

Historical contingency of cultural appropriation: Government Order no. 7 (1831) and the trade in mokamokai

by Marie Hadley

This article explores the historical contingency of cultural appropriation. A close study of the trade in preserved tattooed Māori heads ('mokamokai') and the law that regulated the trade between Aotearoa New Zealand and New South Wales – Government Order no. 7 (1831) – is used to reflect upon the nature of intercultural consumption. The conditions under which the retail trade in mokamokai developed and thrived are considered. It is argued that the historical demand for mokamokai is characterised by an oppressive appreciation of cultural difference, and the trade's supply by Māori revealing of local agency and political acumen. Studying the production, consumption, and regulation of culture in a specific historical site offers insight into the intersection of commercial imperatives, problematic social dynamics, and local practices, furthering understanding of cultural appropriation as a form of unauthorised cultural engagement.

Keywords: cultural appropriation, mokamokai, tattooed heads, colonial trade, colonial injustice

In settler states, cultural appropriation – the unauthorised appropriation of a tangible or intangible aspect of culture or cultural identity by a cultural outsider – is described as a phenomenon that has colonial qualities and effects.¹ 'Appropriation' is broadly construed as an unwelcome cultural incursion, and as including the physical taking of cultural objects, the commodification of traditional knowledge or practices, the copying of intangible property such as art or musical expressions, and unwelcome self-identification with an ethnicity or community.² Regardless of its exact form, cultural appropriation is associated with exploitation and perceived to re-enact the historical taking of land.³ Māori intellectual property scholar Aroha Mead has described arts appropriation as the 'second wave' of colonisation; the 'first wave' being the land appropriation that left Māori 'landless and marginalized'.⁴ The association of cultural appropriation with colonisation suggests that appropriative acts 'exceed intention'.⁵ In settler states, to study cultural appropriation 'is to study the legacies of slavery, genocide, and disenfranchisement.'⁶

¹ On cultural appropriation generally see, eg, James Young and Conrad Brunk, 'Introduction,' in *The Ethics of Appropriation*, ed. James Young and Conrad Brunk (Oxford: Wiley-Blackwell, 2012), 1-10; Bruce Ziff and Pratima Rao, 'Introduction to Cultural Appropriation: A Framework for Analysis,' in *Borrowed Power: Essays on Cultural Appropriation*, ed. Bruce Ziff and Pratima Rao (New Brunswick: Rutgers University Press, 1997), 1-27.

² Marie Hadley, 'Jackson, Lauren Michele. *White Negroes: When Cornrows Were in Vogue ... and Other Thoughts on Cultural Appropriation*,' *Journal of Aesthetics and Art Criticism* 78 (3) (2020): 370.

³ On the relationship between cultural appropriation and perceptions of harm see the typology of "cultural exploitation" advanced in Richard Rogers, 'From Cultural Exchange to Transculturation: a Review and Reconceptualization of Cultural Appropriation,' *Communication Theory* 16 (2006): 486-90. On the connection between cultural appropriation and land appropriation generally, see, eg, Perry Hall, 'African-American Music: Dynamics of Appropriation and Innovation,' in *Borrowed Power: Essays on Cultural Appropriation*, ed. Bruce Ziff and Pratima Rao (New Brunswick: Rutgers University Press, 1997), 33.

⁴ Aroha Te Pareake Mead, 'Understanding Maori Intellectual Property Rights' (paper presented at the Inaugural Māori Legal Forum Conference, Wellington, 9-10 October 2002), 1, <http://news.tangatawhenua.com/wp-content/uploads/2009/12/MaoriPropertyRights.pdf> (last accessed 28 January 2020).

⁵ Homi Bhabha quoted in 'Cultural Appropriation: a Roundtable,' *Artforum International* 55 (10) (Summer) (2017): <https://blogs.brown.edu/hiaa-1810-s01-fall-2017/files/2017/08/CULTURAL-APPROPRIATION-A-ROUNDTABLE-artforum.com-in-print.pdf> (last accessed 11 October 2020).

⁶ Hadley, 'Jackson, Lauren Michele. *White Negroes...*,' 370.

Intertwined as it is with perceptions of previous and continuing injustice, cultural appropriation is a historically contingent phenomenon.⁷ Yet, cultural appropriation scholarship does not typically reflect on *how* actors move and negotiate intercultural experiences in specific cultural sites or markets. For example, cultural critics have studied the psychology that self-authorises appropriative acts and analysed cultural appropriation as an act of colonial consumption or enactment of colonial desire.⁸ While such analyses identify oppression in the historicity of appropriation, they tend to obscure the two-dynamics of intercultural engagement as grounded in everyday experiences. This article seeks to contribute to the discourse around cultural appropriation and colonialism by bringing to the fore a more dynamic and historically informed understanding of the practices that underscore intercultural consumption. A better grasp is sought as to the frameworks that actors produce and consume culture within.

To help gauge the nature of the historical dynamics that are recreated in appropriative engagements today, this article advances a close study of the historical market for preserved tattooed Māori heads ('mokamokai'⁹). Initially created for traditional cultural purposes, mokamokai were exported from Aotearoa/New Zealand¹⁰ as part of an international retail trade between 1811 and the 1840s, most of which were sold during the peak period of 1820–1831. Examining the demand and supply of this trade and its regulation through New South Wales ('NSW') Government Order no. 7 (1831), the Order that prohibited the importation of mokamokai from Aotearoa into NSW, provides insight into the dynamics of intercultural engagements in material culture and the push and pull nature of cultural production and intercultural consumption.

The selection of the mokamokai trade for historical analysis was sparked by my earlier study of appropriation norms in the western tattoo industry.¹¹ Some tattoo scholars suggest that the western tattoo industry was born out of intercultural contact in the Pacific during the South Seas voyages (1768–1780) led by James Cook, during which time mariners were tattooed by Pacific Islander tattooists, spontaneously sparking the emergence of a maritime tattoo norm.¹²

⁷ On the need to consider the historical context of cultural appropriation claims see, eg, Jonathan Hart, 'Translating and Resisting Empire: Cultural Appropriation and Postcolonial Studies,' in *Borrowed Power: Essays on Cultural Appropriation*, ed. Bruce Ziff and Pratima Rao (Rutgers University Press, 1997), 143, 165.

⁸ See bell hooks, 'Eating the Other: Desire and Resistance,' in *Black Looks: Race and Representation* (Routledge, 2015), 21–39; Deborah Root, *Cannibal Culture: Art, Appropriation, and the Commodification of Difference* (Boulder: Westview Press, 1996); Wendy Rose, 'The Great Pretenders: Further Reflections on Whiteshamanism,' in *The State of Native America: Genocide, Colonization and Resistance*, ed. M. Annette Jaimes (Boston: South End Press, 1992), 403–22.

⁹ Preserved Māori heads are known throughout Aotearoa by many names, including "mokamokai", "mokomokai," "toi moko" and "upoko tuhi". For a discussion of this terminology see Amber Aranui, 'Te Hokinga Mao O Ngā Tūpuna: Māori Perspectives of Repatriation and the Scientific Research of Ancestral Remains' (PhD diss., University of Wellington, 2018), 139–140.

¹⁰ Hereafter 'Aotearoa'.

¹¹ Marie Hadley, 'The Politics of Cultural Appropriation Claims and Law Reform' (PhD diss., University of New South Wales, 2019).

¹² For examples of such scholarship see Anna Friedman Herhily, 'Selected Perpetuations of the Cook Myth,' in 'Tattooed Transculturites: Western Expatriates Among Amerindian and Pacific Islander Societies, 1500–1900' (PhD diss., University of Chicago, 2012), Appendix A, 454–5.

This interpretation of the origins of the western tattoo industry has been discredited, but it prompted my reading of the diaries of the South Seas voyagers, including that of botanist Joseph Banks who participated in the first South Seas voyage (1768–1771). Therein, I found a reference to a coercive acquisition of a mokamokai in Aotearoa.¹³ Further research revealed that the acquisition by Banks is attributed importance in the development of the retail trade in mokamokai and in mokamokai's commercialisation and desacralisation, and that today the mokamokai trade is perceived to have contributed to the 'imperial ideologies and campaigns which would bring about the colonisation of New Zealand'.¹⁴ The connection between mokamokai, colonisation, and injustice suggested its suitability as a historical site through which the contingency of intercultural consumption of cultural difference might be explored.

In the article that follows, a variety of historical sources, including traveller journals, historical accounts of adventures in Aotearoa, the letters and correspondence of prominent colonists, colonial histories of Aotearoa, and broadsheet newspapers are drawn upon. It is acknowledged that reading, analysing and relying on these sources, overwhelmingly authored by non-Māori and at times describing events that occurred many years earlier, is fraught with difficulty and particularly so, given that I am neither Māori nor New Zealander. These sources must necessarily be approached with caution, yet nevertheless, accounts given by missionaries, explorers, settlers and others, must be relied on – I have not identified any first-hand accounts written from the Māori perspective from this time, and historical second-hand accounts from the Māori perspective are rare. I have sought to limit the potential for crude interpretation of this sensitive topic through privileging contemporary Māori scholarship wherever possible.

The article proceeds in four parts. The development of the mokamokai trade will firstly be outlined, followed by the role of Sydney as a staging post in the trade, the nature of the demand for mokamokai in the northern hemisphere, and Māori participation in the supply chain. Perspectives on Government Order no. 7 are provided throughout where relevant to understanding the intersection of commercial, political, and other interests. It is argued that intercultural consumption in this historical site manifests an oppressive appreciation of cultural difference, but also local agency and acuity. The article concludes that cultural appropriation is a historically contingent practice that embodies these dynamics. In both authorised and unauthorised intercultural engagements, oppressive conditions and the possibility of their subversion may be found.

