

# An Essential Marking

## Maori Tattooing and the Properties of Identity

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**T**HIS ARTICLE critically examines the notion of cultural property through a range of questions about the ‘proper place’ of the tattoo and, more specifically, the way these questions relate to a specific cultural-political field concerning the possibility, legitimacy and authenticity of contemporary Maori tattooing (*ta moko*). My interest here is not so much with a specific form of tattooing but with the range of questions that emerge from the juxtaposition of recent debates concerning the definition and control of cultural property to distinctions made between ‘traditional’ *moko*, defined as pre-20th-century ‘tattooing’ or ‘tattooing’ showing minimal European influence, and contemporary *moko*, or ‘tattooing’ practised in the late 20th century and often making use of ‘European’ technology. Here, I argue, the relationship between questions of ‘property’ and what does or doesn’t count as ‘Maori’ foregrounds issues concerning the ‘properties’ and ‘properness’ of identity and culture and the authority on which such notions are based. Thus, while tattooing may not appear the most urgent or obvious object of debate with respect to Maori or indigenous politics or questions of cultural property, it is a particularly engaging site of debate both because of the way contemporary tattooing has been inflected by a broad range of identifications and because arguments about ‘the tattoo’ in a (neo)colonial context effectively foreground the relationship between the definition of cultural ‘property’ and the politics of knowledge.

As Michael Ryan has noted: ‘the concept of the subject in liberal social theory, the basis of all rights claims, is inseparable from the institution of property’ (1989: 151). To attribute something to someone, to grant or acknowledge some right is the basis for personhood. Ryan observes: ‘[b]y catachresis . . . rights come into being as the claim to ownership . . . [and yet] the catachresis is reversible; property . . . is constructed upon the

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metaphor of the person or subject' (1989: 151). The question this article addresses is, thus, if the subject is tied to ('its') property and property to the subject and if, therefore, neither the subject nor property can stand logically or conceptually before the other, how might we think of the relationship between a proper name, such as 'Maori', and 'its' alleged object(s), such as *moko*, in a manner that does not subject both to Western notions of the subject and property?

This point is not merely a matter of conceptual interest but also concerns practical issues concerning the definition and 'control' of cultural objects and knowledge: just as the reduction of *moko* to 'tattoo' submits that 'form' to a more general economy of meaning and exchange, so too does its positioning as property make it amenable to appropriation. This reduction or positioning, however, appears to be the condition of possibility for the protection of cultural property and 'culture'. The possibility of an *indigenous* tattoo not only foregrounds concerns relating to the problematic division between the singularity of the corporeality and cultural specificity of tattooing, and the generality of any system of marks or signs, it also links the (im)possibility of such a 'form' of marking to the property and future of culture, intercultural translation and legal and political recognition of cultural difference. In this respect, the description of the relationship between the (im)possibility of 'properly' representing 'the tattoo' and the idea of tattooing being both *of* and *for* culture and identity is taken to highlight a more general problematic concerning the possibility of cultural identity and the idea of an authorized or authorizing mark or 'signature' *of* and *for* cultural identity.

### **Theorizing 'the Tattoo'**

Early studies of tattooing drew on a range of perceived associations between the presence of tattoos, 'primitive society' and certain forms of cultural or social behaviour deemed savage or barbaric. As Leonard Cassuto notes, in the 19th century 'tattooing . . . was seen as a sign of atavism and a physical marker for the presence of cannibalism' (1996: 242). As the range and variety of tattooed bodies grew to include sailors, beachcombers, explorers and runaways, these associations were complicated by the shifting contexts of their reception. Scholars of anthropology (cf. Buckland, 1887; Tregear, 1890), psychology (Scutt and Gotch, 1974; Hewitt, 1977) and criminology (Lombroso, 1968) interpreted tattooing in a manner that increasingly tied together allegedly savage and barbaric practices of 'non-Westerners' to forms of deviant, anti-social or criminal behaviour exhibited by 'uncivilized' lower-class Westerners.

While these associations were in part due to the socio-historical circumstances under which tattooing was 'discovered' and 'introduced' to 'the West', in some ways these discourses anticipated and made possible this alignment. The reception of these newly marked bodies, like the bodies observed on the shores of Tahiti, Samoa and New Zealand, was both shaped by their perceived relationship with the 'norms' of European civility and

measured in terms of their conformity to pre-existent notions of ‘less developed’ cultures and societies. Thus, despite its ‘infiltration’ of ‘the West’, the line the tattoo marked out remained a temporal-historical limit of European modernity. Encountered as a sign of the exotic ‘New World’, the tattoo was simultaneously received as something old (Tregear, 1890), forgotten or past. The writing of the tattooed body, therefore, was not solely a definition and description of a figure of marginality, but also the writing of its ‘modern’ civilized European counterpart. Indeed, the ‘tribalism’ and ‘primitivism’ attributed to non-Western peoples were not so much discovered in explorations of foreign lands as, in Klesse’s words: ‘discursive assumptions, which emerged out of . . . internal contradictions and tensions of modernity’ (1999: 33).

