

# **Land, authority and the forgetting of being in early colonial Maori history**

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## Abstract

This thesis attempts to understand the intellectual milieu of Maori society in the early colonial period through the medium of Maori-language sources of information dating from that time. A base in Maori documentary allows Maori history to exist under the same disciplines as that of other literate peoples. The thesis argues that the imposition of English meanings on Maori language has shaded Maori meanings. It offers a re-reading of documents including the Treaty of Waitangi in order to restore their Maori historicity. Maori society has also been misrepresented historiographically by the creation of false distance between metropolitan and indigenous culture, including the failure to sufficiently consider the shaping force of literacy on Maori perceptions of citizenship and on the politics of sovereignty that developed at mid-century. The thesis argues that land sales were the main Maori experience of government, and that the government's ability to define the terms of the market reconstructed society in ways which destroyed its former political structure. This turned it into a land-owning collective, in which power lay not in human consequence, as formerly, but in the size of the cultivations to which an owner could prove a right in terms constructed by officials. All members of the kin-group were constituted land owners, and the status of the chief was reduced to the size of the lands to which he could prove ownership. By 1865, when the Native Land Court was instituted, power within Maoridom lay in the land itself: *te mana o te whenua*. This position was written into culture, and endures into the present. The premise of the thesis is that change towards western norms is the proper frame of study of colonial Maori society, but that the magnitude of change has been obscured, both by the politicisation of the past on presentist premises and by the transformation of colonial models into what is now assumed to be 'traditional Maori society'. In order to separate the colonial from the traditional the thesis looks at pre-contact society custom regarding authority over land and fisheries. The thesis underscores the magnitude of change when *tapu* disappeared as the support of chiefs' civil governance, which was played out in the migration of *mana* (personal power) from chiefs to, modern, land. The disappearance of *tapu* also, however, aided the rise of Maori civil society within the colony on the basis of the desire for modernity which kept Maori engaged with the government - and therefore still governed. This is studied through letters that detail the operation of civil life in Taranaki and among Ngati Kahungunu, with special reference to the experience of Wiermu Kingi and Renata Kawepo.

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The shaping of this thesis has depended on the intellectual support of Buddy Mikaere, who thinks that scholarship is external to ethnicity, Fergus Sinclair, who thinks it is external to politics, and Jenny Murray, who thinks it is external to ego. Its basis in scholarship is in the works of writers such as (but by no means exclusively) Fernand Braudel, Ernest Gellner, Richard Fletcher and Mark Francis whose works show the beauty of rigour, and allowed me at least to glimpse the sun I was shooting at. The above list by design does not include the anthropologist Edmund Carpenter, who as an intellectual influence requires a category of his own. Through repeated readings of Carpenter's small book *O! What a Blow that Phantom gave Me* I learned how difficult it is to understand other human ways of being, and how easily and unwittingly we destroy what we study. For someone who studies a tribal society, *Phantom* was a severe and unfashionable teacher that disabused me of the notion that one can slip easily between worlds. The teachers from whom I learned to circumvent the habits of thought that descendants of settlers inherit are the nineteenth-century chiefs Te Rauparaha, Wiremu Tamihana, Wiremu Kingi, Te Ua Haumene, King Tawhiao, Renata Tamakihikurangi, Wi Neera Te Awaitaia, Ropata Wahawaha, Anaru Matete and a host of others whose names are not as important as the lessons they taught. Before I could hear them, I needed to know that reading Maori documents was not an adjunct to scholarly training but the thing itself; my former teacher Margaret Orbell taught me this. Other past and present colleagues in the School of Maori and Indigenous Studies at the University of Canterbury have influenced my thinking and also offered emotional support; in particular Dr Christine Tremewan, Professor Roger Maaka and Lindsey Te Ata o Tu Macdonald. I thank the latter and Professor Peter Tremewan for generous technical help. This thesis would not have been finished if Dr Rawiri Taonui, Head of the School of Maori and indigenous Studies at the University of Canterbury, had not insisted on the mainstream dignity of Maori Studies. E te ringa kaha o te tokerau, tenei to pononga e mihi ana ki a koe. I have already mentioned Mark Francis in the list of my scholarly influences. I wish to record my gratitude and thanks to Professor Francis for agreeing to act as supervisor of this thesis. Finally, I thank my partner Peter Claridge, my family and my friends for their love and forbearance.

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## He kinaki: a greeting from the past

Friend the Governor:

Will you cause the sun to shine in New Zealand – or not? Look out at sea – there is the wind! Now, O friend, who can spear that wind and cause it to be calm? In my opinion, it is you who will make it calm; perhaps not. I am very dark because of this work – the Pakeha and Maori biting each other. God made man as a seed for his garden – God’s garden in the world.

I say, O friend, let that error at Kapiti be error sufficient between Pakeha and Maori – that with Te Rauparaha and Te Rangihaeata.

It is said: Cease! And lo, it is upon Ngapuhi, with Hone Heke and Kawiti.

It is said: Cease! And lo! It is upon Taranaki, with Te Rangitake.

It is said: Cease! And lo! It is upon Waikato, with Tamihana.<sup>1</sup>

Maori *judged* the Pakeha. They kept a list of the Governors’ errors in their heads. They did so in the terms of a warrior society which understood that essentially every wrong will have to be paid for. The catalogue of errors was a justification for war with the British, and occupied a portion of the Maori mind. The other part was occupied by the desire for civilisation, which was understood as the peaceful, successful society that God promised to all Christians. Maori assessment of British rule was, therefore, based in more than one universe of meaning.

Hapeta Irikau of Ngati Pikiāo wrote the short history of colonisation and primer on double mindedness which can be seen above. He saw twenty-one years of British rule as a series of wars, which he depicted as a personal power struggle

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<sup>1</sup> *Kinaki* means ‘a relish’, or an extra morsel of food appreciated because of its scarcity or difficulty of procurement. Here, the ‘relish’ is designed to glimpse the fact that a Maori history of colonisation was being written at the same time as the Pakeha version. Disturbance in the natural world was traditionally employed as a metaphor for distress in human affairs.’ Biting’ is a translation of *ngau*, which was a metaphor for fighting ‘Dark’ is a translation of *pouri*, which described a state of psychological unease which can only be relieved by action. Images of light, *maramatanga*, were the most common way that Maori in the mid-nineteenth century pictured a peaceful world, which they thought of as the condition of modernity. *AJHR* 1862, E3 No.21, p.10, Wiremu Maihi Te Rangikaheke to Governor, 6 August 1861.

between chiefs: in 1845 between the Governor and the Wellington Ngati Toa chiefs Te Rangihaeata and Te Rauparaha; in the north, between the Governor and Hone Heke and Kawiti; in 1860 between the Governor and Wiremu Kingi in Taranaki, and in 1863 between the Governor and Wiremu Tamihana, the King Movement leader. Hapeta had also dreamed of a paradise where Maori and Pakeha were children in the garden of God, equal and equally subject to the higher judgement of God's laws. Yet he knew that British rule had not meant peace. Instead, chiefs had been put to the necessity of fighting. All the wars Hapeta listed were a struggle for authority, played out, in different ways, over the issue of land; he predicted only further conflict ahead.

This was the view of colonisation offered by a Christian member of a loyalist tribe in 1861. What should this man have done? He trusted the word of God that said law is the foundation of civilised society, and he knew two kinds of authority – the authority of force and the authority of enlightenment. He might have once thought that the first of these was Maori, and the enlightenment European, however, he had seen the British fight Maori in the same way as Maori fought each other. When he asked the Governor if he would 'cause the sun to shine', Hapeta was thinking about Christian civility, which Maori expressed as a state of light. Should he continue to believe in the principles of modernity, regardless of whether the European government reflected peace and justice? Or should he take sides and fight? And if he did fight, should it be on the old foundation of *utu*, which said that an honourable chief avenges every wrong, or should it be on the thoroughly modern consideration, derived from Christian civility, that British rule was a state of darkness with a *whakapapa* of violence?

Hapeta's letter sums up the questions British rule eventually posed for Maori. However, the existence of such questions has been obscured, because almost all judgements of the relationship between Maori and Pakeha in the colonial period have emanated from the colonists' side. I have called Hapeta's reflection a 'greeting from the past' in order to breathe life into another point of view: that whatever they did and wherever they went, the colonists were being watched, and that another tradition of judgement was always in play.

## Introduction

**In dealing with a race like the New Zealanders it is impossible to draw a line between the political & financial duties of officers...Every officer of the Land Purchase Department though strictly speaking a financial officer is nevertheless an important diplomatic agent.<sup>1</sup>**

This is a study of early colonial Maori New Zealand that attempts to build a history in which Maori documents retain the meanings of the nineteenth-century Maori mental universe – which was not changeless, even in the pre-contact period. It aims to understand how land became the source of Maori authority in the relationship between Maori and Pakeha, and conversely, how the chiefs who formerly possessed authority saw it slip away. The premise of the study is that the proper base of understanding for Maori experience is the processes of westernisation working among them. ‘Westernisation’ is synonymous with ‘modernisation’ in this case, but the first, more freighted, term is closer to the perceptions of Maori, for whom the models of change were the British people living amongst them. Maori sometimes expressed their sense of change as ‘becoming Pakeha’ (a term applied by Michael King to the culmination of the cultural journey of people of European descent in a new, New Zealand ‘ethnicity’); it was possible for Maori in the period of this study to call themselves a ‘Pakeha tribe,’<sup>2</sup> or even to declare ‘it matters not whether I die a Maori or a Pakeha’.<sup>3</sup>

A frame of westernisation allows the historical roots of the responsibilities of the Crown to its Maori citizens to be glimpsed in broader ways than a focus on the loss of

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<sup>1</sup> Polynesian Society Papers 32, Folder 10, [reel 004].

<sup>2</sup> Maori could be so at ease with this idea that someone who chose not to support the government could describe himself as a ‘Pakeha-Maori’, that is, someone who distanced himself from his natal culture. *Appendices to the Journals of the House of Representatives (AJHR)* 1862, E9/2 No.4, p.12, ‘Proceedings of the Runanga of Ngatiapa at the second meeting’, 20 January 1862.

<sup>3</sup> *AJHR* 1862, E9/2 No.13/2, p.30.

land and the current model of traditional Maori property rights allow. In particular, ‘westernisation’ restores people to the centre of study, which reflects the nature of Maori culture at the time. This is what the opening quotation hints at: if every officer of the state was a financial agent because they were in the business of buying land, they were also political agents, because to procure the land they needed to win the co-operation of its Maori owners.

While the external pressures that were weakening Maori control of change are clearly represented in the sources, this thesis will not centre on the growth of colonial power, but on the goals of westernisation which Maori themselves pursued. The utilitarian nature of their political thinking meant that Maori expected positive gain from the Treaty of Waitangi, however the Treaty is merely a symbol of historical Maori aspiration, which was to effect the modernisation of their society. This Maori pursued through the acceptance of radical political change, namely, government – a foreign concept – by foreigners. Change in Maori experience cannot be deduced from the Treaty, or even less from what it ought to have been, but nevertheless change throws light on Maori citizenship in terms of all three of its Articles. More importantly, it provides answers to the question which is the unseen presence in every frame of the story: why did Maori sell land? This question requires a focus on the thinking of the chiefs who were the makers of all the early decisions on land sale. It welds the question of land sale to the question of authority, hence the pairing of these topics in the title of the thesis.

It is the premise of this thesis that the arrival of Europeans in the early nineteenth-century destroyed the intellectual and moral coherence of existing Maori political culture, which was based on the spiritual and temporal authority of chiefs. Another Maori culture took its place, whose nature is the broad subject of the present enquiry. Although change was well advanced before New Zealand became a British colony in 1840, this is a logical beginning for a study of modern indigenous political culture, because the Treaty formalised a power relationship which would shape the future. Maori had a scant acquaintance with the content of that future, but the will for change signalled by assent to government points to a wider premise, which is that people have the capacity for making rapid, and indeed speculative, changes in the ways they live; in this, quite extreme, case, the capacity of a society without iron, the wheel or writing to choose new ways of perceiving the world, when newness and change were not matters of



slow evolutionary assimilation and adjustment, but an onslaught.<sup>4</sup> In 1839 there were the tribes accustomed to defending their autonomy against each other; in 1840 there was a governor claiming a mandate to implement a British system of government over approximately 2000 foreigners in New Zealand and an estimated indigenous population of 100,000 - 150,000. A generation later, when this study closes, Maori were a minority of the population, and were ruled by the British not under the promises of the Treaty, but on the premises of conquest.

This thesis is, above all, a study of intellectual change. It must therefore also look back from 1840, because change requires answers to the question *from what?* for its proper evaluation. The nature of Maori pre-history is represented by a concentration on key concepts relating to the authority of chiefs: *mana* and *tapu*, and (which is related) on the meanings formerly attached to land. These chapters require a kind of evidence not available in the Maori political writing that is the major archival source of the thesis. Where possible they are referenced to oral traditions recorded by nineteenth-century Maori, in order to maintain the base in the Maori thought world that is the controlling discipline of the study. It needs to be said that the pre-colonial and pre-contact chapters, which present the stories about ancestors that acted as instruction in the proper ordering of society, unsettle the examination of the post-1840 period, where ‘facts’ seem much more factual. This reaction points to the depth of *difficult* cultural difference that formerly existed between Maori and Pakeha, as opposed to the sentimental fakery of much modern writing on Maori, where a universal model of indigenous ‘otherness’ often replaces Maori particularity as the basis of analysis.

‘Change’ is an amorphous and indeed flat-sounding frame for a thesis, and it is academically difficult to shape, yet an anatomy of Maori change in the early colonial period is what the study attempts. Change was not a neutral commodity. Colonial government was in many ways destructive of Maori interests, but government policy does not require yet another documentation. Instead, the thesis attempts to explain the content of Maori experience of government through examining the intellectual bases of their responses. ‘Maori experience’ here largely means the experience of chiefs. They were the key political actors, which is why governors and officials aimed to conciliate

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<sup>4</sup> According to James Belich, Governor Grey ‘believed that savages were incapable of invention’, and required European help to become civilised. This is an example of the school of thought that believes that insulting the Pakeha is an analysis of Maori history. Belich, James *Making peoples : a history of the New Zealanders : from Polynesian settlement to the end of the nineteenth century*. Auckland: Penguin Press, 1996, p.190. See Chapter one for an explanation of why this thesis does not offer a critique of the secondary literature.

them through diplomacy, by extending courtesies and giving gifts and pensions.<sup>5</sup> Diplomacy acknowledged the place of the chief in the arrangements of the pre-1840 world (in modern ‘Treaty’ parlance, his *rangatiratanga*); however, it offered no protection to chiefs’ authority in the new polity. Chiefs were not represented in the settler assembly,<sup>6</sup> and *rangatiratanga* was viewed by the British in terms which separated culture and political power into distinct categories. *Rangatiratanga* was largely seen as ‘cultural’, in the sense of expressing the genius of a tribal people. It was increasingly politically irrelevant to the national interest that was focussed on the progress of the colony. The decline in the authority of chiefs is perhaps the most important change in the early colonial period, yet the exclusion of Maori from government mostly serves to raise speculation focusing on lost futures. It is idle to pursue this. It is more useful for a historian to focus on the effects of the intrusion of government into Maori society, which this thesis attempts in respect of chiefs and land.<sup>7</sup>

The reach of government in New Zealand was short, and on this reasoning it is assumed by anthropologists and historians to have had little initial impact within Maori communities. James Belich, for example, argues that ‘the empire of 1840 was not real’<sup>8</sup> and that the impact of the state was not felt by Maori until the 1860s.<sup>9</sup> This thesis will argue a contrary view. If most Maori communities were lightly regulated by the institutions of government, most were participants in the land market. There, chiefs negotiated with government officials on terms that were backed by the authority of the Governor. This conversation allowed the government passage to the heart of authority in Maori society. The result was that officials developed procedures for land purchase that constituted all members of the kin-group owners of the land, in the new sense of persons entitled to payments when it was sold. The status of the chief was reduced to the size of the lands to which he or (much less often) she could prove ownership *in terms constructed by the Pakeha*. Land sales were the main Maori experience of government, and they construed Maori society in ways which destroyed its former political structure. It was turned instead into a land-owning collective, in which power lay not in human

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<sup>5</sup> The position of Assessor (local, Maori magistrates) was sometimes offered to chiefs, but it required literacy, and in the 1840s at least, chiefs were less likely to be literate than lesser men because they had less incentive to look for new ways to succeed.

<sup>6</sup> In 1864 the chiefs were described by some Maori as ‘native dogs without mouths’. *AJHR* 1864, E15, p.3, Pohipi Tukairangi and Ringari Te Ao to Fitzgerald, 30 November 1864.

<sup>7</sup> There is a pressing need to undertake a full-scale study of the interesting subject of Maori attitudes to law, for which an abundance of contemporary Maori-language sources is available.

<sup>8</sup> Belich 1996, p.187; Taylor, Richard, *Te ika a Maui: or, New Zealand and its inhabitants. Illustrating the origin, manners, customs, mythology, religion, rites, songs, proverbs, fables, and language of the natives*. Wellington, Reed, 1974 [1855], p.271.

<sup>9</sup> Belich 1996, p.193.

consequence, as formerly, but in the size of the cultivations to which an owner could prove a right - to the satisfaction of a government commissioner or in a court presided over by an agent of the Crown. By 1865, when the Native Land Court was instituted, power within Maoridom lay in the land itself. This position was written into culture, and endures into the present.

