A River with Personhood: Witi Ihimaera's Novel *The Whale Rider* in the Context of Legal Developments and the Blue Humanities

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Abstract *In this article Witi Ihimaera's "The Whale Rider" (1987) is situated in two contexts in particular: in the methodology of law and literature studies and the emerging field of the so-called Blue Humanities. By connecting literary studies with legal scholarship, the aim is to re-read the novel to show that it anticipates some of the most important and urgent developments of our time. These developments, in turn, are both context-specific and globally relevant: In New Zealand, Māori and Pākehā communities continue to be in dialogue about the meaning of reconciliation, about how to come to terms with New Zealand's history as a former settler colonial state. This includes reconciling Māori and Pākehā epistemologies when it comes to environmental protection. This article looks at how in New Zealand, a recent court decision wrote Māori epistemology into law by giving the status of personhood to a river. The authors situate this court decision in the legal history pertaining to bodies of water and show how Ihimaera's novel can in fact be said to anticipate this decision.*

Keywords *personhood; Blue Humanities; New Zealand; Māori; legal humanities; gender roles; Whanganui River*

Witi Ihimaera's 1987 novel, *The Whale Rider*, is prophetic in many different ways and on many different levels. As the first novel ever being written by a Māori writer, it juxtaposed, from the very beginning, tradition and modernity; and it created a genre in which Māori and Western epistemologies were truly blended. Ihimaera proved that the form of the novel, based as it is in Western epistemology and a Western history of ideas, could be adapted to fit Māori knowledge, art, and epistemology. With the decision to write a Māori novel in English, Ihimaera also ensured that Māori epistemology would be transmitted and circulated both within Māori communities and worldwide. Today, *The Whale Rider* has become widely canonised; it has been a masterpiece and a central text not only for New Zealand literature, but also and especially for postcolonial literature (Prentice 2006). As we set out to argue in this paper,

however, *The Whale Rider* is a text that continues to evolve: With every new decade, critics find new angles from which the novel might be read; it is this dynamism and the many different facets of meaning that the text holds that make it a masterpiece. In the pages that follow, we would like to situate Ihimaera's award-winning novel in two contexts in particular: in the methodology of law and literature studies and the emerging field of the so-called "Blue Humanities" (Mentz 2022). The methodology of law and literature studies (Posner 2008) sets out to link literature and the law in complex ways, creating a dialogue in which literature not only reflects legal developments, but also comments on them, while also describing the cultural, social and historical contexts from which laws may arise. The Blue Humanities, in turn, are connected to one of the central themes of *The Whale Rider*: The notion of water, including the manifold life forms that inhabit different bodies of water.

By connecting literary studies with legal scholarship, our aim in this chapter is to re-read Ihimaera's groundbreaking novel to show that it anticipates some of the most important – and urgent – developments of our time. These developments, in turn, are both context-specific and globally relevant. In New Zealand, Māori and Pākehā communities continue to be in dialogue about the meaning of reconciliation, about how to come to terms with New Zealand's history as a former settler colonial state. In a global context, what is at stake is the urgent necessity to find ways for humanity to move forward in a way that is sustainable and that is able to safeguard our vulnerable "small blue planet" (Garrard 2011, 181). In the first section of this paper, we will look at how in New Zealand, a recent court decision wrote Māori epistemology into law; we will then situate this court decision in the legal history pertaining to bodies of water and will finally turn to Ihimaera's literary narrative in more detail.

1 A River with Personhood: Protecting the Future of the Whanganui River

In 2017, a New Zealand court took a remarkable decision: It granted the Whanganui River the status of personhood (Perry 2022). The court argued that it is only through this change in status that the rights of the river could be adequately protected. While different forms of property in the public domain are equally under protection, the court implied that such protection would be guaranteed only if the river in fact became a legal person.

