc.* paradigm and its relation to the Foucauldian (1979) entrepreneurial subject. This chapter will examine the means by which the material body of the land becomes central to individual and more general corporate projects of making wine appropriately – legitimately – indigenous.

Time and Value

There are obvious reasons that Wakatū worked hard to publicize its environmental initiatives. An iteration of this orientation that will be familiar from chapter three was in the way Wakatū asserted that environmental responsibility simply made rational sense. Jonny described the way that horticulture as an industry was becoming more environmental, which he described as a good thing for Tohu – because it validated the company's own stated values and those of its parent company. Wine for export from New Zealand would become very closely regulated for

sustainability by 2012, he explained, and since New Zealand winemakers make much more money exporting than selling locally, striving for sustainability simply made economic sense. Even if wine were not so regulated, Jonny said, the company would undertake sustainability initiatives “because we said we would” – because it was part of the corporation’s narrative of itself and its indigenous owners. The increased reputational and marketing value of sustainability measures were also crucial as, in terms of money, being aggressively sustainable had until now done little for the corporation’s owners: “and that’s really what it’s about for us, is trying to make some money for our owners.” In Jonny’s estimation, projecting outward an image of “indigenous ecological wisdom” was less important than the economic well-being of these actual indigenous people. In this line of reasoning sustainability made rational market sense – which made another, more integral kind of sense.

This is another sense in which the time frame for the corporation is made very long and the size of its beneficiary group increased accordingly, encompassing not just shareholders today, but also past generations and generations to come. Wakatū weaves a network of responsibility that gives claims to traditional, social, and environmental wisdom convincing economic rationale: over the long term, sustainability is the only strategy that makes rational sense. Wakatū’s claims of a long-standing connection to land are rooted in its indigenous owners’ own connection to the land, and its claims of a responsibility to undertake to make its operations environmentally responsible is said to stem from that connection to the owners’ own connection. This way of describing its activities at once buttresses the idea of indigenous business-sense while keeping it coupled with ideas regarding the connection between land and indigenous culture. Sustainability discourse, with all its temporal associations, provides one way to articulate indigenous wine selling with a discourse of responsibility.

One central dynamic here, then, is that of different notions of time and value. Examining the impact of “the reality of terroir” (defined rather narrowly as the characteristics of a site that can be measured) as versus “the concept of terroir” (the mere location of a plot of land within an area associated with a particular terroir) upon wine prices, economists Cross, Plantagina, and Stavins found terroir to be economically important – but they determined that its value was “founded on reputation, not reality” (Cross et al. 2011:153). There are other types of valuation at work here, however. In David Graeber’s (2001) estimation value is a strikingly odd word, used both in common parlance and in anthropological scholarship to describe contrasting and sometimes seemingly diametrically opposed things. The things upon which we will spend money and “the very last things one would be willing to part with” are designated by the same word, with the economist’s “market value” contrasted with (for example) the “enduring values” claimed today by churches, tribes, and corporations alike (2001:35). Then, too, there are “valuables” that might be fancy things purchased with money or particular “treasures” that gain value as they are passed on (2001:35).

This concept of such “treasures” (as Graeber notes, *taonga* would be the Māori term) resonates here in more than one way. The maxim – some would say the rhetoric – in regard to Wakatū’s land is that they (“they” referring to either company, the beneficial owners of the land, or both, depending on the context) are charged to leave the asset base – the land, really, is what they are referring to here – “better off than when they found it.” Accordingly, the conception of the land is that, even without some type of lucrative developments on it, it gains value with being passed on from generation to generation. Thus when people talk about the value of the different vineyards, they speak in a variety of registers (see chapter three): there is the heritage value of land (the importance to the whānau of the land as rohe) and the land’s marketing value (the value

of the land – its history, its appearance – in publicizing the corporation) in addition to its terroir value.¹⁰⁴ These are parameters upon which each of the corporation’s vineyards varies. The connection between these disparate forms of value is the dependence of each form of value upon time – long spans of time, generations of time, time in which the land is husbanded, the vines tended, the whānau made to grow. It is time that connects “values” to “valuables.” *Values* Graeber relates to Kluckhohn’s (1951) morally-ordered wanting. They are future-oriented, are promises: ‘this is what we care about and how we should behave to preserve it’ (2001:3). *Valuables* then become an index of that past investment of time and care: they are something like congealed values.

The managers, winemaker, and current and former chief executives of Tohu valued Tohu’s three vineyards in a number of different ways. There was Whenua Matua, the vineyard I described earlier, which Mike, the current Tohu CEO, said “will never be sold, because it is part of the original Tenth’s; whereas the Waihopai vineyard, which was bought, and which we’re currently now trying to sell – is just a commercial decision.” Jonny, the winemaker, echoed this idea, framing Whenua Matua as “culturally important” to the company’s indigenous owners, distinguishing it as against the two other vineyards, located in Marlborough, far away from the traditional lands, the rohe in the vicinity of Nelson.

Whenua Matua is significant in another way: it abuts vineyards belonging to Neudorf, makers of particularly well-regarded chardonnay and white burgundy. The significance of this was framed to me as less about nearness (even plots of land very close to each other can give off

¹⁰⁴ Cross et al.’s (2011) analysis makes clear the importance of recognizing that terroir-value may be examined along at least *three* parameters: the value of terroir for the quality of the wine the vineyard yields; closely related to this, there is the value of terroir for wine pricing and sales; and, further, the value of terroir for legitimizing indigenous involvement in wine sales in the eyes of the public and the corporation’s shareholders.

very different terroir, I was reminded) than about what sounds almost like a particular kind of contagion. Hopes for the vineyard run high *not* because people imagine that since it is near Neudorf's it will share the specific characteristics of Neudorf wines; they recognize that the idea of terroir is too complex for that. Instead, the nearness to Neudorf is an endorsement of Tohu's wisdom in developing a vineyard in a place that seemed about as inconducive to growing vines as you can get. Said Jonny, "Nobody in their right mind would have developed a vineyard there. It was covered in gorse, it was hilly...but we [had] the land, and we've created this amazing place." The different valuations of these vineyards are an object lesson in what Arturo Escobar calls "the place-specificity of the production of place" (2001:147).

Consider the parameters along which Awatere, one of the vineyards far away from the tribes' traditional lands, is valued. Bruce tells me that compared to the other vineyards, Awatere has a particular type of importance: it sits beneath Mount Tapuae-o-Uenuku, traditionally considered sacred by Māori, featuring prominently in the stories of the tribes of the Marlborough area. And, as it so happens, it is from this vineyard that Tohu gets its best grapes and its most distinctive wines. Thus, Bruce said,

The Awatere vineyard I guess feels more like a special siting as well, I think our owners have always kind of felt like that – it's the special vineyard for us... particular sites can have a particular kind of importance just from their site – all the different things that make up their kind of ... place.

Bruce stressed that the location's ancient *spiritual* prominence is an aspect of the complexity of its *terroir*, joining the characteristics that go towards its particularity: "where it sits next to the mountain, the breeze that comes through it, the soil, the water supply, the... kind of the slope of the land, the angle of it, and like a million diff— all the things that go towards producing a wine." While discourses of sustainability and longevity are important to the company in terms of

its reputational effects and the company's externally-oriented marketing efforts, however, they is at least as important for negotiating internal issues – for the ways they can be used to justify Wakatū's and Tohu's decisions while retaining an air of legitimacy in the face of owners and whānau more generally.

Correlations of Indigeneity and Artisanship

The notion of *terroir*, which comes from French winemaking, might be translated to mean something like “the taste of place” (Paxson 2010: 444). Its usage has become more widespread than winemaking, however: it is used now to describe the social life of other artisanal products – cheese, for instance – as well as becoming a general term descriptive of a sense of locality and skilled craft. As Bruce indicated, a product's *terroir* might be said to include or to emerge out of a mix of factors – for instance larger forces like climate and geography; smaller scale factors like soil composition or the slope of the land; micro-level factors such as the provenance of grapes from a particular vine; and even metaphysical factors like perhaps the “soul of the cultivator” (Ray 2007). The incredible complexity (or mere complication) of *terroir* is a great advantage for producers wanting to emphasize the singularity, the particularity of their product – because with all the bevy of factors going into a product's *terroir*, a particular *terroir* might be said to be impossible for producers located in other places to *reproduce*.

The emphasis in the use of *terroir*-language is upon a product's resemblance less to the reproducibility of a commodity than to the singularity, the seemingly *enchanted* nature of artisan-made things. Capturing what is in winemaking something redolent of Benjaminian “aura,” the discourse of *terroir* “reveals [an] attempt to reconcile the economic and sociomoral values” invested in these products by their producers (Paxson 2010: 444) – a move you will have

seen Wakatū people making in terms of the idea of the indigenous corporation throughout this dissertation.

While Paxson cautions that the “bloom” of *terroir*-marketing is not very resilient, its use always running the risk of “turning the concept of *terroir* into a commodity fetish” (Paxson 2010, 444), Comaroff and Comaroff emphasize the peculiar resistance of other kinds of “artisanal” production¹⁰⁵ to the full brunt of this effect. Ethnic enterprise, they argue, even as it is by definition the selling of culture, manages to retain at least some modicum of its aura of difference and manages somehow to avoid absolute alienation:

vendors of ethnic authenticity, however bound they may be to the market, are not an alienated proletariat, in thrall to the fetish of their own estranged essence. Nor have they simply become fetishes themselves. Save, perhaps, in extremis, they have more than mere ‘exhibition value’ that withers with exposure to the public gaze. (Kindle Locations 346-348, citation omitted)

Benjaminian aura seems here to be radically reimagined. Because “the producers of culture are *also* its consumers, seeing and sensing and listening to themselves enact their identity” while “consumers also become producers, complicit in that enactment” the marketing of ethnicity complicates the theorized annihilation of aura by means of reproduction and sale (Kindle Locations 373-376).¹⁰⁶

¹⁰⁵ I use “artisanal production” for lack of a better term to encompass objects distinguished by marketing playing upon connotations of locality, of small scale, of the unique, the “hand-crafted,” the culturally marked – marketing, one might say, of enchanted objects. Compare Graeber’s (2001) discussion of “heirlooms” or “treasures”: “objects whose value is rooted in past actions”; whose value comes from “the object’s capacity to accumulate a history” (114, 34).

¹⁰⁶ The conclusions of Comaroff and Comaroff regarding the seeming conundrum of “ethnic” commodities that somehow retain their aura are similar to those of “ethnic entrepreneurs” themselves. Comaroff and Comaroff point to one such ethnopreneur who argued that “[t]he commercialization of identity... does not necessarily cheapen it or reduce it to a brute commodity. Quite the opposite: *marketing what is ‘authentically Tswana’ is also a mode of reflection, of self-construction, of producing and feeling Tswana-ness*” (Kindle Locations 121-122, emphasis mine).

The “anti-commodity” characteristic described by the Comaroffs is not limited to the objects of ethnic enterprise: the strange resonance of some objects, and the tendency of some objects seemingly to resist commodification, is a notion familiar across numerous strains of anthropology: some objects just have a special something, the root of which has long been and will continue to be debated in anthropological circles (see e.g. Kopytoff 1986, Weiner 1992, Godelier 1999). Recall Tambiah’s forest saints with their charisma that may be made solid – via the mechanism of contagious/abstract/concrete Maussian *mana* – in amulets: “reminders of the virtues of the saint.” These impersonated objects arise, Tambiah says, from each “society’s differentiated statuses and its hierarchy of persons and objects” (1984:339). Mauss and *mana* (and fetish – Tambiah moves from Mauss to Marx to describe the same operations in capitalist societies) put matter and spirit together.

Other approaches to the spirit of things range widely, concerning themselves with aspects such as the functional value of objects (Radcliffe-Brown 1965[1952], Malinowski 1985[1926]), their symbolic value in terms of structure (Levi-Strauss 1982, 1987, Charbonnier 1969, Sahlin 1976), or the relation of the status of desired or important objects to commodification (for example Bourdieu’s (1977, 1984) insistence upon the power of things to shape people and Appadurai’s (1986) and Kopytoff’s (1986) troubling of the gift-commodity distinction by means of attention to the ability of things to shift across “regimes of value”). The theorization of commodities in the 1970s and 1980s turned social scientific attention to the connections between the social and the material via not merely their *meanings* as commodity or symbol but also via their *meaningfulness* (Miller 1998), giving rise to progeny that include ANT’s insights regarding agentive things (Callon 1986, Law 1992, Tatnall and Gilding 1999, Latour 2007), British anthropologies of personhood-infused things (Strathern 1999, 2004), and other new versions of

material culture (Miller 1998, 2005; Colloredo-Mansfeld 2003). The contributions of Miller and others (Miller, ed 1998) to this reappraisal came via close attention to the way things are used. These stances engaged with the material as “the concrete means by which the contradictions held within general concepts such as the domestic or the global are in practice resolved in everyday life” (Miller 1998:19).

Daniel Miller’s (2005) reading of the relationship between material, labor, and the production of things suggests a mechanism behind the unusual tendency for the resistance of commodification that Comaroff and Comaroff note in the context of Ethnicity, Inc.

For Marx, the proletariat under capitalism was reduced to a mere thing, stripped of its personhood. But this was not based on a dualist separation – subjects with personhood and objects with materiality.... For Marx, the dialectical philosopher, the workers lost their humanity precisely because what was denied to them was their material being as people who made themselves through their own labor, in their transformation of nature.... Capitalism splits culture and persons apart into commodities separated from *their intrinsic person-making capacities*. (2005:17, emphasis mine.)