Studies of both traditional ‘non-Western’ and contemporary ‘Western’ tattooing have frequently described the tattoo as a cultural text that discloses much about individuals and the social or political order they find themselves in. Describing contemporary practices, for example, Victoria Pitts notes that tattooing has been embraced by popular culture as a ‘technology of consumption, personal expression and youth insubordination’ and bodies as ‘sites of representation’ (1998: 67, 74). Suggesting a similar notion of tattoo as a form of social or political technology that acts upon or affects the body, Alfred Gell suggests that in ‘traditional’ Polynesian society the practice functioned:

As a technical means of modifying the body . . . [making] possible the realization of a particular type of ‘subjection’ . . . which in turn, allow[ed] . . . for the elaboration and perpetuation of social and political relationships of certain distinct kinds. (1993: 3)

Read in this way, Gell, like Pitts, describes the way the tattoo marks both the division and the link between bodies and culture. Read as either a sign of affiliation within a social order, or pathologized as an ‘infantile’, ‘self-destructive’ or ‘oppositional’ manifestation of the interface between the individual and society, ‘the tattoo’ is taken in this way as a key to insights into identification and socialization. It marks the body; it inscribes, constructs and invests it within a variety of psychical, cultural and political fields. While the historical and cultural subject matter is different, both observations draw upon a general, abstractable notion of both the body, as a form or medium for representation, and tattooing, as a universalizable system of markings that operate across a broad range of contexts.

While the question of how the tattoo shapes the body or self is significant and important, it passes over the question of their possibility. Indeed, it isn’t clear how one might attempt to locate this ‘technology, as ‘inner’ or ‘outer’, ‘effect’, ‘affect’ or ‘cause’. Etched between the all too familiar couplings, nature/culture, subject/object, cause/effect, this marking is as much a blindspot as a point of illumination.

Taking Gell’s concern with social and cultural reproduction as a starting point, we might instead argue that the tattoo reveals something about a

site of production, not merely a process whereby individuals are ‘individuated’ or subjects ‘subjected’, but simultaneously the constitution of the subject in terms of culture, and of culture in terms of the subject, since the line the tattoo traces between the two cannot be reduced to either one. Following Grosz’s suggestion that the body should neither be reduced to a psychical or lived interiority nor a socio-political exteriority, one might attempt to think of the tattoo as a ‘kind of *hinge* or threshold . . . that produces interiority through the inscription of the body’s outer surface’ (1995: 33). Insofar as it marks a distinction or point within a system of relations, the tattoo traces a precarious line between the corporeality or specificity of bodies and the generality of systems of meaning that give ‘the body’ or ‘the tattoo’ sense. In this respect, the tattoo gives us a metaphor for the problematic relationship between the sensible and the intelligible: not merely a line or inscription which ties together and individuates subject and culture, nor a marking or act that can be *known* in a manner that is not already subjected or reduced to some general economy, the tattoo might be thought of as a marking which precedes and exceeds the individual act, event, ‘thing’ or idiom insofar as it is meaningful, while not being reducible to a generalizable system of relations or terms insofar as it is a specific mark which is irreducibly singular.

This ‘in-between-ness’ could be read as yet another nail in the coffin of essentialist theories of identity or culture. Indeed, critiques of foundationalist theories of the body or the subject can translate into an attack on social or cultural fixity, the prerequisite of any social or cultural identity politics. It is important to note, therefore, that the description of the ‘tattoo’ at the edge of ‘the West’ or ‘the subject’, at the point where it could be said to undo such notions, often coincides with and draws upon some of the more dubious aspects of theories of globalization, capitalism or postmodernism. In an essay on body modification and the (postmodern) self, for example, Paul Sweetman suggests that ‘everything is “quotable” and more or less divested of meaning’ (1999: 54), while Bryan Turner argues that ‘[t]raditional Maori or Japanese signs are woven into global consumerism’ (1999: 40). An obvious objection to this is that these descriptions make important points, and yet overlook the immensely important distinction between Maori or Japanese culture as it is found in consumer culture and Maori and Japanese culture as it is practised by Maori and Japanese. However, since such ‘technologies’ are not clearly expressions or reflections of some form or mode of being, but equally a form of production, this criticism risks pre-comprehending exactly what is at stake: the definition of cultural identity. It may be true, as Turner and Sweetman observe, that globalization and consumerism have an enormous influence over cultural practices or that the distinction between authentic and unauthentic culture is problematic, however, as Klesse notes, it is also important to be ‘cautious and not generalize certain experiences which may be of particular relevance for certain groups within Western societies’ (1999: 20). However, the uncritical assumption of particular forms or identities is just as problematic as their generalization.

While arguments that seek to demonstrate the portability or instability of certain cultural ‘signs’, or the contingent and citeable nature of identity, are often put forward with the best of intentions, as an anti-essentialist critique of colonial racial categories or epistemologies, for example, in doing so they often close off questions concerning the conditions of possibility of such ‘signs’ or significations, questions which also concern the possibility of anti-colonial critique. In short, any study of the meaning of ‘the tattoo’ should not only look to the specific conditions of its production, but also to it *as a form of production*, to borrow Appadurai’s words, as an inscription that ‘embod[ies] locality as well as locate bodies’ (19 : 179).