From a Western vantage point, the granting of personhood to a river may at first seem bizarre. Yet, it is bizarre only as long as we base our reasoning on Western epistemologies. At the core of this epistemology, going all the way back to the Enlightenment, there is the separation between the animate and the inanimate world (Crocker 1983). A river, this distinction would hold, is an object, and hence has a fundamentally different status than a human being. It is important to note that New Zealand is a bicultural nation, symbolised by its two official languages, English and Māori,

and its dual name, New Zealand/Aotearoa. The decision to grant personhood to the Whanganui River is the most recent step in a crucial development of New Zealand as a nation: the attempt to make up for the wrongs of the past, the colonisation of New Zealand's Māori population. (This is a history that will be elaborated on in more detail below). At the core of this process of reconciliation, there is the intention to incorporate into New Zealand law not only two languages, but two epistemologies. To indigenous communities worldwide, Māori being among them, the distinction between animate and inanimate life, the objectification of nature, is itself bizarre. The granting of personhood to the Whanganui River (Te Awa Tupua) is thus part of an attempt to incorporate Māori epistemology into New Zealand law. As Gerrard Albert, who negotiated the settlement of Māori with the British Crown, observes, "When we were negotiating with the Crown, we said that we need an approximation, at law, to how we view and hold this river. And so legal personhood was the closest approximation we could find. We knew that saying that the river was both physical and spiritual wasn't going to be enough. We needed to define what that is" (*The River Is Me*). To Māori, the river is both a physical and a spiritual being; it is this idea that, the court now ruled, can be approximated only through the status of personhood. As the Deed of Settlement holds, there is an

> indivisible and living whole comprising the Whanganui River from the mountains to the sea, incorporating its tributaries and its physical and metaphysical elements ...
> Te Awa Tupua will also be recognised as a legal person. Reflecting the view of the river as a living and integrated whole, Te Awa Tupua will have its own legal personality with all the corresponding rights, duties and liabilities of a legal person. (Te Awa Tupua Act)

In this paper, we argue that Witi Ihimaera's literary masterpiece, *The Whale Rider*, is prophetic in that it anticipates a development that leads all the way up to the granting of personhood to the Whanganui River. The law, it must be noted, is not outside culture but it is intimately bound up with it (López 1996). The law hence arises from cultural contexts and social negotiations that it then translates into binding legal conventions. In literary studies, the approach of law and literature studies looks at the intersection between literature and the law. As Richard Posner notes,

> "Law and literature" brings together two overlapping bodies of thought, the legal and the literary, that have much in common, including an emphasis on rhetoric. . . . Law itself is formulated and announced in writings, such as statutes, the Constitution, and judicial opinions that sometimes exhibit a density, complexity, and open-endedness comparable to what one finds in literary works. (1)

In this paper, we suggest that Ihimaera's novel describes the complexities of Māori culture, especially its views of nature as a living and spiritual entity. Seen in this way, *The Whale Rider*, a 1987 novel, can help us understand the 2017 law that granted personhood to the Whanganui River. Before we turn to the novel, however, we would like to delve more deeply into legal aspects both of the "ownership" of bodies of water and of reconciliation in New Zealand/Aotearoa.

2 Rivers as Legal Persons: Legal Aspects in Bicultural New Zealand/Aotearoa

At the intersection of law and literature studies and the Blue Humanities, it would be important to situate the court settlement about the Whanganui River not just in a cultural context, but also in legal history. It is not unusual that streams or rivers have a great importance for the law and its further development. To name only one example from Germany: the case of "Wassermüller Arnold" was crucial for the development of judicial independence. In 1779, the judges at the Berlin *Kammergericht*, Prussia's highest court, refused to correct a verdict in favor of Wassermüller Arnold that Prussian King Frederick the Great considered unjust, even when he not only threatened them with fortress imprisonment but actually had them imprisoned. This gave rise to the demand for the fundamental inadmissibility of royal power decisions, which was to be enshrined in law only five years later in the draft of the General Prussian Land Law. This paved the way for the independence that was achieved in the 19th century. This whole development finally led to the famous French saying to the king: "Il y a des juges à Berlin (There are still judges in Berlin)."

The special status of the Whanganui River, like judicial independence in Germany, has a long history. Since the Te Awa Tupua (Whanganui River Claims Settlement) Act came into effect, the Whanganui River became the first river in the world to be considered a legal person. New Zealand's third-longest river could now be represented in court and had two guardians appointed to speak on its behalf. But we are sure this is not the end of the struggle to uphold Māori rights to the river. For hundreds of years, Māori lived in settlements along the Whanganui River. To Māori, the river was a single and indivisible entity and not something that could be owned. Although the river's resources could be used, only people who contributed to the community had the right to benefit. Local Māori even had a proverb they used to describe this: "The river flows from the mountains to the see. I am the river, and the river is me" (*The River Is Me*: 00:20–0:00:21).

