

Exploitation of Polynesian Spiritual Imagery in the Toy Industry

*Wainohia Lum-ho, wainohia@hawaii.edu
SMST 311 Screen, Spirituality, and Culture,
UH Hilo*

Used in ancient times as an instrument to strengthen and increase flexibility in the wrists of Māori warriors, the poi is most commonly used today as an implement for the Kapa Haka and is often seen in possession of Māori youth as a toy (Maori Weapons). Post European contact, the toy industry overseas became fascinated with all things Polynesian, taking inspiration from many native Polynesian cultures to boost their international sales with the allure of the exotic cultures in the Pacific region. Unfortunately, the Western perspective has transformed Polynesian spiritual imagery into an idealistic farce and toy companies like Lego and Mattel are exploiting the cultural and intellectual property of these indigenous peoples. Globally recognized toys that adopt aesthetics from one or more Polynesian cultures often show a lack of respect for the spiritual importance of the indigenous peoples that they “borrow” images from. These toys include Lego Bionicle, Māori Hello Kitty, and Polynesian Barbie. Unwilling to allow their cultures to be misrepresented, indigenous peoples began to take a stance against big toy companies claiming cultural authenticity. With the employment of government supported initiatives such as Aotearoa, New Zealand's Toi Iho Māori trademark and the Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, these initiatives have helped the Māori people preserve and protect their spiritual and cultural property from exploitation. Analysis of the use of spiritual imagery in the manufacture and distribution of the toy industry and the discourses associated with them will provide a basis to assess the exploitation of indigenous cultures.

In June of 1993, The First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples was held in Whakatana, New Zealand. This six-day conference hosted over 150 delegates from 14 countries, and ended when The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples was passed. This declaration emphasizes that “Indigenous Peoples of the world have the right to self determination and in exercising that right must be recognised as the exclusive owners of their cultural and intellectual property.” The declaration also “recognise[s] that Indigenous Peoples are capable of managing their traditional knowledge themselves, but are willing to offer it to all humanity provided their fundamental rights to define and control this knowledge are protected by the international community.” Furthermore, United Nations Member States should “declare that all forms of discrimination and exploitation of indigenous peoples, indigenous knowledge and indigenous cultural and

intellectual property rights must cease” (The Mataatua Declaration).

Further suggestions in this declaration include “recommendations to Indigenous Peoples to (1.1) define for themselves their own intellectual and cultural property, (1.3) develop a code of ethics which external users must observe when recording (visual, audio, written) their traditional and customary knowledge, and (1.8a) preserve and monitor the commercialism or otherwise of indigenous cultural properties in the public domain” (The Mataatua Declaration).



Figure 1. Mata Nui. Lego Bionicle™.

When Danish toy company Lego launched a new line of toys called Lego Bionicle™, they met an onslaught of complaints from the Māori people taking offense to the frivolous use of what they considered their cultural and intellectual property. In creating the alternate universe of the Bionicle saga, Lego adopted a handful of Māori names and terms for their characters and storyline. The Māori words used included toa meaning warrior, pohatu meaning stone, whenua meaning land, kanohi meaning face, and the most controversial was the use of the Māori word for priest or spiritual healer, tohunga which was the name that Lego adopted for the helpless inhabitants of the fantasy tropical island called Mata Nui. Before the Bionicle line launched in Canada and the United States the following summer, Lego faced opposition from representatives of New Zealand urging them to discontinue their use of Māori words.

Several Māori tribes took great offense to the liberal use of their native language which they considered culturally insensitive and led by New Zealand lawyer Maui Solomon, three tribes took legal action. In a letter to the Lego representatives, Solomon alleged that Bionicle's use of Māori words “was an unauthorized use of traditional names and language, and it was an inappropriate use. There had been no consultation, no prior informed consent. And it's a trivialization, especially when you are using names like Tohunga (Maori for priest). So there are cultural and moral issues” (Griggs). Solomon also alleged that the Danish toy company had intentions to trademark the names used in their Bionicle line and urged the company to suspend the sale of the

toy on account that it “infringed the Polynesian people's intellectual property rights to their language and culture” (Holloway).

Lego denied the allegations claiming that they only intended to trademark the line's name Bionicle, however, they also expressed that they had no intentions to withdraw the Bionicle line from production. In response to the demands made by Solomon, Lego sent a representative to meet with the Māori groups resulting in an agreement to change the name of the fictional inhabitants of Mata Nui from Tohunga to Matoran and to refrain from adding any known Polynesian words in the following generations of the Bionicle line. Lego Director Jette Orduna responded via e-mail, “As a direct result of our contact with the Maori representatives, we strive at not adding any new names of Maori origin to the Bionicle product line. However, it is not possible for us, due to production time, to change names already incorporated in the Bionicle universe” (Griggs).