Miller might have here the kernel of the anti-commodity: of the artisanal product, of the indigenous enterprise, of certain kinds of dealings in land. These are person-infused, person-making materials. Here, exchange that is not total alienation; it is exchange that, in a rather Mauss-y sort of way, leaves both the vendor and the consumer with some part of the personality of the seller.

For Comaroff and Comaroff, this is about recognition. While disclaiming that the aura of the ethnic anti-commodity is down entirely to “mere ‘exhibition value’” (2009: Kindle Location 248), it is retained and reinforced in the act of display to consumers (Kindle Location 373-376). They attribute to their rural black South African informants a notion of a kind of “identity” that

“resides in recognition from significant others, but the kind of recognition, specifically, expressed in consumer desire” (Kindle Location 135). Comaroff and Comaroff’s conception of Ethnicity, Inc. tends to be characterized by this sort of externally-oriented identity formation: “artwork for outsiders” meant to tell others you exist, to make others aware of your group and to leverage that recognition for commercial success. That is, it comes from and is about your own identity, but is aimed toward others. The processes upon which Comaroff and Comaroff focus in their description of Ethnicity, Inc. appear most often to be about something like selling to others the “experience” of ethnic authenticity: thus they cite ads entreating viewers to live the experience of indigeneity: “make Shipibo ceramic artwork!” (2009: Kindle Locations 37-38).¹⁰⁷ What Comaroff and Comaroff see here amounts to a “[s]eeing’... entirely mediated by the market” (Kindle Location 141).

But there are more, and more interesting, things going on here. Although wooing consumers by means of the articulation of authentic ethnic distinctiveness is patently part of what is going on with Wakatū – witness Tohu marketing inviting consumers to partake of “our gift from the land” – a much more interesting kink is the degree to which the language of artisanship, the language of the anti-commodity, is here about justifying business activities like the wine venture *to shareholders*. It is about articulating the ways in which the corporation’s business decisions complement indigenous bona fides – about convincing shareholders that the

¹⁰⁷ For Elizabeth Povinelli, the nature of this experience is what distinguishes what consumers perceive as “authentic” indigenous enterprise: what is purchased “is not an Aboriginal person or Aboriginal way of Being in any particular place, but an experience that Aboriginal people manifest when they inhabit particular types of placing themselves, or being placed, in a limit” (2001:252). Povinelli sees here a fetishization of the discomfort, supposed necessary and natural, between indigenous lifeways and the “modernity” thought to be the realm of settlers: “[w]hile capital might find its limit in moments in which subjects experience the trauma of navigating contrasting social and cultural mandates, such moments are quickly fetishized as authentic culture – as the valuable ‘real stuff’ of culture (and law). It is this trauma that tourists of the Spirit seek to purchase” (252).

corporation's activities are worthy of and expressive of the shareholders' distinct history and culture.

There are numerous parameters upon which the idea of indigeneity and the idea of viticulture might be seen to meet – and they all come into play at some time or another in the legitimization process I describe. Like the notion of the environmentally responsible corporation and that of the indigenous corporation, terroir plays around with common notions of time, value, and commodity. Characteristics seen as surrounding and underlying the idea of terroir echo expectations of indigeneity: notions of rurality, locality, placedness, closeness to “the land” (a land always imagined as rural), tradition, traditional/ artisanal knowledge, and gift economies (as opposed to commodity production – even when what are produced *are* commodities). Similarly, people tend to connect both to ideas of the time value of genealogy (compare: whakapapa and the cultivation of cuttings from particular well-esteemed vines; rohe and land long in use and known as the place for its particular terroir). Terroir-language, like the language of indigeneity, is always a claim – of legitimacy, of history, of community.¹⁰⁸ Tohu harnesses this language – and its proven marketability – to claim a specifically *Māori* terroir.

Jonny called Tohu “Māoridom in a bottle” not merely as a way of describing what they are *selling to others*; his phrasing also expressed the feeling that what Tohu and Wakatū sell is always marked by – always *needs to be* marked by – the sign of its belonging to the shareholders. This is a small but important distinction. That an inwardly-oriented commercial sensibility is possible – that this is not merely Comaroff and Comaroff's “seeing ... entirely mediated by the market” (2009: Kindle Location 141) is evinced by the possibility of statements

¹⁰⁸ Which might be why both indigenous peoples and wine varieties are often characterized (by others) to be defined on the basis of their ‘authenticity,’ and are constantly engaged in struggles regarding this – being attacked as lacking it, claiming it, defending it.

like that of Jessica in the previous chapter regarding the status of the whānau as having been “a thing before the incorporation”; a “thing” that was now using – but which would eventually survive – the corporate form.

But why would Wakatū’s statements and persuasions regarding the suitability of a wine venture for an indigenously owned enterprise be aimed mostly inward, toward whānau, not outward, toward a wider public? Recall from the previous chapter the unusual importance to Māori incorporations of shareholder approval of the corporations’ business decisions. A curious contrast to the way people affiliated with Wakatū talk about environmental responsibility is the uneasy palaver around the nature of the company’s responsibilities as an indigenous company selling alcohol. There were modest semi-rumblings¹⁰⁹ regarding this issue in conversations with members of the whānau, but in most interviews, my interlocutors would mention the alcohol issue indicating that they expected *I* would be curious about it. They seemed to mention it only to reassure *me* of the ways in which wine was *different*. Different, that is, from, say, selling beer, or a opening a pub – they would point to class differences in consumers targeted for the markets in wine as versus less prestigious alcohol products; they would note the purposely high-end marketing of Tohu’s wines (they are only sold internationally – where they can command a

¹⁰⁹ When people spoke critically of the wine venture, they tended to do so only mildly, and less in terms of propriety than in terms of business sense; their critiques were made primarily in reference to the previous working relationship between Wakatū and two iwi trusts as owners, a relationship that I will detail in the next section. Some of the sharpest critiques of the corporation’s involvement with wine (but also, it must be noted, some of the most forceful defenses of the same) came from whānau who were members of Ngati Koata, who tended to be Mormon (and thus to disapprove of the consumption of alcohol). The careful, muted criticism of one such interlocutor, Jocelyn, is typical: “When the incorporation decided to go into the wines, into the winery and the vines... um, look, they [the board] were voted in; they had to make the decisions; but some of us didn’t agree that was the way to go.” Despite her particular reservations regarding the corporation’s engagement with wine, Jocelyn too spoke of wine as one of the few enterprises suitable to the particular purposes (or limitations) of the Māori incorporation, making the connection across the body of the land: “We are a land-based incorporation, so we can only do things on the land” (Interview with Jocelyn, January 13 2011).

higher price – and in the more expensive New Zealand wine stores). This, or they would note that they were aware that they “should be” feeling cognitive dissonance about it.¹¹⁰ It was not that people were actually especially confused regarding their feelings on the corporation’s wine business; it seemed more that they felt that as indigenous people or as people involved with an indigenously owned corporation they *should* feel more ambivalent, more torn, regarding it.

It is through the discourse of terroir, however – with its echoes of land, place and time – that people associated with Wakatū link the business of wine to the business of indigeneity. As with the aspects of the corporation outlined in the previous chapter, people involved with Wakatū bring wine into alignment with the indigenous corporate endeavor by means of the weaving of a long time frame: they emphasize wine’s ‘long term’ nature, matching that to their ‘long term’ values, thus legitimating Māori involvement with it. Where this air of legitimacy wobbles, the relationship between the company’s leadership, its owners, and the whānau more generally runs into some snarls.

The Vines that Bind

Here is a good place to consider Teemu Ruskola’s (2005) question: “What is the difference between a corporation and a family?” As it happens, with Wakatū and its partners, subsidiaries, and employees, one great similarity is in the complexity and the ferocity of squabbles. Linked as these groups are by kinships fictive and conventional, multidirectional conflicts characterize these relationships: metaphors of family join the wine company as “mediators” (Latour 2007) through which these relationships are enacted.¹¹¹

I mentioned James, who was the first (and long-time) CEO of Tohu, in the context of the dispute over Wai 56 and the Tenths lands. James was especially notable for his constant

¹¹⁰ Interview with “Tui” August 1, 2011.

¹¹¹ Cf Levi-Strauss 1982, Weeks and Galunic 2003.

invocation of the tropes of “family” in articulating that claim. What was important, he argued, was the families to whom the Tenth’s promises had been made; it was the families who had mana whenua over this land. It was families, not “tribes,” not “a corporation,” that were the operative entities. Even outside the context of the claim, family imagery was of paramount importance for him. He imagined his work with Wakatū in terms directly reminiscent of a family business: “when I finally pop off, my sons will pick up the reins I guess and they will – I mean, they *should* be more involved than they are.”¹¹² When he spoke of Wakatū and of Tohu, “family” was the very best way James knew to communicate the central meaning of what these entities were and what purposes they served.

James’ feelings toward Tohu were an owner’s-eye-view on the idea Jonny mentioned regarding the marketing of wine and the expression of identity. For James, Tohu was not merely selling wine; it was him, selling something like a representation of his family. James says that Tohu was “the first product we could export around the world with our name on it, as such.” According to James, the founding of Tohu came about from the board’s wondering, “how can we export our culture around the world?”¹¹³ In the mid-90s, nothing they sold abroad was marked with their own brands:

We had to sell our apples and pears to the apple and pear marketing board and we had to sell our kiwis to the kiwifruit marketing board... and they then on-sold and marketed it around the world. So we couldn’t do anything with apples or kiwifruit. And we didn’t have mussels in those days... and then someone said, well... our rohe is one of the best

¹¹² Note here again the way people hold the young whānau responsible for ‘giving back.’

¹¹³ James says that after he was named as head of the fledgling wine company, it became clear the venture needed a manager, so he took on the role of CEO of the company. “I actually started it from my bedroom in my house,” he told me. 1998 was the company’s first year of production. Soon, they went around the world looking to start distributor relationships (literally – James related that at the time a round-the-world ticket was cheaper than a ticket into New York), roving from New Zealand to London to Boston.

areas in the world for growing sauvignon blancs. So why don't we grow grapes? Put the resulting wine into a bottle, put our culture on the back label of the bottle... label and export *that* around the world.

Mana and marketing: this move into vineyards was not solely about finding a new way to make money (and in fact Tohu would not turn a profit for many years after its founding) but also about mana, about spreading what James called their “culture” – but which might be more precisely glossed as their renown – to other places.

The way James describes things, Tohu seems like an organization specifically linked to and expressive of Wakatū's own organizational values. Historically, however, Tohu has operated quite independently from Wakatū, which only took on a majority interest in the wine business in 2010. Prior to that time, the company's owners – Wakatū and its two Māori-owned joint venture partners, Ngati Rarua/Te Atiawa Iwi Trust (NRAIT) and Wi Pere Trust – left the company mostly to its own devices. There were, however, serious strains in the relationship between the three owners. A number of complications and tensions arise from the concatenation of these legal forms – the mixing of the business of this Māori *incorporation* (with its particular aims and social and legal impetuses) with that of Māori *trusts*. Some of these kinks, at least, are put in place by the law. The purposes of, and thus the strictures for the Māori incorporation differ from those for trusts established under the 1993 Māori Land Act, with trusts restrained from risky business activity while Māori incorporations are allowed at least a modicum of risk.¹¹⁴

As I noted previously, this characteristic of the Māori incorporation makes the balancing of commercial and social imperatives especially difficult, and especially important. Other types of Māori-owned organizations do not tend to have to walk this tightrope quite as gingerly, nor

¹¹⁴ See chapter one for an outline of the strictures on Māori incorporations, and footnote 22 for details regarding trusts.

with quite as much skill as does the Māori incorporation. Iwi (tribally-owned) trusts, for example, seem to be subject to a penumbra-effect wherein the legitimacy and naturalization of the iwi extends to the trust: the trust has to work much less hard to show and prove its cultural bonafides. Further, as was clear in the context of the Wai 56 dispute, iwi trusts are not necessarily expected to distance themselves from the “cultural” areas excluded to the Māori incorporation. On the other hand, for many of the Māori corporations that were established with treaty settlement money, such as those of Ngai Tahu, there seems to be a much easier general consensus that the business’s business is *business*. In these cases (and especially in the case of Ngai Tahu), people seem to have a much easier time letting go of the idea that the corporation needs to perform “Māoriness.”¹¹⁵

Other kinks to the relationship between Wakatū and NRAIT stem from the expectations of people closely affiliated with both: the same “family” sensibility that makes these difficult mismatches work in the first place also causes other disconnects. For instance, in business dealings as between the corporation and whānau or their iwi organizations, whānau were often left feeling mistreated.¹¹⁶ Having been on the receiving end of many Wakatū claims to being in a

¹¹⁵ Ngai Tahu is an iwi whose rohe is the entire balance of the South Island less Te Tau Ihu. The iwi has put the care of its massive Waitangi settlement into the hands of its holding company, NgaiTahu Holdings Corporation, which concentrates, with laserlike focus, upon profitability and efficiency in managing the iwi’s funds (see <http://www.ngaitahuholdings.co.nz/group-profile/>). To a much greater extent than is the case with Wakatū, the “cultural” concerns of its constituency are not the province of the company. It acts solely as the “financial wing” of the iwi’s provision of benefits for its members.