Following the so-called "great discoveries," the range of action of the Europeans rapidly expanded to cover the entire globe. The period of European expansion overseas began. In the 1800s, British colonisers began settling all over New Zealand, including Whanganui. As they gained territory, the newcomers imposed new rules

over the land and sea. Under English law, the river was not seen as one entity. It was seen as a patchwork of legally separate parts – water and riverbeds and air space above the water – all controlled by different laws. The parts of the river that were navigable, for instance, were legally separate from the parts that were not.

This necessarily raises the question as to which legal rules should apply to the relations between the overseas communities and the European states. The first problem arising here is whether these relations are relations governed by international law. The doctrine of discovery, developed by the US Supreme Court in the famous Marshall trilogy between 1821 and 1832, denied that the overseas communities could be recognised as entities in international law because of their lack of civilisation and described these entities as "domestic dependent nations." The Marshall decisions had and still have an enormous influence not only in the US but even in Canada, New Zealand and in some respect, in Australia.

But Marshall missed the historical practice of the European states and later the US, which is a central and decisive factor in international law. He stated that the European discoverers considered themselves empowered to grant lands still in possession of the indigenous people. But the practice of the European states and the US of signing treaties with non-European communities represents a remarkable contradiction to the theory of discovery. Even today, the existence of these treaties is acknowledged only in individual cases in the European international law literature.

A study of these treaties clearly shows that the United States alone concluded nearly 370 treaties with the so-called Indian Nations and Tribes. The same picture emerges in Africa. Belgium, France, Germany and Britain dealt with the African tribes on the basis of treaties and attempted to acquire contractual title to the land. In the same manner, both the United Kingdom and the Netherlands signed numerous treaties with various communities in South-East Asia, particularly concerned with the cession of land.

In New Zealand the Treaty of Waitangi from February 6, 1840, is essential. This treaty is remarkable in various aspects. It is the only treaty between the Crown and Māori. The treaty includes only three articles. The treaty is written down in two language versions, which differ substantially. In the English version, the waiving of sovereignty by Māori is unambiguous; in the Māori version, it is doubtful (Tiemann 1999). The differences are so great that one can certainly speak of two different treaties. Another major difference in comparing the US to New Zealand is that in the US, the existing treaties were repeatedly amended by new treaties with which the indigenous communities gave up further rights, whereas the Treaty of Waitangi has remained unchanged until today. In addition, the importance of this treaty not only continues to this day but has increased considerably since the 1970s. Thus, it is now considered by many to be the founding document of the New Zealand nation and the Māori Magna Charta. It is also significant for the status of the Whanganui River.

The Waitangi Tribunal, established by the Treaty of Waitangi Act 1975, has made a decisive contribution to this. The Waitangi Tribunal has the effect, as we will show below, that the Treaty continues to be a "living document" for the coexistence of all New Zealanders. However, this was by no means the case from the beginning. Rather, the Waitangi Tribunal was initially only a "toothless tiger" (Tiemann 1999). Yet, this changed decisively with the 1985 and 1988 Amendment Acts. Since then, the tribunal has been allowed to deal with all Māori claims if they believe that the government or parliament has violated the Treaty of Waitangi since it was signed on February 6, 1840. The entire period since the treaty came into force is therefore covered.

Despite these changes, expectations of the tribunal were initially low, especially among Māori. This was due to the fact that, even after the amending laws, the tribunal can only make recommendations on how claims are to be satisfied and how breaches of contract are to be compensated, following appropriate hearings. However, these recommendations are not legally binding. In addition, the tribunal has the task of reviewing all laws for their compatibility with the Treaty of Waitangi. In this respect, too, it may not make any legally binding decisions. It is therefore not a court, one of whose indispensable characteristics is that it can make legally binding decisions. However, this widespread skepticism about the Waitangi Tribunal was, as would become apparent, unjustified. Various circumstances contributed to this. First, the tribunal consists of the Chief Judge and two assessors, the second of whom must be Māori, appointed by the Governor General on the recommendation of the Minister of Māori Affairs. However, this did not change the fact that in the Waitangi Tribunal two legal systems initially clashed, namely that of the white settlers or Pākehā, who had initially secured their land acquisition by signing a treaty with the indigenous people, but had then broken the treaty many times; and that of Māori, who had long since lost faith in the legal system of the Pākehā, not only because of the Crown's breach of treaty, and who thus expected very little from the Waitangi Tribunal. Moreover, even the original venue for the trial was poorly chosen: The Waitangi Tribunal initially met in a room at the Intercontinental Hotel in Auckland. At such a venue, which hardly seemed appropriate for a tribunal that had to decide on the legal basis for the reconciliation of two essential population groups and thus on the future of New Zealand as a nation, Māori plaintiffs felt somewhat out of place.