The broad aim of this thesis is to throw light on how a colonised tribal society modifies and defends its being, while recognising that the Maori case has an edge which makes it unique among the annals of such peoples. This difference was created by literacy. The gap between a society at a neolithic culture stage in 1800 and that of the British was immense. However, the rapid emergence of a literate Maori population in the 1830s and 1840s meant that the gap was, in a sense, *not wide enough* – at least to create a colonial situation where the governed remained largely unaware of the nature of government, and certainly unable to oppose it on its own terms of understanding. Literacy is what makes the Maori case unsuited to the analysis of the ruling historical paradigm, which combines the conventional modern judgements of cultural ‘otherness’ and political victimhood with an old-fashioned imperial anthropology. On the contrary, literacy makes Maori experience amenable to historical enquiry conducted without compromise on western terms. Both assent to, and criticism of, the state were communicated largely by letter, because the Maori population was scattered through a country with virtually no roads, and the government establishment was small. While single letters look merely anecdotal, thousands of them offer a picture of an intellectual milieu. It is, ironically, the introduced skill of literacy among Maori which makes the aim of this thesis possible: the writing of a history which takes the point of view of the colonised, yet exists within an orthodox evidential tradition of scholarship.

Maori gleaned ideas about how a ‘modern’ (in their terms, one not like their own) society ought to be governed from reading the Bible. This information enabled them to critique British rule on the basis of its roots in Christian morality. Early literacy – after 1850 there was no leader on the national stage who was not literate – was therefore the crucial bridge between the cultures in New Zealand. A bridge, of course, goes two ways. Having assimilated the model of society and government offered in the Bible, one on which they assumed British government to be founded, Maori leaders found it difficult to withdraw assent from their foreign governors. As a result, most Maori opinion about the state contained in Maori-language documents sits inside the boundaries of political citizenship – always providing that the ultimate author of state legitimacy is agreed to be

God. God is a difficult subject for historians of colony and nation; it is a notion that seems to undermine a native population's autonomy. The religious nature of the authority that, in Maori minds, replaced the authority of the old chiefly regime is routinely assumed to be an outgrowth of imperialism, and has made it difficult to view Maori Christianity in any other context.<sup>10</sup> However, while it is certain that the colonial government used religion as another instrument of power, this is by no means the whole story. Because Maori and Pakeha shared the same god and code of civil behaviour, Christianity provided the language for the conversation between them. The Christian culture of Maori breaks through the shelter of an orientalist thesis that would keep colonists and colonisers in a state of perpetual miscomprehension. If New Zealand nineteenth-century history has any claim to exceptionalism, it lies in the religion and literacy that enabled – and indeed armed – Maori to converse with the state.

Maori experienced changes over which their control was tenuous. But if they were acted upon, they were also initiators of change in their expanded world. This is a conventional observation, but what is not so clearly articulated currently is that change was in one general direction, that is, towards the norms of the white majority. In the two centuries since Europeans began to live among Maori, the processes of westernisation have produced what might be called the predicament of indigeneity, for which Heidegger's phrase, the 'forgetting of being', seems apt.<sup>11</sup> If one can chart rapid Maori change towards modernity, what was lost in the process needs to be equally apparent. It is not too much to say that this thesis lies in the space between an innocuous-seeming observation about change and awareness of the forgetting of Maori being. This, however, is not a simple, dignified case of laying aside a past that was no longer serviceable, because the culture that replaced it is now entrenched in Maori and Pakeha minds as that past, or 'traditional' culture. In former white colonies today the special standing of the indigenous minority, as distinct from that of other ethnic minorities, is based on legislated difference from the majority. Difference, regardless of its content or explanatory power, has become the criterion of 'authenticity'. Rights in addition to, and occasionally in contest with, the rights of all citizens flow from this ideological

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<sup>10</sup> However, see, for example, the work of, among others in this area, John Stenhouse, ed., assisted by G.A. Wood, *Christianity, modernity and culture : new perspectives on New Zealand history*. Adelaide: ATF Press, 2005.

<sup>11</sup> I am indebted to my colleague Lindsay Te Ata o Tu MacDonald for drawing my attention to Milan Kundera's use of Heidegger's term.

distinction.<sup>12</sup> The ‘otherness’ of Maori culture has been vigorously asserted; it has replaced actual power as a political lever on the ‘sorry’ post-colonial New Zealand state. This has led to false positions in understandings of historical experience.<sup>13</sup> This thesis hopes to counter the intrusion of the politics of the present into history, by attempting to look at the early colonial period through the eyes of historical Maori agents.

The post-1840 chapters of the thesis are centred on the Maori exercise of citizenship. The chapters are argued mainly from two geographical areas which were prominent in colonial politics because they were centres of the contest to own the land: Taranaki, on the lower west coast of the North Island, and the huge lower East Coast territory of the Ngati Kahungunu people. The study of land and authority in Taranaki (and particularly Te Atiawa) society concentrates on the 1840-1860 period, after which politics external to the tribe dominate the picture. The aim here is to create a micro-historical portrait of how relationships between land and authority were affected by state government, specifically in an examination of the early career of Wiremu Kingi Te Rangitake, the chief whose refusal to sanction the sale of the Pekapeka Block at Waitara precipitated war in 1860. The Ngati Kahungunu evidence has the same political context of the aggregation of Pakeha power as that of Taranaki, but because Ngati Kahungunu were not at first involved in the war, this tribe had wider political choices. The cut-off date for the study of Ngati Kahungunu is late 1866, in order to include consideration of why the chief Renata Tamakihikurangi abandoned neutrality and fought with government troops against his Hauhau nationalist relations. A mid-1860s closing date, however, is not only convenient in terms of Ngati Kahungunu history but significant in terms of the wider setting of the thesis. At first the war seemed like another local skirmish over land policy, but by 1863 it had become a contest for sovereignty between the government and the King Movement, who asserted the principle of Maori authority on Maori land. The war was an unequal contest. It taught the government that Maori did not have the means to exterminate the settler colony, but only to cause temporary deflections in its development. This had the important effect of localising British power in New Zealand. Settlers learned that the authority they wielded was not (or not only) that of the distant might of Britain, such as the Treaty of Waitangi had emphasised, but

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<sup>12</sup> As Kenneth Anderson observed in the *Times Literary Supplement*, 16 August, 2002, p.8, ‘Ethnicity as an ideology is a form of western romanticism that has been constructed out of the materials provided by global capitalism’.

<sup>13</sup> This is the case at time of writing, but increased Maori participation in the political process, especially through the formation of what seems to be a modern Maori political party, suggests a phase that may be passing.

something that resided in themselves, that is, in the ability of their parliament to govern. In the early 1860s this meant the ability to contain the geography of the war, giving confidence that white settlements would survive Maori challenge. By 1865, however, ‘power’ meant the ability of the government to impose its will on Maori. The 1865 submission of Wiremu Tamihana, the most important Maori political thinker of the period, added the weight of Maori agreement to the settlers’ confidence in conquest. Tamihana had discovered that living under the *mana* of the Queen did not mean contributing to an alliance in which Maori had a part in the world-power of the English, which was the hope of 1840.<sup>14</sup> In war, the ‘*mana* of the Queen’ was nothing to do with alliance; instead, it was the institutionalised authority of the government, for which the term *mana* had been co-opted. The *mana* of the Maori King could not compete politically with that of the government, and Tamihana submitted because of the futility of continuing the war. Though he saw considerably further than most, Wiremu Tamihana represents the direction in which mainstream Maori thinking was travelling.<sup>15</sup> The *mana* of the Queen by 1865 was the power settlers were able to exert over Maori lives, both in the political and cultural fields, and in the latter case, particularly where culture was perceived as morality. The mid-1860s, therefore, seems a proper date to close a study of land and authority in Maori society, because the terms under which land was owned, and authority over it was exercised, were by then both in substantial Pakeha control.

It seems useful in this introduction, however, to make a brief excursion beyond that date, in order to counter the sense that New Zealand has an overwhelmingly tragic race-relations history. This view arises out of the ending of the era in which citizenship was chosen by Maori, and the replacement of choice by the coercions of state power as the result of a war which the Pakeha treated as a conquest. The change in the tenor of letters to the government in 1867 confirms the mid-1860s as the end of an era. However, the change does not mean that Maori were silenced by tragedy, but rather that civil concerns re-established their former place in the forefront of people’s minds. Among Ngati Kahungunu it is as if the battle at Omarunui in late 1866 clarified the need for civil

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<sup>14</sup> Like the English themselves in the nineteenth century, Maori did not think in terms of ‘British’, for whom their word was either *Pakeha* or (less often) *Ingarihi* (English) and (rarely) *tauimi* (foreigners, strangers). However, the term ‘British’ will be reluctantly used in future in this thesis, except in quotations, on the grounds that it is now the preferred term. Much the commonest Maori term, *Pakeha* (fair skinned), which was a descriptive term that held no intrinsically negative meaning, will also be used interchangeably with ‘European’ for the British in New Zealand.

<sup>15</sup> The Ngati Haua chief Wiremu Tamihana is used here as an example; his personal story is not examined in the thesis as he was from the Hauraki area, however he was the most influential leader of the 1850s and early 1860s. See Lyndsay Head, ‘The *mana* of Christianity’ in Stenhouse 2005.

peace.<sup>16</sup> This is in line with the near-universal Maori aspiration throughout the colonial era - what kept them engaged with the Pakeha, which was the establishment of a civil society. However, this has been hidden historiographically, because of the settlers' need to create distance between themselves and Maori after the war. This has produced a history of Maori which seeks out and magnifies shock. The dramatic escape of Te Kooti Rikirangi from Wharekauri in 1868, which brought war and retribution to the East Coast is a case in point. Te Kooti was a fighter who preached the old message of the lash, or *whiu*, in 1865, but his following was miniscule, and his career does not define the character of Maori politics in the later 1860s. Among Taranaki Maori who had fought the government, the necessity of peace became the basis of Te Whiti's policy. The *mana motuhake* (nationalist) branch of Ngati Kahungunu was also culturally modern, the anti-land sale 'repudiation movement' outlawing Hauhauism, advocating respect for the Treaty of Waitangi and aspiring politically to nothing more than a limited local self-government. Similarly, Ngati Kahungunu's post-war religious prophets gave gentle and relatively orthodox readings of the Bible in which the heat of former millennial hopes was burned down to a warm and comforting glow. Throughout the 1860s, even amongst all the letters about the threat of fighting, correspondence about land transactions, boats, horses, disputes between neighbours and employment negotiations continued to flow. Ngati Kahungunu were already developing a strong interest in the politics of the central government. The ascendancy of a 'civil temper' was the distinguishing feature of Ngati Kahungunu political thought. Nevertheless, this is not to underplay the effects of the experience of the war. All Maori realised that there had been a major shift in power to the Pakeha, and that political life would henceforth be lived on the government's terms. A poignant illustration of this point is a letter by the Turanga (Gisborne) chief Hirini Te Kani in 1866 asking the government to supply food to the loyalists and the anti-government Hauhau faction together – because they were starving together. According to Te Kani, the Hauhau said they would never cease to fight, but that was bravado. Unlike the English, Maori soldiers could neither replace men who fell in battle nor maintain their basic food economy under the disrupted conditions of war. The war was unsustainable for Maori on either side, and this delivered them all into the hands of the government.

A thesis that aims to reconstruct an indigenous view of colonial experience in orthodox scholarly terms is almost a contradiction in terms. Such a study must display a

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<sup>16</sup> The equivalent event for Te Atiawa occurred in 1871, when the chief Wiremu Kingi returned with his followers to Taranaki from self-exile in the King Country, signalling his submission to the government.

continual effort to shut out the assumptions of western thinking about indigenous societies. This instruction has imperative status when the society in question produced a very large volume of written political opinion: it removes the excuse of absence of sources. This thesis attempts to answer the challenge of the dominance of western-directed analyses of Maori experience by understanding how and why these interpretations first emerged, and by imposing on itself the discipline of working within historical Maori-language sources. The inclusion of an extensive amount of quotation from these sources is an attempt to redress the gross imbalance in the voices of New Zealand history. It is important to emphasise that the Maori-language sources are not simply the evidential base of the thesis, but provide its culture of meaning. Language acts here as the boundary of interpretation, and is the basis for its claim to evaluate the past in a new way.

Because the thesis situates itself within an historical Maori world view, it must continually conduct an argument with a present in which Maori history is subject to a vigorous politics that continues both to redesign the Maori past and redeem that of the descendants of the colonists. The re-invention of New Zealand history as a morality play has made the authority of Maori culture in the present dependent on an assumed historical opposition to the state. This has not only narrowed the bases on which redress for historical injustices can legitimately be sought, but also misperceives the nature of Maori engagement with modernity. The thesis will suggest that Maori saw the colony as a society in which they were neither the opposite nor the inferior of Pakeha, and that the primary claim that Maori had (and have) on the state was their active role in constructing it.

The centrality of land to nineteenth-century history is widely acknowledged, and is reinforced in this study. Throughout the history of the colony, and even more strongly today, the presentation of land as a moral issue has given modern New Zealand historiography its unique character. It has also, however, suppressed the complexity of the subject. A moral frame of reference has excluded much nineteenth-century Maori experience from historical investigation. For most Maori living then, land was a practical issue of loss of control of an economic resource, especially after the civil war of the 1860s, when the struggle was played out in the Native Land Court. However, in the prophet-led *mana motuhake* movements that arose in the 1860s under the pressures of war, land loss, as a sign for conquest and dispossession, was reconstructed as a *mana* that represented Maori identity in a Pakeha-dominated country. It is a premise of this thesis



that this *mana* replaced former Maori 'being' with a new ideology. In this century the *mana* of loss has been the strongest sinew of Maori unity. Since the erection of the historical claims apparatus in the Waitangi Tribunal, this *mana* has, moreover, been appropriated by historians as the basis for a model of Maori colonial experience *in any period*. This is evident in a historiography in which Maori are shattered by external and arbitrary forces, and where land is axiomatically 'lost' not sold. In this model, Maori agency is suppressed. It is replaced by an axiom that requires that any land gone out of Maori ownership signposts, if not illegal, then unjust, action by the governor or officials. The polarised moral base of a tragic historiography produces an inability to deal with people who do not fit into narrowly defined categories of virtue. This is clear in a lameness of analysis (where it has been able to raise itself out of embarrassed silence) about Maori who sold land, remained neutral in the 1860s or who fought for the government – that is, the majority of the people. The price we pay for this model of Maori historiography is a cumulative loss of historical detail.

A history framed in the '*mana* of loss' has created the chimera of the all-powerful colonial state. This view of the relationship between Maori and the government is, however, hard to recognise in the period of this study. Maori society was characterised by rapid modernisation. There was a developing infrastructure of local government based on an assumption of equality with Pakeha, and a rising Maori middle class, both of which were dependent on a negotiated relationship with the government. On the government's part, negotiation was dictated by the necessity of dealing with land-owning Maori, the majority of whom at one point or another supported the sale of some land; the thesis argues that it would be arrogant to think that they were responsible for none of their decisions. Analyses of Maori participation in the state which assume the isolation, difference and inequality of an uncrossable cultural divide do not reflect a contemporary Maori understanding. They are, instead, created from hindsight, which inadvertently reinscribes colonial versions, and places an invisible, but pervasive – and alien – power of the state at the centre of the frame of Maori reality, even though this did not exist at the time.

## CHAPTER ONE

**A methodology for the study of the literate tribe**

**The all-seeing eye of God, believed to control all celestial bodies & all life, was really the eye of literate man. Western civilization synchronized nearly all experience, all perception to this single model and organized the universe according to the book.**

**Edmund Carpenter<sup>1</sup>**

It is my belief that Maori historiography has been so neglected that a study of Maori society should be commenced with an examination of what it means in New Zealand to present historical argument to an academic audience; government experts, popular writers and polemicists have so muddied the waters that a scholarly approach needs to be defended before it begins. This chapter, therefore, explains the strategies adopted for this attempt to write an intellectual history of Maori in the early colonial period. It also traverses the problems of working cross-culturally in a field in which the historiography is doubly politicised by current readings of culture and a colonial past. Finally, the chapter turns to the Maori literature in order to attune the ear of the reader to the nature of a history composed of the Maori speaking voice.

**The translation of meaning**

An academic training within the culture of a former colony complicates the task of writing the history of its indigenous population. Such a training is *too sufficient*, in the sense that it fosters an assumption that it is equal to any historical task. The habits of power that unconsciously pre-determine majority attitudes to the minority culture also apply in scholarship, and impose the shape and boundaries of

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<sup>1</sup> Edmund Carpenter, *Oh! What a blow that phantom gave me*. New York: Holt, Rinehart and Winston, 1922, p. 41.

enquiry. For example, a reading knowledge of the source documents would ordinarily be considered a foundation skill for any academic enquiry. Among mainstream New Zealand historians, it has not been thought necessary in respect of Maori writing. The assumption has been that accurate translation allows such documents to exist in the same domain as English-language evidence. Immersion in the sources for this study, however, revealed that the Maori documents did not fit into any known pattern of meaning about land and authority in Maori society. It became clear that unless meaning could be construed in the terms suggested by the documents, translation would risk turning Maori voices into English ones, and suppress or distort Maori meanings. In English, historical Maori voices do not speak for themselves; all too often they speak for the Pakeha, because of the weight of English meaning that is silently and deeply attached to English words.<sup>2</sup> Neutral-seeming words like, for example, 'land tenure', are overwhelmed by English meanings when they are used to speak of the Maori case. Maori words that are well-known in English, like *mana* and *tapu* are not exempt from this process but are incorporated into English in both form and meaning. It is, ironically, as if its legal status of Maori as an 'official' language makes Maori meanings a New Zealand birthright, but official approval can also be an act of appropriation.