¹¹⁶ One man spoke, quietly bitter, about the way that he had seen “other whānau through different stages in their horticultural [concerns] that have invested land and they have been running successfully, and then the Incorporation has deemed that they’re not relevant to the future of where they’re going in that industry.” He acknowledged that such decisions probably made sense strictly in terms of business, referring to the similarity in this reasoning to Wakatū’s policy of always hiring “the best person for the job.” While whānau were not and did not expect to be given preference over better-qualified applicants in terms of the staffing of the corporation, however, they felt a real sense of unfairness when those who attempted to undertake small-scale

“family” relationship with them, the leaders of NRAIT tended to enter business dealings expecting to be treated as such.¹¹⁷ Being then dealt with at arms-length came as a shock, one that did nothing to calm the near-painful sensitivity many whānau expressed regarding perceived wrongs from Wakatū.¹¹⁸

Thus, the particular combination of the wine company’s multiple owners produced long-standing chaotic effects. The leaders of NRAIT and of Wi Pere began to suspect that, in the eyes of Wakatū’s leadership, the trusts were there to serve as little more than cash cows. One informant seethed that the power differential between the corporation and the two trusts meant not only that they served merely as sources of funding for Wakatū’s ideas but also that, while board membership was distributed among the three entities, any criticism that might be raised by

business dealings with the corporation found Wakatū declining to act in ways that acknowledged the relationship and the power differential between them – or acting in ways they saw as actively hindering the development of their business concerns. “It’s just a company but it should be there to help ... *manaaki* whānau into those positions to do better and do better for their— if not weaving them in there and having someone who they think is more skilled, and keeping them there beside them so that they can be taught what the direction and how they want— how Wakatū wants it to go. See the business side of working with them.”

¹¹⁷ Keith Palmer views this as the relationship’s central and most productive conflict: “All the NRAIT owners are Wakatū owners, but not all Wakatū owners are NRAIT owners. Because of that, in my perception, NRAIT feel that they should have a preferred relationship with Wakatū—but with me as CEO, Wakatū have to treat everyone fairly; so that introduces a basic tension in the relationship, right from day one.” Even as he denies their significance in terms of Wakatū’s business practices, then, Keith recognizes the importance of familial concepts for the relationship between the two organizations. He described the Wakatū-NRAIT relationship as something like the tension between a big brother and a little brother: “The directors on Wakatū are far more sophisticated in commerce than the NRAIT directors [and] Wakatū’s got a far greater pool of professional people than NRAIT have.... They tried to mimic Wakatū, so they went into mussels, they went into subdivisions, and they’ve all failed for them. ...whereas we’ve succeeded. And they’ve failed because they just basically didn’t have the basic expertise to be able to do those things, but they thought because Wakatū did them, they could do them, and life’s not like that.” (Interview with Keith Palmer, February 09 2011.)

¹¹⁸ An irony here was that part of the impetus for the corporation’s insistent use of kinship metaphors in the first place was due – at least in part – to the company’s awkward, hybrid position: its status as indigenous business, yes, but also its status as akin neither to the iwi trusts nor to a Māori entity founded under Companies Act, with the singular focus upon profit that such status might putatively have afforded them.

those whose concerns centered on any other object than the well-being of Wakatū tended to be obliterated in the face of those of the corporation. An informant I will call Rick related the story of a conflict regarding a non-Māori investor who wanted to buy part of Tohu – a deal that would have made money, he said, but for a Wakatū board member’s putting the kibosh on it, stating firmly that “Wakatū can do it better.” Rick complained that instead of taking ideas like this into account Wakatū would take the partners’ money, “chew them up and spit them out and move on to the next.”¹¹⁹ Another interlocutor, Jocelyn, reiterated these thoughts in starker terms: “We realized that it’s been six years, we haven’t really seen any return, and our money— we put in millions into it— and we’re not getting anything back. *That’s enough, we don’t want to go in there any longer.*”¹²⁰

When in 2010 disagreements between Wakatū and its Tohu joint venture partners regarding the conduct of the wine concern came to a head, Wakatū bought out the interests of its erstwhile partners and became the wine company’s sole owner – leaving in the wake of this deal the grumbling in evidence from persons affiliated with the running of Wi Pere and especially NRAIT. The withdrawal of the trusts from Tohu ownership might indeed be read as the ultimate consequence of the failure of all the internal politicking I have been describing, and the insistent repetition of the tropes of family might thus be seen as more akin to protestations-after-the-fact in support of the corporation’s legitimacy in undertaking and maintaining its wine enterprise. In this case, however, the relationship continues.¹²¹ Sharing, as they do, shareholders/ beneficiaries, board members, and even office space – recall that NRAIT holds a tenancy in Wakatū House, renting its offices from the corporation and sharing office gossip with its third floor employees –

¹¹⁹ Interview with Rick, December 2, 2010.

¹²⁰ Interview with Jocelyn, January 13, 2011.

¹²¹ Wakatū and NRAIT, at least, are still intertwined. I saw no evidence of any further ventures with Wi Pere.

it can hardly be helped. Thus, the interactions and discourses I have detailed appear more to serve as a coping strategy, a strategy by which to negotiate this fraught and complicated relationship.

Family, Inc.

One of the first documents Ropata gave me when I arrived in Nelson at the start of my fieldwork was a brochure outlining Wakatū's Māori values. Whanaungtanga was the last of these and the most prominently placed, abutted as it was by a brightly colored image of a Māori man in traditional dress, his face tilted toward the word at the end of the list. "Whānau" is a word with which you will by now be very familiar (so to speak): it refers to family, and is used in the context of Wakatū to encompass Wakatū's shareholders and their extended families. The suffix -tanga makes a noun a more conceptual term: whanaungtanga might be taken to mean something like "familyness." The "values" brochure spelled out the reason for the term's prominence: "Whanaungtanga – Relationships. We are a family business, and value our relationships."

Comaroff and Comaroff's elaboration of the concept of Ethnicity, Inc. holds within it "the dialectic between, on the one hand, the incorporation of identity and, on the other, the commodification of culture"; they maintain that it "may have its genesis in either" (2009: Kindle Location 1223-1224).¹²² Thus, in the view of Comaroff and Comaroff, Native American gambling businesses fit neatly within their Ethnicity, Inc. typology. In Jessica Cattelino's (2010) view, however, the model is too narrow to encompass Seminole enterprise: this type of indigenous business presented different issues and arose from different circumstances and

¹²² Ethnicity, Inc. is made up of two parts; each side explores a different parameter of "the identity economy" (Comaroff and Comaroff 2009, Kindle Location 1186). The first of these concerns what the Comaroffs call the commodification of identity – 'selling our identity' in the form of objects or experiences impressed with the aura of the group. The second, the one in which Comaroff and Comaroff include Seminole gaming, concerns the corporatization of ethnicized populations (2009: Kindle Locations 301-302) – 'profiting from our identity.'

motivations than did the tropes defining Ethnicity, Inc. Cattelino rejected the suitability of the paradigm's equation of Seminole gaming with other types of ethnic enterprise, arguing that this set of analytics do not quite fit in contexts such as the interaction between the United States federal government's promotion of indigenous corporations and tribal corporations' ways – uniquely flavored by the realities of tribal sovereignty – of threading social and cultural ties (s138). How, for instance, was Ethnicity, Inc. to analyze the way her informants themselves moved (not always, but sometimes) to downplay the “indigeneity” of their business in favor of accentuating its similarities to “family business”?

Ethnicity, Inc. moves from outside in, attempting to understand ethnic enterprise by reference to the way groups present themselves (and their *selves*) to outsiders – how they make themselves visible to others by means of the market – instead of from inside out. Cattelino's (2011) informants tended to separate out the sale of something like the feeling of indigenous culture from their business activities: tropes of indigeneity, traditional designs – any form of marking that might stand as the imprimatur of what I will call their *mana* – were quite absent from her informants' marketing of Seminole Gaming (2011:S142). Cattelino's interlocutors were not interested in making their “self” legible to outsiders: indeed, they found not advertising their internal dynamic and cultural proclivities to be an important part of their business activities (s138). It is in this regard that the notion of the “family business” became useful. Cattelino enumerated the multiple benefits her interlocutors found in this characterization:

[I]t familiarizes and deracializes group boundaries through use of an all-American metaphor, it underlines the locality and nontransferability of the business, and at times it is a self-critical explanation for inefficiency and conflict. (2011:S143)

Her interlocutors' reference to “family business” worked almost to sanitize – to make acceptable in anodyne business terms – the unique oddities of the indigenously owned business entity. In the

face of impressions that internal tribal dynamics will stymy business, Seminole leaders utilize the metaphor to “familiariz[e] and deracializ[e] it (2011:S143)” while nonetheless also preserving something of the particularity of Seminole Gaming – rendering it legible – not merely unique, but unique in a useful way – to wider society: ‘we are unique, yes, but an understandable ‘unique’ – you may think of it sort of in the way you do family business...’¹²³ In Cattelino’s reckoning, *Ethnicity, Inc.* was inadequate to analyzing this sort of interaction.

A similar dynamic is often visible in New Zealand. The Ministry of Māori Affairs’ working definition of Māori enterprise (see chapter one) refers to businesses majority-owned by Māori or Māori organizations, enterprises that identified as Māori, and/or more specifically in this case, enterprise that was incorporated out of interests in, and was charged with preserving the value of, communally-owned Māori land. As James’s narration of the founding of Tohu makes clear, and as is often the case with Native American casinos and Alaska Native corporations, this is less about marketing “ethnic distinction” or “indigenous culture” (about recognition-seeking by means of “selling-you-something-that-is-us”) than it is about comparative advantage: using whatever point of legal, cultural, or geographic distinction you have that offers you a particular niche of advantage – that is, you are selling “something-to-provide-for-us” (and if it happens to be “distinctly Māori” then so much the better; so much a good use of a distinctive advantage).

¹²³ Subject to such analysis my own informants would point out that this usage of “family business” tropes, like their own, is never entirely calculative: first, because they are (and count themselves as) all related; second, because the primary usefulness of the term might be seen in the way it allows people to describe their feeling that what they are doing is not 100 percent hyperrationalized capitalist behavior: to describe the way their businesses *feel* different.

Not All That is Solid Melts Into Air

Ethnicity, Inc. is not the best way to understand businesses like Wakatū or like the Seminole Tribe of Florida. The Comaroffs put together “commodification of culture” and “corporatization of ethnic populations” because they imagine both as expressions of the onslaught of neoliberal capitalism and a slow encroachment into everywhere of hyperrationalized capitalistic rapaciousness.¹²⁴ Despite their insistence upon their suspicion of “historical imaginings that presume a ‘one way process of abstraction’ ... said to be eradicating all vestiges of unalienated existence” (Kindle Location 326-327), Ethnicity, Inc. in the end absolutely depends upon it. Comaroff and Comaroff relate the rise of Ethnicity, Inc. to “ethno-preneurialism” and the rise of the entrepreneurial subject, based in a widespread and increasing “corporatization” of society dependent upon intensified utility-seeking individualism, a separating-off of persons from social contexts (Kindle Location 1847-1849).

Relating Foucault’s (1979) “entrepreneurial subject” to Ethnicity, Inc., Comaroff and Comaroff elucidate the concept of the “ethno-preneurial subject,” which they describe as a collective variation on the singular entrepreneurial subject. The spirit of ethno-preneurialism, like the entrepreneurial spirit, appears to destabilize Marx’s ideas regarding labor and alienation in the sense that ethno-preneurialism involves “the management and marketing of cultural products and practices... as sources of value – indeed, as monopoly capital – inseparable from the being-and-bodies of their owner-producers” (Kindle Locations 733-736). But Comaroff and Comaroff note the tricky turn that others have deciphered in the simultaneous valorization of the entrepreneurial subject and disregard of structural concerns in this “theory of human capital”: it

¹²⁴ Again I point to the way Comaroff and Comaroff characterize Ethnicity, Inc. as a process moving along two strands: “One element of that process lies in the incorporation of identity, the rendering of ethnicized populations into corporations of one kind or another; the second, in the creeping commodification of their cultural products and practices” (Kindle locations 301-302).

buttresses and breeds new varieties of that form of domination characterized by self-discipline, by self-regulation. It provides, in other words, “enhanced techniques of control though freedom itself” (Kindle Location 739). The entrepreneurial spirit associated with neo-liberalism is thus “less a radical departure than an intensification of the modernist myth of ‘free labor’ under industrial capitalism against which Marx railed so passionately” (Kindle Location 740).

Ethnic enterprise begins to look like a ruse, a sham, an agent of domination and injustice cloaked in a disguise of self-determination and cultural renaissance. As Comaroff and Comaroff appear to realize, this dour summation naysays the more nuanced take on ethnic enterprise for which they began initially to argue. How do these points mesh with their previous explanations of Ethnicity, Inc. as something that “has permitted long-marginalized, impoverished populations to turn the means of their exclusion into sources of profit without alienation, estrangement, or a loss of ‘true’ selfhood?” Things are more complex even than this, they explain, noting that while “ethnopreneurialism” provides new opportunities and forms of value, it can also reinforce old patterns or create new patterns of inequality and injustice (Kindle Locations 740-744).