The circumstances that led to the development of a retail trade in preserved human heads will now be outlined.

Mokamokai and the Development of a Retail Trade in Māori Heads

¹³ Joseph Banks, *The Endeavour Journal of Joseph Banks, 1768–1771* (vol. 2, 209), http://southseas.nla.gov.au/journals/banks_remarks/239.html (last accessed 10 January 2020).

¹⁴ Amiria Henare, *Museums, Anthropology and Material Exchange* (Cambridge: Cambridge University Press, 2005), 106. For a mention of Banks' acquisition in commentary on the trade see, eg, 'Te Papa Research into the Early Collection and Trade of Toi Moko,' Media Release, 1, <https://www.tepapa.govt.nz/sites/default/files/media-release-repatriation-te-papa-research-into-toi-moko-2014.pdf> (last accessed 9 January 2020); Amber Aranui, 'Toi Moko is Toi Art: A Harbinger for a Conversation,' *The Pantograph Punch*, 22 October 2018, <https://pantograph-punch.com/posts/toi-moko-toi-art> (last accessed 10 October 2020); Ngahua Te Awakotuku and Linda Waimarie Nikora, *Mau Moko: The World of Māori Tattoo* (Auckland: Penguin Books, 2007), 48.

Pre-European contact, the heads of cultural leaders, beloved family members such as a wife or a child, and enemy warriors killed in intertribal conflicts, were preserved by Māori.¹⁵ A sophisticated process of embalming was used that retained the shape and character of the face including facial tattoos known as moko, and the hair. As Arthur Thomson, the writer of the first general history of Aotearoa, describes, '[t]he heads of fallen chiefs were carefully preserved from decay by an ingenious process' that involved decapitating the head, scooping out the brain, tongue and eyes, and filling their cavities with fern or flax:

The heads were then thrown into boiling water until the thick skin could be easily town off, next plunged into cold water, and afterwards placed in a native oven, such as that used for cooking, where they were left until the oven cooled ... During this steaming the muscles shrank, but the hair, the tattoo marks, and the features were uninjured.¹⁶

Most mokamokai 'were well tattooed' because the 'friend and foe worth preserving were ... chiefs'.¹⁷

The cultural function of mokamokai varied depending on the identity of the individual whose head had been preserved. The mokamokai of family, friends, and leaders were kept as memento mori and venerated as ancestral relics.¹⁸ They were maintained in perfumed baskets and brought out on special occasions to be mourned over, perhaps ornamented with feathers or placed in a conspicuous place.¹⁹ Conversely, the preserved heads of the enemy might be mocked; mounted on posts at the entrance to a pā or on the tops of the houses as a symbol of

¹⁵ See, eg, Richard Taylor, *Te Ika A Maui, or, New Zealand and its Inhabitants* (London: Wertheim and Macintosh, 1855), 154; John George Wood, *The Natural History of Man: Being an Account of the Manners and Customs of the Uncivilised Races of Men* (G Routledge & Sons, 1870), 119.

¹⁶ Arthur Thomson, *The Story of New Zealand: Past and Present: Savage and Civilized* (London: John Murray, 1859), vol. I, 130-31. See also, George Bennett, 'The Mode of Preparing Human Heads Among the New Zealanders, with Some Observations on Cannibalism,' *The Journal of the Royal Institution of Great Britain* 2 (1831): 216-7.

¹⁷ Te Rangi Hiroa (Peter Buck), *The Coming of the Maori* (Wellington: Maori Purposes Fund Board, 1949), 300.

¹⁸ See, eg, J.S. Polack, *New Zealand: Being a Narrative of Travels and Adventures During a Residence in that Country Between the Years 1831 and 1837* (London: Richard Bentley, 1838), vol. II, 68; Ngahuia Te Awekotuku, 'He Maimai Aroha: A Disgusting Traffic for Collectors: The Colonial Trade in Preserved Human Heads in Aotearoa, New Zealand,' in *Obsession, Compulsion, Collection: On Objects, Display Culture and Interpretation*, ed. A. Kiendle (Banff: The Banff Centre Press, 2004), 80-81.

¹⁹ Elsdon Best, 'Notes on the Art of War, as Conducted by the Maori of New Zealand, with Accounts of the Various Customs, Rites, Superstitions, &c. Pertaining to War, as Practised and Believed in by the Ancient Maori,' *Journal of the Polynesian Society* 12 (4) (1903): 196; Richard Alexander Cruise, *Journal of a Ten Months' Residence in New Zealand* (London: Longman et al, 1823), 128-9; Taylor, *Te Ika A Maui*...,155.

victory.²⁰ Some of these heads were traded back to their tribes as part of peace settlements.²¹ However, this was a political exchange rather than a commercial exchange. Mokamokai were not traditionally sold by the Māori – they ‘were far too precious to be traded away.’²²

The first reported intracultural acquisition of a mokamokai occurred during the first South Seas voyage when botanist Joseph Banks bartered a pair of linen underwear for the preserved head of a Māori youth.²³ On the 17 January 1770, a small group of men in a waka (canoe) from a nearby ‘Indian town’ drew alongside the *Endeavour* that was moored in Queen Charlotte Sound.²⁴ Tupaia, the Raiatean navigator who had been enlisted as a guide or intermediary for the voyagers in Tahiti, asked the men if they eat the flesh of their enemies and if so, ‘where are the skulls ... do you eat them?’²⁵ An ‘old man’ replied that they eat the brains but not the heads, and that he would bring one to show them the next day.²⁶ Three days later on the 20 January 1770, the man brought four human heads aboard the *Endeavour* for inspection.²⁷ Voyager, artist Sydney Parkinson, described them as ‘skulls [that] had their brains taken out, and some of them their eyes, but the scalp and hair was left upon them. They looked as if they had been dried by the fire, or by the heat of the sun.’²⁸ Then-Lieutenant James Cook similarly observed: ‘both the Hairy scalps and skin of the faces were on’.²⁹

²⁰ See, eg, Best, ‘Notes on the Art of War...,’ 196; William Yate, *An Account of New Zealand; And of the Formation and Progress of the Church Missionary Society’s Mission in the Northern Island* (London: R.B. Seeley and W. Burnside, 2nd ed, 1835), 130; Wood, *The Natural History of Man...*, 119; Samuel Marsden, *Journal: Reverend Samuel Marsden’s Second Visit to New Zealand, 1819*: 43, Hocken Collection Archives, University of Otago [HCA], MS 176/2, https://marsdenarchive.otago.ac.nz/MS_0176_002#page/64/mode/1up/ (last accessed 5 January 2020).

²¹ See, eg, Cruise, *Journal of a Ten Months’ Residence...*, 51; Atholl Anderson, ‘Old ways and new means, AD 1810-1830,’ in *Tangata Whenua: A History*, ed. Atholl Anderson, Judith Binney and Aroha Harris (Wellington: Bridget Williams Books, 2015), 153.

²² Philip Walsh, ‘Maori Preserved Heads,’ *New Zealand Herald* (Auckland) (Supplement), 27 October 1894, 1.

²³ Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 209, http://southseas.nla.gov.au/journals/banks_remarks/239.html.

²⁴ Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 125, <http://southseas.nla.gov.au/journals/banks/17700117.html>.

²⁵ Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 125, <http://southseas.nla.gov.au/journals/banks/17700117.html>.

²⁶ Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 125, <http://southseas.nla.gov.au/journals/banks/17700117.html>. Historian Wayne Orchiston identifies the old man as ‘Kupaia, paramount chief of Motuara pa’: D. Wayne Orchiston, ‘Preserved Maori Heads and Captain Cook’s Three Voyages to the South Seas: A Study in Ethnohistory,’ *Anthropos* 73 (5/6) (1978): 802. Conversely, Māori repatriation scholar Amber Aranui identifies the old man as ‘Topaa, a local Māori man’: Aranui, *Te Hokinga Mao O Ngā Tūpuna...*, 149.

²⁷ Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 128, <http://southseas.nla.gov.au/journals/banks/17700120.html>. Another version of the event states that the old man stayed in his waka and passed the heads up to the ship: see at 209, http://southseas.nla.gov.au/journals/banks_remarks/239.html.

²⁸ Sydney Parkinson, *A Journal of a Voyage to the South Seas in His Majesty’s Ship, The Endeavour* (London: Stanfield Parkinson, 1773), 116.

²⁹ James Cook, *The Journals of Captain James Cook on his Voyages of Discovery. Volume I, The Voyage of the Endeavour 1768–1771*, ed. J.C. Beaglehole (Hakluyt Society, 1955, ebook by Ashgate Publishing, 2015), 237.

It is unlikely that the man intended to trade these heads to the voyagers.³⁰ In death the head remained intensely tapu or sacred, so the idea of selling mokamokai commercially ‘would have struck any Maori as obscene.’³¹ The old man is described by the voyagers as being ‘very jealous of shewing’ the heads and rating ‘them very high’.³² The interchange that took place occurred in coercive circumstances. Banks offered to buy one of the heads that ‘appeared to have belonged to a person of about 14 or 15 years of age’, handing the chief a ‘pair of old Drawers of very white linnen’.³³ The old man hesitated to sell the mokamokai although ‘he likd the price’.³⁴ He only agreed to part with the head after Banks threatened him with a musket and told him to sell the head or return the drawers.³⁵ To Banks’ annoyance, the old man refused to ‘part with any of the other [heads] on any account whatever’.³⁶

In the years that followed, there was no immediate widespread commercialisation of mokamokai. No other mokamokai were purchased by Europeans during the South Seas voyages, although at the turn of the nineteenth century it is known that two mokamokai were taken to Sydney and forwarded to Joseph Banks.³⁷ It is unclear whether these acquisitions were coercive, or part of a broader pattern of collecting. However, after May 1811 consensual trading activity began to occur. May 1811, the month the first mokamokai was publicly offered for resale on the streets of Sydney, is the acknowledged start of the retail trade in mokamokai.³⁸ That particular mokamokai had been stolen the year before from Riverton in the Foveaux Straits by former British convict and sealer William Tucker.³⁹

³⁰ Orchiston, ‘Preserved Maori Heads...,’ 808.