If the goal of presenting a dialogue between Maori and English sources through translation (this work was originally conceived as a translation project) was revealed as unreachable, the problem of the translation of meaning provided an opening for a new direction for the study. It became clear that the first task of constructing a Maori history in English was not translation, but the pursuit of understanding of the Maori cognitive world. This demanded a larger field of enquiry; it projected the study of thinking about land and authority in the colonial period back into pre-history, because it was necessary to know how governing concepts such as *mana* and *tapu* had formerly functioned in order to provide a context for understanding post-contact intellectual change. However, looking backwards to a time when Maori society had no intrusion on its world view required a complex change of gear. This has resulted in an uneasy tension between the pre-colonial chapters, which

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<sup>2</sup> The words 'Maori' and 'Pakeha' are treated as English words and not italicised in this thesis. All other Maori words are italicised, because although some, such as *mana* and *tapu*, have a wide currency in English in meanings that reflect the present, in their historical meanings they represent a system of meanings which is foreign to English. Other Maori words, for example, *pa* and *hui*, have retained their original meanings, and their italicisation implies no message except that Maori is treated in this study as a different language from what the thesis is written in.

are formal and prescriptive, and the chapters on Maori colonial life, which overflow with restless clamour. Yet this tension closely mirrors the experience of Maori in the post-contact period, whose lives were lived partly on ‘traditional’ terms, and partly on terms of rushing change, and it seems important to allow it to stand as an insight into the period.<sup>3</sup>

While an archival focus fulfills the formal requirements of a thesis, the overwhelming reliance on primary sources in the present case is for reasons peculiar to the aims of the study, which is to understand the thought of a people whose natal culture was neither western nor modern. This aim has little to do with simply ‘utilising’ the archives, but reflects the opportunity afforded by the great volume of Maori material, particularly, political letters, that is available to the researcher. There was enough archival material to suggest that by working within the disciplines of interpretation provided by an exclusive focus on Maori-language sources, it would be possible to locate the thesis within the world-view of historical Maori culture. This, it seemed, could provide a way to establish the Maori voice in a historiography where it is almost absent, except as a comment on English documents. It would also ensure that the thesis would be bounded by the issues and events that Maori were sufficiently exercised about to write to the government, rather than, as in standard histories, those that the Pakeha considered important. However, as this Maori voice emerged from the manuscripts, its slender connection to the historiography became increasingly apparent, and indeed, insistent. The insights of, for example, Edward Said and his followers, and of the ‘subaltern’ historians made it impossible to ignore the likelihood that any study produced in New Zealand will be influenced by both the unconscious legacies of colonisation and the highly conscious modern politicisation of colonial experience that serves both Maori and Pakeha ends.<sup>4</sup> This turned into a requirement that the thesis address the problem of the dominance of the New Zealand cultural context in which analyses of Maori society exist. It produced a further, shaping decision, which was to work independently of the analytical secondary literature on

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<sup>3</sup> The chapters that deal with pre-contact Maori thought are conducted on the same principles of enquiry as the rest of the thesis; its Maori-language sources are necessarily those recorded in writing by Maori post-1840 (but early, in the 1840s and early 1850s). Close attention has also been paid to the mute graphic images of Maori life recorded by early foreign observers, as they often capture a sense of its being which is less easily gained through writing.

<sup>4</sup> Edward Said, *Orientalism*. New York: Vintage Books, 1978; *Culture and imperialism*, New York, Knopf, 1993; Dipesh Chakrabarty offers a representative subaltern view in *Provincializing Europe : postcolonial thought and historical difference*. Oxford, Princeton University Press, 2000.

New Zealand colonial history. A strategy of escape from a dominant voice was adopted in order to make space for the world contained in the Maori sources. It avoids the problem of dealing with the heavy moralism of a literature which substitutes castigation of the colonisers for analysis, and with the overly-determined judgements of governments and their commission, the Waitangi Tribunal.<sup>5</sup> Working independently of the secondary literature also answered the problem of duty which was presented by the volume of the Maori-language material. Very few colonial historians work in the Maori language, and, furthermore, the numbers are declining as historical language ceases to be taught in under-resourced universities. Therefore it seemed that the contribution of a thesis writer equipped to work in Maori could best be made in the specialist field of Maori writing, which is almost empty of study. The difficulties of locating the thesis in a literature were, however, not solely local. Maori are unique among colonised tribal societies in the nineteenth century in that they possess an extensive literature written by themselves. No other tribal society was widely literate in the earliest generations of European intrusion, and there are no international precedents for an intellectual history of colonised indigenous people constructed from their own records. It is proper to say that the influence of the international scholarly literature on this thesis has been immense, but as a beacon and mentor to the writer rather than as a model of explanation.<sup>6</sup>

The smug, 'nation-building' early accounts of New Zealand found it convenient to assume that Maori history ended in 1840. Until at least the mid-twentieth century, works typically began with a chapter on the pre-contact Maori past, culminating in conversion to Christianity and signing the Treaty (until the 1970s undergraduate courses in New Zealand history usually followed the same pattern). Subsequent Maori experience was marginalised and trivialised, the *tangata whenua* (indigenous people) appearing as occasional hindrances to the march of development,

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<sup>5</sup> Most of the recent literature on the colonial period has strong links with the Waitangi Tribunal claims process, or is directly generated by it. This strengthens the justification of working independently of it, yet its influence is indirectly reflected in this thesis in the recurring attempts to counter its premises.

<sup>6</sup> It is difficult to overstate the number and diversity of books that have allowed my thinking to develop, and any list seems merely to highlight its own inadequacy. While not all are quoted in the thesis, influential works include, however, Thucydides's *History of the Peloponnesian War* for an unmediated insight into a warrior culture; Edmund Carpenter for continuously re-read instruction on how academic culture manages to comprehensively misread traditional societies; Ernest Gellner for the quality of thought to aspire to; Fernand Braudel, Richard Southern and Simon Schama for models of history writing; Richard Fletcher for a model of how to write honest history where most of the pieces of the jigsaw are missing; and Richard White, *The middle ground: Indians, empires and republics in the Great Lakes region*, for the encouragement derived from the view that indigenous peoples and Europeans create histories belonging to them both.

or as objects of patronage, whose ‘progress’ in education or living standards was praised in the same careless way as, for example, the grace (women) or mock ferocity (men) of their ‘posture dances.’ While that era of the historiography has ended, an academic culture which considers Maori in other than the colonists’ terms has yet to replace it, as, for example, the failure to consider Maori-language sources as essential to writing Maori history attests. I suspect that most historians still think that accurate translation removes any difficulty. Yet the word ‘accurate’ placed before ‘translation’ is itself a hint that the matter of translation is not a simple one; in fact it is embedded in the colonial legacy of Pakeha control – although perhaps not in the way that Ruth Ross, who raised the issue of how much trust can be placed in translations made by Pakeha, thought.<sup>7</sup> Following Ross, it became *de rigueur* to raise doubts about the accuracy, and indeed, integrity of original nineteenth-century translations. Yet, in my experience the vast majority of these are accurate and – something which present translators struggle for – idiomatic. It is a phenomenon of the historiography that suspicion about translation is routinely advanced by researchers who are dependent on it for their understanding. The explanation of this peculiarity lies in the persistence of the colonial mentality, as a more familiar analogy illuminates. Even beyond the first half of the twentieth century, deep suspicion was attached by Pakeha to Maori speaking Maori in non-Maori settings (such as the paranoia that led to the punishment of children speaking Maori in school). The basis of this reaction was fear, generated by the inability to exert the control over Maori that seemed to members of the colonial culture normal and proper. Hostility to Maori language has now been substantially reversed, but it is a paradox that the reaction to nineteenth century translators resurrects the mindset that produced it. Suspicion reflects the insecurity of the lack of access to Maori-language sources, which makes it difficult to control the past. This mentality also explains why linguistic analyses of historical Maori thought produced by researchers armed with nothing more than a Maori dictionary continue to flourish.

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<sup>7</sup> R.M. Ross, ‘Te Tiriti o Waitangi: texts and translations’ in *The New Zealand Journal of History* [NZJH] Vol.6, No. 2, October 1972, pp.129-157. Ross sowed doubt by insinuation, particularly that the translators, the missionary Henry Williams and his son, had limited ability in the Maori language. This is foolish. Since the 1820s Henry Williams, the friend of Hongi Hika, had succeeded in establishing missionaries as an integral part of the Maori community at a time when Maori were powerful and their behaviour not tempered by conversion to Christianity. Adroitness in language was an essential ingredient to this success; Williams’s son grew up speaking Maori as a first language. Ross posits something she calls ‘Protestant missionary Maori’ as the (inadequate) language of the Treaty, insufficiently comprehensible to Maori. A comparison of Maori and Pakeha writing in Maori fails to bear out this allegation, and, furthermore, carries an absurd implication that Maori were insufficiently flexible in their grasp of their own tongue to be able to cope with foreigners’ speaking of it.

These examples are sufficient to indicate that the field of Maori history is politicised in a variety of intermeshing ways – by the influence of a sometimes stringent modern Maori nationalism, by modern Pakeha guilt, by the politics of atonement practiced by governments hoping to re-engineer a society that remains in various ways unequal and by the persistence of largely unconscious colonial habits of thought (that is, assumption of a position of power.) The present study is not an anatomy of colonialism, but the difficulty and necessity, in equal proportions, of relinquishing the control that has allowed mistaken views of Maori history to remain the ruling paradigm have provided the basis for its continuing existence.

If, however, there are strong arguments for tempering readings of New Zealand history with the balance that Maori-language sources can offer, it would be wrong to give an impression that if only scholars would read Maori all would become clear. The Maori past remains ‘another country’, and one that is difficult to enter. The rapidity of cultural evolution in the colonial period makes it difficult to fix posts in the flood of change. In addition, the Maori-language sources offer only a partial illumination, because those that survive tend to be connected to the processes of government, while life in the *kainga* (villages) must usually be deduced from hints. A history built from an incomplete documentary base is inevitably a glimpse rather than a grid with all spaces filled, but even under ideal conditions, there will always be two sets of sources for Maori history after the arrival of Europeans; the need for historians working in the English (and to a much lesser extent, French and German) archives will not diminish. The truly bi-cultural nineteenth century history of New Zealand has yet to be written. In that history, Maori language sources will be cited as often as the records of the colonists.

A further comment is required on what may seem a singular decision to work independently of the secondary literature; that is, not to offer a critique. Many tribal peoples grieve over a past culture that was lost because social change arrived ahead of the means of fixing the record. However, when the history of colonised peoples is written, instead, by their colonisers, the danger is that it may eventually seem to be the only history there ever was. While a significant historical literature does exist in New Zealand, it is unsatisfactory in respect of Maori experience because of its domination by English language primary sources. In particular, heavy dependence on official documents has helped create an historiographical tradition in which Maori are treated as the object of Pakeha policy and actions. This risks reducing Maori to the status of

moral ciphers, whose use to history is mainly as an illustration of the evils of colonialism. It has not required historians to know Maori except as victims of a power relationship. Again, there is a twist to the situation. The portrayal of Maori as victim is not always obvious in the publications of major New Zealand revisionist historians, because of a curious inversion in which power relationships are simply reversed, so that Pakeha are excluded or irrelevant to a Maori story *told without consequences*.<sup>8</sup> Maori are portrayed as having the measure of Pakeha, but in a country in which the Pakeha population increased 50,000 per cent in the half-century between 1831 and 1881,<sup>9</sup> this seems a foolhardy over-simplification. False readings of Maori experience, particularly in the armed struggle of the 1860s, do not achieve what their writers hope. They tend instead towards the perpetuation of Maori status as an excluded minority, because their story is not told in ways that illuminate experience in time. The romanticisation of Maori history is a phenomenon that has its own roots in reaction, in this case against the imperial history derived from the proselytising impulses of Christianity and scientific progressivism. This model had a long reign in New Zealand. Drawing on nineteenth-century deficit theories about tribal societies, it believed that the backward indigenes must either westernise themselves or be trampled to extinction by the march of progress. Imperial history was swept away in the second half of the twentieth century, when Maori protest against systemic injustice strengthened at the same time as Pakeha New Zealand achieved emotional separation from Great Britain.<sup>10</sup> In this supercharged era of new national self-awareness, a more inward-focused model replaced it, suspicious of European intentions and searching for an 'essence' of Maori culture in a pre-contact model beyond the reach of British power. The erection of antique 'tradition' as a boundary of Maori cognition in the colonial period is, however, also flawed. The persistence of the past is an inadequate thesis for explaining a world expanded far beyond the insular limits of pre-contact society, and it is a model that renders many nineteenth-century events inexplicable. In addition, because it counts any change caused by European intrusion a subtraction

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<sup>8</sup> See e.g., James Belich, *Making Peoples; a history of the New Zealanders*. Auckland: Penguin, 1996, p.278. Michael King's *Penguin History of New Zealand*. Auckland: Penguin Books, 2004 is calm and positive but theoretically weak.

<sup>9</sup> See e.g., Belich 1996, p.278. Michael King's *Penguin History of New Zealand*. Auckland: Penguin Books, 2004 is calm and positive, but theoretically weak.

<sup>10</sup> The slightly earlier 1961 *History of New Zealand*. Harmondsworth: Penguin, 1959 by (Sir) Keith Sinclair, the most prominent of a new mid-century generation of nationalist historians, was the most influential.



from the sum of Maori culture, it produces an analytical model dominated by loss. Maori experience does not fit well into such a model. As Eric Hobsbawm and Benedict Anderson have demonstrated, tradition is continuously re-interpreted in the present, and may even be new-minted.<sup>11</sup> Maori disengagement from their own past practice and morality was well advanced by 1840; this thesis will argue that this is the major reason that the chiefs were prepared to countenance government by the British. Post-1840 Maori political thought, therefore, was not written on a blank sheet. Maori already possessed a culture which approved change; change in response to the arrival of Pakeha was therefore predicted by its existing nature.

The loss model of Maori history, while claiming to be a genuinely New Zealand reading, is unconsciously entrenched in a foreign tradition. It is another account of the fall – from native paradise to colonial perdition – which produces the paralysing perfection of absolute Maori victimhood. A feature of the literature written within the paradigm of loss is that Maori actions are weakly analysed or even unanalysed, in a mistaken attempt to demonstrate respect for a misused people. ‘Respect’ emphasises continuity and distinctiveness in Maori culture, but the inherent tension between it and loss as the bases of analysis is exposed when the choices Maori made were in favour of cultural westernisation, including the choice to sell land. The result of an overly respectful history is that analyses of Maori actions are morally sinewy about injustice perpetrated by Pakeha, but tend to judge Maori in ways which serve the present. Nineteenth century Maori might not always have recognised our notions of justice, and, once again, it is someone else who defines the ‘good Maori’.

The use of Maori sources of information, in particular, personal letters, in an academic study raises the question of intellectual property. It sometimes happens that people wonder if Maori wanted their voice to be heard, and consequently, whether it is proper for scholars who are not Maori to bring Maori views into the light. The answer that is offered by the sources is that Maori wished to be heard. Most of the research material utilised in this thesis consists of documents written to the provincial or central government. Writers often ask for important letters to be published in *Te Karere Maori*, or *Te Waka Maori o Ahuriri*, the Maori-language newspapers; Renata Tamakihikurangi, for example, personally took his analysis of government policy to

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<sup>11</sup> For a general discussion, see Eric Hobsbawm and Terence Ranger (eds.), *The invention of tradition*. Cambridge: Cambridge University Press, 1983; also Benedict Anderson, *Imagined communities : reflections on the origin and spread of nationalism*. London, Verso, 1991.

‘Mr Woods the printer’ to be prepared for circulation.<sup>12</sup> The reason for the volume of correspondence with the government is also important to consider. This thesis proposes that Maori addressed thousands of letters to the government because they thought that citizenship of the colony meant they had some purchase on government action. Letters are the Maori voice of colonial New Zealand; while this voice remains unheard, Maori choices about citizenship cannot be understood. The study of Maori language documents therefore offers the possibility of representing a historical Maori view rather than a sympathetic gloss on Western meanings, and is what this thesis aspires to.

Nevertheless, the task of translating meaning across a wide conceptual divide remains daunting. One strategy that has been adopted to overcome it is to ‘thicken texture’ through the presentation of quotation, mainly in translations by the author.<sup>13</sup> This adds colour that illustrates how different Maori accounts of events can be from those of official memoranda, as this 1844 account of the distribution of payments for the Fitzroy Block shows:

Their hearts were aggrieved, they were angry, because they were not given any of the cows or double-barrelled shot guns; for we took the view that as the land was not theirs, but belonged to ourselves, we should get the cows and the shot guns...They brooded on this and the upshot was that on 11 December the call was heard, ‘Hey! Puketapu are being attacked by Taranaki!’ So the Nga Motu people went off to see the Puketapu, and the Puketapu’s guns had been spiked. Therefore the Nga Motu people thought they were going to be friendly, so they talked, and food was cooked. But Puketapu got angry and took up their guns, and they fought, and a few Nga Motu people were killed by the Puketapu people.<sup>14</sup>

By no means all, or even most, of the Maori evidence is so vividly descriptive; neither, equally, is it as unsophisticated. It seems important to emphasize that a Maori history is not, in an intellectual sense, a ‘history from below’. Nevertheless, the passage quoted illustrates the proposition on which this thesis is founded, which is that Maori documents enable a history to be written from the point of view of Maori

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<sup>12</sup> AGGHB4/13, (National Archives, Wellington). Renata to Superintendent [of Wellington], 19 March 1861.

<sup>13</sup> The translation and editing of text in the thesis is by the author unless otherwise stated. Where material exists only in original translation, as is the case with some official documents, quotations may be slightly re-punctuated and formatted.