This is a crucial point, one especially important in light of the tendency for scholars of indigenous lifeways and indigenous struggles to avoid explicating internal injustices and harms in their desire to argue points about larger, more external harms like those of the State upon indigenous people. But there is a sad irony to the way that Comaroff and Comaroff raise this point. In moving from the rejection of the view that sees a contradiction, a thing of ironic mockery, in ethnic groups’ purporting to combine culture and commerce – to their finely detailed portrait of the ways Ethnicity, Inc. can be more complex than that and in fact is not a contradiction but merely a complication – back to bemused astonishment, they reinforce precisely the point they were trying to erode. Instead of leaving a measure of scope for

indeterminacy, “ethno-preneurialism” becomes another extension of the supposed inevitable, inescapable domination of everything by capital: Comaroff and Comaroff quote Brian Massumi to suggest that this rise of the entrepreneurial subject – and, presumably of the ethnopreneurial one as well – is associated with a situation wherein “our entire existence ‘becomes a capitalist tool’” (Kindle Location 725).

In the face of such conclusions, Ethnicity, Inc. becomes less useful for the examination of a corporation like Wakatū because of the way it de-emphasizes the salience of, and the realization of, corporations’ discourses of *connection*. Just as “sustainability,” “terroir,” and “family business” may be analyzed in terms of their marketing value for the corporation, they can also be analyzed in terms of their value for the relationships that surround Wakatū. Each is part of why this pile of disparate groups works: they are part of how these various sets of people, different legal structures, and diverse aims negotiate the terms of their relationship. Each of these ideas is another way people weave connections – contested, contingent, and partial as they may be.

CHAPTER FIVE

The Center of New Zealand: Memory and Place in Te Tau Ihu

The tale is the map which is the territory.

Neil Gaiman (2011: 485)

Seeking to express something about memory and the construction of place, of home, Jessica, the whānau member and scholarship alumna I introduced in chapter three, directed a film, *Our House*, about a woman's experiences of memory and story; about her almost-experiences of a history that shapes her course of movement through the world. The woman roams the rooms and corridors of an old house collecting the material bits of memories strewn throughout. She ducks through the rooms, moving through a crowd of misremembered memories, a set of others who inhabit the house just outside of her reckoning – a Māori kupapa soldier,¹²⁵ gun cocked, alert to the dangers of the long-past Māori Land Wars; a beautiful old grandmother sitting in repose, her eyes bright and *seeing*; quiet, *unheimlich* figures, going about their quiet, completely *heimlich* business. The “our” of this house is never a bounded group but always a process of recognition and misrecognition and memory and forgetting. The film expresses something about the dwellings that exist in the same places in which we walk, shaping us and intermittently allowing us to see ourselves in their elsewhere. About the invisible bits of things past.

¹²⁵ Kupapa soldiers were Māori who fought on the side of the colonists during New Zealand's 1845-1872 wars over the settlement of Māori land. The word kupapa means literally “to lie flat, stoop, go stealthily, to be neutral in a quarrel, to collaborate” (Te Aka Māori Dictionary, available at: www.Māoridictionary.co.nz). A very blunt friend of mine explained to me that today the word has the same connotations as might the phrase “house nigger” in the United States.

Marahau Beach

In late 2010, the morning after Christmas, I woke up to the sound of two men arguing outside of my door. Not loud arguing, you understand: this was very polite, genteel arguing, and the only reason I could hear it was that I was living in a tent. Ropata, I, and three generations of Ropata's extended family had set up camp on the beach for the week, toting in tents, grills, and massive piles of food in order to celebrate the holiday in the proper Kiwi way. Most mornings Marahau beach gets a few dog-owners, sun-bathers, or adventurers walking, boating, or horseback-riding across the shore, and this morning was no exception. What made this morning different was that one dog-walker had particularly quarrelsome pets and was disinclined to leash them. I exited my tent to hear the man putting forth an argument for his freedom to loose his dogs on the beach that was along the lines of, well it's a free country.

Ropata replied that this little bit of it was not, in fact, free, but was burdened by Māori title.

The man noted that he saw signs for a kayaking company up and down the beach, so you probably don't own that part, at least.

Ropata replied, with only the minimum amount of smirk: "Yeah. We own that kayaking operation, too."

Our camp at Marahau perched above the beach on a very small rise, amidst a stand of pines. At Marahau beach the tide comes in to just below the rise, like water to the edge of a plate it has been poured into, and then goes way, way out, leaving a wide flat pan of sand marked here and there by tidal rivers, pools, and low, wet dunes. These shores are a supermarket of seafood: cockles to be plucked and cooked up for dinner, or mussels, abalone, sea urchins, and other

delicacies packaged under one of Wakatū's seafood brands and sold to American and Asian markets.

Ropata and his family celebrate Christmas here each year. The land is owned by Wakatū, but was put into the corporation by its shareholders in this family. Various family members explain that other Wakatū-affiliated families could, putatively, use the beach too, but it's just not done.¹²⁶

This is home, they assert, often and quite forcefully. As if they anticipate being challenged on this point.

“To Seize Hold of a Memory as it Flashes Up...”

Central to this chapter is a tracing of the ways land means, how these meanings are differentially deployed in terms of internal relations of power and cultural authority and imaginings of home and history. The chapter will describe people's feelings regarding the corporation's history, examining its critical importance to them; their certainty that bits of things necessarily lost to history are still important in the way they move through the world; and the processes they have engineered as a way either to unearth or to absolve themselves of this lost memory. Like the shades filling the house in Jess's film, the whānau trace a number of circuits on the land – down to the beach to hunt for cockles, for instance – walking to remember and to ground themselves: “*here*.” The path of the matakite was one of these walks.

I had been in New Zealand for several months before I heard about the matakite. The corporation periodically hires a Māori man gifted in the matakite sense – a kind of psychic sense that, my interlocutors assured me, was quite common among Māori people. The matakite rides

¹²⁶ Recently, however, the company has made efforts to encourage the rest of the whānau to use the beach, renovating a beach house and renting it to whānau for very low prices for holiday stays.

out with the managers of the corporation's land group and some of the elders on the board to feel the land, to gauge whether there are spots where the ancient bodies of their ancestors lay, where the land was marked with psychic trauma, or where important events such as landings, battles, and meetings happened. This evaluation is supplemented with the aid of the elders, who are versed in the stories and lore about the land; both go toward the corporation's assessment of what is explicitly framed as the land's cultural importance. After a great deal of time and sincere begging, I prevailed upon management to let me accompany them on one of the matakite's land evaluations.

In a van with Robert, his son, some elders, a handful of Wakatū personnel that included Oliver, a manager in the company's land group, and one young member of the whānau, who I will call Janie, I traveled to the rural area that was being surveyed. There, Robert got out of the van and walked toward a bank of high hills that blocked the sea from our view. He began talking about a ship that had attempted to land just *there*, just over the hills. He talked about the Māori who were there and threatened the ship, about the cannonballs the ship spat to scare off the Māori. We listened silently; Janie looking profoundly spooked when, as she told me later, Robert made statements that were corroborated by stories she had heard from her family.¹²⁷

“If you go just there, and dig – I don't know if you want to dig – you'll find a couple of broken masts from a wreck.”

Oliver's reply to this was a little shy: “Well just past that hill is off our land, we're only thinking about this bit here.” He traced an angular shape upon the map Oliver had laid out on the hood of the van.

Robert shrugged, saying he would just relate to us what he felt, and Wakatū could work

¹²⁷ Robert came from the North Island; he had not grown up with the stories the local families told about these lands, the stories that the elders were there to relate.

out the property boundaries later.

So we walked the land, changing locations periodically, with Robert relating to us what he felt: a high hill where a woman had found shelter. A bog where a horse had died, struggling. A low place at which people had gathered and sung. Robert would feel the land, the elders would detail the stories they had heard about it, and the land management group would mark their maps and evaluate the land's appropriate classification – as more or less culturally important, and thus more or less appropriate for the board to sell or lease – based on these inputs.¹²⁸ In other words, this was no idle jaunt. The matakite's walk is a matter of valuation.

The Valuation of Land

Regulation, economics, ideas of self and what – or who – the corporation is supposed to be shape various Wakatū spaces. Wakatū owns vast stretches of land in the Nelson region; as I have mentioned, the company is the region's biggest developer of land. This is not just “our land” in an abstract, touchy-feely sense. There are a number of different valences to this land. Strongly felt discursive divisions between rural and urban land reflect particular regulatory arrangements, as well as histories of settlement and commerce, which are in turn reflected in Wakatū's official policies regarding land use. As mentioned previously, the 1993 Māori Land Act limits the amount of land that the corporation may sell and the uses to which it may be put. These wider legislative schemes figure strongly in Wakatū's land dealings due to the legal types of land the company is charged with overseeing.

The land types that Māori might hold, and the protections/restrictions regarding each in terms of alienation, are enumerated in the 1993 Māori Land Act (Te Ture Whenua Māori Act 1993, Part 6 Section 129). “Crown land reserved for Māori” (land the Crown holds for the use or

¹²⁸ Their maps become sensitive documents, marked as they are with the location of the whānau's *taonga*, their treasures, such as the locations of their ancestors' graves.

benefit of Māori) is specially preserved for (to name a few examples) its importance as a community resource for Māori, its historic significance, or its spiritual significance according to *tikanga Māori*, Māori custom. “Māori customary land” is land Māori hold due to the operation of *tikanga*. As a result of the past century-and-a-half of land-grabs, this variety of land interest is quite uncommon. It is, as a result, fiercely protected – an interest in Māori customary land may not be alienated by any means. “Māori freehold” is land granted as freehold by the Māori land court.¹²⁹ Such a land interest might also be designated as reserve land. If not, it provides owners a greater measure of freedom than they might have with the more closely protected reserve or customary land. Land not granted by a freehold order from the Māori Land Court, but held in fee simple by a Māori person, or a group that is mainly Māori, is designated “general land owned by Māori.” Each type of land is designated by law or code or convention for particular uses. Different rights, protections, and acceptable behaviors accrue to each type. Changes to the status of a particular parcel of Māori customary land or Māori freehold land do happen, but infrequently and only after long deliberation with the owners (and an application to the Māori Land Court).

¹²⁹ “Freehold” is real property ownership – what you might think of as permanent ownership of an estate in land. Although speaking technically this characteristic varies, the right to alienate such a property interest as you see fit is generally presumed to attend freehold; the alienation of Māori freehold, on the other hand, comes encumbered with a number of restrictions. A Māori incorporation’s alienation of Māori freehold generally requires that the would-be seller give the right of first refusal to certain classes of prospective buyers (a set of six groups including but not limited to “children and remoter issue of the alienating owner”; “whanaunga [family] of the alienating owner who are associated in accordance with *tikanga Māori* with the land vested in the incorporation”; and “other beneficial owners of the land who are members of the hapu [sub-tribe] associated with the land vested in the incorporation” (Section 4)); that it first obtain authorization of the sale or gift “by a special resolution passed by shareholders holding 75% or more of the total shares in the incorporation” (Section 150B(1)(a)), after which the incorporation must apply to the Māori Land Court for confirmation of the alienation; and that in order to alienate land by way of long term lease the incorporation must first gain the approval of the Māori Land Court, and then authorization by 50% or more of the incorporation’s shareholding.

In addition to its legal classification, Wakatū land is evaluated in terms of the policies of the corporation. Several factors go into the land-policy classification of any particular plot; the first of these will be the walk of the matakite and the input of elders. But there are more deliberations after this. The Whenua Group – the land group – will weigh these inputs according to the strictures of a set of development policies that lay out intricate parameters upon which the land should be graded. These policies on the use and sale of land will, of course, attend to the statutory requirements of the Māori Land Act – but they also reflect particular feelings around the traces drawn by the past. The company distinguishes “highly culturally significant” land that cannot be sold (locations of historical or spiritual significance, such as burials, battles, or famous meetings); varying degrees of less culturally significant land, the potential sale of which must be carefully vetted; and culturally insignificant land with which Wakatū may deal with relative freedom. Although sale of this land remains subject to the statutory limitations on alienation, the corporation will have a markedly less difficult time securing from its shareholders the passage of the special resolution to sell land that has, or has successfully been framed as having, no cultural significance.¹³⁰

¹³⁰ Another important document in these calculations is Wakatū’s long term “land plan.” After the land has been graded as amenable to sale or development, the actual decision regarding what to do with it is made with careful attention to a plan James describes as: “a huge document... a hundred different maps of land that we will hold and land we want to sell.” My narration of this process makes it appear as if the evaluation of the land’s significance runs necessarily prior to discussions regarding whether or not to sell it; in fact, however, the impetus for examining land will tend to come from this land plan, a “bit of a moving jigsaw puzzle” where land might move from “long term hold” to “medium term hold” to a “sell list” in reaction to the conduct of other land purchases and sales. The land coming under examination will tend to be “land [Wakatū] identified quite some years ago... we don’t just say, “*Oh! We could sell that, or sell this...*” (Interview with James Wheeler, December 13, 2010.) The set of maps James describes become “a model for, rather than a model of, what it purported to represent... a real instrument to concretize projections on the earth’s surface” (Thongchai 1994:310, quoted in Anderson 2006[1983]).

Places deemed significant might be fitted with signs marking out their specific importance for the whānau. Such is the case, for example, for Kaiteretere, the beach upon which Te Tau Ihu Māori made their initial bargains with the newly arrived New Zealand Company representatives. Signs beautifully marked with traditional patterns document the history of the place, welcoming but also educating the hordes of bathers who fill Kaiteretere in the warmer seasons.¹³¹ A place of very high significance, on the other hand, will not be sold or developed, and might be planted with native shrubs that will obscure it from sight and from public interest – its importance written upon it in code.¹³² The beach at Marahau might be considered one of these places, with its obscuring plantings and its reservation for Wakatū whānau, making it a direct contrast to its neighbor Kaiteretere. Places that have been assessed as possessing some measure of this significance will tend to be considered “heritage” land, a blanket term describing the land that is not to be sold even when selling would be in accord with the corporation’s ‘corpus’ requirement: the corporation may buy and sell land (again, subject to the particular limitations outlined above), but it must ever retain a certain defined *quantity* of land (TTWMA Part 13, Section 256).