³¹ Christina Thompson, ‘Smoked Heads,’ in *The Best Australian Essays 2006*, ed. Drusilla Modjeska (Melbourne: Black Inc, 2006), 29. On the head as tapu see, eg. Alfred Gell, *Wrapping in Images: Tattooing in Polynesia* (Oxford: Oxford University Press, 2004), 247.

³² The former quote is from Joseph Banks’ journal: Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 209 http://southseas.nla.gov.au/journals/banks_remarks/239.html. The latter quote is from Sydney Parkinson’s journal: Parkinson, *A Journal of a Voyage to the South Seas...*, 116.

³³ Banks, *The Endeavour Journal of Joseph Banks...*, vol.2, 209, http://southseas.nla.gov.au/journals/banks_remarks/239.html.

³⁴ Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 209, http://southseas.nla.gov.au/journals/banks_remarks/239.html.

³⁵ Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 209, http://southseas.nla.gov.au/journals/banks_remarks/239.html. It is not known what happened to this mokamokai.

³⁶ Cook, *The Journals of Captain James Cook...*, 237.

³⁷ Orchiston, ‘Preserved Maori Heads...,’ 807; King to Banks, 26 November 1807, NSW State Library, 39.105; Amber Aranui, ‘Uses and Abuses: Indigenous human remains and the development of European Science: an Aotearoa/New Zealand case study,’ in *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, ed. Cressida Fforde, C. Timothy McKeown and Honor Keeler (New York: Routledge, 2020), 401.

³⁸ See, eg. Horatio Gordon Robley, *Moko; or, Maori Tattooing* (London: Chapman and Hall Limited, 1896), 169; Peter Entwisle, *Taka: A Vignette Life of William Tucker 1784-1817* (Dunedin: Port Daniel Press, 2005), 66.

³⁹ Robley, *Moko; or, Maori Tattooing*, 169. Cf T. Dunbabin, ‘A Strange Trade: Deals in Māori Heads. Pioneer Artists,’ *The Sun (Sydney)*, 21 January 1923, 19. Dunbabin suggests that Tucker did not steal the head but paid a few shillings’ worth of old iron for it.

After Tucker's May 1811 sale, mokamokai began to be proactively traded by both Māori and non-Māori and exported out of Aotearoa. It is estimated that more than 200 mokamokai were circulated worldwide between 1811 and 1831 when Government Order no. 7 was introduced, most of which were sold during the peak trading period of 1820–1831.⁴⁰ Mokamokai for trade were primarily obtained from the Bay of Islands, Kāpiti, Thames, the Foveaux Strait, Otago, and Murihiku areas.⁴¹ They were purchased either from Māori chiefs directly, or indirectly through middleman pākehā traders such as William Tucker, mentioned earlier as commencing the trade, who later lived in Whareake near Otago Heads and worked as a trader in heads and pounamu, a variety of nephrite jade, between 1815 and 1817, or John (Joe) Rowe of Kāpiti, who ran a store on Kāpiti Island where, in addition to supplying arms and ammunition to the chief Te Rauparaha, sold mokamokai.⁴² Once the mokamokai were sold, it is known that some transited through Sydney and were sold for around £20 each and transported thereafter to international markets.⁴³ From 1820, preserved heads were specifically listed in Sydney's import returns.⁴⁴

After 11 years of steady trade, the Sydney dimension of the mokamokai trade was abruptly regulated on 16 April 1831, when NSW Governor Ralph Darling signed a legal order requiring customs officers to henceforth 'strictly watch and report every instance which they may discover of an attempt to import into this Colony any dried or preserved human heads in

⁴⁰ Ngahua Te Awekotuku, 'More than Skin Deep: *Ta Moko* Today,' in *Claiming the Stones/Naming the Bones: Cultural Property and the Negotiation of National and Ethnic Identity*, ed. Elazar Barkan and Ronald Bush (Los Angeles: Getty Research Institute, 2002), 245 (200 heads); Juniper Ellis, *Tattooing the World: Pacific Designs in Print and Skin* (New York: Columbia University Press, 2008), 94 (more than 200 heads); Awekotuku, 'He Maimai Aroha...', 85 (about 250 heads); Ngahua Te Awekotuku, 'Mata Ora: Chiselling the Living Face, Dimensions of Maori Tattoo,' in *Sensible Objects: Colonialism, Museums and Material Culture*, ed. Elizabeth Edwards, Chris Gosden and Ruth Phillips (Oxford & New York: Berg, 2006), 127 (300 heads); Tom Hunt, 'Toi Moko "Remind Us Humans are Not Chattels",' *Stuff.co.nz*, 14 May 2011, <http://www.stuff.co.nz/dominion-post/news/5003199/Toi-moko-remind-us-humans-are-not-chattels> (last accessed 22 October 2019) (800 heads and other ancestral remains).

⁴¹ 'Te Papa Research,' 1.

⁴² Frederick Maning, *Old New Zealand: Being Incidents of Native Customs and Character in the Old Times by a Pakeha Maori* (London: Smith, Elder and Co, 1863), 59; Entwisle, *Taka...*; David Young, *Histories from the Whanganui River: Woven by Water* (Wellington: Huia Publishers, 1998), 15; Richard Taylor, *The Past and Present of New Zealand with its Prospects for the Future* (London: William Macintosh, 1868), 269.

⁴³ Walsh, 'Maori Preserved Heads,' 1; Dunbabin, 'A Strange Trade...', 19. Other mokamokai may have bypassed the secondary market in Sydney entirely if, for example, traders had direct links with foreign museums and collectors.

⁴⁴ J.S. Polack, *Manners and Customs of The New Zealanders: With Notes Corroborative of Their Habits, Usages, etc. And Remarks to Intending Emigrants, with Numerous Cuts Drawn on Wood* (London: James Madden & Co, and Hatchard and Son, 1840), vol. II, 41.

future'.⁴⁵ The order, Government Order no. 7, provided a fine of £40 and the gazetting of the name of the importer.⁴⁶

Government Order no. 7 was introduced following a petition to Governor Darling for the return of two mokamokai that had been taken by the victors of an intertribal conflict and sold to British traders. Earlier in 1831, an invading force of Ngāpuhi and Ngāti Kuri warriors had been defeated at Motiti Island in the Bay of Plenty by a force of Ngāi Te Rangī, Ngāti Hauā and Te Whakatōhea warriors.⁴⁷ The victors seized and preserved the heads of 14 of the defeated northern chiefs, selling them soon after to the master of the trading vessel, the *Prince of Denmark*, in Tauranga.⁴⁸ On the 16 March 1831 the mokamokai were shown to the missionaries Henry Williams and Thomas Chapman as well as some local Māori in the Bay of Islands.⁴⁹ The slain chiefs were recognised by the Māori onboard who sought their return: 'The chief knew the heads; they were his friends; when he retired he said, "Farewell my people, farewell my people"'.⁵⁰ Fearing retribution, the *Prince of Denmark* absconded to Sydney, arriving on the 30 March 1831, after which time the heads were sold.⁵¹ A chief from the Bay of Islands, who was staying with the Reverend Samuel Marsden, sought their return from Governor Darling.⁵² The chief's petition was supported by Reverend Marsden who urged the Governor to take action, imploring 'His Excellency to use every means to recover them, in order that they might be sent back to their friends.'⁵³ Governor Darling acceded to this request,

⁴⁵ Alexander McLeay, 'Government Order No 7' (16 April 1831), in *Sydney Gazette and the New South Wales Advertiser (SG & NSW)*, 19 April 1831, 2. It was not for another 80 years that the exportation of Indigenous Australian remains was regulated: see Governor-General, Commonwealth of Australia 1911, 'Proclamation' Commonwealth of Australia Gazette (National 1901-1973) 20 May 1011, 1448; Governor-General 1913, 'Proclamation' Commonwealth of Australia Gazette (National: 1901-1973) 22 November 1913, 3062.

⁴⁶ Robley, *Moko; or, Maori Tattooing*, 181; Thomson, *The Story of New Zealand...*, 264. Explorer and naturalist George French Angas states that the penalty was £50: George French Angas, *Polynesia* (London: Society For Promoting Christian Knowledge, 1866), 160. The Order does not itself outline the penalty for breach. Any subsequent Act that specified these penalties, if it indeed exists, has not been located: Cressida Fforde, Amber Aranui, Gareth Knapman, Paul Turnbull, "'Inhuman and Very Mischievous Traffic': Early measures to cease the export of Ancestral Remains from Aotearoa New Zealand and Australia," in *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, ed. Cressida Fforde, C. Timothy McKeown and Honor Keeler (New York: Routledge, 2020), 385.

⁴⁷ For an account of the conflict at Motiti see Richard Arundell Augur Sherrin, *Early History of New Zealand: From Earliest Times to 1840* (Auckland: H. Brett, 1890), 346.

⁴⁸ G.W. Rusden, *History of New Zealand* (London: Chapman and Hall, 1883), vol. I, 133. Others put the figure as 12, 13, or 14 mokamokai: see, eg, Sherrin, *Early History of New Zealand...*, 338; Yate, *An Account of New Zealand...*, 130, 346.

⁴⁹ See Henry Williams, *The Early Journals of Henry Williams*, ed. Laurence M. Rogers (Christchurch: Pegasus Press, 1961), 174; Thomson, *The Story of New Zealand...*, 263.