### ‘Proper’ Belongings

The use of the inverted commas to frame the words ‘tattoo’ and ‘tattooing’ indicates a difficult but perhaps necessary dependence upon a general term, which emerges at the moment we bring together a variety of different practices under one heading ‘tattoo’. As I have suggested, the assumption of a particular ‘marking’ under some less specific *genera*, raises significant questions about the grounds of identification. This line of questioning illustrates the way debates which have often been presented as simple matters of truth or knowledge and their faithful and accurate representation, fail to consider how such terms assign identity, how representation produces knowledge, or, since there is little if anything that can be thought that does not in some way bear the imprint of the body, how ‘bodies’ and bodily acts might be thought in relation to the production of ‘the true’.

Rather than dissociate the singular attribution from the essential generality of ‘the name’, the very idea seems to suggest an aporia between the particular ‘thing’, where the term ‘thing’ already betrays the singularity of that which it names, and the ‘sense’ it is given through its expression, explanation or denotation. Thus, the central theoretical problem, as I have outlined it, concerns the structure of the ‘mark’: the relationship between the essential abstraction of every common noun or name and the particular or individual ‘thing’ named; the attribution of a ‘property’, both in the sense of ownership and an attribute or quality, and authority with respect to such ‘property’.

The introduction of the term ‘property’ may seem problematic, insofar as it imposes a particular concept or category upon something not ‘properly’ understood in this manner. However, thinking the conceptualization of ‘markings’ in terms of the ‘properness’ of property can be useful insofar as it inflects our discussion with a broad range of indigenous concerns, which establish a relationship between dispossession, displacement and destruction of indigenous peoples and their cultures, and representations which provided the justificatory foundation for such acts, in short, the violent reduction and translation of indigenous beliefs and interests into European-derived categories or concepts. Moreover, the etymological and conceptual connection between questions concerning the possession or owning of property, property as quality, nature or dispossession and the notion of

'properness', describes how the way in which the determination of a thing, such as a tattoo, identity or culture, might be understood in the context of discussions about identity and cultural politics, especially in the shadow of debates about essentialism. 'Given' 'properties', on the one hand, presuppose, as a condition of their possibility, a system of recognition or attribution, while, on the other, they entail something essential, in-itself, originary or 'proper'.

How is it that someone or something can 'belong' to a culture? Putting aside, for the moment, the issue of how the definition of culture and identity become the chief stakes in this question, one cannot and should not assume that what counts as belonging in one culture corresponds to belonging in another. The question of who a 'tattoo' belongs to, or of the 'proper' place of a particular marking, is thus in no way a straightforward matter. Here the alternative runs between the view that the 'tattoo' is the expression of a particular person or persons, and that it necessarily exceeds a particular instance, belonging equally, in a sense, to determinations beyond a single site. In relation to the specific case I will consider, this opposition foregrounds a problematic relation between a specific form of marking, *ta moko*, and what appear to be its general conditions of possibility, the possibility of its 'legitimate use' and the possibility of its misuse or appropriation.

### **'The Tattoo': At the 'Edge' of Culture**

The history of the transformations and re-territorializations of 'the tattoo' reads like a history of colonialism and intercultural exchange. Europeans (re)encountered tattoos on 'natives' in the Pacific, often with the belief that it was a practice once found in Europe but which had been given up and forgotten as it became more 'civilized'. Adventurers, sailors and traders were generally immensely impressed by Pacific tattooing, at times acquiring their own and returning to Europe, where the tattoos were received and interpreted within an entirely different context. Tattoos established perceived affinities or links between a range of otherwise diverse groups and individuals: most visible on the bodies of sailors, beachcombers and runaways, the tattoos were taken to reflect the 'primitive' nature both of 'the native' and of the newly tattooed Europeans, who were often outsiders, abnormal, anti-social and sometimes criminal. Re-coded, transferred and transformed, tattooing then returned to the Pacific to 'take the place' of the now 'dead-and-gone' traditional practices. In the initial 'return', the tattoo carried various meanings given through re-contextualization and blended with stories about exotic and savage lands and people. In the 17th and 18th centuries, captive natives, sailors and adventurers with tattoos became regular attractions at carnivals and circuses. This context of reception and performance shaped European conceptions of what the practice and object meant. As Mark Taylor notes:

This reintroduction of tattooing in the carnival context has had a lasting impact on the way in which it had been understood in Europe and America.

In the absence of an adequate appreciation of social and cultural context, tattooing tends to be regarded as an aberrant entertainment provided by aliens and freaks. (1997: 95)

In this process, the distinction between what is and is not ‘European’ is neither clear nor simple. Indeed, while at times tattooing appears to articulate the boundaries of particular cultural or social groups, the sheer diversity of practices also seems to confound and undermine clear distinctions. One could argue, for example, that the initial object or origin of this chain of transformations was not so much the ‘authentic’ indigenous object, but rather a marking that activated the European imagination, designated by its relation to ‘the European’. And yet, one must be careful not to ascribe all agency to the European, as if the changes which occurred could not be re-territorialized at all within Maori practices. Still, one could argue that, like the identity which the tattoo marked out, the notion of ‘the authentic’, ‘pure’ and uncontaminated tattoo only came into being with the creation of copies, that is, the inauthentic or counterfeit. In other words, the system of identification or verification that determines what is or is not authentic would only ever come into being once the need to differentiate arose. Such a reconfiguration of practices, or of the terms in which they are known, need not amount to ‘impurity’, ‘illegitimacy’ or ‘contamination’. From the beginning, then, the tattoo, or rather *moko* as tattoo, was taken as part of a system of identification inseparable from contact, influence and appropriation. Similarly, the terms in which the object or practice are articulated or defined cannot and could not be thought of as separable from the particular political concerns and investments established by colonization and settlement.