To significantly understate the situation – the corporation’s management of its land is a somewhat involved process.¹³³ Managers and shareholders alike feel strongly about this process,

¹³¹ Cf Anderson 2006[1993]:185-186.

¹³² For those who can read this code, these places could be described as heterotopias that act much as the mirror does: “from the standpoint of the mirror I discover my absence from the place where I am since I see myself over there” (Foucault 1967). The colonial period saw a great deal of native bush supplanted by varieties imported from England, and much of the countryside has, consequently, a very English appearance. My interlocutors described their decisions to uproot these plantings and attempt to re-establish the dense, tough shrubs native to the area in a manner that made it clear that they saw this as a political act.

¹³³ Wakatū’s CEO provided a pithy description of a management-eye view of the process the corporation undertakes in deciding whether land will be sold: “First thing, we go through and see whether it’s got any cultural significance. If it has, well it just stays there. After that it just comes

with its bits at once mystical and prosaically bureaucratic. The process was vitally important, managers and directors told me: it was necessary for the proper sale of land, to ensure that they sold the right bits and protected the other bits. And there is a long memory of the corporation's dealings with land. One manager told me, "There's a couple parcels of land that I know were – had been sold, you know, over the last thirty years, which in hindsight – and even they say, 'we shouldn't have sold those.'" Speaking of the proper determination of the cultural value of the land, he said:

A lot of that information is held in people – some of the kaumatuas ... but a lot of that information is – has been lost. You know. Because they had no control of their lands between 1860 or whatever till 1977, it was in the hands of the Māori Trustee, they probably had a totally different view of what's – what was important.¹³⁴

The elders had some knowledge – stories and talk they had heard growing up – and the historical documents unearthed in the course of the recent Waitangi claim meant that over the past several years there had been unearthed a lot of forgotten information; but people constantly spoke of their feeling that there are some things lost to history. Things that matter, that they cannot know. Managers and directors expressed their anxiety over getting the cultural valuation of the land right both in terms of obligations to family and extended family and in terms of fiduciary duties.

down to our long term vision for the organization – where do we want to be in 50 and 100 years, where does that land fit in? Then we come back and say, 'Do we need it now or not need it now?' And only if it's outside all of those things do we put it up for sale. And then we only put it up for sale when we're going to buy some other land to replace it that does fit into that long term plan, so it's a case of saying, here's the long— if it's culturally sensitive it just stays there, it doesn't get considered. It's not necessarily where does it fit in, uh, with what we want to do out in the future, where does it fit in now, what do we do with it now. But quite often – and I had an argument with some of the board on this – they'll say, 'Well we've got that land, we're not using it, you can't find a use for it.' And I'll say, but we've got to leave some of it for the future generations to decide. We shouldn't decide on all of it, we should decide on that stuff that we need to do something to achieve it, but if we haven't got a specific thing to do it, leave it for the other generations." (Interview with Keith Palmer, February 09, 2011.)

¹³⁴ Interview with "Oliver," November 29, 2010.

Barney Thomas, a director regarded as a kaumatua (although, at a very young fifty, he always looked quite bemused to receive that appellation), told me: “it’s about whakapapa, about that connection. I – in my day-to-day – I’m just like – I’m at home. And so I have a responsibility. I have a moral responsibility, and I also have a board responsibility as well.”

But the board and the whenua group are not the only arbiters of these decisions. Their judgment is supplemented by (or challenged by) a communal store of memory, stories, history, and feeling for land. Where the corporation is seen to have *not* gotten the determination of the value and meaning of land right, they can expect a great deal of blowback from shareholders.¹³⁵ Once the move is put before shareholders, the effect, evidenced in the next shareholder’s meeting, is dramatic. The anecdote with which I opened this dissertation, the conflict over Auntie Tui’s land, was one of these.

The Whenua board had proposed to sell a bit of land in Motueka, adjacent to, but not on, the land of Auntie Tui, a well-esteemed long-time resident of Motueka. The board meant to put the motion to the vote of owners at a shareholders’ meeting in the November prior to my arrival in Nelson – but Auntie Tui and her family (especially her niece Kristine, a minor shareholder who is very active in iwi leadership and in general agitation against Wakatū’s prerogatives) protested vigorously. In the absence of Paul Morgan, who was on sick leave, a substitute chairman of the board was running the meeting: James. James was, unfortunately, not as skilled as Paul in handling hostile and restive crowds. The meeting attendees became very vocal in their disapproval of the action, and James withdrew the measure, not in surrender but in temporary retreat – a strategy to avoid risking it being permanently voted down. The Whenua board later

¹³⁵ That “kupapa” comment I mentioned earlier was made in the context of that same very blunt friend naming Barney – who is, as a Wakatū board member and a government employee (Barney works for the Department of Conservation), double-damned – as a traitor to the whānau.

worked to carve off the bit so important to Aunty Tui and her supporters from the bit they would sell. This move, however, was never properly publicized, and the corporation continued to receive complaints regarding the land's supposed sale for months afterwards.¹³⁶

Some of the heat of this controversy is related to the feelings of people regarding the relative value of urban and rural land, and of center and periphery, in terms of the whānau's lives.

Central Peripheries

I have previously discussed a meeting for the Te Pae Tawhiti project that was held in Wellington. A second meeting was in Nelson City in a marae, Whakatu, that, notionally at least,

¹³⁶ Contrast the way Wakatū's CEO, Keith Palmer, read the situation with the way Kristine read it. Keith saw this controversy as motivated by an oversensitivity to land-selling in the face of already-adequate protections: "the idea is to switch – keep the landholding but switch it ... You have two lots: some that say we should never sell anything, and the other lot saying, if we never did sell anything, we'd still be peasants on our land. And so the former group is very vocal whenever— when anything's for sale. ... The idea is to switch— keep the landholding but switch it. But then people say, *well my grandmother used to live on that, so that's actually cultural*— culturally sensitive to me, even though it's not culturally sensitive the wider organization. But then [if] you say, 'fine, we'll recognize cultural sensitivity at the individual level' – you won't sell anything." (Interview with Keith Palmer, February 09, 2011.) Kristine, on the other hand, saw "cultural significance" as something that was based not only in historic events or other events of a more general import, but also in what was significant to actual whānau today: for Kristine, cultural significance could be lived into the land. In language that was somehow simultaneously idealized and an unadorned statement of facts, she told me: "My Aunty, she's ninety-three years of age. She lives on the land that we had back in the 1800s; she's still there. She had a home built and she was born on that land; her mother and father's house fell over eventually. Her husband built her a house on the land. She has two sons that— three sons that have built around her and they're still on that original piece of land. A status like that we call *ahi kaa*. And it means— ahi kaa is the flames of the fire are burning and you are recognized as the people that stayed on the land. While everybody else has moved away to get educated, whatever, this Aunty of mine stayed there. So she's of the original family that owned the land out in Motueka, and the— Wakatū— the incorporation put up a piece of land that they wanted to sell; it's just across the road from where she lives, and they put it up last year too, and I stood up and opposed it and actually it got voted down. They put it up again this year; it's the same piece of land. ... They put it up with another pretty bow around it, and it got passed." (Interview with "Kristine" January 13, 2011.)

serves all the Nelson-area iwi.¹³⁷ Most of the people who claim it as specifically their own, however, come from the iwi that felt the least politically powerful within the corporation, Ngati Koata. Unlike the shining Pipitea marae where we held the Wellington consultation meeting on Te Pae Tawhiti, Whakatu marae is a lived-in place. Houses perch onsite for the old people to live in; on the occasion of days-long hui, people roll out bedding and sleep on the floor of the wharenuī, the meeting house, like cousins at a large family's crowded Holiday gatherings.

The crowd was as different as the location was. In place of eager, idealistic alumni, the crowd now included a great many of the middle-aged shareholders who live in the rural areas around Nelson City and who are very critical of the corporation (for various reasons, but a main strand can be seen as their complaint that the corporation inadequately cares for the lands and the people (themselves) that they see – not without foundation – as core to the organization). Another large section of the crowd, and one that overlapped with the first, was comprised of Ngati Koata shareholders, whose own complaints tend to manifest their feelings of marginalization despite their physical closeness to the putative center of Wakatū's lands.

At this meeting there was little cheerful daydreaming about the future, nor passionate advocating on behalf of the environment. The versions of responsible land care propounded by ahi kaa necessarily included exploitation of the land for the practical benefit of people (what else would they live on?).¹³⁸ Further, participants at this meeting located on the rohe spent much of the meeting tendering their complaints about current slights and disputes with Wakatū over land, and enunciating, over and over, the ideological separation of the corporation from the whānau.

¹³⁷ Whakatu, a word for which “Wakatū” is a variant, is the Maori name for the area in and closely about Nelson City.

¹³⁸ For example, many ahi kaa argued that the corporation ought to build housing developments for whānau on rural Motueka land. Note that their definition of what responsible care for the earth entails differed significantly from popular images of environmentalism (cf Nadasdy 2002, 2005).

This resulted in a very nuts-and-bolts, concrete, and short-term variety of planning: the group's comments were both practical and able to be implemented with little effort relative to the initiatives favored by the Wellington group. The differences between the two hui are due both to practical reasons (for example, those at the Whakatu marae live on the land under discussion and so will tend to have concrete complaints and ideas) and to more complicated ones.

This seems a familiar story, one regarding the crafting of scales of moral valuation between center and periphery, elite and non-elite, urban and rural. Think of Fanon's provincial who, upon returning from the center to his "flat, stranded" backwater and describing the bigger, better, shinier wonders he has seen, becomes "a demigod" (Fanon 1967). In everything from novels and film to public health planning and political discourse, the city is popularly aligned with sophistication, youth, dynamism, and the burgeoning of bourgeois success. The country, on the other hand, might connote bucolic living, dreams of slowness and peacefulness, and community spirit, but also poverty, small-mindedness, and limitation (Donald 1999, Ferguson 1999). The rural is the place of ideas of firstness, naturalness, and, yes, *indigeneity*, but it is as well the place from which people move in order to go to the center, the city. The tendency to attribute to the city a specific kind of density, a heightened importance as a site for meaning-making, is in turn a reaction to classical lamentations of the city as site of anomie and symptom of the dissolution of the meaning-laden rural community (Durkheim 1997 [1951], Simmel 1971 [1903]). Even in the classic formulations, however, the rural is often less about dynamic, complex meaning than about romantic nostalgia (Crain 1997).

But Wakatū and its whānau render this picture wonderfully complicated. Nelson City is the putative economic center of Te Tau Ihu. For Wakatū and its owners, however, rural Motueka, as opposed to the city of Nelson toward which it plays a supposedly peripheral role, is the

location that holds the most cultural capital. Motueka, the site of many of the stories told about the four iwi and the history of Pakeha settlement, is the center. The differences between the conversations at the Wellington hui and the Whakatu hui are part of how people make place (Casey 1997). The specific ways in which ahi kaa narrate center and periphery, history and co-extensiveness reinforce their ability to make demands on Wakatū. The different ways that rural and urban land are used, discussed, and fought over, the way place is made, and the literal or social distance accruing to land – these give form to the body of the corporation in surprisingly literal and direct ways.

Te Tau Ihu is made up primarily of national parkland and rural areas, with Nelson City both at its center and, as it happens, at the geographical center of New Zealand. Nelson is also the home of Wakatū's head office and its research and development facilities. Upon arriving in Nelson back in March 2010, I checked into a hostel in the very center of the city, directly adjacent to Wakatū House. I sought, and soon found, an apartment similarly situated, and got to work talking to Nelsonians about Wakatū. But many 'Nelsonians' do not live in Nelson City; in some contexts, the 'Nelson' label stretches out to cover the small towns that spread out up to an hour away from the city center. This dispersion is especially true of Nelson's Māori people. Many commute from homes in Motueka, situated about 45 minutes away from the center. Motueka, as it turned out, was the "crown jewel" of Wakatū. It was where many of the company's shareholders' ancestors had lived in the course of the past century, the location of most of the land managed by Wakatū, and the center of its land-based business ventures.

The *city* was an accessory. Popular imaginings of indigenous engagement with land cast the relationship between the people and their land as being, if not simple, then at least relatively undifferentiated – *the* land. We are used to thinking about land and indigenous people in terms of

external struggles with States in which the claimed land is figured to be of a particular, keenly felt, but homogenous importance to the people. That perception is challenged in Te Tau Ihu. This is particularly striking in Wakatū's shareholder meetings during votes regarding whether to develop or sell land, as in the debate over Aunty Tui's land. Shareholders fight energetically against the sale of rural land in and around Motueka – the beach at Marahau fits here – and closely scrutinize Wakatū's actions in leasing it. In this context, I sometimes heard shareholders alluding to the centrality of land to Māori in order to contest the appropriateness of Wakatū's *ever* selling land. But measures to sell land in Nelson City, or to build a shopping center on it, would tend to be met without comment. Central though it may be in terms of their work, education, and political involvement, Nelson City is land that is – in terms of meaning, or at least of meaningfulness – quite distant from them.