⁵⁰ Marsden to Coates, 18 April 1831, in *Historical Records of New Zealand*, ed. Robert McNab (Wellington: John Mackey, 1908), vol. I, 716.

⁵¹ For the arrival date of the *Prince of Denmark* in Sydney see 'Shipping', *The Australian (Sydney)*, 8 April 1831, 3. For a perception of the Māori intention to avenge the possession of the mokamokai see Sherrin, *Early History of New Zealand...*, 346.

⁵² Fforde et al., "'Inhuman and Very Mischievous Traffic'...", 383.

⁵³ Marsden to Coates, 18 April 1831, 716.

introducing Government Order no. 7 that included a specific provision to restore the stolen mokamokai ‘to the relatives of the deceased parties to whom those heads belonged.’⁵⁴

It is difficult to ascertain the deterrent effect of Government Order no. 7 on the global trade in mokamokai after 1831, yet commentators suggest that the Order’s effect was ‘significant’.⁵⁵ No prosecutions resulted under the Order in NSW or Aotearoa, although there was one threatened prosecution against the curator of the Canterbury museum, Julius Van Haast, for displaying a mokamokai in 1870.⁵⁶ The Order’s introduction did, however, coincide with a slowing of the international dimensions of the trade in mokamokai: in 1839 it was lamented by a traveller to Aotearoa that ‘[t]he trade in native curiosities is not quite so great as it used to be, particularly in tattooed heads’.⁵⁷ Commentators list other factors such as the deaths of Hongi Hika and Pomare, two prolific Māori agents in the trade, in 1828 and 1826 respectively, the fact that most tribes had obtained firearms by 1831, and the end of the Musket Wars as other potential contributors to the dampening of the trade.⁵⁸

Whether or not the Order itself was significant in redirecting the trade, it appears that first-hand reports of mokamokai in Sydney are rare after 1831.⁵⁹ In Aotearoa, mokamokai were also seldom seen after 1831, although they were available for purchase for at least another decade and taken to Europe and beyond.⁶⁰ In January 1834, Captain Richard Bayley Mann of the brig *Eleanor* purchased a mokamokai from Kāpiti Island that he later gifted to the Scarborough Museum in England, and in 1839, Lieutenant Charles Wilkes purchased two heads for £10 from the steward of a missionary vessel in the Bay of Islands that became part of the Smithsonian Institution collection.⁶¹ After this time, the primary channel of trade in mokamokai was museums – demand from European museums peaked in the late nineteenth

⁵⁴ McLeay, ‘Government Order No 7...,’ 2.

⁵⁵ Fforde et al., “‘Inhuman and Very Mischievous Traffic’...,” 384.

⁵⁶ The display was objected to by Māori. No prosecution eventuated, but the Attorney General issued an opinion that Darling’s Government Order was good law in New Zealand and Haast was instructed to remove the offending exhibit: Robley, *Moko; or, Maori Tattooing*, 181-82.

⁵⁷ Charles Wilkes, *Narrative of the United States Exploring Expedition During the Years 1838, 1839, 1840, 1841, 1842* (Philadelphia: Lea and Blanchard, 1845), vol. II, 399.

⁵⁸ See Thomson, *The Story of New Zealand...*, 264; Awekotuku and Nikora, *Mau Moko...*, 49; Awekotuku, ‘He Maimai Aroha...,’ 85; Paul Tapsell, ‘Out of Sign, Out of Mind: Human Remains at the Auckland Museum – Te Papa Whakahiku,’ in *Looking Reality in the Eye: Museums and Social Responsibility*, ed. James and Conaty (Calgary: University of Calgary Press, 2005), 157; Brian Hole, ‘Playthings for the Foe: The Repatriation of Human Remains in New Zealand,’ *Public Archaeology* 6 (1) (2007): 10.

⁵⁹ The only mention I identified in the course of my research was from 1835, where a mokamokai was found in an ash heap on Bligh Street, Sydney, presumed to have been thrown away: *The Sydney Herald*, 23 April 1835, 2.

⁶⁰ Fforde et al., “‘Inhuman and Very Mischievous Traffic’...,” 388.

⁶¹ On Mann’s purchase see C. Meadley, *Memorials of Scarborough: A Compilation of Historic Sketches, Anecdotes, Remarkable Occurrences, Reminiscences of Olden Times etc* (London: Simkin, Marshall, 1890), 122 cited in Fforde et al., “‘Inhuman and Very Mischievous Traffic’...,” 385. On Wilkes’ purchase see: Wilkes, *Narrative of the United States Exploring Expedition...*, 400. These mokamokai were repatriated in 2016: Fforde et al., “‘Inhuman and Very Mischievous Traffic’...,” 385.

century and did not dry up until the 1920s.⁶² Today, the mokamokai that were dispersed throughout the world prior to, after, and as a result of the trade, are the subject of concerted efforts for repatriation.⁶³

The intricacies of the Sydney market will now be considered, so as to further reflect upon the commercial imperatives of the trade and its nature as a form of intercultural experience.

Sydney Market for Mokamokai

Sydney was a waypoint for the transportation of mokamokai to northern hemisphere markets. It was also the site of a secondary market for the heads – mokamokai were sold in Port Jackson.⁶⁴ The movement of mokamokai between Aotearoa and Australia (and often thereafter to Britain) is characteristic of trans-Tasman mobility at the time – circuits of travellers, communication, law, and goods had existed in the region since the South Seas voyages, and then more regularly, following settlement in Australia.⁶⁵ Aotearoa was connected in spatial and cultural ways with Australia and a site of imperial activity, even prior to colonisation.⁶⁶ As race relations historian Rachel Standfield writes, in the early colonial period:

the fledgling white societies in various locations in Australia and New Zealand did not see themselves as separate, but rather as a part of the British Empire in the Pacific Ocean. They were a region of imperial activity, but also connected back to the imperial centre and other imperial and non-imperial sites.⁶⁷

⁶² Hole, ‘Playthings for the Foe...,’ 10.

⁶³ See the Karanga Aotearoa Repatriation Programme at the Museum of New Zealand Te Papa Tongarewa: June Jones and Te Herekiele Herewini, ‘A Partnership Approach to Repatriation of Māori Ancestors,’ in *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, ed. Cressida Fforde, C. Timothy McKeown and Honor Keeler (New York: Routledge, 2020), 667-668; Aranui, *Te Hokinga Mao O Ngā Tūpuna...*, 167-68.

⁶⁴ See Fforde et al., ‘“Inhuman and Very Mischievous Traffic”...,’ 432. Mokamokai are also known to have been sold in other Australian ports like Hobart: at 432.

⁶⁵ See, eg, Rachel Standfield, ‘Moving Across, Looking Beyond,’ in *Indigenous Mobilities: Across and Beyond the Antipodes*, ed. Rachel Standfield (Canberra: ANU Press, 2018), 1-34; Rachel Standfield, ‘Mobility, Reciprocal Relationships and Early British Encounters in the North of New Zealand,’ in *Indigenous Mobilities: Across and Beyond the Antipodes*, ed. Rachel Standfield (Canberra: ANU Press, 2018), 57-78; Nan Seuffert, ‘Civilisation, Settlers and Wanderers: Law, Politics and Mobility in Nineteenth Century New Zealand and Australia,’ *Law, Text, Culture* 15 (2011): 10-44; Michael Stevens, ‘“A Defining Characteristic of the Southern People”: Southern Māori Mobility and the Tasman World,’ in *Indigenous Mobilities: Across and Beyond the Antipodes*, ed. Rachel Standfield (Canberra: ANU Press, 2018), 79-114; Judith Binney, ‘Tuki’s Universe,’ in *Stories Without End: Essays 1975-2010* (Wellington: Bridget Williams Books, 2010), 45-61.

⁶⁶ Katie Pickles and Catharine Coleborne, ‘Introduction: New Zealand’s Empire,’ in *New Zealand’s Empire*, ed. Katie Pickles and Catharine Coleborne (Manchester: Manchester University Press, 2016), 3. The *Treaty of Waitangi*, that secured the cession of Māori sovereignty, was signed on the 6 February 1840. Aotearoa was established as a Crown colony separate from New South Wales in 1841, following the British government issuing the *Charter for Erecting the Colony of New Zealand* on the 16 November 1840.

⁶⁷ Rachel Standfield, *Race and Identity in the Tasman World, 1769-1840* (Abingdon: Routledge, 2016), 4.

While Aotearoa was geographically peripheral to Australian colonial sites, Māori were frequent trading partners, and valued for their supply of resources such as haraheke (flax) and timber.⁶⁸

Trading consolidated the triangular relationship between Aotearoa, Australia, and Britain at this time, and laid the conditions for the exchange of other goods like ancestral remains. Flax traders and merchant ships from Australia, England, and North America participated in the mokamokai trade, as did settlers, scientists, travellers, explorers, and whalers. Regardless of the identity or the vocation of the trader though, mokamokai were primarily obtained in Aotearoa for onward sale.⁶⁹ Ship captains such as whaler William Darby Brind traded muskets and ammunition for heads to sell on the market in Sydney.⁷⁰ The individuals who purchased mokamokai in Sydney were also primarily profit-driven, purchasing the mokamokai ‘for the purpose of transmissal to Europe’ rather than for local collection or display.⁷¹ Very few mokamokai appear to have been retained in Australia. H.G. Robley, writing in 1896, identifies only two ‘not very good’ specimens held by a museum in Sydney and no mokamokai held locally by private collectors.⁷² In Sydney, like in Aotearoa, mokamokai presented a commercial opportunity for those individuals soon to set sail.