An article in the Danish newspaper *The Politiken* viewed this lawsuit as a “serious threat to the Lego Group's worldwide launch of the toy universe, Bionicle,” and fearing “a bitter conflict with the indigenous Maori population in New Zealand,” Lego representative Eva Lykkegaard announced the company's “deep regret” at the offenses made toward the Māori people claiming the monikers as a symbol of reverence, stating that Lego “have not sought to damage the Polynesian heritage. Contrary, we have deep respect for the rich diversity of world culture” (Lambeck and La Cour).

The dispute was settled in a partial win-win solution between the Māori tribes and the Lego company with the Māori people recognizing that no harm or offense was made intentionally by the Danish toy manufacturer. Representative Roma Hippolite of the Ngati Koata Trust agreed that the Lego company did not have harmful intentions in their use of Māori spiritual ideas saying, “We have been impressed by the willingness of Lego to recognise a hurt was inadvertently made and show that in their actions” (Osborn). Lego agreed to the terms laid out by the Māori representatives by formally apologizing for the offenses made to the indigenous people of Aotearoa, New Zealand, promising that “future launches of Bionicle sets will not incorporate names from any original culture. The Lego company will seek to develop a code of conduct for cultural expressions of traditional knowledge” (Osborn). This promise falls directly in accordance with The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples article 1.3 recommending Indigenous Peoples to “Develop a code of ethics which external users must observe when recording (visual, audio, written) their traditional and customary knowledge” (The Mataatua Declaration).

In the battle of Bionicle, both the Māori and Danish people held very strong opposing discourses. In this dispute, the Lego company dodged what the Danish newspaper *The Politiken* referred to as a Māori “threat[...]

to raise an international storm of protest,” while the Māori people gained another foothold in the ongoing battle against the “offending” use of Polynesian spiritual imagery and ideas for commodification purposes. The overall feeling predominant from the Māori perspective on the issue was that of discontent, while the Danish toy company saw the impending lawsuit as a danger to their Bionicle line and the global distribution of the product as a whole. Unfortunately, what Lego saw as admiration of a culture resulted in insult to the Māori until the disagreement was formally settled.



Figure 2. *Kia Ora Kitty*. Artist Joseph Senior.

Unlike the corporate launch of the Lego Bionicle toy line, the image of a tattooed Hello Kitty doll seen above may be considered nothing more than the artistic expression of a local artist. Joseph Senior, an Auckland-based artist and art collector is the mastermind behind this Māori Hello Kitty doll. Contrary to original belief, this image was not sanctioned by Sanrio, the owners of the Hello Kitty image and trademark, and so they could not be held accountable for the offenses that have been made by the surfacing of this image. The controversy on this toy arose as a result of the image being uploaded to an internet website called Hello Kitty Hell in June of 2007, which generated many various comments on its public forum.

This “Kia Ora Kitty” sports the image of what is most likened to a male moko (sacred tattoo) and a pounamu (green stone) necklace with an iconic tiki design, as well as the traditional piupiu (skirt) worn by both Māori men and women. On the Hello Kitty Hell site, both Māori and non-Polynesian viewers have commented to the open online forum surrounding the image of Senior's take on the classical Hello Kitty design. Although a number of fans indicated their admiration of the artwork, the majority of discourse from Māori people expressed strong offense to the piece. The main issue cited by many commenters surrounded the culturally inappropriate use of the male moko on a female entity which showed a lack of understanding and research. Many of the complaints from Māori artists themselves, included this comment from online contributor, Marie saying “I'm Maori and an artist but I'm not offended with

it, just annoyed at your lack of research into the culture and the designs as it has come off culturally inappropriate, insensitive and ignorant" (Viklund). Others commenting on the open forum were more deeply offended by the design, as was Texican who wrote:

"I couldn't have asked for a more perfect example of the misappropriation of our cultural heritage. The problem as many others have pointed out is your lack of understanding and research into the culture that you have 'borrowed' from. [...] what concerns me most with this particular example is the lack of respect for the deep spirituality of the ta moko - as a person who has taken the moko I am greatly offended by this. A moko is not an appropriate 'adornment' for a child's toy. [...] the problem is that you did not understand the meanings and complex relationships in what you have stolen...." (Viklund)

This quote describes one native Māori's personal offense caused directly by the exploitation and embezzlement of "cultural heritage" depicted on the Kia Ora Kitty and the lack of knowledge on the part of the artist Joseph Senior. The implications of the above quotation insinuate a complete disregard and theft of the cultural and intellectual property of the Māori people as well as the spirituality tied to the ta moko. The moko designs which are used for solely aesthetic purposes in the case of the Kia Ora Kitty, described as "adornments" in the above quotation have clearly affronted many people, especially those of whom have taken the moko in all of its sacrosanctity.