<sup>14</sup> Sir Donald McLean Papers, 1832-1927 [ATL]. MS-Papers-0032; folder 668a, Wiremu Kingi, Poharama Te Whiti, Wiremu Kawaho, Emera Te Puke, Hoani Ropiha, Piripi Hapimana and Wiremu Tama to Governor, 14 Dec 1844. In future referenced as McLean Maori Letters, MSP32: [folder number and letter, if any].

protagonists, and that this view is different. The utilisation of the Maori source prevents the past from existing solely in terms of the colonists' records, and detached from Maori truth. Yet, there is a sense in which it would be foolish to think that a history that is *different in kind* can be produced from penetrating the Maori thought world – or indeed should be. On the contrary, Maori-language documentary sources confer equality on Maori history in the academic arena, by allowing it to be studied in the same way as the history of Pakeha. That is, they enable a history to be written that is not the past of memory, solacing imagination or retrospective political justice, but one which draws its strength from the fact that it sits in the same historical court of judgement as histories derived from the documents of the British. Nevertheless, and as a final explanation of the methodology employed in the study, it seems necessary to repeat that a history of Maori from Maori sources is easily overwhelmed by the familiar thinking of the court it aspires to enter. For this reason many chapters of the thesis reinforce its premises by bringing topics to attention *again*, as the threat or seduction of familiar thinking is constant.

The major archival base of this thesis is the Maori letters in the collection of Donald (later Sir Donald) McLean, the chief 'land commissioner' (buyer of Maori land) and architect of land policy throughout the period covered by the study.<sup>15</sup> There are thousands of these documents existing for the Taranaki, Wairarapa and Hawke's Bay regions. These were all areas gripped by the colonial land market, and have provided the geographical parameters of enquiry in this thesis.<sup>16</sup> The majority of the letters are addressed to Donald McLean; the rest to other officials, the Governor, occasionally the Queen, or some combination of the above. Further letters written between Maori, and preserved in the Atkinson Collection, have provided a valuable linguistic control on the McLean sources, because they show that Maori used the same language in speaking to each other as they did to address officials of the state. Reports of Maori political meetings preserved in the McLean papers or other official archives have also been extensively used, including printed Maori in the newspapers and *The Appendices of the Journal of the House of Representatives*; the degree of overlap with the manuscript sources strengthens confidence in the analysis based on

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<sup>15</sup> British officials in this period also wrote in Maori, which was the main language of official communication between the two peoples. Where replies to Maori letters exist, they provide an invaluable context to the letters from Maori.

<sup>16</sup> Letters in the McLean Collection from other areas show that the relationship with the state in the areas under study was not unique, but representative of national experience.

them.<sup>17</sup> An important source of information comes from the records of political *hui*, which are a window on the thinking of major leaders of all political stripes; these are invaluable for showing how Maori formally interact with each other. I am confident that the sources of this study represent the opinion of the majority of Maori in Taranaki and Hawke's Bay. It is somewhat more difficult to get at the views of the disaffected minority; when Maori considered themselves in opposition to the government, they usually stopped writing to it; however they did not cease to write to each other. Silence is a sign of withdrawal of consent, and therefore fewer letters in the collections studied come from chiefs who supported revolutionist religion, at least until the approach of war impelled them to speak. However, religious nationalism is not a focus of the thesis, and as far as necessary the motivations of the Hauhau can be reconstructed from the archives of the King Movement and from contextual evidence such as the observations of relatives. As well, Hauhau teachings are well recorded by the Hauhau themselves. The messages of the faith were committed to writing and widely circulated. One is, however, occasionally reminded of the slipperiness of conversational exchanges as evidence. Indeed, some material is more interesting for its insight into the modes of an oral society than for factual content. Curiosities such as a letter from Paora Toki reporting that 3000 Pakeha had died in a single battle say a lot about social strain, and are also a reminder that the Maori community was still largely dependent on news travelling from person to person; rumour was an ordinary part of the political process,<sup>18</sup> and exaggeration was a guide to strength of feeling; these were mechanisms for helping people to form their political views. Finally, it is necessary to reinforce that the decision to restrict the thesis to the neglected Maori sources of New Zealand history also creates limitations. Any study of the 1840s – 1860s period is a political history of the relationship between Maori and Pakeha, and a picture which concentrates on one side of a relationship will be incomplete, in the same way as restriction to English sources has already produced a partial account. A future balance will require more various contributions than are available at present. In particular, the researcher is almost always aware that there is a crucial area of political evidence which has not yet been fully explored, which is the question of how the past

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<sup>17</sup> Private correspondence between Maori, now mostly lost, was probably extensive in the 1850s and 1860s. For this reason the Maori letters in the A. S. Atkinson Collection (Alexander Turnbull Library, Wellington) (Wtu) merit close study. A preliminary survey of this source suggests that the Kaingara Movement, previously thought to be a *tapu*-removal movement, was in fact a sovereignty movement which, among other things, tried to institute a system of land tenure among its followers.

<sup>18</sup> McLean Maori Letters, MSP32: 688b. Toha to McLean, 23 March 1864.

relationships between different families and *hapu* affected their political choices. If the broad outline is simple enough – briefly, that groups who live on the territorial margins often have mixed allegiances – this is still not much help for understanding the actions of the many individuals who take an independent line from that of the group, or change what seemed to be a firm allegiance.<sup>19</sup> Further progress will require evidence from historical *whakapapa* and other tribal knowledge. This would have been invaluable in this thesis even at the simplest level, for example to correct names which are unclear in the manuscripts and to form some idea of the relationship of communities to each other. The absence of this information means that the present study is more theoretical in some of its conclusions than is ideal. However, there is reason to think this imbalance will be corrected in the future as more Maori enter the historical field; their emphasis on *whakapapa* (relationships through blood) will balance a Pakeha emphasis on *korero* (meaning through story).

### **The implications of literate Maori society for citizenship of the state**

If literacy was the engine of intellectual change in colonial Maori society, it shaped the political history of New Zealand in particular and conflicting ways. It was a force for an intellectual independence that defied the hegemony of the Pakeha, yet at the same time the authority of its western reasoning was a force for securing the assent to citizenship of the Maori majority. It ensured that the separatism of the nationalist minority would nevertheless be founded on an introduced foundation of law. This was, as the quotation that opens the chapter states, ‘the eye of God’, which is the eye of ‘[western] literate man’. It is hard for a literate mind to perceive the intellectual leap that the introduction of literacy into an oral society represents. The oral and literate modes of thought do not lie on a continuum; the one does not, without intervention, produce the other. In a culture without the written word a past moment has no independent life, such as is created by record; it is dependent for its survival on the continuing will of people for it to do so. A decision in an oral culture belongs to the time it is made; its force can only be extended past that time by ritual re-enactments which keep its life in the present tense. In pre-contact Maori society, past events that continued to be important in the perceptions of the people were renewed by chanted invocations, recitation of genealogy, and by the re-telling of the stories

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<sup>19</sup> The striking east coast cases of the former mission associate Anaru Matete or the former civil servant Nikora Wakaunua, both of whom eventually became Hauhau converts opposed to the government, suggest that this topic would repay study.

that fixed and explained the world. Information that had outlived its usefulness – such as the stories of extinct or absorbed groups of people – quietly disappeared, as a constant process of unconscious selection kept the body of knowledge within the boundaries of the human capacity to remember. This process also kept knowledge politically focused on the people who were in present control of it; oral memory was, above all, a mechanism for supporting power relationships in the present. By contrast, the ability to record introduced by literacy fixes action in time. The record insists on change, by continually stretching out the distance between the now and the then. It also insists on accountability, by fixing boundaries to the amount of re-interpretation that can plausibly be applied.

If literacy introduced qualitative changes to Maori thought, there was also a quantitative aspect to its impact. While a tribal society may be westernised without becoming literate, literacy gave Maori access to a much wider range of the western cultural repertoire. This armed Maori to deal more effectively with change, but it also ensured that change would be more speedy and far-reaching. Literacy arrived not only as a technology of communication, but as a political power. For example, the ‘written word’ of Maori signatures claimed authority for the Treaty when Maori subsequently disagreed with the Governor; it claimed authority for land sales when Maori had signed a deed. The authority of the person, speaking in a particular place and time, was superseded by the authority of the word – speaking on paper through time. The particular relevance of this to the present study is that letters created the political relationship between Maori and the government. A strikingly recurrent feature of the Maori letters is the plea to see the Governor or his agents face-to-face – that is, for the relationship to proceed in a Maori political mode; the Hawkes Bay chief Karaitiana Takamoana, in a typical example, told McLean that he and his people were 'very depressed' at the lack of communication, at the same time assuring him of their loyalty.<sup>20</sup> Nevertheless, in spite of the strong Maori wish for relationships with the government to be conducted *kanohi ki kanohi* (face to face), the exercise of citizenship proceeded largely on paper. What sense Maori had of participation in the state was gained through the medium of writing. In the immediate post-1840 period there was little in the way of state apparatus to relate to. However, the state sprang into life when it reinforced the act of legitimacy begun by the ritual of document signing in

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<sup>20</sup> McLean Maori Letters MSP32: 675h. Karaitiana Takamoana to McLean, 9 September 1851.

February 1840. This began immediately with a series of proclamations; it was enlarged by the setting up of a government newspaper, and by the early enforcement of criminal laws. Most importantly, the state was created by the volume of correspondence which passed between officials of the government and Maori.

The establishment of a literate culture among Maori affected the deep structures of their society. Literacy set up an undermining alternative to the transparency of group consensus that was formed in political meetings: reading allowed people to form individual views, and writing allowed them to make private communications. Individuals were able to act in their own interests without reference to the group or fear of attracting its sanctions. In the trial of strength between Wiremu Kingi Te Rangitake and his challenger, Te Teira Manuka, the new conception of the political capacity of the individual would trigger war in Taranaki in 1860. This development is represented in the large number of letters from individuals seeking to exclude others from a sale or, which is often the same thing, payment for land.

If intense, early engagement with the written word distinguishes nineteenth century Maori history, this chapter has argued that it has been tainted in the modern New Zealand mind by association with 'colonialism'. As a result, the influence of literacy on Maori thinking must be retrieved rather than simply stated. The existence of a large body of historical writing by Maori challenges the view that 'authentic' Maori history survives only in oral tradition. However, although Maori and English manuscripts lie side by side in the archives, *the standard nineteenth-century Maori persona in the historiographical literature is non-literate*. Analyses based on this persona arise, in my view, in part out of the quest for a New Zealand identity that localises Pakeha by virtue of a relationship of difference with the *tangata whenua*. In this reading, Maori 'identity' is constructed on the horizontal plane of contrast with Pakeha 'identity', rather than on the vertical plane of history. While this began in the attitudes of the anthropologist Elsdon Best and others in the early twentieth century, it was revitalised in the post-World War Two search for white New Zealanders' national legitimacy. It can be traced in the devaluation of Maori literacy in favour of the emotional attractiveness of a pristine, traditional orality, which devaluation occurred at the same time that an imperial model of New Zealand history was rejected in favour of nationalism. Ironically, a series of articles published in the 1960s and 1970s by Michael Jackson and others used reports by the very missionaries who thought the spread of literacy among Maori miraculous to argue that literacy was less

important than previously thought – a new magic for which Maori had limited use after initial curiosity waned.<sup>21</sup> The twentieth century scholarly assault on Maori literacy created false distance between Maori and Pakeha. Although unwittingly, it reinscribed the meanings of the settlers, whose bid to justify their treatment of Maori by reference to Maori barbarism originally produced the non-literate persona of nineteenth-century Maori. The position that literacy was an essentially alien set of skills was boosted in 1985 by an analysis of the Treaty of Waitangi that showed that most of the 500-odd signatories signed with their *moko* (facial tattoo) or by proxy; relatively few men of status, therefore, were literate in 1840.<sup>22</sup> However, both Donald McKenzie's and his predecessors' analyses are flawed, because they make general assumptions from the consideration only of beginnings. Most of the signatories to the Treaty were chiefs whose established status owed little to Pakeha; they were already politically powerful, and had little motivation to learn how to read and write. But mission schools were full of their sons, and in the sons' generation, that is, after 1840, literacy became a condition of leadership. The 1840s saw the exponential growth of Maori literacy, so that by 1851 the former (but recent) custom of pinning a note on a tree – rather than sending it by post – was already a relic of a simpler age:

Although a host of chiefly views opposes my decision, it will never falter. Do not say my decision is like that in a letter affixed to a tree, which before many days has fallen off. My decision endures!<sup>23</sup>

The image of letters pinned to trees is a reminder that writing was a 'mission escapee' that became a medium of secular communication among ordinary Maori. The following letter, never intended for other than family eyes, illustrates the point that writing was not a vehicle for display, but a simple extension of the voice:

Friend Te Mokamokai, greetings. Nanny Pahiko, greetings to you and Te Mokamokai; my love to you both. This is to let you know that Rai is sick.

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<sup>21</sup> See C.J. Parr, 1961, 'A Missionary library. Printed attempts to instruct the Maori 1815-1845.' *Journal of the Polynesian Society [JPS]*, Vol. 70 No.4, Dec 1961 and 'Maori Literacy 1843-1867' *JPS*, Vol. 72 No.3, Sept 1963. See also Michael Jackson, 'Literacy, Communications and Social Change' in I.H. Kawharu, (ed.), *Conflict and Compromise*, Wellington, Reed, 1975. For a recent view see Tony Ballantyne in Stenhouse 2005. It seems likely that attendance dropped as the Christian faith became the ordinary profession of Maori, and the prevalence of English-derived first names in *whakapapa* lists of the period suggests that baptism quickly became the social norm. Church attendance was low in mid-nineteenth century England; the ordinariness of Maori Christian belief probably produced a comparable nominalism, and this points to the rapid westernisation of Maori society, especially in missionised areas.

<sup>22</sup> D.F. McKenzie, *Oral culture, literacy and print in early New Zealand: the Treaty of Waitangi*. Wellington: Victoria University Press, 1985, p.43.

<sup>23</sup> McLean Maori Letters, MSP32:675a. Ihaia and Tamati to McLean, 15 February 1851.



Come quick! Pack a kumara for me for my tea! Rai is lying sick, and we are sitting here sad. That's all.<sup>24</sup>

It is important to underline that literacy gained a place in Maori society regardless of whether the people were pro- or anti-British. The following scene, where letters were read out on a marae, offers a glimpse of how writing offered concentrated ideas, which an observer specifically contrasted with the diffuse nature of traditional speeches:

Karareama Te Kapukai, (the host of the *hakari* [feast], - a speech of welcome. Te Hoia and Epiha Taitimu (of the Ngatihuia), - loyal speeches but rambling. After two hours desultory speaking on the side of the Ngatiraukawa and Ngati Huia, Karareama rose again and proceeded to read letters. Wi Hapi (Heremia's coadjutor) interrupted him – "Wherefore all this delay? Come to the *take* (subject). Is it *kohuru*? (murder)  
Karareama: It is *kohuru*.<sup>25</sup>

In conclusion, literacy among Maori cannot be judged by the evidence of around 1840, on which scholars have concentrated, because this period pre-dates the emergence of a Maori literature.

It is a fundamental premise of this study that if the Treaty of Waitangi provided a formal context for Maori to realise their hopes for the modernisation of their way of life, it was literacy that provided the content, because it fostered the adoption of modern, secular modes of thought and also allowed Maori to gather new political ideas, especially from the Bible, about the organisation and role of the state. Nevertheless, an explanation of the logic of the methodology employed in the thesis to deal with the history of a literate tribal people fails to indicate the strangeness of listening to Maori voices in a Maori world. The worry remains that using quotation as an *argument* from the Maori voice – rather than the usual illustration of it – will unduly test the reader accustomed to authorial, third-party distance in the writing of history. In view of this concern, this chapter offers, in conclusion, an introduction to cross-cultural listening through the presentation of a selection of typical early colonial Maori letters, with accompanying comment.

<sup>24</sup> McLean Maori Letters, MSP32:671b. Wiremu Te Mahoe to Te Mokamokai and Pahiko, 23 September 1847. (It is possible that Rai is actually dead.)

<sup>25</sup> *AJHR* 1863, E3 No.2, Encl.1, p.47, 'Notes of a meeting of Native tribes at Katikihu, Otaki' 22 May 1863; the italicisation and translations in round brackets are original.

Letters about land dominate the McLean Collection of Maori letters from its inaugural year, 1844. By then, Taranaki Maori were already aware of the potential for strife in land sales:

After you left on the 21st the gathering had a talk about the land, and most of the people were finished when that man called Te Ropiha Moturoa, who came from Wellington, stood up. He grasped his taiaha [fighting staff], and as he spoke he stamped his feet and leapt up, saying, 'I will not freely give away the land, because its price is blood.'<sup>26</sup>

The strong comment that land is bought with blood connects with a major aim of this thesis, which is to challenge the assumption that Maori had little grasp of the actions of a land-buying government, through lack of understanding that land transactions represented permanent alienation.