In addition to the financial incentives, the lack of local demand for private ownership of mokamokai in Sydney may be attributable to equivocation around the trade. At the start of the peak trading period in 1820, there was a fascination with the shocking image of traders walking down main streets in Sydney with a human head under their arms as well as distaste of the trade.⁷³ There was social disapproval of the role of sealers like William Tucker in the trade. Tucker is described as a ‘wild fellow’ and ‘villain’ by one commentator, “Candor”, in a letter to the printer of the *Sydney Gazette* in 1820.⁷⁴ This criticism does not appear to have been an ethically-informed response to the commercialisation of human remains per se, but rather a general disapprobation of the lawlessness of British citizens in Aotearoa:

New Zealand has been for many years frequented by sealers, who committed every species of depredation upon the natives, for the purpose of obtaining curiosities, as they are termed, such as their war implements, mats, and so forth; and though they might have been safe so long as they continued civil, yet the wish of making money of such spoil as they could any way pick up, upon their return to Port Jackson, was a temptation

⁶⁸ Rachel Standfield, ‘The Parramatta Māori Seminary and the Education of Indigenous Peoples in Early Colonial New South Wales,’ *History of Education Review* 41 (2) (2012): 120.

⁶⁹ Fforde et al., “‘Inhuman and Very Mischievous Traffic’...,” 382; Simon Jean, ‘The French Acquisition of Toi Moko From Aotearoa/New Zealand in the Nineteenth Century,’ in *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, ed. Cressida Fforde, C. Timothy McKeown and Honor Keeler (New York: Routledge, 2020), 428, 430.

⁷⁰ J.R. Elder, *The Letters and Journals of Samuel Marsden 1765-1838* (Dunedin: AH Reed, 1932), 498 cited in Hole, ‘Playthings for the Foe...,’ 8.

⁷¹ Candor, ‘Letter to the Printer,’ *SG & NSWA*, 15 January 1820, 3.

⁷² Robley, *Moko; or, Maori Tattooing*, 181.

⁷³ Compare Verax, ‘To the Editor of the Sydney Gazette,’ *SG & NSWA*, 8 January 1820, 3 to Candor, ‘Letter to the Printer,’ 3.

⁷⁴ Candor, ‘Letter to the Printer,’ 3. Tucker had died 3 years earlier in 1817.

irresistible to the generality of that class of men; who, after toiling under excessive hardship for a year or two in Foveaux Straits, would spend their hard earnings in a week upon their return to Sydney.⁷⁵

Prior to Aotearoa's official colonisation in 1840, there was no official avenue for British legal redress for those Māori who suffered depredations in Aotearoa at the hands of British citizens.⁷⁶ While the British *Murders Abroad Act 1817* provided that all homicides committed in the islands of Aotearoa 'by the master or crew of any British ship or vessel ... may be tried, adjudged and punished ... in the same manner as if such offence ... had been committed on the high seas', it only applied to acts committed by British citizens against *British* citizens.⁷⁷ The rule 'did not apply to foreigners or savages'.⁷⁸ This legal lacuna was problematic because many 'desperate characters' and 'escaped convicts', 'capable of committing any crime in New Zealand,' 'mix[ed] up with the natives' in Aotearoa and participated in, for example, intertribal conflicts.⁷⁹ This was strongly objected to by Māori as well as the NSW colonists, however there were doubts as to whether such actions amounted to an offence against British law or whether NSW courts had jurisdiction.⁸⁰ During the peak trading period, errant British citizens could participate in massacres, lend a 'ship's cabouse to cook the dead men's flesh in' and give a 'good price ... for the heads' that resulted, with no legal redress.⁸¹

By 1831 in Sydney, human rights perspectives on the mokamokai trade were more pronounced. In the text of Government Order no. 7 Governor Darling refers to the mokomokai trade as a 'disgusting traffic' that 'tends greatly to increase the sacrifice of human life among savages whose disregard of it [human life] is notorious.'⁸² The trade is compared to the slave trade:

This barbarous traffic appears infinitely more disgusting than the Slave Trade, which may be Considered as a branch of it, and which it would certainly have the effect of promoting, in as much as the desire to obtain Prisoners would be increased, who, instead

⁷⁵ Candor, 'Letter to the Printer,' 3.

⁷⁶ The *Treaty of Waitangi* secured the cession of Māori sovereignty: *Treaty of Waitangi* (1840), <http://www.treatyofwaitangi.maori.nz/> (last accessed 28 January 2020). It was signed on the 6 February 1840.

⁷⁷ See *Murders Abroad Act 57 Geo. III c. 53* (1817) (UK). Note that the jurisdiction to hear such matters was specifically vested in the Supreme Court of NSW: *Australian Courts Act 9 Geo. IV c. 83* (1828) (UK), s. 4.

⁷⁸ 'March of Intellect in New South Wales,' *Sydney Monitor*, 16 April 1831, 4.

⁷⁹ Marsden to Bickersteth, 25 April 1831, in *Historical Records of New Zealand*, ed. Robert McNab (Wellington: John Mackey, 1908), vol. I, 718.

⁸⁰ Shortly prior to the introduction of Government Order no. 7, this discussion circulated primarily in relation to an incident involving the British citizen, Captain Stewart of the brig *Elizabeth*, who participated in a tribal war and massacre in Aotearoa in 1830. See, eg, 'Magisterial Report to Governor Darling,' 7 February 1831, in *Historical Records of New Zealand*, ed. Robert McNab (Wellington: John Mackay, 1914), vol. II, 578-579, 594; 'Opinion of W.H. Moore,' 7 February 1831, in *Historical Records of New Zealand*, ed. Robert McNab (Wellington: John Mackay, 1914), vol. II, 588.

⁸¹ 'March of Intellect...', 4. On the absence of legal infrastructure to redress the trade in mokamokai see Marsden to Coates, 18 April 1831, 716.

⁸² McLeay, 'Government Order No 7...', 2.

of being kept as Slaves to be employed in the Service of their Captors, which would to a certain extent be immolated as Victims to this new and detestable Commerce.⁸³

Some of Darling's contemporaries drew the line at comparing the sale of mokamokai to the slave trade, but nevertheless saw it as encouraging murder.⁸⁴ Viscount Goderich described the mokamokai trade as 'utterly inhuman and detestable', stating that it 'afford[s] the unhappy Islanders a new motive for the perpetration of Murders.'⁸⁵ He supported a penalty of 'transportation for 7 or 14 years' for those British involved in the trade.⁸⁶ While Government Order no. 7 stopped well short of imposing such a severe penalty, its introduction was celebrated in the *Sydney Gazette* as 'denouncing that inhuman traffic in New Zealand heads which has long disgraced this colony'.⁸⁷

Nevertheless, the humanitarian impetus of Government Order no. 7's introduction might be overstated. Pragmatic commercial considerations also influenced the introduction of Government Order no. 7, and in particular, the trans-Tasman trading relationships that made it possible for the trade to thrive in the first place. As a trading partner in goods such as flax, wood, and oil, Aotearoa offered 'immense commercial advantages' to the NSW-based merchants who had local establishments in the country.⁸⁸ The conduct of the master of the *Prince of Denmark* and the indignation his actions sparked in the Bay of Islands chief, was perceived to threaten this 'lucrative and most promising commerce'.⁸⁹ The text of the Order specifically notes the 'highly important' need to cultivate 'feelings of natural goodwill' between NSW-based merchants and traders and Māori.⁹⁰ The day that the Order was published, the *Sydney Gazette* urged erstwhile traders in heads 'to obey it to the letter' so as not to ruin 'rising trade with that Island.'⁹¹

It was not only the future imports of mokamokai that were perceived to be problematic for trading relationships, but the retention of the *particular* mokamokai the subject of the Māori petition. While the Office of the Colonial Secretary later clarified that while the *Prince of*

⁸³ Darling to Goderich, 13 April 1831, 241. The predatory nature of the trade's supply is considered in detail in the next section.

⁸⁴ Cf George Bennett, 'The Mode of Preparing Human Heads Among the New Zealanders, with Some Observations on Cannibalism,' *The Journal of the Royal Institution of Great Britain* 2 (1831): 222. Bennett argued that the cultural preparation of mokamokai would continue regardless of whether a commercial trade existed.

⁸⁵ Goderich to Bourke, 31 January 1832, in *Historical Records of Australia: Series 1, Governors' Despatches to and from England*, ed J. Frederick Watson (Melbourne: Library Committee of the Commonwealth Parliament, 1914-1915), vol. 16, 512.

⁸⁶ Goderich to Bourke, 31 January 1832, 512.

⁸⁷ 'Editorial,' *SG & NSW*, 21 April 1831, 2.

⁸⁸ *The Hobart Town Courier*, 26 March 1831, 2. See also Darling to Goderich, 13 April 1831, 240 where Governor Darling describes trade with New Zealand as 'highly important'.

⁸⁹ 'Editorial,' *SG & NSW*, 21 April 1831, 2. See also Marsden to Bickersteth, 25 April 1831, 717: '[s]omething must be done, or all commercial connexion must cease between N. Zealand and this colony'.

⁹⁰ McLeay, 'Government Order No 7...', 2.

⁹¹ 'Editorial,' *SG & NSW*, 21 April 1831, 2.