This changed decisively when, in 1981, Chief Judge Edward Durie became the first Māori to preside over the tribunal. Understanding the Waitangi Tribunal as an institution of reconciliation, Judge Durie set about reconfiguring the parameters of this institution when he took office. He first changed the venue of the Waitangi Tribunal by moving it from the Intercontinental Hotel to a marae, the traditional Māori meeting place. What at first appeared to be a trivial change in the 'setting' of the Waitangi Tribunal, had far-reaching consequences that Judge Durie had well anticipated: Because the moment the place of the hearing changed from the hotel to the

marae, not only the applicant Māori, but also the respondents, the entire tribunal had to follow the so-called Māori protocol, the Māori code of appropriate behavior. As a result, the courtroom atmosphere disappeared. Māori were free to speak out on their claims. The tribunal also changed its hearing protocol. It adjusted to the customs of the claimants and adapted them to the protocol in place at the particular marae. Claimants could now speak in Te reo Māori if they wished, in the Māori language. The speech was not translated until the claimant had finished. This is because simultaneous translation would involve interrupting the speaker, which is considered impolite according to Māori custom. The marae, in turn, became a place where law and religion, jurisprudence and cultural significance merged during the tribunal's hearings. It was an essential task of the tribunal to culturally substantiate Māori legal claims for reparations. This was already made clear by the 1982 Motunui-Waitara Claim hearing. The Te Atiawa tribe complained about the pollution of the Waitara River, which they use for fishing, by the Waitara sewage treatment plant and the planned discharge of industrial effluent. This complaint was unfounded from the point of view of the Pākehā defendants, because the effluents were discharged only after they had been treated. Nevertheless, the Te Atiawa were able to make it clear that the chemical process of purification was irrelevant to their religiously and culturally conditioned conception of the clarity of water, because the pollution that preceded the purification had irrevocably imposed a tapu, a taboo, on the water. It is most remarkable that the Tribunal endorsed the Te Atiawa view that water should be considered 'polluted' even in its clarified state. It placed great emphasis on the spiritual and cultural values that the tribe associates with fishing and the sea. Ultimately, Parliament and the government have regularly followed the Tribunal's proposals, even if they are not legally binding. As a result, skepticism toward the tribunal has decreased quite considerably; the institution has earned a high level of recognition.

With the Waitara River example, we are already approaching the status of the Whanganui River. For a long time, Māori fought to have their own view of the river recognised. Back in 1870, Māori began petitioning the colonial government, asking them to uphold their rights. In the decades that followed, a steady stream of petitions was made to the government in New Zealand's capital Wellington. By the time the Waitangi Tribunal came to Whanganui in the 1990s, people there had already been fighting for their rights for more than 100 years. The long standing grievance was brought before the Waitangi Tribunal. In 1999, the Tribunal concluded that the river was a treasure – or taonga – to Whanganui Māori and urged redress. But negotiations on New Zealand's longest running litigation stalled, and Whanganui Māori still didn't have legal rights over the river.

In 2008 Māori launched a new settlement process, but this time they wanted to create their own legal framework – something that truly represented what the river meant to Māori. They began talking about treating the river as a single indivis-

ible being that had rights, just like a person. In short, the way Māori had seen it all along. The timing was good. In 2008, New Zealand's center-right National Party won an election. Incoming Minister for Treaty Negotiations Chris Finlayson felt things had "languished" under the previous government's nine years in power and was keen to get progress on land settlements underway. But in the halls of Parliament, other politicians weren't paying attention to the ground-breaking legal agreement being negotiated in their midst. Finlayson argued that it is not absurd to look at a river as a single holistic entity from where it's formed out to the sea.