Despite the amount of offense taken by this image and the lack of concern for the sensitivity of its spiritual significance to the Māori people, the main plea did not aim to discourage Senior's artistry, rather to encourage him to do his research. According to Senior, "they are not meant to be racist or offensive to any culture" (Viklund). Sarah, another community member posting to the online forum, though obviously bothered by the image had this piece of advice to offer; "Get an education - anyone Maori would be pleased to give you a bit of cultural instruction" (Viklund). Several people made requests for the image to be removed from the site, but as of today, the image remains with no intention of being removed. No further comments have been posted to the forum since 2010, which would suggest that interest in the topic has since died down.

These discourses, combined with the fact that no legal actions have taken place in order to remove the image from the web or to require that the artist suffer any legal penalties would suggest that the Polynesian people, and Māori in particular are genuinely interested in nothing more than the respect and preservation of their cultural and intellectual knowledge. Had Joseph Senior intended to sell his Māori Hello Kitty image or attempt to place a trademark on the designs, he would

most certainly be infringing on the preamble's final statement in The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, which "Declare[s] that all forms of discrimination and exploitation of indigenous peoples, indigenous knowledge and indigenous cultural and intellectual property rights must cease" (The Mataatua Declaration). If Senior intended to market and distribute, it is almost certain that his Kia Ora Kitty image would not only be removed from the web, but that the Māori people would issue a lawsuit if their grievances were not amended. The negative discourse attached to images such as Kia Ora Kitty are not prompted by the possibility of a monetary settlement from large scale companies like Lego, but rather, are in the personal interests of individuals and the value and conviction they have in their spirituality and culture.

Māori are far from the only indigenous Polynesian peoples whose culture is continuously exploited by the toy industry. Mattel Inc. is an American-based toy manufacturer responsible for the Barbie toy line, and the line Dolls of the World®. Barbie launched in March of 1959 and has since been involved in countless lawsuits and controversies mainly surrounding the doll's unrealistic body image however, there no lawsuits against Mattel address the exploitation of cultural and intellectual property. The images of the Barbies seen below have never been cited as a violation of The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples. So far, no native Hawaiian groups implored Mattel for a formal apology, nor any legal action required the company to alter the names, images, or descriptions of their Dolls of the World products.



Figure 3.1 Princess of the Pacific Islands. Barbie® Mattel Inc.

Figure 3.2 Polynesian Barbie®. Mattel Inc.

Figure 3.3 Hawaii U.S.A. Barbie®. Mattel Inc.

The Dolls of the World line includes several images of a Barbie specifically intended to represent a Polynesian or a Pacific islander. Mattel's Princess of the Pacific Islands™ Barbie®, Polynesian Barbie®, and Hawaii U.S.A. Barbie® seen above insensitively stereotype and exploit the Hawaiian culture emphasizing in the manufacturer's idea of "traditional" and employ little to no understanding and research. The descriptions of each doll are as follows;

The Hawaiian people live on beautiful tropical islands in the Pacific Ocean. In this tropical paradise, a beautiful girl with long black hair walks along the shore saying "Aloha" to everyone she sees – this greeting means both hello and good bye. Her father is the chief of the people. The princess loves surfing known as He'e nalu or wave-sliding in old Hawaiian. The Princess of the Pacific Islands™ wears a traditional island dress known as a muu muu and a lei of "plumeria", a fragrant blossom native to the islands.

This description begins with a true enough statement on the general location of the Hawaiian islands, but quickly shifts into romanticized illustration of a "tropical paradise" where the native people are envisioned as carefree and devoid of responsibility or hardship. Obviously this kind of imagery is necessary for the profitable sale of such a toy, but the blatant ignorance of the culture for which Barbie is marketing a supposed knowledge is not only discriminatory, but falsely represents the ways of the Hawaiian people and robs their intellectual knowledge and property. For one thing, in traditional Hawaiian custom, royalty as this toy proclaims The Princess of the Pacific Islands™ to be, would not be addressed so informally with an "Aloha' to everyone she sees." In fact, in ancient Hawai'i it was kapu (forbidden) to make direct eye contact with mō'i (royalty) unless you had similar ranking. Other glaring inconsistencies with factual information include the "traditional island dress," which Western culture introduced to Hawai'i post European contact during the settlement of American Protestant Missionaries from New England in the 1820s (Gulick). Furthermore, plumeria is a plant native to Central and South America introduced to Hawaii (Eggli).