Many early letters express an expectation that the government will be responsible for the maintenance of social order, which was severely challenged by the uproar of land deals. In 1844 the Te Atiawa chief Wiremu Kingi requested military assistance in a dispute between Puketapu and Taranaki *hapu* over payments for land:

Listen, Governor, to our last word to you. Formerly this tribe fought against the Pakeha. Now we are fighting each other. For that reason we wish to be sent some soldiers to guard both us and the Pakeha.<sup>27</sup>

Maori letters show a sense of the possibilities that newly existed for the modernisation of society. They focus strongly on the measures for securing just treatment and therefore social order that were now available to Maori as citizens:

This is to inform you that when people mention the names of our places to you, you should consult us, lest you forget which are our lands. It is not proper for other people to make agreements about our places - in spite of the fact that Ngati Apa have been paid for them. That was your decision. You, the Pakeha have your way of dealing with your land, and it can be our way of dealing with our land. Now, if a certain Pakeha sells another Pakeha's place, he goes to the magistrate to demand that he put the matter right. Therefore let that be the rule for us. If we do not get [paid] we will go to the judge to get our lands returned to us, for a great number of our places - that is, lands, were sold to you by Ngati Apa.<sup>28</sup>

<sup>26</sup> McLean Maori Letters, MSP32:668. Poharama *et. al.* to Governor, 14 December 1844.

<sup>27</sup> McLean Maori Letters, MSP32:668. Wiremu Kingi *et. al.* to Governor, 14 December 1844.

<sup>28</sup> McLean Maori Letters, MSP32:674b. Raihania Takapa, Paora Tarau to McLean and Taylor, 18 May 1850. Even where the letters seem most individual and idiosyncratic, they often contain an implicit plea for guidance on how to apply new principles of management to old problems, as in the following passage (McLean Maori Letters, MSP32:668, Epiha to McLean [n.d.] 1844): 'Now when my wife

An agreed land sale made Maori the Governor's ally. The Te Atiawa chief Wi Tako wrote to demonstrate how he used his authority on the Governor's behalf:<sup>29</sup>

When I heard of the intention to oppose Governor Grey I assembled the 380 Ngati Awa Maori for the purpose [of saying that] the decision over the lands is to be left for Governor Grey alone, so that it will be properly done and the people not disturbed.<sup>30</sup>

Wi Tako asked McLean to have his letter printed, so that all could see that he had a share in the power of the state.

That Maori existed within the same political jurisdiction is clear in the mode of communication within the correspondence. It is typical for Maori to state a forceful political position, but then pass the responsibility for the next move to the Governor or his agents. In stating the authority of absentee owners of Taranaki land, Wiremu Kingi Rere finishes his letter with such a phrase:

Friend, son, McLean, do not listen to what men say about Waitara. We have heard that Pehimana and Ihaia have approached you about Warenuī, for you to agree that it is to be for the Pakeha. However, you know what I said to you. The authority lies with the people of Waikanae and Arapawa, or rather, the authority concerning this place, Waitara, is with everyone. Son, all the people here are determined about their land at Waitara. However, the thought is yours.<sup>31</sup>

Literacy provided a new kind of forum for Maori who may have been former enemies to talk and spread news, perhaps especially such news as enhanced the consequence of the tribe. Maori wrote letters consciously designed to be read around the country. An 1851 letter in which Te Wakarewarewha and Hoani Waikato wrote to 'all the Maori chiefs' to advertise the sale of Heretaunga is an example of how

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arrived here she behaved well to me, we did not fight and nothing was wrong – nothing. She was very good to me, was my wife. Latterly, she has wronged me, and I have been working out what I think about these things - about her ejecting me, and being angry and everything, and up to my first talk to you these things were lot entirely clear...but since then, I have actually caught her in an act of adultery...' McLean declined to refer the case to the Governor because of the woman's bad character.

<sup>29</sup> Maori personal names are presented in this study according to Maori norms of usage, in which people were known by one name. After conversion, Maori were normally called by their baptismal name, which was usually an English or biblical name, transliterated into Maori. Where, as in the case of 'Wiremu' (William), the baptismal name was shortened, it was often (apparently for a more rhythmic length) combined with a surname or existing Maori name; thus 'Wiremu' gives 'Wi', which prefaces, in the case of a Wellington chief, 'Tako'; 'Wi Tako' is therefore this chief's usual name. As the range of baptismal names was relatively small, a plethora of men are called Wiremu, Hori (George), Kingi, (King) Aperahama (Abraham), Hoani (John) and so forth in the literature. Where necessary for clarity, both forename and surname will be used.

<sup>30</sup> McLean Maori Letters, MSP32: 675c. Wi Tako to McLean, 12 March 1851.

<sup>31</sup> McLean Maori Letters, MSP32: 669b. Wiremu Kingi Rere to McLean, 10 July 1845. The use of the phrase '*kei a koe te whakaaro*' (the thought is yours) to end the letter indicates the persistence of the Maori idea that decisions are the prerogative of individuals rather than produced by the mechanisms of a system.

different was the thinking of an era in which land sale could be regarded as a triumph of entry to the modern world:

To Hori Te Hanea: you have a look at [the letters], then let it go everywhere - to the whole world! To Rangitikei, Wanganui, Taranaki and everywhere, to all the chiefs, young people and women and men elders; sons, greetings to you all; members of the Church, greetings to you wherever you live; friends, pay heed - all Maori, chiefs, all Pakeha. Heretaunga has all been taken by McLean. Nothing remains to the Maori; the part the Maori were holding onto has all gone.<sup>32</sup>

While Maori might write in support of the government, sometimes Pakeha masqueraded as Maori in order to add authority to their opinions – which is in itself a comment on the status of literate communications among Maori. The official newspaper *Te Karere Maori* promoted a consistent, cruel line of reasoning to encourage Maori to participate in the colony via land selling. The following unsigned document directed at Taranaki Maori plays upon fears of war, foreigners and the cessation of trade, all of which encapsulated the desires and fears of Maori engagement with European civilisation. The piece may or may not have been written by a Maori (as it claims),<sup>33</sup> but is presented here because its insistent use of the word ‘now’ either illustrates an acute sense of change if the author is Maori, or, if it is Pakeha-authored, offers an equally valuable indication of the pressures Maori literacy enabled the British to bring to bear on the tribes:

I write because I greatly desire that we should prosper and succeed. I want to see how we can both retain our standing and increase it. Listen, family. It is through love that I reveal my mind about land. Land is what causes us trouble. Some of you say it is by holding onto the land that we will succeed. No, family, no. If we keep blocking up the land, no Pakeha will stay in this district; then there will not be anywhere for us to live here, no goods for us here. If we did not have Pakeha as a palisade for us, Waikato would have continued to harass this area and we would not be able to return to live here. If we did live here, what sort of existence would it be? A poverty-stricken existence, a fearful existence, an existence of despair.

Now, the Pakeha came and we gave him a part of the land, and we and the Pakeha now live together - dwell together, prosper together, work together,

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<sup>32</sup> McLean Maori Letters, MSP32:675a. Te Wakarewarewha and Hoani Waikato to ‘all the Maori chiefs’, 29 January 1851. In fact this letter never reached its recipients. It was intercepted by Taranaki Maori who gave it to McLean. Halse annotated it: ‘this letter fell into the hands of Ihaia and Tamati who gave it to me to read. I thought it better to keep it from those for whom it was intended and by the desire of the above, now enclose it for your [i.e. McLean’s and the Governor’s] approval.’

<sup>33</sup> The piece is better punctuated than most Maori work, but the question of authorship cannot be easily resolved, as the surviving copy may have been prepared for publication in the newspaper.

gain possessions together, succeed together. Now we have no enemy near us; the Pakeha are our backbone, a secure fortress for us.

Look at me. I sold part of my land to the Pakeha, and now I live well on another piece. Now, my remaining piece is extremely precious to me. If I were to keep it all for myself, I would not be able to occupy it, the effort would be never ending and I could not make a success of my land. No matter how much land I had it would not bring me success - it would be success for the weeds and for lying idle, or maybe success for an enemy who comes and takes my land by force and I am killed on the run.<sup>34</sup>

As well as shaping thinking about the relationship with the government, literacy allowed a new conception of Maori society to develop in reaction to state power. Letter writing campaigns formed a major publicity drive through which support was sought for inter-tribal unity in the King Movement:

I say, stop trusting the Queen. Consent to the King. Thus I write to you. Taiaroa has consented to the King; also Ngati Raukawa, Ngati Whakaue, Tuhourangi and Ngati Kahungunu; that one at Te Wairoa has also agreed to the King. Thus I write to you. Hear this. End your support for the Queen...Do not persist in selling land; leave the land for our children. Soon everyone will support the King.<sup>35</sup>

The profoundly biblical thinking displayed in the writings of Maori thinkers shows that literacy was essential to the articulation of opposition to the illegitimate exercise of power by the state.<sup>36</sup> Every major movement arising out of the politics of sovereignty had literate founders (the King Movement, the *Hauhau* or *Pai Marire* faith, the Repudiation Movement, the Parliament or *Kotahitanga* movements), and every individual political and religious thinker with aspirations beyond the client-practitioner relationship of *tohungaism* depended on the written word as a source of teaching and for the dissemination and preservation of the message: Tamati Te Ito, Te Ua Haumene, Tawhiao, Te Whiti, Te Kooti, Te Maiharoa, Potangaroa. By far the most important well of ideas was the Bible: the Old Testament for politics and the New Testament for ethics. The Old Testament offered a model of the godly nation state to the King Movement, while in the Hauhau movement Te Ua Haumene attempted to maintain community peace in a context of war by teaching New

<sup>34</sup> McLean Maori Letters, MSP32:702m.

<sup>35</sup> McLean Maori Letters, MSP32:683a. Nuitone Te Pakaru to Wiremu Nera, 14 February 1859. The repetition of 'thus I write to you' is an echo of a rhetorical device common in speeches.

<sup>36</sup> It also provided the basis of reconstructions of identity in nationalist religions that arose during the 1860s.

Testament ethics.<sup>37</sup> Whether or not they were supporters of the government, all Maori political leaders depended on the Bible as a language for explaining the new rules of society. Yet, the transformative influence of political literacy has largely been hidden from the historiographical view. While the reasons lie partly in modern distaste for the the lethal combination of the cross and the sword that permeates the justifications of New Zealand's former imperial history, they also lie partly in the nature of early colonial Maori society. In the period under study the Bible provided an explanation of the world which made religious sense – that is, sense in the familiar terms of Maori culture – of the changes Maori were experiencing, thus blurring perceptions of the extent of political change.<sup>38</sup>

An extreme response to westernisation was complete psychological capitulation. An example is the testimony of Kaingamata of Ngati Ruanui, written in 1842 for his 'friends'. The testimony records a copybook evangelical progression from ignorance through intimations of personal wickedness to experience of God and wholesale rejection of the former self. Kaingamata was a slave of the Waikato people who became a Christian under the teaching of John Whiteley at Kawhia. His initial reason for becoming a church-goer was worldly:

I did not like [Whiteley's] preachings. What I did want was a shirt, for I had no clothes, being a slave. To this end, I worked for Whiteley, and I was given a shirt, trousers and jersey; and my heart was glad that I had a red shirt.<sup>39</sup>

After some time, however, 'the power of God' came to Kaingamata, and he 'ferently longed for God.' He conceived such an aversion to Maori ways that he had to live in a house by himself as he 'could not bear to hear Maori things.' He looked back in horror at his former life of 'eating human flesh', composing songs for his flute, committing adulteries and doing the *haka* (a dance with aggressive and sexually explicit poses.) While Kaingamata's experience is a convulsion that represents the far end of the scale, nevertheless the list of 'Maori things' he left behind reflects a standard Maori experience. By mid-century cannibalism was more or less ended; references to flute playing are so few and their airs so totally uncollected that this must have been on the way out as well. *Haka* were suppressed - at least around

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<sup>37</sup> See L.F. Head, 'The gospel of Te Ua Haumene' in *JPS* Vol.101, No.1, March 1992, pp.7-44.

<sup>38</sup> The change is, however, is clear in the documentary record, for example, of King Movement procedures: when land was placed under the *mana* of the king, this was treated as a land transaction, and the transfer was recorded in a deed.

<sup>39</sup> Hammond family papers, MS papers 4449-11 (WTu). Kaingamata to 'friends', 1842.

missionaries, but the expression of sexuality which was the main reason the clergy banned them was greatly muted everywhere. Kaingamata's testimony is therefore a chronicle of cultural change.

Writing such as the above begs the question of the influence of missionaries. The content of printed propaganda in the government newspaper, to which missionaries were major contributors, has strong parallels in surviving sermons and letters to Maori written by missionaries. The part they played in the chiefs' decisions to sign the Treaty is well documented, and missionaries frequently accompanied governors on official visits to Maori thereafter. Former missionaries and the sons of mission families often became civil servants, because of their Maori language skills and knowledge of the culture. George Clarke was a former missionary who was appointed to the public relations post of aboriginal 'Protector.' In one of the earliest statements of government policy on land sales to Maori, Clarke replied to Taranaki Maori living out of district who had written a complaint (now lost) about Ngai Motu Maori settling Pakeha on the absentees' land. In a letter introducing both the land agent McLean and the missionary John Whiteley, Clarke said:

You know that Pakeha will not be able to take your cultivations, and the portions of land you have not sold. The Governor will never allow it to be simply taken. There is a great deal of land marked out for you and your children. Who will be poverty-stricken?<sup>40</sup>

Missionary-sourced teaching about the value of peace was one of the *pou* (pillars) of Maori perception of the meaning of the Treaty of Waitangi. In letters by Maori a peaceful society is almost always depicted as a Pakeha society. In the following example, this teaching forms an important context for the evaluation of government action at Waitara:

So I thought you should know that when the plough was broken — the second of the ploughs — Rawiri called for the gun to be raised. Te Tahana and everyone agreed to Rawiri's desire, although Te Waitere was for further discussion. Rawiri would not listen. He said he will never listen to the opinion of Waitere, Tamati Waka and Te Tahana that fighting should be abandoned, and the laws of the Queen and Governor upheld.<sup>41</sup>

<sup>40</sup> McLean Maori Letters, MSP32:668. George Clarke to 'all the people of Taranaki', 16 July 1844.

<sup>41</sup> McLean Maori Letters, MSP32:676c. Hone Ropiha to McLean and Governor, 9 May 1852. Peace was most frequently described by Maori in the descriptive phrase *te noho pai*, lit., 'good (in the sense of peaceful) living', where 'living' has the feeling of 'staying put'. Research may well show that this was a Christian coinage.

Maori in the 1840s did not distinguish between missionaries and officials, who were the groups most concerned with the political education of Maori. There is a strong case for treating missionaries as agents of the state, which would open their actions to a similar scrutiny to that focused on official actions. Political education challenged traditional ideas about the value of land as strongly as Christianity challenged Maori morality, as in the views of the Kawhia and Taranaki missionary, John Whiteley, which were published in *Maori* in 1847. Whiteley's views were representative of those of a majority of Pakeha (a minority of missionaries and officials maintained more objectivity), and are presented as an example of the weight of the cultural propaganda which was beamed at Maori. A reflection on the causes of fighting, Whiteley's article is also worth translating because it states the view of pre-colonial Maori society on which the Pakeha history of New Zealand was originally built:

#### 5. Land.

The main reason there is a lot of fighting at present is this: the land, and the taking of land. This is why people must be extremely careful nowadays. This is my opinion: there was no properly laid down land law (and land wars are imminent at present). One tribe was expelled by another, another tribe expelled them, people died on one side and the other - they both fell on that same land. The result was that there was no end to it, no proper resolution, it was not properly sorted out.

Along came the Gospel - the faith. The tribes began to worship, and a complete end was put to fighting, but rules for the lands were not properly laid down. So, this tribe prayed and that tribe prayed and they all thought it was good together - no. The wrong lay underneath, they were praying on top of a faulty base.

Pakeha came to buy land, and then the wrong grew, for then this tribe and that tribe remembered the land over which they had fought and on which their dead had fallen in times past, and they determined to hold onto it. One tribe rushed to sell it, another to hold onto it; one said firmly, it was theirs, another said firmly, it was theirs; one objected, the other objected; one threatened, the other threatened; one fought, the other fought; one was destroyed, the other was destroyed — and the evil spread abroad. They remembered that the problem derived from previous actions - that there was no rule laid down prior to the fighting, and that there was none laid down now. Well, should rules be laid down for fighting? Indeed no, for the people are all destroyed and the land which was lying wrong is still lying wrong! Everything is wasted with quarrelling, and will never be resolved. That's why I say, stop fighting over land - it will never be resolved, it will never be right.

Perhaps you will say to me, 'It is the Gospel which has led us astray, because the land was not sorted out, hence the wrong.' No. If it wasn't for the Gospel,



it would never be sorted out. It would be quite destroyed through fighting, and the people would all be destroyed. Land will never be sorted out through fighting.

Then perhaps you will say to me, 'We thought that the faith would put an end to all evils, and that everything would be sorted out.' It is true: if a person clings firmly to the ways of the Gospel, evil will never increase.

Then you might say to me, 'What if someone takes our land?' Presently I will speak on that (I mean I will shortly write the ways through which fighting will cease). However this is my sole word: let the land be; although it is wrong, leave it wrong; although it be taken, leave it taken. It will not go away! For this is the way to think now: people must live, people must live! Mankind is a great treasure, land is a treasure of little account. Let not men be wasted on account of the land.

6. This is a further cause of fighting: excessive caution towards Pakeha; excessive fear of the British.

I say that Maori people do not have the proper attitude to Pakeha. Because you say that your land has been grabbed by the British, and that you have been completely subjugated and destroyed by the British.