Where tattoos have marked out cultural boundaries, as they did in early distinctions between the Western and the non-Western practices or ‘objects’, it is relatively easy to see how these concerns feed into debates about essentialist and anti-essentialist conceptualizations of identity. The mark here, the tattoo, stands for a sort of difference that can either be thought of *in relation to another*, as that which is constituted through language, community, society or culture, or as that which is *different in itself*, as a distinctive and essential mark. Familiarity with these debates gives good reason for caution, since the positions designated ‘essentialist’ and ‘anti-essentialist’ are often cast so as to correspond to alleged differences between ‘Western’ and ‘non-Western’ interests and beliefs.

And yet, there is good reason to suspect that things are far more complicated and complex than this reading suggests. While the corrective is, in many ways, necessary and important, the problem need not present itself as a choice between essentialism or anti-essentialism, or ‘the West’ and ‘the non-West’. Consider, for example, two concerns related to indigenous cultural practices. On the one hand, against the strict and limiting confines imposed upon the category ‘indigenous’ by ‘preservationists’, ‘traditionalists’ and conservative scholars of anthropology and history, some assert the need to recognize the legitimacy and creativity of indigenous expressions,

practices and beliefs, as repositioned, re-articulated or reformulated *within 'the contemporary'*. Against those that consider *ta moko* a thing of the past, for example, *moko* artist (*tohunga ta moko*) Rangi Skipper argues that 'the ink he buries in skin symbolizes the resurrection of both a unique art form and aspirations for Maori sovereignty . . . excavated from the past and redesigned for today' (Watkin, 1997: 36). Rather than view *moko* as a form or practice 'proper' to traditional Maori culture, Skipper suggests that it can be redefined or repositioned in a manner that has relevance for Maori today, as an 'important step in coming to terms *with what it means to be Maori*' (1997: 36).

As Bill McKay argues, the association of 'Maori-ness' with the past and with that which is to be distinguished and defined against *all things non-Maori* fails to reflect Maori beliefs or interests:

Pakeha [European/New Zealander derived] definitions polarised debate, trapping Maori into western constructs involving notions of authenticity such as the absence of change in 'traditional' cultures . . . [this framework has] allowed no place for risk and response to changing circumstances. (1996: 24)

Proponents of this position tend to argue for a conception of culture that is permeable, transformative, dynamic and creative. This conception of culture seems essential if it is to be relevant and meaningful with the current context. As Peter Shand has noted, notions of Maori art based upon normative definitions of the 'traditional' or the 'authentic' run the 'risk of introducing a prescriptive element into Maori art' (1998: 38). This observation has led to considerable criticism of legal and legislative approaches to indigenous property. Cecilia O'Brien, for example, has cautioned that '[o]ne must be certain that heritage legislation does not exclude "the use by indigenous people of items which in their view are part of their life"' (1997: 71).

On the other hand, there is a need to protect indigenous cultural and intellectual property from improper use and appropriation. This would require a notion of culture as definable, manageable and policeable. Legal and legislative mechanisms in place for the protection of indigenous property generally require and assume a fixed, already given and accepted notion of what *is* or has been, thus privileging the past over 'the contemporary', or 'the modern', and placing authority with institutional bodies that are not indigenous or even under the direction of indigenous people, concepts or beliefs.

Here, the central concern for either position relates to the identification of what *is* indigenous, but one argues for the necessity of transgression, growth and incorporation, while the other seeks to prohibit and protect against the 'traffic' between cultures. This opposition not only parallels the more theoretical opposition outlined above, between essentialism and anti-essentialism, insofar as in one instance culture seems to be defined as autonomous and self-defining, in the other, as structured within a system of

relations, it also reveals what Gayatri Chakravorty Spivak has called ‘the unavoidable usefulness of something that is very dangerous’ (1994: 156). To be more specific, on the one hand we have a position that seems to allow for the possibility of dynamic change and growth and yet is able, at least formally, to distinguish between indigenous and non-indigenous in ‘borderline cases’, between Europeanized-indigenous objects and indigenized-European objects. On the other, we have a position that provides the basis for clear definition of what is or isn’t ‘indigenous’, but in doing so severely restricts and limits the scope and territory of indigeneity and disadvantages indigenous peoples within ‘non-traditional’ contexts, in the present.