Under the 2017 law, as noted above, Te Awa Tupua was recognised as an "indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements." Two guardians were appointed by local Māori to speak on the river's behalf. As Chris Finlayson puts it, "Obviously, the river itself wouldn't go into court, it is represented by a number of people. The key thing is the legislation settles all the historical claims that had been brought against the Crown going back over a hundred years" (*The River Is Me*). Other countries have followed Whanganui's lead: two rivers in India have been declared legal entities (Magallanes 2018), and in 2019, Bangladesh gave all its rivers legal rights (Willems et al. 2021). Environmental law experts see the Whanganui River decision as a shift – not only for the people who live along the river, but possibly further afield. Perhaps the Whanganui River's personhood is a start towards valuing Māori and their world view.

3 From Law to Literature: Waters and Whales in Witi Ihimaera's *The Whale Rider*

How, then, would we re-read Ihimaera's novel in the context of both the Blue Humanities and law and literature studies? The prophetic quality of Ihimaera's novel, we would argue, is itself based on the intersection between postcolonial and environmental aspects. The book resists the colonisation of Māori communities by Pākehā New Zealanders; it hence critiques the ongoing legacy of settler colonialism in New Zealand, and explores the idea of a loss of tradition with regard to the very bond between animate and inanimate nature. To be sure, in the Enlightenment distinction between animate and inanimate nature, animals would range somewhere in between; this is a long-standing debate in both philosophy and theology that we cannot go into here. Yet, what *The Whale Rider* starts with is a world in which both Māori and Pākehā communities have severed their bonds with nature. Māori, too, have forgotten how to communicate with whales.

At the core of the novel, there is the question of cultural change. Because of the ongoing legacy of settler colonialism, Māori have become estranged from their own cultural premises; this is why Koro Apirana, one of the novel's protagonists, is des-

perately looking for an heir. According to Māori custom, however, this heir needs to be male; even as Koro's granddaughter, Kahu, seems to be endowed with special gifts, she cannot be the one whom Koro is looking for, or so he believes.

At the core of Ihimaera's narrative, there is a central question. How can Māori heritage and tradition be carried into the future? How can it be sustained in a settler-colonial context? Koro Apirana's dilemma is the notion of hybridity. Any change in protocol, any altering and rendering hybrid of the traditional notions and concepts may lead to their disappearance. Yet, as we have already noted at the beginning of this paper, this is a question that is being asked inside a work of art that is itself hybrid: a Māori novel written in English. In a way, then, the genre that the narrative is framed by (a novel which conveys the beliefs and cultural knowledge of a community based in oral tradition) may already be said to imply the answer: Tradition can ultimately be upheld, can survive into the future only if it can accommodate a degree of hybridity.

Even when she is still a baby, Kahu, Koro Apirana's granddaughter, adores her grandfather. She craves his affection, and is devastated when he fails to notice her in his desperate search for a male heir:

> 'A *girl*,' Koro Apirana said, disgusted. 'I will have nothing to do with her. She has broken the male line of descent in our tribe.' He shoved the telephone at our grandmother, Nanny Flowers, saying, 'Here. It's your fault. Your female side was too strong.' (10)

> Under these conditions, the love which Kahu received from Koro Apirana was the sort that dropped off the edge of the table, like breadcrumbs after everybody else has had a big feed. But Kahu didn't seem to mind. She ran into Koro Apirana's arms whenever he had time for her and took whatever he was able to give. If he had told her he loved dogs I'm sure she would have barked, 'Woof woof'. That's how much she loved him. (36)

When at school, Kahu enrolls in an essay-writing contest and ends up being its winner, she dedicates the prize to her grandfather. In the speech she gives at the school gathering, she recites the award-winning essay; it is a speech she has dedicated to Koro Apirana, the grandfather whose acceptance she can never quite win, even as she has his affection. In the film adaptation of *The Whale Rider*, Kahu goes up on stage, desperately hoping that her grandfather will be there for the recital; when she realises that he will not be coming, she is in tears. The same is true of the description Kahu's delivering her award-winning essay as it is described in Ihimaera's novel:

> What was remarkable, [the headmaster] said, was that the student had given it entirely in her own tongue, the Māori language. He called for Kahutia Te Rangi to come forward. (68)