Polynesian Barbie doll is dressed for a traditional celebration called the luau which is known for its great feasts and dancing. Barbie wears a red and white bikini top and traditional "grass" skirt. Also traditional in Polynesian culture are the flowers around her neck, called a lei, as well as the floral garland crowning her long dark hair. And in keeping with Polynesian dancing tradition, Barbie is bare foot.

Aloha! Hawaii U.S.A. Barbie® doll welcomes you to the islands, ready for the next luau wearing a floral lei, colorful bikini, and traditional raffia "grass" hula skirt. Includes "passport," country stickers, sea turtle friend and brush. (Dolls of the World® Collection)

Each of these descriptions uses language that suggests an idealistic fantasy land and inaccurately perceives the cultural knowledge and intellectual property of the Hawaiian people. Descriptions presented

as factual information and the excessive use of the words "traditional" and "native" to describe items that are not actually indigenous to the culture that they are claimed to be from make these toys highly offensive. As explained previously with the "traditional island dress" and "native" plumeria, neither the bikini top nor the raffia "grass" skirts are native to Hawai'i. Hula dancers, although they do appear bare footed, were also bare chested and wore skirts made from hau (hibiscus tiliaceous) and lā'i (cordyline fruticosa), neither of which plant is a "grass" as described by Mattel (University of Hawai'i).

As the Hawaiian people do not have specific laws protecting the hula as an ancient and spiritually significant art form, the sale and production of these "Polynesian" dolls continues. Unless the people can join together and stand up against Mattel citing The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, the perspective that they have on the doll will be of little to no effect in the protection of the sacredness of hula. This gives rise to the question: what can the indigenous people do in order to protect their sacred art forms before they are exploited by external entities?

In New Zealand, the native Māori came up with one solution to the problem of exploitation by introducing a way to indicate authentic art made by knowledgeable practitioners of the Māori culture. Toi Iho Māori is the globally recognized and registered trademark launched in February 2002 by the New Zealand government in an effort to preserve the "authenticity and quality of Māori arts" (Toi Iho). Established by the Transition Toi Iho Foundation (TTIF) and instituted by the Toi Iho Kaitiaki Incorporated (TIKI) legal entity, the Toi Iho trademark is designed to guarantee that work produced under the trademark is high-quality and created by Māori. Deemed economically insignificant in 2009 by the National Arts Development Agency sector of the New Zealand government, Creative New Zealand, the Toi Iho trademark lost its funding. Many concerned artists feared losing the acclaim that the trademark gave them, as it is very difficult to earn the mark in the first place.

Artists seeking to apply for the Toi Iho trademark must first submit an application inclusive of several essay questions, which are then reviewed by a committee who will declare whether or not the artist is worthy of the esteemed trademark. It is also recommended that the artist have previous experience displaying their work. One of the main requirements to obtain the Toi Iho trademark is that the artist registering, must be of Māori decent. This requirement falls directly in line with The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples' motion to "insist that the first beneficiaries of indigenous knowledge (cultural and intellectual property rights) must be the direct indigenous descendants of such knowledge," therefore, it is not seen as discrimination or racial preferential treatment (The Mataatua Declaration).

Though the Toi Iho trademark does not prevent artists around the world from utilizing indigenous Māori images, it does help to set apart those forms of art that do hold true to the value and respect of the Māori culture and traditions from those that do not.

Based on the articles and comments associated with the use of Polynesian spiritual imagery in the manufacture of Lego Bionicle and Barbie, and the image of Joseph Senior's Kia Ora Kitty, the views on whether or not the use of such images is appropriate are very polarized. In every case, the company or artist in question denied knowledge that the use of Polynesian spiritual imagery was exploitative or offensive. Although most of the indigenous people from which their culture was borrowed express feelings of offense, they are generally opposed to the lack of research and knowledge taken into account rather than the Western use or commodification of their culture. In the case of Lego Bionicle and Kia Ora Kitty, it seems to be a matter of understanding the words and images used and presenting them accurately so as not to cause offense. There are steps that can be taken by all indigenous peoples in order to protect their sacred images, language, and practices from exploitation, as long as those affected recognize their right to claim their cultural and intellectual knowledge as laid out by The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples. By no means do the Polynesian people mean to keep their culture isolated from Western society, but rather, to share their knowledge with the world in the most accurate way possible and to preserve what they consider spiritually important.

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