Now pay attention! Don't you say I'm a Pakeha, and my sympathies lie with the Pakeha! No. My sympathies are with you, hence I say we, we. While I am certainly British, I have gone over to your side, thus I am able to say that you should give thought to my address.<sup>42</sup> Now, I know the principles of British civilisation; I know the reasons behind their travelling to other lands in the past, and I know the reasons that caused them to come to this island now. Formerly the British went in ignorance to the lands of ignorant tribes: both the British and such tribes as owned the lands were ignorant. Teachers did not precede them. It wasn't like this in this island, where the teachers and the Gospel of God came before, and British settlers after.<sup>43</sup>

This is an instructive passage for the Pakeha view of the relationship between Maori and land, which view was reflected back to Maori. Land was not presented as an economic or political phenomenon, but as a moral issue of the same ilk as, for example, plural marriage. This inscribed a deficit model of Maori ownership, in which land was the cause of the fighting that was evidence of a barbarous backwardness. Such a representation was highly destructive of the coherence of Maori culture, in which fighting was chiefly, honourable and imperative. War was not something

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<sup>42</sup> See also Bishop Selwyn's speech to disaffected Maori at Peria in 1862, where he claimed that everyone in New Zealand was now a 'half-caste' because of the relationships created by the Treaty of Waitangi; *AJHR*1863, E12 No.4, pp.4 ff. 'Speech of Bishop Selwyn at the Peria meeting, 27 October, 1862.

<sup>43</sup> John Whiteley, *He rongomau, he rongomau, ka pa kia mau te rongu*. Auckland: Williams, 1847. pp.4-7.

external to the culture, which could be excised without affecting the whole, but part of its structure. What Maori of the 1840s were being encouraged to give up in favour of civilisation, therefore, was not redundant aspects of their culture, but its central identity. This places the universal decline in tribal fighting in a clear light as evidence of the rapidity and radical nature of change. It makes equally clear that in order to prevent the speed of change becoming a reckless stampede, a strong, internally consistent alternative to fighting was required. This offers a plausible explanation for the general toleration by Maori of such post-Treaty government as functioned and, more specifically, for the huge Maori respect for, and interest in, the operation of law. The penetration of both the idea and the operation of government based on a code of law explains Maori outrage when, in 1859, Governor Gore Brown arbitrarily changed the mode of land sale established over twenty years, and accepted Te Teira's offer of Waitara land. The deeply felt sense of the betrayal of trust in *a set of principles* gave a crucial impetus to articulations of Maori nationalism.

A final source of literate influence on Maori that needs to be considered is the genre of instruction in citizenship written in Maori by Pakeha. Maori literacy delivered to the government this tool for social and political re-education. It produced a literature in which Pakeha increasingly possessed the reasons that Maori engaged with the British and used it to promote the state. Tribal culture was contrasted with an ideal model of Maori citizenship. The aim was to reinforce British values in order to argue that the customs of the Maori past were an impediment to progress and articulation. The writers were government officials, missionaries, sometimes under Maori pseudonyms, and a few Maori anglophiles: John Whiteley, who would, incidentally, be the last missionary killed by Maori (in 1869) provides an example which is unusual by being published in book form, but nevertheless representative of the genre:

### 1 Cursing

Give it up! My opinion of cursing is that no-one dies of it. People can curse away at me, but their curse never sticks to me. People can curse away at you, and their curse will never stick to you: it will come back to them, and kill them. So I say to you, don't fight a man who curses. Leave him cursing and his curse will return to him, along with the consequences, and destroy him.

### 2 Illicit sexual relationships

That is a very evil thing, but to my way of thinking the evil is not only the man's doing - it is partly the woman's, and you are all partly responsible. You all believe in sleeping communally, sleeping any old way and any old how - the men, the women, the girls, the married people and the single - all sleeping together in one house, like pigs do!

Another thing is that you are holding onto your women and not properly arranging it that they are given in holy matrimony to one husband each. Now, the result of this communality and withholding is adultery and fornication. No, you are all responsible for the evil, not just the woman or the man, and not only the two of them; all alike are in error. Therefore don't just punish the one on this account, because you are all guilty.

### 3 The theft of goods

My opinion about this is that it is not right to kill someone for stealing goods. It is proper for him to be tried and punished for his thievery, but as for killing - don't do it! Possessions are not important, people are what matter.

### 4 Murder

My opinion about murder is that this is a great crime. Your customary [response] of all-out war is wrong: give it up! You proceed to fight the warparty, and they start to fight back, and then the trouble gets worse. Someone falls on this side, someone on the other; one seeks revenge for his dead, the other seeks revenge for his; one threatens, the other threatens; one does something brave, the other does something brave, and there is no end to it. As for the man who first committed the murder, and whose cause it is - he might be quite safe inside the pa. He does not die - instead, innocent people die, and countless people are the price for the sin of that one man. And so I say that fighting over a murder is not right, for other people get killed while the man who committed the crime does not get killed or anything. He is the only one who should die; do not let everyone be lost.<sup>44</sup>

However false a note such propaganda strikes now, Maori did change their culture in the directions Whiteley outlined. Sexual misconduct was heavily punished in local *runanga* (deliberative councils), plural marriage disappeared, and intra-group fighting in response to theft and murder was largely replaced by the 1850s with a system of locally imposed fines and, in the case of more serious offences, trial in state courts.<sup>45</sup>

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<sup>44</sup> Whiteley 1847, pp.4-5.

<sup>45</sup> These developments were at least as marked in post-1860 movements dedicated to resistance to Pakeha domination as in loyalist communities. In fact these movements frequently had elaborate codes of conduct with draconian fines for transgressors. As with Bible-influenced religious movements in other countries, prophet leaders sometimes exempted themselves from laws enjoined upon their followers.

## CHAPTER TWO

**The case against distance****the pre-1840 development of Maori ideas about land, the state and nationality**

Maori did not reject the operation of government after 1840, in spite of its conceptual foreignness and the infrastructural weakness that largely confined it to what Maori called *taone Pakeha* (settler towns). Whether or not they signed the Treaty of Waitangi, they welcomed governors and officials into their settlements, complaining of neglect when they were too infrequently visited. The welcome went further than the traditional *manaakitanga* (hospitality) whose political function was to show a community who their friends were; some tribes moved towards the implementation of the government's prescription of law, while even those chiefs who rejected government by foreigners emulated British constitutional arrangements by setting up their own king; they devised their own, parallel law codes and ran courts with power to fine offenders. While the short reach of government requires us to speak formally of a British presence in Maori society rather than the uniform institutionalisation of British authority, this should not suggest that indigenous lives were lived outside knowledge of change in the political landscape. On the contrary, the volume of their correspondence with the state shows that Maori responded as if it possessed legitimacy. Even supporters of the King Movement in the 1850s continued to treat the British as if they were the duly constituted rulers of their own domain (land purchased from Maori) and as if government based on coded law was the proper kind.

The reasons why Maori might support a foreign model of political organisation, and accept the legitimacy of its operation, have been little studied. This

is in part a result of pre-conceptions about the political capacities of pre-modern societies, while a more subtle restriction is produced by what seems, on the surface, to be the opposite of this attitude: the respect for difference that characterises modern academic studies of colonised peoples. However, when ‘otherness’ dominates descriptions of contact between the west and tribal societies, false distance can be created, and echoes and parallels that exist between them are likely to be hidden. The premise of this chapter is, first, that even at its most traditional, culture did not always create distance between Maori and the British; as often as not, it worked in favour of British interests. Second, existing Maori political thinking did not offer barriers to alliance with a stronger people, and an understanding of Western ideas developed in the *seventy-one years* of interaction between Maori and Europeans between Cook’s visit in 1769 and when the Treaty of Waitangi was signed in 1840; the italics have been added to draw attention to the fact that there were three generations of contact between Maori and Pakeha before the colony began. This length of time seems almost to guarantee that Maori would not inhabit the same thought world in 1840 that they did in the eighteenth century; this sharpens the question of whether false distance has been created between Maori and their British ‘Treaty partner’. Taking the position that this is the case, the aim of this chapter is to reduce the distancing effects of anthropological stasis and historiographical moralism as the frame of study of post-contact Maori political thought, and replace these with fluidity and dynamism.

The view that a Maori language for thinking about country, sovereignty and government was present by 1840 will be tested in this chapter through an examination of the surfaces of both pre-Treaty Maori behaviour and the thinking expressed in early Maori documents. The concentration on surfaces is deliberate. The chapter does not anatomise the deep shaping forces of tradition, neither does it consider another deep force, which is the early post-contact influence of the organised body of foreign ideas that Christianity represented. In both cases the assumption of universal authority that characterises such systems of ideas gets in the way of presenting a series of moments that allows ideas to be glimpsed operating in their time; this is what is meant here by ‘surfaces’. This approach has been adopted as a means to create a context for contemplating Maori as political actors, not ethnographic subjects. It is hoped that its ‘pictures’ of Maori life will counter the distancing mechanisms inherent in a cross-cultural study.

A chapter which observes ideas expressed in language or behaviour, but does not attempt a systematic tour of a world view, is something of a blind man's elephant, and it seems advisable to outline its shape. Evidence will be given of tribal thinking about the relationship between authority and land, first through a consideration of a Maori view of property that establishes *mana* as the basis of traditional rights, and then through a discussion of a 1793 Maori map that shows that the political horizons of a Maori person at the dawn of the modern (i.e. post-contact) period were the tribe. These foundation positions will then be contrasted with a neglected Maori document of 1831, the 'King's Letter', in order to argue that Maori understood that the basis of sovereignty is not rights, but power.<sup>1</sup> Following this, the final section of the chapter will attempt to reduce the conventional perception of distance between British and Maori polities by an exercise in which the pre-modern arrangements of Maori society are analysed in terms of the language of modern state organisation.

### **The connection between *mana* and land**

The difference between Maori and Western political thinking that receives most attention today attaches to notions of property. The conventional scholarly view is that the term 'ownership' does not describe the relationship with the land that existed before the colony forced Maori into seeing it as an owned, and realisable, asset. This view is in part advanced to underscore respect for difference. It is connected in the present with the spiritualisation of Maori culture, which is, in turn, the result of an identity fashioned on difference from Pakeha rather than on historical antecedents within Maori culture. However, the view that Maori lacked a concept of ownership with respect to property is built on the foundations of thinking of a land-owning settler state, and it is moreover intensified by a long tradition of de-politicising Maori thought. The notion lacks grounding in Maori evidence recorded in the early colonial period, and in the opinions of contemporary Pakeha. Richard Taylor, the most scholarly of the mid-century Maori-speaking writers on Maori, represents this group when he observed of New Zealand that '[t]here is no part, however lonely and apparently unknown, of which the natives do not know the

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<sup>1</sup> 'Maori' in regards to the the 'King's Letter' and the 'Declaration of Independence' means the Maori in the Bay of Islands and Hokianga area where shipping, trade and mission stations were well-established. The powerful tribes of these areas were those whose signing of the Treaty of Waitangi was considered by the British as the validation of the transfer of sovereignty. Their experience, however, stands for the direction the rest of the tribes would follow and therefore the geographic circumscription does not undermine argument based on northern experience.

owners, and the different boundaries.’<sup>2</sup> It is instructive that a knowledgeable Pakeha such as Taylor uses the word ‘ownership’ without qualification or comment; his calmness suggests that its meaning was without contest. Justification for this choice of language, and a basis of challenge to the assumption that ‘ownership’ was a notion unknown to Maori, is embedded in Taylor’s account of a conversation he had with a chief (unnamed) on the subject of the *tohu* (marks of possession) which were remembered in the landscape:

In going through a large forest, a Chief who was my companion, said it belonged to him. I asked how he knew his boundaries, he said he would point them out when we reached them; at last he stopped at the foot of a very large tree, whose root ran across the road; he pointed out to a hollow in it, and asked me what it was. I said, it was like a man’s foot. He replied, I was right; it was an impression cut by one of his forefathers, and put his foot into it to show it fitted. This, he said, is one of my boundaries, and now we are entering on the land of another.<sup>3</sup>

The chief’s notion of proof of ownership (his foot fitted an ancestral groove) is culturally distinctive, but analysis of this passage softens the apparent difference between Maori and British views of property into a more equivocal ‘like/not like’. The chief’s description of the boundary assumes the existence of something recognisable as private ownership: this side of the *tohu* the land is mine, beyond the mark it is not. This simple statement, which is backed up by the thousands of Maori land deeds which set out the boundaries of land to be sold, challenges the view that Maori formerly had no notion of private property; it is ironic that it is the view held by scholars arguing for the existence of exclusive Maori property rights in the present. Neither, as we will see, is the problem solved by seizing on the words ‘private’ and ‘mine’ as inapplicable to a society where property belonged to the group. Richard Taylor’s language echoes that of other early writers, but the particular value of his vignette as evidence is that he was not attempting to prove a point about land ownership when he told it.

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<sup>2</sup> See also, e.g., Joel S. Polack, *New Zealand: being a narrative of travels and adventures*, London: Richard Bentley, 1838, Vol.II ; Sir William Martin, *Ko nga tikanga a te Pakeha*. Auckland: Government Printer, 1845. (Also reprinted in *He Maramatakahaere*, 1846, pp.17-30); Edward Shortland, *Traditions and superstitions of the New Zealanders*, (2nd ed.). London: Longman, Brown, Green, Longmans & Roberts, 1856; and Fredrick Edward Maning, *Old New Zealand : being incidents of native customs and character in the old times*. London, Smith Elder and Co. 1863.

<sup>3</sup> Rev. Richard Taylor, *Te ika a Maui: New Zealand and its inhabitants*. London: Wertheim and MacIntosh, 1855, [reprint, Reed 1974], pp.385-6.

Nevertheless, if there seems no reason to avoid ‘ownership’ as a description of Maori rights to land, a crucial unlikeness to Western thinking is also present in the picture painted by Taylor. The chief would not have thought of himself as a landed magnate, because authority in Maori society was not based on property, but on *mana* (power);<sup>4</sup> his conversation with the missionary was a demonstration of *mana*, which must now be explained. Only past events that demonstrated *mana* (or its catastrophic loss, as in a major defeat) were handed down in Maori memory. The fact that the chief could point to an ancestor’s mark in the land was proof that his line had continued to prevail in the territory – that is, it was historical proof of the present *mana* from which political consequence flowed. This *mana* included possession of land, but there was no land/power equivalence operating in Maori society. Chiefs might or might not be great landowners, but *mana* was always the personal quality of individual chiefs. Behind Taylor’s companion were metaphorically ranged his living relations, but both he and Taylor are silent about this support of chiefly authority. This is because the *mana* is held in him and not them (except by association). In the same way, the chief and his living relations all utilise the land for sustenance, but he alone is spoken of as its owner, because the *mana* inheres in him. In summary, if the chief’s possession of *mana* can be properly expressed in terms of ownership of the land, as in the case examined, *mana* was nevertheless not based on such ownership; land was not the source of a chief’s political consequence. This, however, was changing as Taylor and the chief spoke. After 1840, the decline of political *mana* – that is, the loss of power of chiefs – under colonial government allowed a new social equality to emerge within Maoridom *at the same time* as land became the lynchpin of the economy; the two changes were interconnected. The decline of the chief would create a power vacuum within the tribes, as there was no longer any operative authority over land that was larger than the use-right conferred by the bestowal of labour. To look beyond the chapter, this produced both the intra-group conflict which contributed to war with the government and the development of political nationalism. The value of the incident recorded by Taylor is that it provides a benchmark against which change in Maori ideas about authority and land can be measured.

The chief as the repository of *mana* was the central Maori idea of political power. This notion is unstudied as a historical phenomenon, and is obscured by being

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<sup>4</sup> This is a ‘shorthand’ translation of a complex word which is discussed in Chapter Three.



considered an ethnographical one in the mainstream academic literature. In addition, current Maori epistemology strongly holds that *whakapapa* (genealogy) politically ordered – and orders – the indigenous world.<sup>5</sup> This view emerged in its modern form in the later nineteenth century, for an interlocking range of Maori and Pakeha reasons. Political *mana*, or executive chiefly power, declined from 1840 and was extinguished by war in the 1860s. When the Maori population was at its lowest ebb in the years following the war, *whakapapa* celebrated survival in an often hostile white society. A past that was exclusively and securely Maori grew in cultural importance.<sup>6</sup> At the same time, the assimilation by Maori of western notions of chronology gave new weight to a countable antiquity in an increasingly historicised culture. A long *whakapapa* – extreme examples were made to stretch back to the mythical primal parents, Earth and Sky, or Maui or even the introduced ancestors Adam and Eve – became a source of pride to their holders. In a parallel development in Pakeha society, a cult of Maori antiquity was encouraged by ethnographers, in particular S. Percy Smith, who used *whakapapa* as a way of fixing a scientific date for Maori migration to New Zealand. Equally important for the cementing of *whakapapa* as a source of authority was the influence of the Native Land Court. After the initial claim to a block of land was established in the court, *whakapapa* became the proof of ownership in succession orders, and this fed into culture. The changes in Maori thinking that avoided the question of *mana* in favour of a less political, and much more easily institutionalised *whakapapa*, or which made *mana* a result of *whakapapa* were (and are) responses to the destruction of political power. Prior to the development of the colony, however, the maintenance of the *mana* of an aristocratic line was not a proof that the world was ordered by *whakapapa*; the thinking was reversed. *Whakapapa* was the result of *mana*, because a failed line availed nothing.

In the passage quoted from Taylor, the chief's knowledge of a boundary formed by his ancestor expresses the older sense in which the ownership of property was *mana*. In this world, sustained control of territory pointed to what must be called the mastery of time. Maori religious power worked on the principle of time-breaking: *karakia* (invocation) to super-human ancestors, properly made, was believed to work

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<sup>5</sup> See, e.g., Te Maire Tau, 'Matauranga Maori as an epistemology' in Andrew Sharp and Paul McHugh (eds.), *Histories, power and loss; uses of the past – a New Zealand commentary*. Wellington: Bridget Williams Books, 2001, pp.75-96.