> There were stars in her eyes, like sparkling tears. 'Distinguished guests, members of the audience, my speech is a speech of love for my grandfather, Koro Apirana.' Nanny Flowers gave a sob, and tears began to flow down her cheeks. Kahu's voice was clear and warm as she told of her love for her grandfather and her respect for him. Her tones rang with pride as she recited his whakapapa and ours. She conveyed how grateful she was to live in Whangara and that her main aim in life was to fulfil the wishes of her grandfather and of the tribe. (69)
>
> The sadness and the joy swept us all away in acknowledging Kahu, but we knew that her heart was aching for Koro Apirana. (69)

In the novel and unlike in the film adaptation, where it has been translated into English (Caro 2002), the speech given by Kahu is held entirely in the Māori language. What this means is that the audience and especially its Pākehā members have to listen to an entire speech whose meaning they do not understand. How, we would like to ask here, might this passage be re-read through the framework of law and literature studies? As we noted above, the role of the Waitangi Tribunal changed significantly when Judge Durie came to preside over the tribunal as its Chief Judge (Byrnes 2005). The landslide shift that Judge Durie was able to bring about occurred both through a change in setting (moving the hearings from a hotel room, which Māori claimants felt to be culturally inappropriate, to a marae) and a change in language. From now on, Durie decreed, Māori claimants could express their grievances in Te reo Māori, in their native language. Durie's changing the framework of the Waitangi Tribunal can be read as the expression of a highly sophisticated knowledge of the workings of language and of translation. As Durie was well aware, in the English language, the language of the coloniser, Māori claimants might be intimidated; moreover, many of the concepts that they could have fully expressed in Te reo Māori would not be expressible in English. Language not only conveys the meaning of words, but it also contains epistemologies. This is also true of the Whanganui River: To Māori, a "river" is, as the court settlement has it, "an indivisible entity"; in English and to Pākehā New Zealanders, a river is seen as an inanimate entity and comprises only a body of water, not its surroundings or the life forms within it. In delivering a claim in Te reo Māori, Māori claimants addressing the Waitangi Tribunal conveyed meaning on both a literal and an epistemological level, just as Kahu recites her essay fully in the Māori language to an audience that may not understand her. Another aspect that Sir Edward Durie (who received the Knight Companion of New Zealand Order of Merit in 2009 for his achievements in the Waitangi Tribunal) changed about the procedure of the Waitangi Tribunal hearings was that – especially since the hearings had now been re-located to the marae –, they had to follow Māori protocol (Tiemann 1999). As noted above, this also meant that claimants could not be interrupted as they made their statement, even if this statement went on for days. This framework in

which claims could be pronounced now honored Māori tradition, the so-called Māori protocol (Frame 2002); and it often left Pākehā listeners insecure, since they might find themselves listening for many hours and sometimes for days, to a speech of which they did not understand one word. Crucially, with this change in protocol, Sir Edward Durie transformed the Waitangi Tribunal in a way that could be seen as a form of postcolonial revenge. As noted above, the state of New Zealand as a settler-colonial nation-state was founded on what can be seen as a deliberate mistranslation: In the Māori version of the Treaty of Waitangi, the treaty document held that Māori would retain full sovereignty over their territories; in the English "translation," it said that they *ceded* their sovereignty to the British crown. Historically, Māori were literally signing a document which they did not understand, as they were unaware of the differences between the two versions of the Treaty of Waitangi. This situation, it could be argued, now recurs in *The Whale Rider*: In a manner of speaking, the audience has to applaud an award-winning essay whose meaning they do not comprehend.

This idea, we would argue, is also at the heart of the recent court settlement about the Whanganui River. What the court emphasises in this settlement is that Pākehā New Zealanders may not understand why a river would be given the status of personhood, and they may not understand the epistemology which underlies the court settlement. As Chris Finlayson, the Former Attorney General who negotiated the settlement with his Māori colleagues, puts it in the film *The River Is Me*, "Section 12, the Recognition of the River: 'The river is an indivisible and living whole, incorporating all its physical and metaphysical elements.' And so, people may well look at that and say, what planet are these new Zealanders living on?" (*The River Is Me*). Just as Kahu's audience has to sit through a speech that it does not understand, Pākehā New Zealanders have to observe a law whose epistemological underpinnings they may fail to comprehend, let alone subscribe to.