Also striking is the uncontroversial nature of this division. Those shareholders whose families settled in other parts of Te Tau Ihu will affirm (unsurprisingly) the centrality of the rural – and more specifically, and surprisingly, of Motueka. It is Motueka (and not other places up and down the coast settled by the whānau's ancestors) that is the locus of the *history* of the whānau, of events like the landing of Pākehā settlers in 1841. Motueka is where, stories say and accounts show, their ancestors had their homes and their gardens. When people speak without qualification of *ahi kaa* – again, the people who take care of the homeland, who “maintain the hearth” of the whānau – they are referring to those living in Motueka.

Far from being a neutral object to which the people relate in an undifferentiated way, the land is the object of precise moral valuations. For Wakatū's shareholders and the wider whānau, land in Motueka means something different from land in Nelson City, and even from land in Golden Bay or Picton, nearby small towns settled by the families from which the shareholders

descend. Regardless of the actual size and the actual configuration of the plots of land held by the corporation, non-Motueka land is figured as patchy, particulate, remnant, while Motueka, though the locus for land precisely as non-contiguous as land elsewhere, is figured as whole. Wakatū's land is there (even when it isn't); its history is there (although also elsewhere); its people are there (although much of the whānau live outside of Te Tau Ihu). Wakatū shows itself to itself by drawing lines in the dirt.¹³⁹

Each Holds the Other Steady

This construction of central peripheries and peripheral centers has other effects. The highly educated managers and board members supplement their prestige with knowledge of the rohe. Meanwhile, people who lack such education but who are seen as especially connected to and knowledgeable about the rohe have tended also to be elevated to board positions. Each is necessary for the legitimacy of the other.¹⁴⁰

This dual provenance of prestige also saw expression in participants' letters to their grandchildren at both the Wellington and the Nelson Te Pae Tawhiti hui. When considering the question of what to direct their moko, their grandchildren, to seek in board members, most wrote that they would need both the well-educated, highly skilled people and ahi kaa knowledgeable about and living close to the land on the board. This desire is not merely couched in terms of "people who have both." Participants were careful to state that future boards needed to be made up of both people who are well-educated and highly trained, and people who do *not* have such

¹³⁹ I am thinking of Heidegger's (1973 [1969]) musing on image and place: "Place always opens a region in which it gathers the things in their belonging together."

¹⁴⁰ People complain about each, but they do so sequentially, in between noting the good of each. Complaints about Paul Morgan's being out of touch are often countered (by the same person, in the next sentence) with a notation of the ways Paul has been crucial to the company's success in business. Complaints about Barney Thomas's supposedly problematic priorities are immediately qualified by acknowledgements of his importance in making sure *tikanga Maori*, Maori custom, is taken into account in the corporation's and the government's decisions.

training. It is important to emphasize, however, that it is the highly educated people, who nonetheless possessed knowledge of the rohe, who tend to be tapped to serve in the capacity of the “educated” members of the board. Mere education does not do it. Thus, it is not “cosmopolitanism” that serves as the marker of legitimacy for elites;¹⁴¹ it is an ability to move stylishly between the successful navigation of the urban/global/center and the deep knowledge of the rohe. Status accrues to you if you have the ability to talk about your home in Switzerland, your family in France, and your *turangawaewae*, your place to stand, in Motueka.

The active construction of the rural as locus of cultural legitimacy occurs partially by means of the whānau’s travel to other places (cf Comaroff and Comaroff 1992, Olwig 1999). For globetrotter-whānau, home is constructed as home, and as the central node for the production of cultural cache, by reference to, or by means of gaining perspective from visiting, elsewhere. The periphery is made central in connection with the travels of people to other, more “central” places. Although this might look like more rural nostalgia, it is rather something more on the order of (although not exactly in line with) Peters’ “bifocality.” Where, however, Peters describes ways that the global is rendered visible and coherent by the mass media, while the local remains fragmented and only partially legible (1997), I would highlight the ways in which the experience of the local as coherent and relevant to lives is made possible by the idea of the global, or at least the transnational.¹⁴²

The 1990s and early 2000s fascination with an abstracted/abstracting Global (see, for example, Appadurai 1990; Sassen 2001; Stiglitz 2002, Sen 2002) and the resulting displacements

¹⁴¹ Cf Castells: “elites are cosmopolitan, people are local” (1996:415).

¹⁴² Peters’ framing of the issue appears to be, like mine, a riff on Heidegger’s invitation for his audience that they should “all of us think, from where we are right here, of the old bridge in Heidelberg,” with this thinking, even as from afar, constituting the bridge, not merely as mental representation but as placed *thing*, as surely as might (or possibly in excess to) daily use of it (Heidegger 2001[1971]).

of place (Gupta and Ferguson 1997, Peters 1997) were soon tempered by the insistence that this captivation with abstraction and displacement tended to obscure the actual placedness of people (Basso 1996, Escobar 2001) and what Casey argued was the primacy of place in the way people think and live in the world (1997). The “displacement” critique was, of course, a necessary one. The classical anthropological naturalization of place, after all, had contributed to the popular task of casting indigenous populations as delicate and vanishing primitives (which supposed their unchanging stuck-in-place-ness) in contrast to ethnographers’ modernity (in which mobility was imagined to index their enlightenment) (Peters 1997:80). The challenge tended to go too far, however, and to discount the experiences of the very indigenous peoples it was meant to ‘liberate’ – many indigenous groups strongly assert the importance of a sense of place, of particular places, often speaking of this import in what may sound like remarkably essentializing terms (see, e.g., Mead 2003; see also Nadasdy 2002, Povinelli 2000).

In protesting that the assertions as to the placelessness of modern life were overdone, however – that the downplaying of place rendered invisible local understandings of the local (which often perform precisely the same sorts of naturalizations that engendered the original complaint) – many re-placers made it clear that they did not necessarily imagine there was some virtue in getting “back to” place as naturally pregnant with cultural significance; instead, they took up the insights of dis-placers regarding the need to de-naturalize place and turned these toward understanding “the place specificity of the production of place” (Escobar 2001:147). Thus, theirs was less a counter-critique than an act of engaging with dis-placers’ ideas and putting them into place, thinking about how place is made as well as how people experience it. This theorization of space and place, and especially of the phenomenology of space, has tended to be taken up enthusiastically by those hailing from or working with indigenous groups as able

to better express their sense of emplacement (Williams 2002, Mutema 2003, Struthers and Peden-McAlpine 2005, Park 2008; see also Kelley and Francis 1994, Carmichael et al. 1994, Basso 1996, Casey 1997).

The debates over place that I have surveyed are linked to a conversation regarding ideas of the local as natural and the global as artificial and imposed that has been going on since the 1990s (Probyn 1990, Peters 1997). Challenges to that particular formulation have highlighted local permutations of global capitalism, contributing to the critique of the notion of a monolithic, overwhelming, homogenizing capitalism. This line of thought has been taken up to perform a variety of critiques of abstraction (see, e.g., Garcia-Parpet 2007, Welker et al 2011, Zelizer 1994). All flows, all networks, have nodes, stopping points. Speaking in terms of the global, the transnational, *the abstract* tends to obscure interesting wrinkles – such as the ways that indigenous groups use technology and international bodies to make transnational connections that work to affirm the local (Escobar 2001:167, Muehlebach 2001). Indigenous peoples’ construction of transnational networks may seem to counter arguments in support of the primacy of placedness, but the presence of these networks is in itself an assertion of the centrality of “local,” placed knowledge.

Since these networks tend to be animated by the expression of local knowledge, the influence and the power of the small, peripheral, and rural makes itself readily apparent. These situations highlight once again the way that on-the-ground, granular, located information – information that, like Jessica’s articulation of a Maori environmental personhood, is portable, but not necessarily commensurable – becomes valuable in addition to a cosmopolitan ability to make relevant those granular ideas to the situations of people in very different circumstances. For my interlocutors, no amount of flow, transnationalism, international dialogue, media-savvy

sophistication, or technological connectedness could reduce their imagining of place as a “container for cultural experience” (cf Peters 1997:79; Appadurai 1990). This works a neat inverse to my earlier example of Jessica’s rendering incommensurable and unique – impervious to exchange – a Māori notion of the legal personhood of nature: even the exportability of Māori know-how and knowledge to other indigenous groups tends *not* to make it less *placed*. Circulation does not abolish place, but invents it and necessitates it.

Knowing the Land

In mid May of 2010, my brother came to New Zealand from the States to help celebrate my birthday. We planned to drive down the whole country from Auckland in a little van kitted-out like a camper – our “spaceship.” Aaron, who had never driven outside of the United States, learned how to drive on the left side of the road as we left the van rental lot. On the way down the long North Island, about halfway between Auckland and Rotorua, there is an area called the Waikato, all rolling velvet flesh over bony, porous hills. The place is full of caves.

Rore and Lynne Stafford live there, in a house atop a steep field. They are the elderly married couple I mentioned as being closely involved with the corporation since its founding. Lynne was elected to the board first; Rore followed, gaining a position on the board in the late 80s, and now serves in an advisory role as its “Kaumatua Director.” The two have been extremely influential for the corporation. I had met Rore during the first meeting I had with Wakatū; he was the tall, dignified elder who worked to put me at ease during the welcoming ceremony, the powhiri. Rore was the one who on numerous occasions and by various people was described, along with Ropata, as the “conscience” (sometimes the “soul”) of the corporation – his very presence in a room tends to keep people more on their toes regarding traditional cultural mores. He looks uncannily like my grandfather. I met Auntie Lynne soon after, during a *wananga*

(which might be described as an introduction/bonding exercise/cultural school for new Wakatū hires and joint venture partners). We had driven up to the top of a bluff in Nelson to eat lunch; she had sat next to me and cheerfully grilled me about my racial background. She is one of those feisty women who will never get old; she told me stories about her tenure helping to manage one of the caves in Waitomo. (Once, her cave-coworkers accused her of favoring Māori hires; she said, yup.) If Uncle Rore looks like my grandfather, Auntie Lynne acts like my grandmother. ('Auntie' and 'Uncle' are something like honorary titles. Māori people would tend to use them for the people within their extended family who are of the generations previous to their own. If you are their people, Ropata had told me early on, it's okay to use it; you've just sort of got to be claimed by someone. I cared little that Auntie Lynne and Uncle Rore were 'Auntie' and 'Uncle' to absolutely everyone they met, such was their warmth and their charisma; I relished being able to use the titles.) When we parted ways at the end of the wananga, Lynne instructed me to come stay with her in the North soon.

And so now, about two weeks later, Aaron and I were doing just that. We wound through tiny lanes and endless green hills to find the Stafford home. They live atop an inclined field. So we drove up, and Lynne welcomed us into the house, which, full of light, contrasted mightily with the streetlight-less dark of its pastoral surrounds. We sat in the den and caught up, with Uncle Rore obliging amiably until he began to nod off in his chair. Aaron soon retired, jetlagged, but Lynne and I stayed up far into the night talking about Wakatū, Nelson people, the early days of the corporation, and Lynne's work in getting Rore's land in order. We laughed over tales of Lynne's cockiness in all of those matters.

There is something remarkable about Lynne's and Rore's centrality for Wakatū and its whānau. They seem perfectly to embody the ideas of the kaumatua, the wise and generous elder

who guides the younger generation, and of ahi kaa, the tenders of the home fires, the people most connected to the land – speaking in terms of perception, they *are* the corporation – but they both come from outside of the rohe and outside of the social milieus of the whānau. Rore was adopted by a Wakatū shareholder and raised far from Te Tau Ihu, in the Waikato, where the two still live. Lynne does not whakapapa to the whānau’s tribes at all. And yet, Lynne was, very early on, welcomed into the leadership of the corporation. She says that she was the first Māori person without genealogical ties to the Tenth’s promisees to be appointed to the board. And she was the only one for a very long time.

Lynn would later describe this course of events to me as something like a knowledge economy. The Māori Trustee’s tenure watching over the land, she told me, was marked by owners’ lack of knowledge about their landholdings:

The biggest difficulty for Māori owners was they didn’t *know* what they owned. They didn’t know, while it was with the Māori Trustee, where the land was; what it was being used for ... they knew nothing.

The law at the time did not put especially onerous requirements upon the Māori Trustee’s wishes to alienate land. Thus, blocks with majority shareholders who were distant or in dire straits or not especially attached to the land were easily sold, and the Tenth’s lands were whittled away without much notice to owners. It was this appallingly opaque situation, and its repercussions for Rore’s father – a large shareholder who was only vaguely aware that land way down in the South Island had been passed down to him – that got Lynne (and through her, Rore) involved in running the corporation.

It started when she found out about a business decision being undertaken on behalf of her father-in-law, who had received a cryptic letter indicating that he should indicate his approval of

the actions of the trustee in selling blocks of land he had never seen, and would thereafter receive a tidy sum of money, easy as that:

When he said that he was gonna sell his land, I said, ‘Where is it?’ ‘Well I don’t know, dear.’

I said, ‘Well, what is it?’ He said, oh I think it’s a farm. I said, what if it’s not? ‘...What do you mean?’ I said well, if it’s not a farm, and you haven’t seen it, and you don’t agree with it, how do you know the money they’re offering you is fair? ... I said, ‘Oh, you let me go down there and I’ll see.’ And that’s how I got involved. And so I found out he owned a whole street of houses ... And so I sussed out where all his lands were, where he was a shareholder.