Denmark was the only vessel directly named in the Order, its master and crew were not, ‘in any respect more blameable, or more engaged in the traffic complained of, than those of other vessels engaged in the New Zealand trade’,⁹² the order includes a specific instruction that those in possession of the heads imported by the *Prince of Denmark* deliver them up:

All persons who have in their possession human heads, recently brought from New Zealand, and particularly by the schooner *Prince of Denmark*, will immediately deliver them up for the purpose of being restored to the relations of the deceased parties to whom those heads belonged; this being the only possible reparation that can now be rendered, and application having been specially made to His Excellency to this purpose.⁹³

The chief’s petition to Governor Darling is indicative of a willingness to use official channels to seek redress and of trans-Tasman mobilities, given the chief’s presence at Reverend Marsden’s residence in Parramatta. The petition’s granting was perhaps an act of diplomacy, but regardless, it was perceived to be a pragmatic means of avoiding a ‘fatal convulsion’.⁹⁴ To Reverend Marsden who counselled Governor Darling to order the repatriation, a legal response to the trade was needed to avoid the Māori ‘law of retaliation’ being meted out to British traders in future.⁹⁵ He wrote to Governor Darling that ‘there is much reason to apprehend that they will at some period redress their own wrongs by force of arms, if no remedy is provided to do them justice.’⁹⁶

The Sydney market for mokamokai is revealing of a site of trading activity that thrived, and to a certain degree was regulated, for commercial reasons. In the process, mokamokai was decontextualised. To better understand the oppressive dimensions of the trade as a form of intercultural consumption, the nature of the northern hemisphere market must also be considered.

Collectors and the Demand for Mokamokai in the Northern Hemisphere

The mokamokai exported from Aotearoa, many of which may have transited through or been on-sold in Sydney, ultimately supplied private collections and public institutions including museums, medical schools, and universities, in the United Kingdom, Europe, and North America.⁹⁷ In these northern hemisphere markets, initially the demand for mokamokai was characterised by its nature as a curio: the novelty of mokamokai ‘stirred the minds of the curious’.⁹⁸ The acquisition of foreign ‘curiosities’ by Europeans was ‘considered a mark of

⁹² ‘Editorial,’ *SG & NSW*, 21 April 1831, 2.

⁹³ McLeay, ‘Government Order No 7...,’ 2.

⁹⁴ ‘Editorial,’ *SG & NSW*, 21 April 1831, 2.

⁹⁵ See also Darling to Goderich, 13 April 1831, 240.

⁹⁶ Marsden to Darling, 2 August 1830, in *Historical Records of New Zealand*, ed. Robert McNab (Wellington: John Mackey, 1908), vol. I, 707.

⁹⁷ See Robley, *Moko; or, Maori Tattooing*, 183-208 for a list of mokamokai held in overseas collections compiled in 1896.

⁹⁸ ‘Mokai. A Chapter of Maori History: Head Hunting and Tattooing,’ *The Daily Telegraph (Sydney)*, 31 October 1896, 11. See also, for eg, Awekotuku and Nikora, *Mau Moko...*, 48; Thompson, ‘Smoked Heads,’ 29.

intellectual wealth and nobility'.⁹⁹ Later around the 1820s, the heads also began to be sought for scientific purposes, including phrenological examination.¹⁰⁰ Desire to obtain an 'anatomical curiosity' influenced the purchase of French naturalist René Primevère Lesson of a mokamokai in 1824.¹⁰¹ Lesson used this mokamokai and some Māori skulls as part of a study of the phrenological attributes of skulls from Europe and other lands.¹⁰² Lesson later gifted the mokamokai to the municipal museum of Rochefort and the National Natural History Museum of Paris, perhaps as part of a desire to contribute to knowledge about human difference and evolution.¹⁰³

During the peak trading period, heads were offered for resale at London auctions alongside natural objects and exotica. For example, amongst a 'Small but very select collection of warlike and domestic implements, dress, curiosities' from the South Seas Islands, a 'beautifully preserved' 'embalmed Head of a New Zealand Chief' was advertised for sale in 1820.¹⁰⁴ A 'finely tattooed' 'head of a New Zealand Chief' was similarly advertised for sale in 1828, this time as part of the auction of a collection of minerals, fossils, and exotic shells.¹⁰⁵ Such advertisements were sometimes specifically addressed to 'Medical Gentlemen and Others'.¹⁰⁶ H.G. Robley, one of the most prolific collectors of mokamokai is known to have purchased at least five of his collection through auction, and others from colleges, hospitals, and museums.¹⁰⁷ In 1902, auction house J.C. Stevens that specialised in natural history, ethnographic curios, and human remains, sold thirty two of Robley's mokamokai.¹⁰⁸

While tattoos contributed to the value of mokamokai – heads featuring elaborate moko commanded the highest prices – they were not perceived as an object through which the art of tā moko, Māori cultural tattooing, could be observed until after 1870.¹⁰⁹ Prior to 1870, the

⁹⁹ Jean, 'The French Acquisition of Toi Moko...', 430.

¹⁰⁰ Aranui, 'Uses and Abuses...', 402. Another motivation for collection was a belief that the Māori as a people were a dying race. See, eg, Hole, 'Playthings for the Foe...', 7.

¹⁰¹ Antoine Raymond Joseph, de Bruni Entrecasteaux and Louis-Isidore Duperrey, *Extracts from New Zealand Journals Written on Ships Under the Command of D'Entrecasteaux and Duperrey, 1793 and 1824*, trans. Isabel Ollivier (Wellington: Alexander Turnbull Library Endowment Trust, 1986), 142.

¹⁰² Jean, 'The French Acquisition of Toi Moko...', 430.

¹⁰³ Jean, 'The French Acquisition of Toi Moko...', 430.

¹⁰⁴ *Morning Chronicle (London)*, 10 November 1820, 4.

¹⁰⁵ *Morning Chronicle (London)*, 26 September 1828, 1.

¹⁰⁶ See, eg, *Morning Post (London)*, 6 January 1827, 1.

¹⁰⁷ Amber Aranui, Cressida Fforde, Michael Pickering, Paul Turnbull, Gareth Knapman and Honor Keeler, '“Under the Hammer” The Role of Auction Houses and Dealers in the Distribution of Indigenous Ancestral Remains,' in *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, ed. Cressida Fforde, C. Timothy McKeown and Honor Keeler (New York: Routledge, 2020), 339. Between 1893 and 1905, Robley purchased and sold more than 50 mokamokai: at 339.

¹⁰⁸ Aranui et al., 'Under the Hammer'...', 339.

¹⁰⁹ See, eg, Owen Jones, *The Grammar of Ornament* (Bernard Quaritch, 1868), 13; 'Letter from Mr Cheeseman to Professor WH Flower of June 19th 1882' in *Auckland Institute Letter Book, 1882–1890*, Auckland Institute

ethnographic value of mokamokai as a curio and medical object was more connected to their nature as a product of, and manifestation of, the Māori Other. Mokamokai was an object through which racial characteristics might be measured. Scientists at institutions such as the Royal College of Surgeons, the University of Edinburgh, the University of Oxford and the University of Cambridge sought to demonstrate evolutionary sequences through the measurement or display of crania and comparative anatomy collections.¹¹⁰

In addition to being a scientific object, as a curiosity and item associated with death, mokamokai also embodied a fascinating representation of an exotic worldview.¹¹¹ At this time, public perceptions of and interest in non-western cultures was influenced by prevailing scientific opinions that theorised human development from the uncivilised state of nature to modern, civilised society.¹¹² Race was primarily understood in a global sense to denote a people or tribe, and racial difference encompassed both physical and cultural traits.¹¹³ In this schema, ethnographic observations were relied on to rank “primitive” cultures at an earlier stage of evolution than the “civilised” west. Mokamokai functioned as an indicator of racial diversity.¹¹⁴ More specifically, mokamokai provided evidence of Māori savagery, in line with the prevailing stereotypes of Māori as a people of excess and passion.

From the time of the South Seas voyages, archetypal representations of the Māori “warrior” circulated in the northern hemisphere.¹¹⁵ Early voyagers admired and feared the Māori warrior in equal measure. Māori masculinity was praised: ‘[w]hen a New Zealander stands forth and brandishes his spear the subsequent idea is (and nature makes the confession) there stands a man.’¹¹⁶ Yet it also provoked anxiety: the Māori male was a ‘desperate, fearless, Cannibal[]’

and Museum Library, MUS-1996-6-1, 114, quoted in Fiona Cameron, ‘Shaping Maori Identities and Histories: Collecting and Exhibiting Maori Material Culture at the Auckland and Canterbury Museums from the 1850s to the 1920s’ (PhD diss., Massey University, 2000), 46. On the value of mokamokai with elaborate moko see, eg, Sherrin, *Early History of New Zealand...*, 338; ‘Human Heads for Sale,’ *The Daily Telegraph (Sydney)*, 5 February 1932, 6.

¹¹⁰ Hole, ‘Playthings for the Foe...,’ 7. On European science and the collection of Māori ancestral remains generally see Aranui, ‘Uses and Abuses’, 400-412.

¹¹¹ See Hole, ‘Playthings for the Foe...,’ 7.

¹¹² For an early statement of this continuum see, eg, John Millar, *The Origin of the Distinction of Ranks* (London: J. Murray, 3rd ed, 1779), 5. For a later treatment of this continuum see, eg, Lewis Henry Morgan, *Ancient Society or Researches in the Lines of Human Progress from Savagery through Barbarism to Civilization* (New York: Henry Holt and Company, 1877), chapter 1.

¹¹³ Michael Banton, *Racial Theories* (Cambridge: Cambridge University Press, 2nd ed, 1998), 5; Bronwen Douglas, ‘Voyages, Encounter, and Agency in Oceania: Captain Cook and Indigenous People,’ *History Compass* 6 (3) (2008): 716; Bronwen Douglas, ‘Climate to Crania: Science and the Racialization of Human Difference,’ in *Foreign Bodies: Oceania and the Science of Race 1750-1940*, ed. Bronwen Douglas and Chris Ballard (ANU Press, 2008), 34-36.

¹¹⁴ Hole, ‘Playthings for the Foe...,’ 7.