<sup>6</sup> In this period there was an indicative shift in the meaning of the word *tipuna* from 'grandfather', which is its usual meaning in the McLean Maori Letters, to 'ancestor'.

to recreate famous ancient remedies, or acts of power, in the present. A similar case of time-breaking was presented by *mana*. Power sustained over time could be measured in territory, as in the Taylor example, but that was not its point. The chief was the point. He personified the ancient, right order of the world, that is, its *mana*. A long history of ownership allowed the present a share in the power of the past, and this created the wholeness of the Maori world view. The primacy of the *mana* of chiefs in the ordering of the pre-contact Maori world suggests why Maori society was not organised as a territorial state. Warriors fought to gain, defend, regain or increase *mana*; in Western terms, they fought for honour not for country. Oral narratives make no suggestion that Maori fought in the name of a concept of mother- or fatherland; the figure of Earth as primal mother, *Papatuanuku*, married to Sky, *Ranginui*, explained the creation of the natural world, but nothing more.<sup>7</sup> Maori defined themselves by membership of a tribe rather than by amorphous metaphysical identification with ‘the land’ – or even with a more secular ‘territory’. Their sense of identity arose from a political relationship with past and present leaders possessed of *mana* (in a small scale society, biological relationships were assumed). This, however, does not make Maori society very different from eighteenth-century Europe, where loyalty was usually to a national community and not to a notion of the state. The situation changed in the nineteenth century for both peoples. Among Maori, the most significant post-contact conceptual development would be the change from a people-centred notion of power to one based on the ownership of land. Changing the focus of *mana* back from land to people is the key to understanding how power was re-conceptualised in the colonial period and chiefs became less important than land. This process was completed within the period of the present study.

### **A Maori depiction of tribe, territory and power: Tuki’s map**

Evidence for the post-contact emergence of a conception of land as the site of political power can be found in the evolution of the terms Maori used to describe it. There were no names for tribal territories in the sense of ‘countries’ before the Europeans arrived, and even less reason that a tribally organised society would have a name for the New Zealand land mass as a political entity. There was a descriptive word, *whenua*, for land (as opposed to sea and sky), but no native word that shaped it

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<sup>7</sup> Chiefs with their backs to the wall, however, might take comfort in the idea of dying on their own land.

as a territorial state. In letters to the government the use of the generic words *motu* (island) or *whenua* for the ‘countries’ which Maori now knew comprised the world represents the survival of an older culture. North Islanders used *tenei motu* (this island) for the North Island, and *tera motu* (the other one) for the South Island (southerners reversed the terms). *Motu* reflects the spatial finitude of a former Pacific island culture; like *whenua*, it is embedded in the natural world. Both terms, however, were politically utilitarian and lacking in shape. The absence of specificity suggests why Maori in the colonial period normally preferred an introduced term, *Niu Tireni* (New Zealand), for the name of what they newly conceptualised as a ‘country’.

The moral indignation about colonisation that emotionally structures much of modern New Zealand historiography makes a study of linguistic change appear somewhat minute and remote. However, the assumption that the state is based on a treaty that semantically misconprehends Maori ideas of sovereignty and property rights has been a dominant idea in recent readings of history, and this justifies a search for their existence and meanings in the years before 1840. Novelty in thinking about land arrived hard on the heels of eighteenth-century contact with Europeans. The first Maori map of New Zealand was drawn by ‘Tookey-Titter-a-nui Wari-pedo’ [Tu Kite Te Ra Nui W[h]are Pirau; henceforth Tuki, the name Europeans called him] in 1793 in response to the enquiry of the governor of the Norfolk Island penal colony.<sup>8</sup> If the idea of drawing a map was foreign, the mind behind the drawing was Maori. What mattered to Tuki was not the contours of the land, but who the chiefs were, the location of the *pa* (forts), the number of warriors they mustered, and the lines of communication between them. The development of musket warfare is sometimes said to have militarised Maori society, but this view is erroneous. Long before the introduction of muskets, Maori attention was absorbed by the *mana* of fighting strength, and not by the extent of territorial possessions.

Tuki’s map emphasises ‘home’ not ‘land’. ‘Home’ represents the boundaries of a world. Tuki drew (what the foreigners called) New Zealand as mostly belonging to the people who lived north of the Bay of Islands and the Hokianga harbour; their territory alone has geographic detail suggesting a familiar coastline (or perhaps Tuki’s shipboard acquaintance with European maps of New Zealand.) A track is shown as meandering southwards through to Hauraki and a comically small remainder of the

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<sup>8</sup> The map is reproduced from Anne Salmond, *Two Worlds; early exchanges between Maori and Europeans 1773-1815*. Auckland: Viking, 1997, pp. 222-224.

North Island; like the South Island, it is purely conceptual. This map is almost the earliest surviving Maori documentary evidence of the shape of Maori thinking; it is a mind map rather than a geographical artefact. It delineates a strictly tribal world, in which chiefs did not ‘rule territory’, but defended the strength of the group or of home – the two are contiguous. The other indigenous drawing that dates from eighteenth century first contacts also deserves a mention, because it fills out the same picture. Drawn by a Tahitian called Tupaia who accompanied Capt Cook, it shows a cloaked chief and an English gentleman exchanging gifts, in the chief’s case a cooked crayfish, and in the Englishman’s, a piece of white linen. What is striking about the picture is the equality it depicts between the two chiefly representatives of different cultures. Both men are dressed in the accoutrements of power and are depicted as possessing equal dignity. Tupaia draws the crayfish as much bigger than the piece of cloth, and displays it much more prominently, which may suggest that he thought the crayfish the finer gift.

In 1793, therefore, Maori lacked a notion of New Zealand as a territorial entity or a national political community. This supports the evidence of Taylor’s encounter with the chief as a mark for evaluating subsequent change. From the standpoint of this study, which ends in a colonial war fought over land policy, the map provides a long view of the central change in post-contact Maori political thought: from an eighteenth-century concentration on people to a nineteenth-century focus on land. However, it seems necessary to consider whether centring Maori society on its view of power and not on land overly emphasises Maori ‘difference’, in anticipation of a cultural-relativist objection that at least potentially, an idea of ‘country’ existed in the figure of a great fish hauled from the sea by a superhuman ancestor, *te ika a Maui* (Maui’s fish). This, indeed, was the answer Maori gave to James Cook’s question about how their land was called. It is portentous that the name of the country was one of the first pieces of information that Europeans sought from the indigenous inhabitants, yet such an enquiry does not show that Maori had a notion of country. Rather, it is evidence that from the beginning of contact, Maori were asked to re-conceptualise their world view in European terms. In the Maori (and wider Polynesian) cosmos *te ika a Maui* was a literary notion, appearing in narratives about the origins of land. It responds to metaphysical speculation about why things exist, and not to politics.

*Te ika a Maui* was seized on by Pakeha as a metaphorically satisfying name for Maori New Zealand (or the North Island, on which the term eventually settled). Popularised by Richard Taylor in his 1855 book of the same name, it was subsequently co-opted into the ‘mytho-poetic’ reading of Maori culture that the present inherits. As a name for New Zealand, *Te Ika a Maui* is equivalent to ‘Albion’ as a name for England (or to the *Aotearoa* which emerged in the colonial period as a sentimental, if inaccurately translated, ‘Land of the Long White Cloud’). *Te ika* would be an innocuous literary conceit, except that it shows how Maori culture was subtly removed from the political arena in white consciousness. Taylor’s fish, in the mid-nineteenth century, was Maori *Niu Tireni*. This was the un-exotic term Maori used for New Zealand at a time when, in the minds of both them and the British, the ‘people of New Zealand’ were Maori. Indigenous use of *Niu Tireni*/New Zealand as the name of the country announces Maori as political moderns, and is evidence of an antecedent change in ideas. *Zeelandia Nova* was, of course, named by the Dutch explorer Abel Tasman in 1642. A Western language of ‘country’ in respect of New Zealand is therefore far older than its European settlement. Furthermore, a political grammar followed the very beginnings of white immigration. The term ‘New Zealand’ first appeared in a work aimed at conversing with Maori in 1815, within a year of the establishment of a Christian mission. Thomas Kendall, one of two missionaries, published a dual-language primer which contains the sentence:

*Kapi ta karakea a koraro no New Zealand [Ka pai te karakia a korero no New Zealand] (It is good to read the language of New Zealand)<sup>9</sup>*

The significance of this fragment of instruction does not lie in simple firstness, but in the fact that Kendall keeps the words ‘New Zealand’ untranslated, in the same way that he elsewhere employs an English ‘God’.<sup>10</sup> ‘God’ and ‘New Zealand’ were words of weight to Kendall. He apparently considered them culturally untranslatable because they denoted concepts without an equivalent in Maori thought, of which Kendall was a keen (if confused) student. Kendall’s foreign view converges with the evidence of Tuki’s indigenous map to show that Maori initially lacked a concept of ‘country’ in the sense of a unified political community. Kendall was nevertheless an agent of

<sup>9</sup> [Thomas Kendall], *A Korao no New Zealand ; or, the New Zealander’s first book; being an attempt to compose some lessons for the instruction of the natives*. Sydney, G. Howe, 1815, pp.30-31.

<sup>10</sup> ‘God! Ta ingoa no ta Atua Nue [God! Te ingoa no te Atua Nui](God is the name of the great Atua)’. Kendall 1815., p.48. In the example ‘God’ is already in transition to *Atua* (God), with the initial capital serving to distinguish the Christian deity from the multiplicity of gods surrounding Maori.

change, and the passage quoted from his phrase-book provides for such a conceptualisation to emerge: he called Maori language ‘the language of New Zealand’, which implies the existence of a Maori nation.

Other Europeans in this period were forming a language for identifying Maori as a distinct people, where they had formerly been simply the generic savage of the European imagination. In the 1820s an educated sealer named John Boulton compiled a lexicon in which *tangata mauree* [*tangata maori*], (normal or ordinary people), a term hitherto used by Maori to distinguish humans from the likes of fairies, separates the local population from *tongata bulla* [*tangata pora*], (canoe people), the term southern Maori used for Europeans, or *tongata pahkihow* [*tangata pakeha*], (fair-skinned people); the latter term was used by Bay of Islands Maori, and soon supplanted the southern version.<sup>11</sup> The Maori documentation is a little later, but it was their education as sailors on whaling and trading vessels, or as guests of British captains or participants in trade with foreigners that generated the early lexicon, and the transliteration *Niu Tireni* for ‘New Zealand’ was doubtless familiar in Maori speech in the first two decades of the nineteenth century. *Niu Tireni* appears in the first documents dictated by Maori before literacy was introduced, as does *Maori* as the name for the indigenous people.

### **The ‘King’s Letter’ (1831) and Maori perceptions of sovereignty**

The most interesting evidence that a language for viewing Maori as a modern political community was in place before the establishment of the colony is contained in the first letter Maori addressed to the British government, in 1831, in response to a rumour that the French intended to annex the country. The ‘King’s Letter’ (as it is known) was written in Maori at Maori dictation by a missionary, William Yate, and consists of a request by a consortium of northern chiefs for British protection of Maori sovereignty.<sup>12</sup> The ‘Letter’ has, however, been regarded as little more than a curiosity by writers on historical Maori politics, perhaps because it is stalked by the bogeyman of automatic cultural judgement: its naïf expression does not meet our cultural expectations of a communication with the Crown, and invites patronage. This objection is, however, false. The plain style of the ‘King’s Letter’ is so far removed

<sup>11</sup> A. Charles Begg & Neil C. Begg, *The World of John Boulton*. Christchurch: Whitcoulls, 1979, p.282.

<sup>12</sup> The Maori text of the ‘Letter’ is in Great Britain Parliamentary Papers (GBPP) 1840, [238], p.7, petition enclosed in Yate to Colonial Secretary, New South Wales, 16 November 1831.

from the elliptical and decorated language of Maori public rhetoric that it appears to have been a mode adopted by Maori specifically to communicate with Pakeha.<sup>13</sup> Another reason for the neglect of 'the Letter' may be doubt that a document penned by a member of a self-interested group – the missionaries – has credibility as a Maori production. However this objection fails on the logic of modern scholarship. Historians are at pains to emphasise the independence and power of the pre-Treaty chiefs. This emphasis is often proper, but the possession of power has implications. If the chiefs were in charge, then the argument that the 'Letter' is a missionary speaking in a false Maori voice is not easily available. The chiefs who signed the letter (with their *moko* or facial tattoo) were indeed powerful in local terms, their names appearing in many contemporary annals. Their actions, and the views expressed in the 'Letter' must therefore be evaluated through the eyes of Maori power. The letter reads in part (in the original translation):

We have heard that the tribe of Marion [the French] is at hand coming to take our land, and therefore we pray thee to become our friend and guardian of these islands...lest strangers should come and take away our land.

'Taking away our land' (*kei haere mai nga tangata ke ki te tango i to matou wenua*) is a plain expression of fear of conquest and loss of sovereignty. What is more, it is expressed in territorial terms, which makes the 'Letter' the earliest expression in Maori of the idea of possession of territory as political power. This dates Maori understanding of a Western notion of territorial sovereignty to 1831.

The possibility of loss of sovereignty was not a theory that the British had insinuated into the chiefs' heads, but their response to an actual circumstance – the sighting of a French warship off their coast. Behind their credible fear is awareness that power in local terms would fail if the French chose to wage war. It is evidence of Maori already weighing themselves against the technological superiority of European power – and, as members of an assertive culture, deciding to act. The chiefs look for an alliance, *on the foreigners' terms*. This was a new political strategy, based on new factors in the terms in which power was to be calculated, that marks the beginnings of a Maori foreign policy. More veiled, but equally important for the study of change in Maori thinking, the 'Letter' underlines the emergence of the notion of obsolescence in Maori culture. In respect of war, if it began with the introduction of muskets, how it

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<sup>13</sup> This suggestion is borne out by post-Treaty letters to the government, almost all of which also adopt a simple style which became the standard language of cross-cultural communication.

must have been accelerated when Maori saw the apparition of a French warship with its tiers of cannon. Reflection on this incident prompts warnings against the smugness of suggestions that contact with the West expanded the scale of Maori culture but did not change its content.

In the 'King's Letter' the chiefs also ask for a measure of government on New Zealand soil. While limited in scope to the regulation of the behaviour of visiting British nationals, the request has broader implications. Maori had already faced European retaliation for reprisals they had taken for violations of the local code of conduct, notably in the case of French revenge for the death of Marion DuFresne in 1772 (to which the 'Letter' refers).<sup>14</sup> Asking the British to control the sailors and adventurers perching in the Bay of Islands expresses a Maori dilemma of governance arising from the failure of foreigners to be absorbed into the local tribe. As a separate 'tribe' living alongside rather than within the Maori community, Europeans were liable to contest involving bloodshed in cases of dispute between the two groups, as the chiefs point out:

And if any of thy people should be troublesome or vicious towards us (for some are living here who have run away from ships), we pray thee to be angry with them that they may be obedient, lest the anger of the people of this land fall upon them.

This passage is more complex than its surface suggests. With their vastly superior numbers in 1831, Maori could have simply killed all 'troublesome and vicious' foreigners. This is commonly adduced as evidence of pre-Treaty Maori power. However the fact that Maori did not harm foreigners but, on the contrary, sought help from the British government to discipline them, points in another direction. It is more plausible to think that Maori failed to curb foreign settlement not because they felt securely in charge, but because they considered that they were already in the orbit of European power. The chiefs may well have thought of the British and French in their own (Maori) terms, as the standard position would have it, but it was precisely in those terms that the foreigners were too dangerous to deal with. Governing them by Maori methods might invoke the power of harm possessed by Europeans, which is the unspoken concern of the chiefs. 'Lest the anger of the people of this land fall upon [Europeans]' masks an opposite fear – that the anger of the foreigners, who had the

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<sup>14</sup> The memory of this event was passed down, because the scores of war were the history Maori preserved. The event remained politically alive in 1831 as an unfinished conflict.



means to kill more of Maori than Maori could kill of them, might fall upon them. In 1831, then, Maori were beginning to address the politics of international power. This required both diplomatic manoeuvring and the contemplation of political change.

The 'King's Letter' is signed off – grandiosely – by 'the chiefs of the Maori people of New Zealand' (*nga Rangatira o te Iwi Maori o Niu Tireni*). This phrase might have been a flourish added by Yate, as there is no Maori cultural precedent for chiefs claiming national authority. If it is the chiefs' phrase, it suggests that a European idea of how countries are ruled was known to them; if it is Yate's idea there is no reason to think it was added without their knowledge. In reality, the 'Letter' was authorised by thirteen men from Northland, which undermines its credibility in modern eyes. Viewed through the eyes of 1831, it is anything but foolish. In the Maori terms of the day, thirteen chiefs was an impressive concentration of real power. A chief's name conveyed his *mana* to its hearers so palpably that a historian working within Maori terms of reference feels impelled to present them:

Wharerahi, chief of Paroa

Rewa, chief of Waimate

Patuone, chief of Hokianga

Kekeao, chief of Ahuahu

Titore, chief of Kororareka

Te Morenga, chief of Taiamai

Ripa, chief of Mapere

Haara[sic], chief of Ohaeawai

Atuahaere, chief of Kaikohe

Moetara, chief of Pakenae

Matangi, chief of Waima

Taonui, chief of Utakura

In Maori terms nothing further need be said to convey the authority of these chiefs than their names. Yate's task, however, was to impress British officials, for which purpose he inflates the power of the thirteen in an expedient attempt to express Maori power in terms of British political culture.