Despite the attempts of anthropological and historical studies to delimit and define the object or practice of ‘Maori tattooing’ or *ta moko*, the practices themselves often seem to defy clear and unproblematic categorization and classification. In many cases boundaries were constructed according to preconceived notions of ‘Maori-ness’ or ‘primitiveness’ with little if any attention to the complexity of the practices themselves. As Rangihiroa Panoho argues: ‘[t]here is a whole under-exposed history of innovative and aggressive Maori adoptions of Pakeha forms, design, technology and materials, particularly from the nineteenth century’ (1992: 124). Some explanation for this tendency may be found in the fact that, since cultural identities are defined in terms of their differences, ‘the traditional’ tended to be defined as that which appeared unmarked by European influence and contact. And yet, because definitions are cast in these terms, ‘traditional’ practices are always already marked by their opposites, or by the system in which they are ‘positioned’.

This is, of course, not an argument against the primacy of ‘the indigenous’ within such a determination and in no way disputes their legitimacy or connection to practices and beliefs existing prior to or independently of European contact or influences. My concern here is not to reveal the ‘true’ nature of such beliefs or practices, but with the articulation and circulation of the ‘authentic’ or ‘the Maori’ ‘within the true’, as Foucault might say, in contexts that are not entirely Maori, never purely a matter of ‘internal relations’ and not only indigenous, but rather a matter between what is and what is not a definition that, by necessity involves *another* (cf. Durie, 1998).

To be more specific, insofar as indigenous ‘properties’ depend on non-indigenous legal recognition, as is the case with the current system set up for the registration and protection of cultural ‘property’ and land, these concerns tie together matters of ‘representation’, understood both in the sense of a speaking on behalf of and a form of depiction or characterization, and matters of political and legal right and entitlement. The risks of representation are clear since the ‘figuration’ of indigenous objects and ‘belongings’ within the so-called authoritative discourses like anthropology and law not only makes recognition of such cultures and beliefs possible but is also instrumental to such power-knowledge and a condition of possibility for continued colonial dominance.

As to cultural boundaries, it is particularly interesting to note how *ta*

*moko* was identified as ‘Maori’ within colonial representations, a term that functioned as both a name and an adjective: at times it denoted and marked out a distinctive racial or cultural category or group of people, while at others it named a particular mode or style, a way of living or behaving, within a particular context. It may be because of this double sense of the term ‘Maori’, along with the conceptualization of ‘Maori’ in terms of an evolutionary continuum, that it became possible for practices such as *ta moko* to articulate identity performatively rather than merely express or reflect it. Thus, while Maori ‘became’ increasingly ‘Europeanized’, wearing European clothes, using European tools, implements and weapons and adopting European laws and beliefs, there was, to a certain extent, a ‘Maorization’ of things European. This was not restricted to the re-territorialization of objects: as I have suggested, so-called *moko* found its way on to the bodies of those once deemed ‘European’, runaway sailors, beachcombers, traders and adventurers, who ‘became’ native. Despite the tendencies of early scholars to emphasize the distinctiveness of Maori culture and, more particularly, *moko*, the line that divided ‘the European’ from ‘the Maori’ could be crossed in both directions.

Consider, for example, the cases of Barnet Burns and Fredric Manning. Burns, a ‘once English’ trader, was captured by a group of Maori and tattooed because they believed that such a marking would create an unbreakable, sacred link between himself and the tribe: ‘it was . . . to make sure I stop along with them, bring them trade, fight for them, and in every way make myself their friend’ (1844: 9). As a result of this ‘initiation’, his appearance and the manner in which he had lived for the remainder of his time in New Zealand, his narrative is told, not from the position of a once captive Englishman, but from that of ‘a New Zealand Chief’. Similarly, Fredrick Manning, an early European settler who had ‘taken’ to the Maori way of life, published his account of early New Zealand society and settlement in *Old New Zealand* anonymously as ‘by a Pakeha Maori’ (Manning, 1964).

While these claims cannot be taken as unproblematic insofar as they reflect European notions about the nature of culture and identification, they tie together the notion of transgression and cultural appropriation in a manner that makes it difficult to calculate loss or gain in any clear or simple way. Considering the case of such tattooed ‘Europeans’, Nicholas Thomas observes:

. . . tattooing transposed to a white man’s face became diagnostic of the condition of the so-called Pakeha Maori, or white Maori, the resident castaway or indigenised settler, who personified the flotsam and jetsam of the colonial Pacific. These are awkward terms for an awkward condition, a condition understood by various obscure nineteenth-century beachcombers, and most recently by the character Baines in the film *The Piano*, as marked by both cultural loss and gain. Or, if cultural markings aren’t quite or aren’t just a set of owned and disowned things, perhaps they present neither gain nor loss. (1995: 93)

Here, between the rhetoric of loss and gain we find the difficulty of

understanding the dynamics of identification, appropriation and dispossession throughout colonization and settlement. If one accepts that European contact significantly changed the meanings of things ‘Maori’, how is it possible to define *moko* as something identifiably Maori, as property able to be protected, without defining it in a way that articulates ‘Maori-ness’ against ‘European-ness’, and, as a result, significantly reduces and closes off possible identifications and articulations of ‘Maori-ness’, in a manner relevant to contemporary Maori, some of whom know little about ‘pre-contact’ culture? Phrased in another way, how might one simultaneously acknowledge the destruction and loss caused by colonization, affirm a relation with the past, with tradition, but also affirm creative, legitimate gains within the present when the ‘authentic’ and ‘legitimate’ is so often firmly positioned as ‘past’, a ‘before’ to much of what defines the terms of both ‘today’ and the future?