¹¹⁵ See generally, Standfield, *Race and Identity in the Tasman World...*, chapter 1.

¹¹⁶ John Ledyard, *The Last Voyage of Captain Cook: The Collected Writings of John Ledyard*, ed. James Zug (Washington: National Geographic Society, 2005), 7.

who had a ‘bestial appetite’ and a ‘devilish greed for rapaciousness or revenge.’¹¹⁷ When Banks viewed four mokamokai on the decks of the *Endeavour* on the 20 January 1770, he was keenly interested in proving the theories, assumptions, and observations of cannibalism of voyagers and Māori self-reports of cannibalism. Banks speculated that the heads were a trophy of war, likening the Māori practice of creating mokamokai to the ‘North American’ practice of scalping, and commenting that eating brains was perhaps ‘a delicacy here.’¹¹⁸ Banks interpreted the ‘chippd’ ‘part of the scull near the eye’ on the head he acquired as proof that ‘these Indians give no quarter’ and ‘take prisoners to eat upon a future occasion.’¹¹⁹ In viewing the mokamokai, Banks saw a ‘young creature who could not make much resistance’, who had been bludgeoned to death, and eaten.¹²⁰ This acquisition, like that of other ancestral remains collected during the South Seas voyages including a Māori scalp and an arm bone, provided proof of cannibalism and the Māori temperament.¹²¹

The association of mokamokai and cannibalism lingered into the nineteenth century. During the peak trading period in 1829, John Atkins, a second officer on the brig *Haweis*, speculated that the heads of enemies were preserved in order to eat the flesh:

After the battle several wounded assailants were taken prisoners, whose heads were immediately cut off, their bodies were then embowelled and cooked, and, from the satisfaction displayed by both sexes at this horrible repast, I am persuaded they prefer human flesh to any other food...¹²²

The missionary Richard Taylor reported the boasts of the Matamata Chief, Te Waharoa, who told local Missionaries when he returned from a war in Rotorua that they should see ‘a pile of heads as high as his hand’, and that the flesh of his enemies would taste ‘sweetly’ with kumara.¹²³ Such performative self-reports of cannibalism further encouraged the assumptions

¹¹⁷ The former quote is from John Elliot and Richard Pickersgill, *Captain Cook’s Second Voyage: The Journals of Lieutenants Elliott and Pickersgill*, ed. Christine Holmes (Dover: Caliban Books, 1984), 18. The latter two quotes are from Anders Sparrman, *A Voyage Round the World with Captain James Cook in H.M.S. Resolution*, trans. Huldine Beamish and Averil MacKenzie-Grieve (London: Robert Hale, 1953), 108.

¹¹⁸ Banks, *The Endeavour Journal of Joseph Banks...*, vol. 2, 128, southseas.nla.gov.au/journals/banks/17700120.html.

¹¹⁹ Banks, *The Endeavour Journal of Joseph Banks*, vol. 2, 209, http://southseas.nla.gov.au/journals/banks_remarks/239.html.

¹²⁰ Banks, *The Endeavour Journal of Joseph Banks*, vol. 2, 209, http://southseas.nla.gov.au/journals/banks_remarks/239.

¹²¹ Fforde et al., “‘Inhuman and Very Mischievous Traffic’...,” 401.

¹²² John Atkins, ‘A Narrative of the Sufferings and Most Miraculous Escape of Mr. John F. Atkins,’ in *Historical Records of New Zealand*, ed. Robert McNab (Wellington: John Mackey, 1908), vol. 1, 695.

¹²³ Taylor, *The Past and Present of New Zealand...*, 12.

of non-Māori about Māori cultural practices.¹²⁴ An understanding of the ritual practice of Māori anthropophagy, known as kai tangata (eating people), is missing from these accounts.¹²⁵

The connection between mokamokai, cannibalism, and prevailing conceptions of race, indicate that to non-Māori, mokamokai was bound up in stereotypical representations of Māori as a primitive Other. As an ethnographic and medical object, mokamokai circulated at the nexus of desire and oppression, confirming hierarchies of cultural value that presumed Māori inferiority to Europeans. The desire for mokamokai shows that the Māori Other occupied an equivocal position in the colonial landscape. To traders they might have been a commercial opportunity, but to northern hemisphere consumers mokamokai were proof that the Māori were fascinating cannibals who decapitated their enemies. There was both a perverse attraction to and oppression of the Māori, as constructed in ambivalent terms as a brave and savage warrior.

The observation, collection, and display of mokamokai during the peak trading period supports a colonial gaze characterised by desire and an assumption of the Other's binary inferiority. This is suggestive of intercultural consumption as an act of racial domination – even when it is underpinned by a fascination with cultural difference.

The demand for mokamokai in the northern hemisphere propelled the mokamokai trade. However, its success also depended on Māori participation in the supply chain. This has implications for understanding the nature of intercultural consumption as an act of domination, as will now be considered.

Māori and the Commercial Supply of Mokamokai

Māori supply of mokamokai to traders was not naïve, but part of a concerted commercialisation of traditional cultural practices to meet strategic objectives. The trade in mokamokai corresponds with the Musket Wars in Aotearoa, a series of intertribal battles and raids between 1818 and the 1830s that led to the deaths of approximately 20,000 Māori.¹²⁶ The intensity of this warfare resulted in a period of significant demand for firearms and ammunition. Muskets were present in the Bay of Islands, a major hub of trading activity in mokamokai, by 1815, in Whangaroa and North Cape between 1815–1820, and in the Bay of Plenty from 1820–1825.¹²⁷ The trade in muskets and gunpowder was 'frantic' by the 1820s.¹²⁸ In 1821, when asked during the *Bigge Inquiry into the State of NSW* whether the Māori had a disposition to trade, Ensign

¹²⁴ On Māori parody of the British discourse on cannibalism, see Gananth Obeyesekere, *Cannibal Talk: The Man-Eating Myth and Human Sacrifice in the South Seas* (Berkeley, California: University of California, 2005). There are many descriptions of pantomimes or confessions of cannibalism noted in South Seas voyager accounts, some of which were the result of experiments set up by voyagers.

¹²⁵ Anne Salmond, *The Trial of the Cannibal Dog: The Remarkable Story of Captain Cook's Encounters in the South Seas* (New Haven: Yale University Press, 2003), 225. On kai tangata generally, see William Jennings, 'The Debata Over Kai Tangata (Māori Cannibalism): New Perspectives From the Correspondence of the Marists' *Journal of the Polynesian Society* 120 (2) (2011): 129-147.

¹²⁶ See, eg, James Belich, *Making Peoples: A History of the New Zealanders From Polynesian Settlement to the End of the Nineteenth Century* (Auckland: Penguin, 2007), chapter 7.

¹²⁷ Orchiston, 'Preserved Maori Heads,' 300.

¹²⁸ Frank Parsons, *The Story of New Zealand: A History of New Zealand From the Earliest Times to the Present, with Special Reference to the Political, Industrial and Social Development of the Island Commonwealth*, ed. C.F. Taylor (Philadelphia: C.F. Taylor, 1904), 12.

Alexander McCrae responded that '[t]he only manufacture that they at present wish to possess are gunpowder and muskets.'¹²⁹ Between 1 January 1830 and 14 August 1830, six months prior to the introduction of Government Order no. 7, 11,052 pounds of gunpowder and 2,120 muskets were exported to Aotearoa from Sydney.¹³⁰ The Māori demand for munitions provided impetus for the active supply of mokamokai.

To obtain muskets and ammunition, Māori were reported to trade anything from 'flax, timber, potatoes, nails, tattooed heads, pigs, even ... land'.¹³¹ Mokamokai was a 'frequent barter' during the peak period.¹³² While first-hand accounts of mokamokai sales and attempted sales are rare, perhaps because a significant proportion of the trade was clandestinely carried out, those that exist show the desired price of a mokamokai. In 1814 Pomare I, a principal chief of the Bay of Islands, offered to show Reverend Samuel Marsden how he prepared mokamokai in exchange for some gunpowder (so that he could kill two of his enemies).¹³³ In 1820, the adventurer Richard Cruise was offered a mokamokai for the price of an axe, and on a separate occasion, the chief Korokoro attempted to sell him two mokamokai for the price of some gunpowder.¹³⁴ In 1827, the French navigator Dumont d'Urville acquired the head of Hou, a Waitemata chief, from his enemy Wetoī.¹³⁵ The head was in a good condition '[e]xcept for a bad tear in the right cheek due to a wound'.¹³⁶ Wetoī initially requested a musket in exchange for the head, however after D'urville refused, the pair agreed upon the price of a 'richly trimmed' lace dress.¹³⁷ Other Māori traders were more successful in receiving their desired price. The warrior Kahu reportedly sold ten 'handsome heads' to American ships for the price of 'one keg of gunpowder or two muskets'.¹³⁸

The Musket Wars created a unique environment in which supply of mokamokai and the trade itself could flourish. While there was a market for various exports from Aotearoa, the price that could be obtained for a mokamokai was comparatively quite high, and both Māori and non-

¹²⁹ Ensign McCrae, 'Evidence before Commissioner Bigge,' May 1821, in *Historical Records of New Zealand*, ed. Robert McNab (Wellington: John Mackey, 1908), vol. 1, 542.

¹³⁰ M.B. Cotton and Colr. Burman Langa, 'An Account Shewing the Trade Between this Port and New Zealand, Specifying Each Quarter from the 1st January Last to this Date, under the Following Heads, Viz,' Enclosure in Darling to Murray, 22 September 1830, in *Historical Records of New Zealand*, ed. Robert McNab (Wellington: John Mackey, 1908), vol. 1, 713.

¹³¹ Parsons, *The Story of New Zealand...*, 12.