Ihimaera's novel *The Whale Rider*, the workings of the Waitangi Tribunal, the settlement case of the Whanganui River and the Blue Humanities can thus be seen as being closely interconnected. The granting of personhood to the Whanganui River in 2017 puts into law what Ihimaera had written about thirty years earlier, in 1987. In a way, the court settlement puts literature into law: What Ihimaera described so eloquently, what his novel translated into English and conveyed to a non-indigenous audience, was precisely what the court ruling enacted: a river, according to Māori epistemology, is an indivisible being. Ihimaera thus envisions, and the court settlement enacts, what Karen Amimoto Ingersoll has called "waves of knowing" (Ingersoll 2016). With this memorable expression, Ingersoll not only refers to the "ways" in which we, in a Western context, refer to bodies of water such as a river or an ocean. Rather, she argues that these "ways" of reference are themselves bound up in specific epistemologies, which assume these bodies of water to be divisible entities rather than indivisible ones: "In *Waves of Knowing* Karin Amimoto Ingersoll marks a criti-

cal turn away from land-based geographies to center the ocean as place. Developing the concept of seascape epistemology, she articulates an indigenous Hawaiian way of knowing founded on a sensorial, intellectual, and embodied literacy of the ocean" (dustjacket). As Ingersoll goes on to suggest, indigenous knowledge has historically been dismissed as mere "folklore"; it was not recognised as knowledge in its own right. What is so central about the Whanganui River court settlement, on the other hand, is that it recognises Māori epistemology as knowledge; and it proceeds to turn this knowledge, this "wave of knowing," into law. The court settlement is thus part of a profound change with regard to different bodies of knowledge. As the climate crisis is exacerbating, indigenous knowledges are being rediscovered; and, perhaps for the first time since the onset of settler colonialism, they are being valued *as* knowledge. As Ingersoll puts it, "Seascape epistemology also allows us to produce our own bodies of scholarship in a colonial reality that has rendered Native Hawaiian knowledge 'cultural' rather than intellectual or academic" (Ingersoll 2016, 6).

Witi Ihimaera's novel *The Whale Rider* eloquently conveys precisely such "waves of knowing." Unaccountably, whales are found to be stranded on the beach; Māori and Pākehā alike struggle to get the giants back into the water. Here, in a novel published in 1987, Ihimaera anticipates our contemporary concerns about climate grief (Head 2016**)** and the loss of biodiversity. In order to prevent ecological catastrophes such as the stranding of whales, Ihimaera implies, humans have to restore the bond with nature. It is at this point that Koro acknowledges that Kahu is, after all, his true heir. It is she who can talk to whales; she is the whale rider: "She was the whale rider. Astride the whale she felt the sting of the surf and rain upon her face. On either side the younger whales were escorting their leader through the surf" (106). In the end, Koro recognises that his holding on to tradition and the notion that the role of the heir can only be passed on to a male grandchild kept him from recognising that it was Kahu who was destined to be his successor. What this implies is that tradition and modernity can coexist; that Māori traditions can be moved into the future only by retaining their dynamism and by constantly questioning cultural certainties. Ultimately, *The Whale Rider* is thus in conversation with the notion of alternative modernities. As Dilip Parameshwar Gaonkar has observed, ours is a "time when non-Western people everywhere begin to engage critically in their own hybrid modernities" (Gaonkar 2011, 14). As Gaonkar argues, the notion of the alternative modernities of non-Western societies and cultural spaces does not mean simply to abandon Western modernity, with the burden of colonialism and imperialism it carries (Gaonkar 14). Rather, it is to "think with and also against" Western modernity (Gaonkar 16) and to go on to explore the hybrid spaces, cultural practices and trajectories that such modernity has enabled in the non-Western world. In Witi Ihimaera's *The Whale Rider*, such a critical engagement with (Western) modernity is at the heart of the novel. In the end, modernity and tradition are reconciled; a new, hybrid space has emerged in which Koro Apirana has finally found an heir (Hokowithu

2008). As he tells his granddaughter Kahu, "'You're the best grandchild in the whole wide world,' he said. 'Boy or girl, it doesn't matter'" (120).

It is at this point, we would propose, that we have come full circle. The 2017 New Zealand court decision may not be about talking to whales, but it is about granting the status of personhood to a river. It incorporates Māori epistemology into New Zealand law, and it defies Western epistemologies, which hold that nature is inanimate. It is this court ruling that Witi Ihimaera anticipates, and in which his novel is more current than ever.

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