There is no simple or safe approach here. The affirmation of identity and culture as positive, as self-defining or self-differentiating, risks uncritically accepting the terms in which identity or culture are given through a conflation of re-presentation and representation, while the characterization of colonization in terms of a kind of trafficking or exchange between cultures means that matters of ownership, authenticity and authority become difficult to determine. For while hybridization may seem to open up and undermine particular identities, as it reveals their ‘purity’ to be fictional, as Ernesto Laclau observes, ‘if the particularity asserts itself as mere particularity, in a purely differential relation with other particularities, it is sanctioning the *status quo* in the relation of power between the groups’ (1996: 27).

In the context of copyright or cultural and intellectual property law, both positions seem problematic, though for obviously different reasons (cf. Maori Trade Marks Focus Group, 1997). The notion of a shared, entangled trajectory of culture makes it virtually impossible to establish ownership let alone protect property, while the notion of culture as clearly definable and policeable seems biased toward ‘accepted’ definitions and categories, ‘what has been’ rather than ‘what is’ or ‘what could be’. Moreover, as many have noted, legal definitions tend to characterize ‘property’ in a manner that failed to recognize Maori beliefs, practices and concerns, especially so far as cultural property is concerned. Here we find again what might be called a politics of translation, within the context of law, a matter of the problematic relationship between an apparently indigenous ‘object’ and its translation into European-derived legal terms. As Shand has pointed out: ‘the acts and common law reflect the normative positions of Euro-centric intellectual property law, which is to say they are focused on individual rights and interests’ (1998: 17).

The demise of traditional tattooing practices by Maori in the middle of the 19th century occurs simultaneously with its ‘revival’ among Europeans. Taken initially as a marking that defined cultural boundaries, the tattoo was ‘taken’, first literally on the bodies and body parts of natives, and then, later, transposed on to the bodies of Europeans themselves. In the first instance, the tattoo was received as an item of curiosity and anthropological interest,

in the second as a marking of opposition to ‘civilized’ modernity. This suggests, initially at least, two sets of connections: one between the opposition to tattooing by Europeans and its later appropriation, and on the other hand between all that Europeans had invested in the tattoo as a sign and its later value and potency as a sign of Maori revival and sovereignty.

Here, two observations can be made. The recent revival of ‘primitive’ tattooing in North America, Europe and elsewhere demonstrates how the tattoo continues to be ‘taken’ as a sign or expression of primitivism *par excellence*. The term given to this, ‘modern primitives’, reveals the way in which the assumed division between ‘the modern’ and the ‘primitive’ forms the primary axis of identification. As Peter Lentini points out:

... the term modern primitives refers to individuals who, in the midst of rapid industrial and technological change and the insecurities of modernity (such as unemployment, spatial dislocation, urbanisation and its subsequent alienation), challenge western philosophy’s notions of faith in scientific, rational and profit-driven progress. (1998: 18)

Thus, if European modernity is positioned as ‘good’, then manifestations of its opposite ‘primitivism’ are taken as ‘bad’. If European modernity is taken to be ‘bad’, then its opposite is taken to be ‘good’. The key point here is that the tattoo, or more precisely certain ‘forms’ of tattoo, are appropriated and reduced to an assumed relation to ‘the West’. In this way, the tattoo gains power as a sign of opposition to Eurocentricism and modernity through its initial signification as that which opposed ‘European civilization’. Indeed, this reveals some of the complexity of distinguishing between early and later ‘uses’ of *moko*, insofar as contemporary *moko* seems very much inflected by this sense of its oppositional power. The capacity of *moko* to stand as an assertion of Maori sovereignty and authority seems to be a form or mark of identification that is, to use a Derridean phrase, already ‘counter-signed’ by ‘European modernity’.

The scene of exchange, of the transference of the tattoo and the alteration of the meaning it implies, of its translation, redefinition or repositioning within another context, in terms of another law and different configurations of power, describes how interpretation, knowledge, use and appropriation are here intertwined. Thinking of the different and yet inter-related economies of meaning and value, how could one doubt that the appropriation of *moko* is itself premised upon the failure and/or impossibility of reading it in its specificity, as attached to a part of a *particular* body? Doesn’t the functioning of *moko* as signature suggest that the motif is necessarily separable from the individual or collective to the extent that it can stand in their absence? For if abstraction here enables appropriation it also seems to enable signification generally. Indeed, one might argue that the possibility of recognition, communication and signification seems tied to the possibility, indeed, necessity, of forgery, appropriation and misrecognition. In more precise terms, this problem ties together the question of what can be ‘Maori’ and what it can ‘represent’ or ‘re-present’. Representations determine both

what can count as an instance of that which is re-presented and consolidate relations of power and authority by assuming the position of representer through such an act.