And so Lynne investigated the Staffords’ previously unseen acres, and the family held onto its land. The land that had been held in common with others went into Wakatū. Lynne made sure, however, to withdraw the land for which Rore’s father was sole owner. With this land, privately and individually owned, they established another company, one created specifically for the benefit of their family.

Lynne’s work in researching and sorting out her husband’s family’s land issues positioned her as one of the more knowledgeable members of the whānau as Wakatū was born. She described to me her impression of shareholders at the time as “rent collectors” without an “emotional connection to [their] land.” Speaking of the founding of the corporation, she remembers how bewildered the owners were and remembers their being/being kept in the dark (later she would characterize it as ‘being’ in the dark; in Waitomo, she characterized it as ‘being kept’ in the dark). Much of the problem, she felt, was in a Pakeha failure to understand the importance of showing the people their land, letting them see it and walk around it, as they were faced with the decision regarding incorporation. Without that tangible connection, Lynne argued, the owners were:

like a lot of lambs to the slaughter! ... And I'm saying to [the interim board], you know, 'why are you doing this?' And they go – 'what do you mean?' And I said, well, you don't think – you're asking these people to make a decision about something they know nothing about; wouldn't your first response... be to get a bus and *take them to see it?* ... And of course I kept up such a stink that Bob Shore... had to run and go hire a bus, haha – just like that! And they took the shareholders around the whole of Nelson and showed them what they owned. When they got back, they were saying: 'We didn't know we owned that, that we own half the main street!' ... And all of a sudden it was like someone switched on a light.

Lynne's acquired fluency in the quotidian navigation of legal processes did more than position her as a leader in the corporation. Legal discourse, and the ability to make (and to have legitimacy in the making of) legal claims, was and is part of making the nature of indigeneity, and specifically of indigeneity and belonging among this whānau.

When Lynne was appointed to the board, Rore was still an unknown – he imagined himself to be due membership on the inside but was planted quite firmly outside. Lynne told me:

I put my name in for the board, and the family supported me, as well as the shareholders; and that's when Rore started, 'Hey, this should be me.' I said to him, well, you're not going to be acknowledged unless you know what you're talking about. You *need to learn* – history of the land; where it came from and what happened.

Rore did learn the history and the grievances of his adopted people, including the details of the injustices surrounding the Nelson Tenth. He, along with another knowledgeable member of the whanau, would come to submit the Wai 56 claim. His knowledge of the lore of the land became near-encyclopedic, and he became one of the chief people relied upon for that kaumatua's semi-hidden knowledge when land is assessed by the matakite. It is due not only to his status as claim-submitter, but also to a great extent to the esteem in which he is held as a knowledgeable elder,

that Rore would become a central figure in attempts to win the whānau's support for the Wai 56 claims. It was his presence there, people told me, that was the main reason that the dispute did not become any more acrimonious than it did.¹⁴³

What became clear in my interactions with people like Uncle Rore and Aunty Lynne is the importance here of the feeling amongst the whānau that the strictures of the Māori Land Act and Wakatū's land policies were only secondary narratives to an embodied knowledge of the land.

Walking Marahau Beach

On an afternoon a few months before the Te Pae Tawhiti meeting in Wellington, Jessica and I found ourselves on Marahau beach with eight other Wakatū alumni. We had come out to the beach for barbequing, camping, and kayaking through the Abel Tasman national park, which abuts Marahau – call it an alumni fieldtrip. Aneika, another alum, worked for one of the kayak companies that Wakatū owned, and to which Wakatū had given use of the beach. She would be acting as guide to her fellow alums on the kayaking trip the next morning. Ropata had also brought out some of his younger relatives for the day. The kids had dragged some of their

¹⁴³ A conversation with “Shane,” an iwi leader, regarding iwi intervention in the High Court case, is telling:

Shane: We wish to attack the principle that they are using to go to the High Court, but for the likes of people like Uncle Rore... we do not want to attack our kaumatua, our chiefs. ... And in fact at our AGM, just prior to Christmas, one of the very clear instructions was, “hammer them, but don't touch Uncle Rore.” And that goes back to having respect for elders. And I think in this case Uncle Rore has been used by [James Wheeler, Paul Morgan, and Ropata Taylor].

Gwen: How do you think things will change— I know he's retiring from the board at some point, like at—

Shane: This year.

Gwen: Yeah, this year.

Shane: He said he would, yeah.

Gwen: Yeah; and will things just utterly change, like will the interactions become more aggressive, or—

Shane [firmly]: Yes.

“Aunties” off to dig for cockles in the tide-exposed shore; Jessica and I wandered slowly after them, talking about Te Pae Tawhiti.

The wet sand slowed our pace to something cinematic; we shucked our dainty, girly sandals and attempted to avoid the swampiest bits, each of us holding tight to brightly colored plastic goblets of the company’s wine. By the time we reached the cockle-digging crew, they were mostly done. Manu, Ropata’s small nephew, is king of this beach. He is the one who instructed me regarding just how to spot likely cockle hideouts and to snatch them out of the damp seafloor. By the time Jessica and I arrived, he had uprooted half the cockles in the bay, and soon he and his cousin Tiff were quite finished with the task of hunting up dinner. We turned back to shore – myself, Jessica, Manu, and the others – as the sun was sliding down behind the high hills that ring the beach and run back to the mountains of the Abel Tasman.

The beach at Marahau is easily reached by foot from the town – if you park at the rocky waterfront, you just walk along the shore and there’s the beach. Each time I went to Marahau with Ropata, however, we initially went a half-mile inland, back to where there is a gate with a sign warning trespassers away from Wakatū’s property. Open the gate, trek the long curve through beehives and a miniscule but thick screen of woods, back to the beach; set your stuff at the shelf that edges the tidal plain and continue walking out to the far-off sea (I never gave a thought to tide tables, but clearly someone did – each time we arrived there the tide was at its furthest stretch, beckoning us to pace the wet low dunes, searching for mollusks for supper). This is our land, see the sign. This is our entrance to it, the track only we can legitimately trek. Our mussels, our cockles; here’s how we find them and take them out of the sea. Here are the paths in the tidal plain that are ours as well, invented anew each time we come out here. Further: *this* is home, this is the real place, this is the center that holds us. This is the land to which we return,

where the various traces of our histories convene and lead. Bringing the alumni and the young children (and the anthropologist) out here was a claim and a making-so: a performative act.¹⁴⁴

This walk along the beach could almost be seen as a reenactment of the story of the heke – an act of drawing everyone from their various elsewhere to perform an operation of skimming lightly over some bits of land (Wellington, Kapiti) and dwelling on others (Motueka, Marahau) that become active spaces in the story. Sometimes inverting and sometimes echoing Anderson's (2006[1983]) description of the map in the development of nationalist ideology, these are social claims enacted spatially.¹⁴⁵ But again, these claims are not made unidirectionally: turning the corporation's particular articulation of a close identification between the corporation and its whānau on its head once again – and extrapolating from this tutelage elaborating the idea that this land was the center of what the whānau, and the corporation, did – one young man on that beach, Wiremu, wondered why, if this land was their home base, Wakatū could not allow ahi kaa to use it to establish community gardens in its unused corners. The idea was taken up by others after the trip and began to be voiced back to the company as a demand. These complicated and much-debated ideas of the proper relationship of Wakatū to its lands seem almost to be constitutive of the corporation: they seem to be a part of its nature.

History, Memory, Place

The British colonization of New Zealand was undertaken with the best of intentions. This new cadre of colonizers was meant to have learned from the mistakes of past ones, avoiding the horrors past efforts had produced to make a new kind of society. This redemptive imagery still

¹⁴⁴ I am thinking here with Michel de Certeau's (1984) concept of walking as a space of enunciation. But this is a fairly gnarly situation in that regard: where is the ground? Is the walk a statement by Wakatū speaking out to the State? Is it Wakatū making a performative statement to its alumni? Or is the walk of the alumni their own statement to Wakatū-as-hegemon?

¹⁴⁵ Anderson 2006[1983]: 167-190.

resonates in both Kiwi and non-Kiwi characterizations of New Zealand. A superficial comparison of the legacy of British colonialism in New Zealand as against in the United States, Canada, and especially Australia leaves New Zealand almost looking like a utopia. Imagining the country as a progressive, enlightened version of its sibling settler democracies is a crucial part of the New Zealand self-image. In the wanderings of everyday Kiwi life – in the friendly “Kia Ora!” welcoming you into shops; in conflicts over Māori ownership of New Zealand beach land; in strolls through a place like Nelson, where the Māori-owned nature of blocks of land scattered throughout the city is barely discernable – the harsh truths of the past are simultaneously present and obscured. But this past shapes New Zealand like geology. Present landscapes trace the shapes of past earthquakes and eruptions: both literally and figuratively, past cataclysms are hidden by the accumulating detritus deposited by time but remembered in the routes people take, the way they build their lives, and how they use their land.

In the case of Wakatū and its whānau, notions of central and peripheral land hold each other in place – holding in tension the importance of each, with the unexpected thing being the importance of the supposed “peripheral” in maintaining the legitimacy of cosmopolitans located elsewhere, located in places supposedly central. Part of how this relationship is created is the walking of the land (in various ways, and by various parties). Walking is not just about being on or being connected to “the land” in some physical way. This movement is also incredibly important in terms of memory and the construction of place. Memory and movement work together, recovering/ finding/ absolving the people of an invisible but always present/ pressing/ influencing past. In Te Tau Ihu, people walk to remember; people walk to claim land as home, to claim status as the people who belong to a place. The sense Māori express of needing to be

defensive in regard to their status as indigenous land owners is clearly operant here: every moment on Marahau Beach is a statement regarding the nature of Māori land ownership.

In discussing the conflict over Wai 56, I mentioned Benjamin's characterization of the past as something that is always taken up and related or deployed because of its importance in regard to present crisis. These interactions that I have described in this chapter are also searches, or quests: they are about tracing the memory of land in regard to power relations and to the ways in which home and history are imagined. As well as being paths tread to make fast their claims to the place as home, these are processes of recovering things imagined as "lost to history." The paths people walk in valuing the land, the walk of the matakite, kaumatuas' knowledge, law, and policy strictures are put together and influence one another, all having an effect in terms of what specific bits of lands are taken to mean.

Regions of dirt are made into places that mean – places that have particular value. When Heidegger (2001[1971]) spoke of the old bridge at Heidelberg, this is what he meant: let us imagine-together a place. This is the very root of its meaningfulness *as* a place. And this is the root of the widely acknowledged status of, and the protection of, rural land (and of Motueka in particular). It is the reason that getting land valuations wrong matters (whether we speak of financial, legal, or cultural valuation), as was clear in the case of Aunty Tui's land. The dialectical tension between the value of supposedly peripheral and supposedly central land is likewise part of this making of place in Te Tau Ihu.

Even the presence of a transnational indigenusness movement does not erode the salience and the specificity of my interlocutors' feelings regarding "the placedness of place." In Bashkow's "Neo-Boasian" conception of the nature of cultural boundaries, these boundaries are "less like barriers than they are like thresholds or frontiers that mark the movement across them"

(2004:450). As with cultural boundaries, the transgression of these borders – the distinction between “locals” and “cosmopolitans,” between the “central” and the “peripheral” – does not render them meaningless. Rather, the places of transgression also happen to be places where the boundaries gain the greatest salience. Movement is not inimical to, but constitutive of and beholden to, this “placedness.”

Thus, while indigenous people speak at times about place in what may sound like essentializing terms, what is actually going on is far more complex. There is nothing static here. The land does not mean in an undifferentiated way, and the meaning that *does* accrue to it – where it is that there is an important place – comes, seemingly paradoxically, out of this writhing movement, this tension between “center” and “periphery” and the peoples’ actual physical dealing with each other in the play between these poles. Māori work, individually and collectively, to understand themselves, their pasts, and their place by means of, and against, the bounds of intersecting legal, political, and physical experiences of the land.

What is most crucial to see here is the granularity of these experiences and understandings. Legal strictures regarding land, for instance, will shape but will not determine, peoples’ understanding of their relation to it. The paths people take in reaching their reckonings of the character or importance of a piece of land are particular and grounded – even where their appraisals appear to converge. A friend of mine once joked that the popular understanding of the nature of indigeneity might be expressed in terms of “subalterns plus land.” My interlocutors’ stories of walking the land: the growth of Lynne’s legal knowledge in the course of her movement from the central North Island Waikato to Nelson in the South; the florescence of young Manu’s knowledge of how to gather food on the land and his physical experience of his and his family’s relationship to it; the contrasts between the concerns of Nelson hui attendees

and those attending the meeting in Wellington, and what this expressed about the complexity of whānau's understandings of the meaning of the term kaitiakitanga – these give the lie to the commonly held misconception that the relationship between indigeneity and place could ever be easily generalized.

CONCLUSION

The critic is not the one who debunks, but the one who assembles. The critic is not the one who lifts the rugs from under the feet of the naïve believers, but the one who offers the participants arenas in which to gather.

Bruno Latour 2004:246

In this dissertation have I aimed to explore the idea of an agnostic anthropology of corporations, illustrating the idea through the concept of the “indigenous corporate person,” a notion a little different from that of the corporate person. The central questions articulated in the introduction to this dissertation were all variations upon one: what is this corporation? I have sought to demonstrate the various answers to this question throughout the dissertation: from my initial boardroom interactions with leaders of the corporation to walks on the beach at Marahau, from raucous shareholder meetings to contemplative Te Pae Tawhiti planning sessions, it becomes clear that the Māori corporation is entangled in – and constituted in the negotiation of – issues of representation, values, authenticity, and indigeneity.