¹³² Atkins, 'A Narrative of the Sufferings and Most Miraculous Escape of Mr. John F. Atkins...', 695 (describing the trade in 1829).

¹³³ Walsh, 'Maori Preserved Heads,' 1. See also Sherrin, *Early History of New Zealand...*, 337; Rutherford, *The White Chief...*, 155.

¹³⁴ Cruise, *Journal of a Ten Months' Residence...*, 43, 50.

¹³⁵ Dumont D'Urville, *New Zealand 1826-1827: From the French of Dumont D'Urville*, ed. Olive Wright (Wellington: Wingfield Press, 1950), 181.

¹³⁶ D'Urville, *New Zealand 1826-1827...*, 181.

¹³⁷ D'Urville, *New Zealand 1826-1827...*, 181.

¹³⁸ James Watkin quoted in T.A. Pybus, *The Maoris of the South Island* (Wellington: Reed Publishing, 1954), 28.

Māori exploited the opportunity this offered. Around 1820, the going rate to purchase one musket from European traders was two mokamokai, or at least 15 hogs, or a tonne of potatoes, or a shipload of dressed flax.¹³⁹ Given the extremely labour-intensive process of, for example, dressing flax by scraping it with a pipi-shell, it is unsurprising that some Māori ‘found that the preserved head offered just the ready means of barter that was required.’¹⁴⁰ Ngāpuhi chiefs Hongi Hika and Pomare I in particular profited immensely from the trade.¹⁴¹ Reverend Samuel Marsden reports that on one occasion, Hongi Hika returned from an intertribal battle carrying seventy heads in a single waka.¹⁴²

Given that pre-European contact mokamokai had no commercial value, a key shift or reconfiguration of cultural practices was required for the specific Māori that decided to participate in the trade.¹⁴³ The mokamokai that were sold were not ancestral relics.¹⁴⁴ The initial supply was filled by the heads of enemies. When demand out-stripped the natural supply of enemy heads, Māori innovated by conducting raids on their enemies to obtain more heads for the market.¹⁴⁵ For example, Ngāti Toa under the chief Te Rauparahi and Ngāpuhi under the chief Tūwhare, raided the Taranaki tribe for the purpose of acquiring mokamokai as well as looting ‘superior flax garments’ in 1818.¹⁴⁶ Māori also supplied the market with the heads of captives. As mokamokai with elaborate facial tattoos were most in demand, those captives whose faces were bare were tattooed with random motifs and then killed, or alternatively, killed and the tattoos applied post-mortem.¹⁴⁷ A mokamokai held by the British Museum shows evidence of both pre- and post-mortem moko.¹⁴⁸ Other innovations include permitting the pre-purchase of heads while the individual was still alive.¹⁴⁹ The Reverend John Wood explains:

¹³⁹ See, eg, David Lewis and Werner Forman, *The Maoris: Heirs of Tane* (Orbis, 1982), 93; Pybus, *The Maoris of the South Island*, 61; Walsh, ‘Maori Preserved Heads,’ 1; McCrae, ‘Evidence before Commissioner Bigge,’ 540; Sherrin, *Early History of New Zealand...*, 468.

¹⁴⁰ Walsh, ‘Maori Preserved Heads,’ 1. See also Dunbabin, ‘A Strange Trade...,’ 19.

¹⁴¹ Awekotuku and Nikora, *Mau Moko...*, 48-49.

¹⁴² Marsden, *Journal: Reverend Samuel Marsden’s Second Visit to New Zealand...*, 45. See also, Rutherford, *The White Chief...*, 151.

¹⁴³ Awekotuku, ‘He Maimai Aroha...,’ 78.

¹⁴⁴ Aranui, *Te Hokinga Mao O Ngā Tūpuna...*, 48.

¹⁴⁵ See, eg, Sherrin, *Early History of New Zealand...*, 338; Yate, *An Account of New Zealand...*, 134.

¹⁴⁶ John Houston, ‘Maori History: Ta Namu Pa, Notable Landmark,’ *Opunake Times*, 2 September 1947, 3.

¹⁴⁷ See, eg, Sherrin, *Early History of New Zealand...*, 338; Wood, *The Natural History of Man...*, 120; Henry Ling Roth, ‘Maori Tatu and Moko,’ *Journal of the Anthropological Institute of Great Britain and Ireland* 33 (1901): 44-47; Hiroa, *The Coming of the Maori*, 300-301.

¹⁴⁸ Aranui, *Te Hokinga Mao O Ngā Tūpuna...*, 109.

¹⁴⁹ See, eg, Angas, *Polynesia...*, 160; Maning, *Old New Zealand...*, 59; Robert McNab, *The Old Whaling Days: A History of Southern New Zealand from 1830 to 1840* (Auckland: Golden Press, 1975), 161; J. Pitts Johnson, *Plain Truths: Told by a Traveller, Regarding our Various Settlements in Australia and New Zealand* (London: Smith, Elder and Co, 1840), 62-63 (the offer to pre-purchase a head was rejected, in this instance).

One of my friends lately gave me a curious illustration of the trade in heads. His father wanted to purchase one of the dried heads, but did not approve of any that were brought for sale, on the ground that the tattoo was poor, and not a good example of the skill of the native artists. The chief allowed the force of the argument, and, pointing to a number of his people who had come on board, he turned to the intending purchaser, saying, “Choose which of these heads you like best, and when you come back I will take care to have it dried and ready for your acceptance.”¹⁵⁰

Simply considering the demand for mokomokai through a lens of racism does not cater for the complexity, agency, or innovation of the Māori who operated within this oppressive framework. The intercultural consumption of mokamokai laid the conditions for the desacralisation of traditional cultural practices and significant loss of life, but it was not something that was simply *done* to the Māori, it occurred at the interface of cultural production and consumption. For the Māori participants in the mokamokai trade, economic and political survival was secured at the cost of other tribes,¹⁵¹ and of submitting to the oppressive binaries that mark intercultural consumption. As Amber Aranui, a Māori researcher for the Karanga Aotearoa Repatriation Programme¹⁵² at the Museum of New Zealand Te Papa Tongarewa, explains, ‘[i]n terms of war, our tūpuna did what they could for the survival of their people, and engaging in the trade of their enemy was an extension of that’.¹⁵³

An oppressive appreciation of the Other’s cultural products might have informed the supply of mokamokai, but it was desire that was satisfied by a predatory local production and strategising in the face of potential tribal annihilation. Intercultural consumption can be marked by both agency *and* oppression, suggesting the dynamism of colonial forces.

Conclusion

Cultural appropriation is a historically contingent phenomenon that is thought to connect with or re-enact the colonial past. To better understand the nature of the problematic relationships that might be objected to in present cultural appropriation claims, this article investigated the nature of intercultural consumption through a historical lens. In particular, this article examined aspects of the production, consumption and regulation of a specific culture market – that for mokamokai, that is, preserved Māori heads – during the late eighteenth and early nineteenth centuries. This study was undertaken in order to uncover how cultural practices, demand for cultural difference, and commercial considerations intersect and interact to produce the oppression of cultural Others in settler states like Aotearoa.

Examining the key features of the mokamokai trade, including its regulation by NSW Government Order no.7 (1831), helped to unpack the nature of intercultural engagement. It was identified that this culture market was marked by forces of demand and desire: part of an

¹⁵⁰ Wood, *The Natural History of Man...*, 120.

¹⁵¹ On Māori participation as a strategic survival mechanism, see Walsh, ‘Maori Preserved Heads,’ 1; Robley, *Moko; or, Maori Tattooing*, 178; Amber Aranui, ‘Māori on the Move: Should Museums Repatriate Their Dead?’, *Current World Archaeology* 80 (2016): 13.

¹⁵² ‘The Karanga Aotearoa Repatriation Programme,’ *Museum of New Zealand Te Papa Tongarewa* <https://www.tepapa.govt.nz/about/repatriation/karanga-aotearoa-repatriation-programme> (last accessed 18 October 2020).

¹⁵³ Aranui, ‘Toi Moko is Toi Art...’

oppressive, profitable enterprise, where culture was decontextualised and displayed as proof of Māori primitivity, and the cause of a significant reconfiguration of cultural practices. Intercultural consumption was also identified as a two-way engagement, its intersection with cultural practices producing a dynamic and complex field. Those whose culture was taken were actors with agency, even when they operated within an oppressive system. The oppressive appreciation that underscores intercultural consumption can be subverted or exploited, even as it is acceded to.

For studies of cultural appropriation, these findings suggest that cultural production is as relevant a site of study as cultural consumption to understanding the push and pull nature of intercultural consumption as a colonial phenomenon. When cultural appropriation is performed as both a present and past injustice in settler states, it re-enacts an oppressive appreciation of cultural difference, but it must not be forgotten that demand and desire are also shaped by, reacted to, and at times subverted by, culture's actors. It is in the nexus between the production and consumption of culture that the effects of colonialism and the possibilities for resistance might be gauged.

A more historically informed understanding of cultural appropriation as a form of unauthorised intercultural engagement thus requires locating the dynamics of desire and oppression in intercultural consumption, and also paying attention to the actions, motivations, and practices of those who produce – and may choose to leverage – culture, whether or not deliberately in the service of the market.

Marie Hadley is a Lecturer at the Newcastle Law School, the University of Newcastle. She holds a PhD in law from the University of New South Wales and undergraduate degrees in law and sociology. Her primary research expertise is in regulation, production, and consumption of culture and intellectual property law. Marie sincerely thanks the anonymous reviewers and the Editor for their helpful feedback on this paper, Joel Cooper for his editorial assistance, and Professor Kathy Bowrey and Associate Professor Ben Golder for their comments on earlier drafts of this research.

Email: marie.hadley@newcastle.edu.au.