We need to stress the relationship between the imposition of European beliefs about Maori and the question of authority that the imposition conceals. Thinking about the meaning or place of *moko* or Maori tattoo, one might ask how it is possible for a ‘tattoo’ to stand for someone or something without being separable from them. Doesn’t the functioning of *moko* as signature suggest that the motif is necessarily separable from the individual or collective to the extent that it can stand in their absence? For if abstraction here enables appropriation it also seems to enable signification generally. Indeed, one might argue that the possibility of recognition, communication and signification seems tied to the possibility, indeed necessity, of forgery, appropriation and misrecognition. In more precise terms, this problem ties together the question of what can be ‘Maori’ and what it can ‘represent’ or ‘re-present’.

It is important to note here that, despite the distinctiveness of *moko*, or the recognition that its marks were taken to be irreducibly singular by Maori, it is such an abstraction of the *moko* as mere design or marking, as tattoo-in-general, the mark of ‘the primitive’ or ‘Maori-ness’, that enables its removal from specific bodies, just as the aestheticization of *moko* provided the grounds for its contemplation as something apart from the body, in disregard of the bond that tied together body and marking as signature and signatory. In other words, the assumed interchangeability of positions, ‘bodies’ or ‘properties’ can itself be seen as an imperialist move that makes appropriation possible.

Kant took such an approach, holding that the appreciation of the true and free beauty of such ‘designs’ was only possible once distanced from its context, relieved of the burden of ‘means’ and taken as an end in itself. As he observes: ‘[a] figure might be beautiful with all the flourishes and light but regular lines, as is done by the New Zealanders with their tattooing, were we dealing with anything but the figure of the human being’ (1911: 73). This abstraction, re-contextualization or appropriation occurred on a remarkable scale. While anthropologists like A.W. Buckland and Edward Tregear described *moko* as ‘ornamentation’, ‘personal adornment’ (Buckland, 1887: 319) or a debased form of graphics (Tregear, 1890), the extensive and wide circulation of images of *moko* brought with it a broad range of appropriations. As Thomas notes, in reference to appropriation of *kowhaiwhai* and *koru* ‘patterns’ from an engraving of a Maori man with *moko*: ‘[t]he involuted “spirals” and “scroll[s]” figure in the engraving . . . is probably the single most extensively reproduced image from the entire visual archive of eighteenth-century exploration’ (1995: 93).

### **Representations of *Moko***

In the context of Aotearoa New Zealand, for example, it might be useful to think of the re-articulation, development or influence of Maori culture in a

variety of non-traditional places, contexts or media, and the questions that might always be asked: whether this thing, act or person is actually 'Maori' and whether they are truly representative of Maori. One might think, also, of the signatures of Maori on deeds and treaties such as *Te tiriti o Waitangi* or the Treaty of Waitangi, and the variety of things these signatures are taken to mean or authorize. Indeed, the analogy made between *moko* and signature has some historical basis, as Michael King observes:

Many nineteenth-century chiefs chose to sign documents such as land deeds and the Treaty of Waitangi with their *moko* in preference to a signature so as to increase the tapu of the document. (1978: 14)

The signature is also a useful metaphor for the further consideration of the relationships between protection, delimitation, development and circulation with respect to cultural boundaries, identities and property. One should note that the term 'signature' can mean either a mark or sign that stands for something or someone in their absence and, as in science and forensics, a distinctive identifying marking or characteristic. In the first sense, then, it can be something which derives from some structure or system and is non-essential, while in the second it is 'the essential' aspect of identity. These two meanings offer paths into either side of the essentialism/anti-essentialism debate. When one sees tattoos or *moko* in a context that is not 'traditional', for example, the answer to the question 'Whose signature is this?' could refer either to contextual, social or cultural determinants or to 'proper' and stable 'essences', such as blood, race, ethnicity, etc.

It may be the case that tattoos of this nature, as markings that define or assert a particular form of identity or culture, tend to be most prominent at the *borders* of culture, as a kind of marking or articulation ultimately shaped and motivated by intercultural politics. This sort of 'in-between-ness' can also be symptomatic of a type of splitting and intertwining of the Maori/non-Maori divide whereby either side of such oppositions constitute themselves in relation to the other, such that the tattooed line, as the limit, is ultimately undone, an incision 'in-between' through which the other and the self bleed together. As Lacan observes, apart from its apparent erotic function, '[t]he tattoo . . . has the function of being for the Other, of situating the subject in it, marking his [sic] place in the field of the group's relations, between each individual and all the others' (1979: 206). Moreover, as Grosz has noted:

Paradoxically, the signature is the possibility of the infinite repetition of what is unique and irreplaceable. 'The drama that activates and constructs every signature is this insistent, unwearying, potentially infinite repetition of something that remains, everytime, irreplaceable.' [Derrida] the signature is not self-contained and given, cannot be a presence-to-itself, for it always requires a counter-signature, a reception, another to sign for it. (1995: 13–14)

Once one considers both the possibility and impossibility of reversing

the relationship between representation and reality, both the creative potential in representation, the way in which it performatively brings into being that which it represents, and its dependence upon some recognition, some system or code by which it can be recognized as that which must already be, then one begins to see how representation both opens possibilities and closes them down, how it secures and destabilizes authority. In this context, we must ask what it is that authorizes such a signing. Here we strike a paradox: representation may be constitutive, in the sense that it can performatively constitute that which it re-presents and in so doing effectively determine the range of possible identifications, and yet such representation of a particular identity, object or practice must always be recognized as that identity, object or practice, must be re-cognized as a re-presentation, thus implying something always-already before, something which is repeated and repeatable. One would not want to assume that the structure of the signature and the way it is recognized, legitimated or authorized is the same in Maori and non-Maori contexts. But again, perhaps the way this admission sits uneasily with my general thesis concerning the notion of a Maori or non-Maori context offers some further possibilities, such as the articulation of Maori law, of *mana* (authority, power or prestige), *tapu* (the holy, sacred or prohibited), *tikanga* (procedure, custom or method), as law. For it is surely European law, articulated as universal law, which justified and maintained the dispossession and displacement of Maori authority in Aotearoa.