Debates over this last issue are among the most heated. Some members of the whānau – Will is one – emphasize that the literal meaning of “iwi” is *bones*; buried bones from the past generations who have lived and died in a place. From what bones, what lands, what ancestors you’re made. To which bones you belong. These members of the whānau emphasize iwi membership as a true expression of who they are. Some of Wakatū’s leaders, while not denying that iwi are politically important, are instead insistent that the tribes were no more “natural” as a source of group identity and political action than was the corporation. They argue that the idea of the tribes as a permanent and paramount political body had only emerged in the context of treaty settlement negotiations, and had only become accepted and widespread because of the Crown’s preference for the ease of dealing with large and easily decipherable chunks of indigeneity. It was

the Incorporation – to some extent also the hapu, but mainly the Incorporation – from which they gained their sense of belonging and their sense of purpose. It is through debates like these that the people involved with the Māori incorporation – whether they are iwi-focused or Wakatū-focused or both – use the organization to shape what indigeneity means in New Zealand.

They also use it, however, to shape the nature, functions, and meaning of the corporation. I use the concept of the indigenous corporate person to describe the situation of a corporation responsible to and responsible for the interests of tribal people and tasked with retention and growth of a partially inalienable asset base – and thus, by the vicissitudes of law and the demands of its shareholders, held responsible for a standard beyond that of other corporations. The actions of the corporation become bound up in the way the shareholders imagine a person representing them should behave – an equivalency that allows people involved with the corporation (shareholders, yes, but also managers, board members, and joint venture partners) to articulate demands for (or justifications for) desires such as social and environmentally responsible practices on the part of the corporation. Corporate actors and whānau work to contract or extend networks of relation and responsibility between themselves; they undertake these negotiations by means of a number of contextual and audience-specific discursive shifts. The notion of what this corporate body looks like, where its boundaries are and should be, is debated at every step, in every encounter. In planning the corporation's future, these debates center explicitly on ontological questions: "Under what circumstances, after what changes to values and purposes, do we stop being *us*?" In the halls paced by the board and managers, these questions become about the proper relation of the governance of the corporation to its owners' values and desires: "Is this a Māori corporation or what?" Outside of those offices, halls and boardrooms – in shareholder meetings, in the High Court, in conversation with whānau, it circles

the irreducible question of the relative roles of iwi and incorporation. (The epithet here— “We’re the natural expression of our tupuna’s ways! You guys only came into being via Crown action!” —is of course shouted from both the iwi side and the incorporation side.)

To understand the involution inherent in this situation, you have to get down to the bones and the body and the breath of things: to the way people imagine agency and personality, the way they imagine history, and the way people imagine the boundaries of and the shape of the corporation. To the relationships between spiritual meanings and market-centered uses of land; to moral, legal, and historical conceptions of what specific plots of land can or should be used for; and to shifting discourses around entitlement and responsibility. Each of these issues is as much a part of the corporation’s own project of self-making as of those undertaken by its shareholders and the iwi: each works to draw, redraw, or erase their organizational bounds as against (or within) the corporation. Opening this particular black box (Latour 1987) to reveal the never-solid nature of the indigenous corporate person requires the understanding of the way people undertake the re-inscription of boundaries between persons and things and the establishment and cutting of new tendrils of networks (Strathern 1996) “so that,” in Eric Hirsch’s words, “a single entity can be effected” (2010). It is in this sense that I say that Wakatū is a social body, shaped out of the material of the land.

In New Zealand, articulations of Māori identity are caught up in Māori and Pakeha struggles over status, identity, and the proper distribution of (historical) blame and (monetary) dessert. Hyper-aware of the public gaze upon their losses and failures, Māori people are figuring out what to do with Waitangi settlements and in the process becoming more savvy in management of their funds and affairs. In this situation, the aspirations of Māori businesses grow beyond plain survival or even successful investing: it becomes important to educate the next

generation to take over the roles long left in the hands of qualified Pakeha. It becomes important to imbue business ventures with something of themselves. Successes become crucial – Wakatū, Ngai Tahu, Sealord – both as symbols and as examples. They take up this “Western construct” (in Hone’s words), and they work to “indigenize it” (in those of Ropata). *We make your grandchildren ours.*

In addition to the claim of difference full stop, however – we are *us* – Māori incorporations claim difference *from* the great body of “standard” corporations that did poorly in the recent economic downturn: we are *not them*. Māori corporate leaders assert that the mechanisms that enabled “us” to be “not them” were the powerful tropes of tradition, wisdom, and authenticity. Reading management literature critiquing the failures of an earlier “convergence hypothesis” of globalization, Māori corporate leaders seize upon theories regarding the advantages of companies’ demonstrations of how they are different in terms of governance. As the “Anglo-American model” on which global business was supposed to have been converging showed itself as deeply flawed, now was the time to publicize the ways in which their methods of governance differed from it. Māori business anticipated pundits’ predicted eclipsing of the United States by China and the change of the focus of business activity away from “the West” to Asia that was to attend it (conveniently placing perennially peripheral New Zealand near the center of things). Māori business leaders, including representatives from the Māori Ministry of Development and Wakatū leadership, traveled to China to tout the “cultural similarities” and “traditional values” which better qualified them for partnership with Chinese enterprise. Just as Welker’s (2009) activists used “leftist assumptions” about corporate behavior as a foil against which to “[develop] alternative narratives,” so too do the boards and management of Māori incorporations as they set the actions and principles of Māori as against

non-Māori corporations. *Ordinary* corporations, with their U.S.-style behavior and their lack of traditional, stable indigenous values, did poorly in the financial crisis; more generally speaking, they cannot operate with the Māori incorporation's focus on the long-term. Māori people use these images to develop the indigenous corporation as a new (yet old!), alternative corporate form.

The expansion of a “corporatizing” spirit seems undeniable (Comaroff and Comaroff 2009, Merry 2011, Jain 2011). But it is a mistake to conflate this corporatization with the notion that there is something inherent in the corporate form that seeks the severance of social ties and the diminution of responsibility. This story, this idea of an encroaching abstraction due to this tendency toward entrepreneurial self-making, seems so intuitively *right*, and is so compelling, that it threatens to obscure other readings of the situation. Among the people I have discussed, the desire to weave things together is equally prominent – the desire to ground things. These behaviors of weaving, linked though they might be also to corporate presentation-of-self, are necessarily also a documentation of the culturally particular outgrowths of land law, Native feeling toward their (particular) lands, and fraught political circumstances regarding Māori business ambition. They are grounded phenomena: abstraction, as my fellow anthropologists of the shiny have shown, is never the whole story. This is the case even with corporations.

Especially with corporations.

Or at least with Māori ones. A detailed examination of these three factors – the law on the land, Native feeling toward land, and Māori business acumen – and of the grounded outcomes arising out of their intersection – is what I have tried to trace out ethnographically in this dissertation. Ethnography is valuable for the way it can capture the nuances of, and also the wider extrapolations out of, phenomena. It has a particular genius in finding the rootedness of

seemingly abstract things, a strength arising out of its suitability for reading situations of simultaneous contingency and connection (Tsing 2005). It is this characteristic that makes ethnography so well-suited by the modest sprinklings of the inquiries and assumptions of Actor-Network Theory with which I have peppered it.

Ultimately, what I hope this dissertation demonstrates is the fact of our continued need more asking, and *different* asking, of anthropological questions regarding the innards of the corporation. What I certainly do not intend to suggest is that an abolition of critique is necessary; in the end there is here a political point. I am trying to make an effect in the world, but perhaps not the one suggested by my tone: I do not advocate for increases in corporate “rights” and market “freedoms.” Instead, my point is simply and quite narrowly that there is more here if you look at the corporation differently – as an Actor-Network Theorist might say, *agnostically*. I am aware of the danger that this work might be taken to justify more corporate and market deregulation: if corporations can be seen to be limited by social mores (the reasoning might run) there’s no need for harsh regulation!¹⁴⁶ I want to emphasize that I am in fact an advocate for limitations to corporate behavior; further, I believe that work like this can be a key to understanding how to restrain corporations’ negative effects. In demonstrating the means by which a “corporate self” is formed, anthropologists can show the wider implications of these processes: understanding the nature of the firm in this anthropological way allows us to see the meaning-laden contingency of corporations and the grounded, *not*-abstract processes by which they are imputed different forms of responsibility (or: shaped into different types of responsibility-holding entities). The points of productive friction thus revealed may contribute to making apparent – and troubling – assumptions implicit in corporate scholarship.

¹⁴⁶ cf David Graeber on the legacy of Appadurai’s (1986) *The Social Life of Things*, which he terms “anthropology as it might have been written by Milton Friedman” (2001:33).

Amy Sepinwall (2012) has cautioned that an uncritical use of metaphors like “corporate citizenship” and “corporate personhood” is dangerous; she uses *Citizens United* to illustrate how easily these ideas can be turned to perverse outcomes. This outcome is not, however, necessarily the case. The Māori incorporation presents an alternate vision of corporate personhood, one that allows its indigenous shareholders to hold the corporation accountable for environmental and social failings. In turn, this ethics of a corporate indigenous person stands in tension with statutory expectations for the Māori incorporation: here are cultural and technical limits to corporate behavior, working sometimes against each other and sometimes in tandem. Out of idea of the indigenous corporate person could perhaps be developed the idea of indigenous corporate citizen, as against the corporate entrepreneurial individual. My suggestion is that – with work and care – these ideas may form a necessarily part of anthropological theorization of the corporation that builds our understanding of ways to restrain corporate behavior.

The Māori incorporation has been, from its inception, imbued by state-built regulatory spaces with interests and abilities that run counter to those of the owners. For example, Povinelli’s (2002) description of multiculturalism and the State’s repugnance for radical alterity is dimly shadowed in debates between Wakatū’s leadership and the alumni who advocated that Wakatū change its operations to avoid perpetrating environmental harm even when such changes might go directly against the corporation’s profit-imperative: these behaviors cannot be allowed; they go against the entity’s foundational stories of itself. Nonetheless, these interests are considered and restrain the corporation’s investments and operations: no matter how lucrative such a venture is likely to be, for instance, the corporation is unlikely to raze its orchards in favor of, say, an oil processing facility. Current and future shareholders stay its hand. Each conflict over such issues is in reality an instance of these restraints busy restraining something. Though

the personality of the corporation arises out of a combination of legal, historical, and cultural factors, much of the corporation's behavior is down to the latter. The restraining effect of such frothing tensions may prove useful in relation to understanding new corporate forms – such as that of the “benefit corporation.”

In July of 2013 Delaware, an extremely important state in terms of U.S. corporate law, passed legislation allowing the registration of benefit corporations – “B corps.”¹⁴⁷ B corps are companies with CSR imperatives baked in: they are profit-seeking corporations nonetheless imbued from their registration with the imperative to operate according to the CSR notion of the “triple bottom line” (that is, to consider “people, planet, and profit”). This mechanism is meant to offer corporations a constitutive justification for balancing the orthodoxy – an adherence to the demands of shareholder value – with the pursuit of social imperatives. While existing U.S. law does not compel corporations to maximize profit at the expense of everything else, it does encourage it: for example, shareholders can successfully sue directors that they see as pursuing social agendas at the expense of share price. The expectation of profit maximization has been reinforced by scholarship such as that I mentioned in chapter three that has taken up Milton Friedman's (1970) influential argument that “The Social Responsibility of Business is To Increase Its Profits.” That business concerns itself primarily with shareholder value is, by now, a cultural expectation.

One might consider the status of directors of U.S. corporations to be an inverse of that of those of the Māori incorporation: directors of the Māori incorporation are bound to socially and environmentally responsible behavior by social and cultural expectations – by, for example,

¹⁴⁷ A number of other states had also passed such legislation, but Delaware is disproportionately where large public corporations register, making this move especially meaningful for corporate law.

having to answer to the always-watching Aunties – as much as by detailed legislative prescription. The standard U.S. corporation, on the other hand, is bound by independence from social demands, rather than by regulation, to the pursuit of shareholder value. Thus the real promise of the B corp is in the way it, much in the manner of the Māori incorporation, gives directors and managers a constitutional justification for attention to social or environmental concerns. Perhaps the relationships and interactions I outline here, and concepts related to them, might help us to determine how the B corp may be used in ways that make real this putative benefit.

As Hannah Appel (2012a) has argued, corporations are not homogeneous; but where Appel sees modularity, I see a radically heterogeneity – the corporation as particulate and particular. I have aimed to underline the way the corporation is constructed of articulations that disassemble *and* assemble themselves “at every moment in time” (Tsing 2005:76). This friction, this tension, is productive of the corporation. It is a process of what some philosophers would call *entelechy*: “being-at-work-staying-the-same” (Sachs 1995). The thing is made real – “stable” – by means of its constant frothing tension. Rejecting the popular image of corporations as tightly self-contained monoliths attempting to avoid imbrication in the demands of responsibility for social ties, I emphasize its opposite: here is a type of corporation that winds itself into the social milieu of its owners and their extended families and in so doing demonstrates the way that corporate culture is “continually co-produced” in “the awkward, unequal, unstable, and creative qualities of interconnection across difference” (Tsing 2005:4) – in creative friction.

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