Perhaps the most pervasive model through which the development and relationship of Western and non-Western tattooing is conceptualized, is that of economy and exchange. Here, particular signs, like tattoos, circulate within a particular system, signifying certain social and cultural relations, beliefs and interests. The meaning of such a sign, as ‘marking-in-general’, would be determined by its function or value within a given system, while its operation within a cross-cultural or intercultural situation would be understood in terms of the ways such signs are re-signified. In other words, we would come to understand a particular ‘sign’ in terms of its use within a system, structure or economy. Against the exchangeist model, Deleuze and Guattari offer a reading of society and bodily inscription in terms of the ‘primitive socius’:

We see no reason . . . for accepting the postulate that underlies exchangeist notions of society; society is not first of all a milieu for exchange where the essential would be to circulate or to cause to circulate, but rather a socius of inscription where the essential thing is to mark or be marked. There is circulation only if inscription requires or permits it. (1983: 143)

The significance of this point for my discussion of *moko* is two-fold. First, rather than assuming that such markings are readily translatable or subsumable within some larger category, like ‘tattoo’, ‘graphics’ or ‘writing’, that they are separable from the bodies on which they are inscribed, Deleuze and Guattari suggest that such inscriptions mark an attachment to the earth

and to others, not in terms of exchange, but as an assemblage or coupling. 'Primitive' signs would thus be 'embedded' in situations, not fully separable from bodies, specific planes, rituals, gestures and beliefs, yet not entirely fixed in their relationship to one another. The inscription, then, encodes and marks the individual within a system and in doing so determines the terms of economy. Simple appropriation, therefore, would take the thing – the mark – only in terms of its denotational value, while failing to observe its multiple connotations and efficacious power, its embeddedness.

Second, and in a related way, the translation of such marking into the more general terms of signification would be, in a sense, a violent reduction or imposition that assumes such terms at the expense of the singularity of the mark. The reduction of 'the tattoo' to its 'appearance' or to the terms of its recognizability within a system or economy of meaning would, of course, receive the marking as something other than 'itself'. If one thinks of the tattoo as a form of production, as something that 'gives' 'properties' to a subject, or even the subject itself, then, to use the words of Pitts, one could say tattooing '*matters* . . . [in the sense that] material situation[s] . . . [are] altered as a result of bodily representations' (1998: 74).

The point might be, then, that any assumed ground which would make *moko* translatable and transferable would represent difference at its own expense. To recognize it is to re-cognize it as that which it is not, to take it and re-territorialize it in a manner which necessarily effaces the specific relations which gave it meaning or 'belonging' within indigenous culture. To see *moko* in terms of the exchangeist model of loss and gain might already, therefore, assume a type of general inscription of value or meaning – to take the marking as something which falls under a genus that unites Western and non-Western graphics. The problem, therefore, is that the assumption of some ground of exchange, translation or circulation involves a violent reduction or effacement of the singularity of a particular idiom, marking or act.

The translation of the relationship of things Maori into Eurocentric notions of property thus becomes 'part and parcel' of the denigration and destruction of Maori cultural practices. Indeed, Shand goes on to argue that 'a loss of cultural sovereignty, whether through an inability to practice, the influx of imitations or through the adoption of formal modes of expression by outsiders, is akin to an act of epistemic violence' (1998: 42). The point of this observation is to underline the possibility that the relations Maori have to cultural practices, objects and systems of belief may not be able to be characterized in the terms available to European-derived law. In this way, the singularity or corporeality of 'the tattoo' can be linked to the question of cultural specificity, the recognition of difference and the possibility of 'property' beyond simple 'property'.

This question of the possibility of this impossibility hinges on the 'between-ness' of the tattoo. Revealing and outlining boundaries as it crosses and transgresses, the tattoo might be considered radically 'before', in the sense Derrida (1991) gives to the term 'before' in 'before the law' as 'prior to' as well as 'in front of' a past and future beyond any present, a marking

out that which makes possible any relation or ground of ‘between’ or ‘inter’. In this manner, the (im)possibility of this translation across or between cultures would not only make culture representable or any form of intercultural relation, the possibility of culture, property or identity might also turn out to depend on the repeatability of such a ‘marking’. This insight might mean recognizing, as much as this is possible, both that *ta moko* is a form of property that must be defined in European-derived socio-legal terms, but that it could never be ‘properly’ understood or contained by these terms and that the basis of the ‘proper-ness’ of such ‘property’ could never be, but *must*, be ‘taken’ as ‘given’.

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