Nevertheless, the damage Yate's extravagant language does to the reputation of the 'Letter' is serious. By calling them 'the chiefs of the Maori people of New Zealand', Yate notionally extended a highly localised political culture over a putative state. He gave Maori a unified nationality and a country. This created a convenient

fiction for dignifying British intervention in northern New Zealand, but misrepresents the Maori situation. The chiefs had no authority over New Zealand, and led no *iwi* in the singular sense of people or nation. They were powerful as traditional leaders, but fictional as rulers of a country. In spite of this reality check, the misrepresentation of the power of the chiefs fails to justify dismissing the 'King's Letter'. Its significance to Maori history does not lie in evidence of a Pakeha wrestling with the translation of culture. The 'Letter' points neither to 'Maori power' nor to a manipulation-inviting native innocence. Instead, it constitutes an acknowledgement by a group of chiefs that the terms of power were no longer solely Maori in 1831. It states an inability to govern a country called New Zealand that existed in a political universe that included Europe. Distance between the 'worlds' of Maori and European was already diminished in terms of Maori political understanding.

The 'King's Letter' began a sequence of formal acts of engagement that would culminate in the Treaty of Waitangi. After a British resident was appointed, tribal and foreign cultures present in the Bay of Islands continued to run in parallel. The chiefs protected the Resident, James Busby, from Maori bad behaviour, and the Resident helped to protect Maori from its foreign equivalent. Maori had projects and ceremonies in which the British participated, as guests at feasts and funerals, or peace-brokers in tribal wars, and the British had theirs, in which Maori participated. The most important of the latter occurred in 1835, when the Resident produced a 'Declaration of the Independence of New Zealand' as part of a plan to register locally-built shipping.<sup>15</sup> The inflated language of this document again initially suggests that Maori naivete was being exploited, but the matter requires consideration from a Maori point of view. The choosing of a flag and the signing of a document were British ceremonies *in which local chiefs had a role*. That is, chiefs were included in what shreds of government existed in New Zealand. They had a share in business that had serious purpose to the British. Looked at in this light, the invitation to the chiefs to choose the flag for the country they were declared to rule, and the rituals of the secret ballot and majority vote that were honoured in what stands as New Zealand's first election, cease to look grotesque. Instead, they can be seen as exercises in government through which a native realisation emerged that government was something that could be undertaken by Maori and British together. Viewed in these

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<sup>15</sup> The Maori and English texts are reproduced in Claudia Orange, *The Treaty of Waitangi*. Wellington: Allen and Unwin, 1987, pp.257-259.

terms, the incident of the 'Declaration' gains shape as an example of the background of Maori understanding of Governor Hobson's pronouncement at the Treaty of Waitangi ceremony, *He iwi tahi tatou* (We are one people.) It is a cogent reason why the statement should cease to be maligned, ignored or, as was the case in 2005, politically re-interpreted in a Waitangi Day speech by the Governor General to approve cultural separation.

If the 'King's Letter' and the 'Declaration' chart the intellectual education of Maori in the culture of British government, this operated in a context of practical experience of what a society governed on a British model looked like. Mission farms, with their neat buildings, gardens, fences, fields and paths were a miniature vision of civil society; so, equally, was the missionaries' nemesis – the port of Kororareka across the bay from the churchmen's settlement at Paihia. From a few huts on the beach in 1830, Kororareka had grown by 1838 into a port town. By then it had sufficient self-regard for a group who called themselves 'the householders' to look for civic regulation and respectability. They formed the 'Kororarika[sic] Association', and framed laws for an informal colony defined territorially in the same way as in contemporary deeds for land bought from Maori. While it may seem a small point, this definition is significant as evidence that the traffic in pre-Treaty New Zealand was not all one way, but that a bi-cultural political culture was already operating:

From Matavy [Matawhai] or Brind's Bay, in a straight line across the land to Oneroa, or the Long Sandy Beach, and all the land that is bounded by the coast from the Beach to the Bay.'<sup>16</sup>

The Association's aim to govern in a defined territory amounted to a de-facto claim to sovereignty. In fact, the small experiment soon folded, but its demise is also instructive. The law-abiding settlers of Kororareka were unable to make regulations stick in the absence of an overarching formal structure of government. This puts them in much the same position as their Maori contemporaries, for whom the equivalent structure was based on the spiritual sanctions of *tapu* mediated through the *mana* of chiefs. The behavioural consensus in the Maori community formerly achieved by *tapu* was crumbling, as Christian and secular influences grew. If the lawlessness of foreign sailors was legendary, it had an echo in the havoc caused among Maori by gun-toting warriors. 'Respectable' Kororareka and the thriving farm settlements of the Church

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<sup>16</sup> Jack Lee, *I have named it the Bay of Islands*. Auckland: Hodder and Stoughton, 1983, Appendix 6, pp.306-308.

Missionary Society (CMS) provided examples of alternatives to the violent disorder that always threatened to disrupt Maori lives. In 1830 a fight (which only seems specially bloody because Europeans watching from the safety of ships described it) erupted at Kororareka that left the beach strewn with the dead, but in 1837, a further round of the same struggle was largely confined to ritual displays of aggression.<sup>17</sup> There were many reasons for the decline in violence, such as the need to protect a new accumulation of property and the spread of Christian values, but, in summary, Maori and Pakeha both had good reasons to welcome a more orderly community in the 1830s. If the British were driven by the need to re-create in New Zealand the kind of society they had been raised in, for Maori the challenge was that of jettisoning the familiar and stepping into the new, and this must prompt reflection on the relative positions of the two peoples in the post-Treaty dispensation.

This chapter has explored the European-held fallacy of pre-Treaty Maori innocence of western ideas. Maori experience included visits to England, sojourns in New South Wales, sailing with the whaling fleet and trading with the world. The acquisition of new technology coupled with the decline of old beliefs generated multi-faceted change. New answers to new problems of governance (among other things) were needed, but this whirling pre-Treaty world is muted in present thinking, in part because the anthropological literature undervalues the facts and implications of change. The seventy-year pre-Treaty Maori interaction with Europeans fares no better in the hands of either nationalist and revisionist historians, whose emphasis on, *precisely*, 1840 can easily reduce the earlier era to a caricature. The pre-Treaty period remains ritualised into a stiff folk narrative with no deeper scholarly purpose than establishing New Zealand's existence in time. The Pakeha trilogy of Tasman, Cook and Treaty is paralleled by the Maori trilogy of Kupe, Toi and fleet. Both sequences have a common source in western historical chronology, while keeping the two histories strictly apart. As a result, in the literature Maori are presented to the treaty table unprepared, and are subsequently governed by means they largely fail to comprehend. 'Miscomprehension,' indeed, has become available as the saving explanation for any post-Treaty Maori behaviour that appears not to support the interests of the future, as gauged from twenty-first century hindsight.

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<sup>17</sup> For the interesting case of the 'Girls' War' of 1830 see Hugh Wilson, *From Hongi Hika to Hone Heke: a quarter century of upheaval*. Dunedin: McIndoe, 1985, p.6ff.

The problem in the historiography and popular understanding is one of gaze and voice. This chapter has argued that there are no absolute ‘two worlds’ of pre-1840 Maori and Pakeha culture that meet at the Treaty of Waitangi, and that ‘distance’ narrows and ‘unlikeness’ becomes equivocal when Maori behaviour is analysed in terms of both its traditional antecedents and post-contact change. A political culture centred on the power of chiefs did not preclude the development of an understanding of European concepts of sovereignty, property rights and governance, and indeed, such an understanding did develop before 1840. The creation of ‘new needs’ wrongly stands (almost) alone in the literature as the explanation of change in Maori society. This explanation is too materialistic; new ideas and understandings, whether imported or evolved from experience, were equally important drivers of change. In particular, broadening horizons of thought allowed Maori to think that political union with England and the introduction of civil government were both possible goods, and, in 1840, the way forward.

### **The case against distance in the depiction of Maori political organisation**

There seems no reason, in principle, why the argument against distance in the evaluation of a tribal society should not be tested against the formal vocabulary of analysis of the modern state. In his work on government, S.E. Finer stresses the role played by type of political organisation in creating the foundation of modern power.<sup>18</sup> According to Finer, the state has the following characteristics: territorially defined populations each recognizing a common paramount organ of government; a bureaucracy backed by military power; international recognition of sovereignty; consciousness of common nationality; and agreed sharing of duties and benefits.<sup>19</sup> European society in New Zealand had these attributes in 1840, at least conceptually, because settlers brought their culture with them; it is less evident that parallels to Finer’s list of characteristics exist in Maori political organisation. While some features of modernity are, indeed, absent – for example, a modern belief in equality – partly the view is simply obscured by the habit of emphasising difference, and of employing different languages for talking about the two polities. The final part of this chapter will attempt to reduce false distance by describing the political conceptualisations of Maori society in the vocabulary of the modern state; the

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<sup>18</sup> S.E. Finer, *History of government from the earliest times*, Oxford: Oxford University Press, 1997.

<sup>19</sup> Finer 1997, p.3.

implications of this exercise for understanding the post-1840 period will also be discussed. However, this is not to say that Finer's language will be adopted as a working vocabulary for the thesis; the purpose here is to create a more spacious stage for the study of a tribal society.

Finer's first requirement for the state is a territorially defined population recognising a paramount organ of government. Maori territoriality has been noted above in the examples of the chief's boundary mark and the conceptualisation of home in Tuki's map, yet a link between territoriality and the 'recognition of a paramount organ of government' seems initially problematic. A conceptual parallel does, however, exist in the *mana* of chiefly leadership on which the possession of territory depended.<sup>20</sup> Chiefs were the 'paramount organ of government' in the tribes. This means that when they signed the Treaty, or when they sold land, they were, in Maori terms, politically competent to make decisions on the scale that the cession of sovereignty required.

Finer's second requirement is a bureaucracy backed by military power. Kinship ties and highly-trained memories provided chiefs with an organisational machine that exercised record-keeping functions. Chiefs were successful as civil governors and military commanders to the extent that they could command force, as supplied by their relations and allies. In their turn, followers based their consent to be governed and willingness to fight on score-keeping evaluations of the chief's performance. At every gathering the political landscape was painted in speech, dance and song by men of consequence; the heroes of the tribe, the reasons for resource ownership, the allies to be treated with deference and, above all, the unavenged defeats that required military action were all rehearsed. These were the records of the tribe.

It is not possible to argue a case for international recognition of Maori sovereignty after New Zealand became a British possession. Equally, prior to 1840, the independence of Maori society was assumed by the British, but not its political sovereignty.<sup>21</sup> This, however, imposes an European notion of what sovereignty must look like, and prompts reflection that if only European societies can display it, much

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<sup>20</sup> The *mana* of display was also apparent in the modes of operation of the British in New Zealand, and therefore would have presented the reassuring face of familiarity to Maori.

<sup>21</sup> International recognition of British sovereignty over New Zealand was, however, important to Maori in the post-Treaty period, because the British offered protection from a perceived threat from foreigners, especially the French, who were active in the Pacific.

of the present debate on what was ceded in the Treaty of Waitangi is pointless. Maori were considered by the British not to possess sovereignty as the tribes had failed to achieve a British-like political unity. However, tribal territories were certainly ‘sovereign states’ in the sense that their owners were prepared to defend them. This suggests that Maori would be able to comprehend the nature of the sovereignty that the British claimed in 1840. In 1840 older traditions of dramatising belief still operated among Europeans as among Maori, and conceptions of sovereignty could be expressed in other than documentary terms, as attitudes to marks of territorial possession show. If Maori erected *pou* (poles) as a symbol of territorial *mana*,<sup>22</sup> Capt. Cook also followed instructions to plant the British flag on New Zealand soil as a token of power; Lieutenant Broughton did the same on the Chatham Islands, while the survivors of Marion du Fresne’s expedition buried a bottle of documents and claimed New Zealand for France.<sup>23</sup> The rumour of a French threat to annex New Zealand in 1831 prompted a chief to implore the missionaries to raise a flag, in the belief that this would impel the British to fight for Maori.<sup>24</sup> It is unexceptionable that the British Resident flew the Union Jack at Waitangi; more instructive, in light of its present expression of ‘Maori sovereignty,’ is that fact that the flag of New Zealand independence that was chosen by the chiefs in 1835 was subsequently flown by the settlers living at Kororareka.<sup>25</sup> After 1840, Hone Heke cut down the British flag four times to dramatise his opposition to British sovereignty. However, the evidence brought forward in this chapter supports the view that understanding of the meaning of sovereignty did not develop wholly post-Treaty; only criticism of its functioning, for which reference points were already in place.

Finer’s fourth characteristic of a modern state is a common concept of nationality. Having no experience of other societies, ethnicity as the basis of solidarity was absent among Maori, who initially thought of themselves as *tangata* (humanity) in opposition to the non-human beings believed to abound in the world. The

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<sup>22</sup> Tall boundary marker *pou* may be a post-contact development, deriving from the practice of erecting flag-poles at European settlements and at harbour mouths to signal ships. If so, the development was rapid.

<sup>23</sup> For Cook’s ‘instructions’ see Salmond 1991, pp.98-99. For Broughton’s instructions, see Michael King, *Mori Mori – a people rediscovered*. Auckland: Viking, 1989, p.43. For the French claim, see Salmond 1991, p.402.

<sup>24</sup> Orange 1987, p.11. Flags were the most important symbols of sovereignty in the post-Treaty period. When, for example, Wiremu Tamihana defended the right of the King Movement to exist, he did so in terms of the defence of his flag; *AJHR* 1865, E11 No.13, p.9, Wiremu Tamihana Te Waharoa to Governor Grey, 13 October 1861.

<sup>25</sup> Lee 1983, p.179.

boundaries of the group were provided by kinship and village, but all groups assumed that a common culture with human enemies existed. Subsequent to 1840, Maori judged their levels of civilisation culturally rather than politically, by the ability to read, write and live like Pakeha, and not by ethnicity. Their intention was to become citizens of Christian world civilisation. The realities of colonisation, however, would teach Maori to think of themselves in ethnic, and subsequently national, terms, but the previous absence of a pre-existing political conception of ethnicity stands out as a major point of difference between Maori and British thinking. It is an important difference, because it suggests a reason that Maori could contemplate forming one society with the British.

Finer's final criterion is 'community participation in distributing and sharing duties and benefits'. This is almost a definition of a tribal society such as Maori inhabited. Everyone worked to survive, and shared in the benefits of common labour. A strong brake on the development of autocracy was provided by the need of chiefs to attract the followers necessary to defend or increase power.

It seems interesting to 'bookend' this study of the antecedents of Maori political thinking with a longer glance at the post-Treaty situation. Finer observes that tribal peoples have at times overrun empires, but that maintaining power has required them to adopt the political modes of the conquered state, as in the case of the Mongol conquests of Persia or China. No claim is made here that Maori conquered the New Zealand colonial state (although James Belich has come perilously close to suggesting its possibility); however, the idea of the maintenance of political power by cultural shift is applicable to post-Treaty Maori society, certainly in the struggle of King Movement Maori in the 1850s and 1860s to stand outside the colony. The fundamental novelty of the movement was that it comprised a grouping of former enemies. Its chiefs attempted to run a coded system of local government in their territories, which they were pledged to defend from sale in the name of a king, the titular symbol of their claim to sovereignty. There was no precedent in Maori political organisation for the supra-tribal unity the King Movement aspired to, and, in the event, it was unable to mobilise enough support to destabilise the colony. However, the aspiration and energy in nationalist Maori politics for the rest of the century (and beyond) were all directed at the King Movement goal of *kotahitanga* (unity) – for which unity with the British had been the experimental template. Scholars of the evolution of the modern state have suggested that '[a]s a form of



polity, the tribe was an evolutionary dead end.<sup>26</sup> The evidence for the King Movement suggests that Maori had come to a similar conclusion.<sup>27</sup>

Limited participation in the Movement, and even more significantly, in the 1860s war, does not suggest that the desire to live in a new polity led by the Governor was confined to a radicalised or down-trodden minority of Maori: the lack of a general will to combine against the government suggests that the majority already considered this goal to be achieved through citizenship of the state. Whereas the signing of the Treaty in 1840 required a substantial degree of trust in the future, the war that erupted twenty years later required conscious political choice. The order of such choice makes suggestions of Maori incomprehension of the state seem gauche at best, while the rise of the King Movement argues strongly against conferring on Maori the (apparent) protections of an even more removed innocence. King Movement evidence makes clear that even where Maori constituted themselves antagonists of the state, their view of government fitted consciously within an imported model. Neither can the war be explained reductively in terms of logistics. The British did not win the war against the King Movement ‘simply’ because they had a bigger armoury, and Maori did not lose it ‘simply’ on lack of numbers. The British succeeded because most Maori did not wish to disturb the model of the modern state they had grown up in, however critical they were of its performance.

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<sup>26</sup> Finer 1997, p.2.

<sup>27</sup> Finer 1997, p.1. The view that the King Movement was driven by a unity arising from *whakapapa* (kinship) is an anachronism arising from the attempt to make cultural distance explain difference.

## CHAPTER THREE

**From the *mana* of chiefs to the *mana* of land**

**Where does the Governor get his authority? Is it from the Queen? Let him come; what power has he?<sup>1</sup> [1840]**

**The great powers – that is, the old chiefs – have passed into death. Their word remains to the world. Now it is the case that chiefs are holding off from carrying out their command that we cling to the Pakeha. Governor, great trouble now grows in this island. I see that the fire spreads.<sup>2</sup> [1864]**

**You speak of mana, what is the mana? Where is the mana? There is no such thing as putting mana on the land...<sup>3</sup>**

The problem of false distance in the literature, while serious now, is nevertheless not solely of twentieth century manufacture. After 1840, cultural differences between Maori and Pakeha were maximised by a government keen to spread its moral authority -which was, in large part, its true authority - and also by missionaries, whose focus shifted quietly from conversion, as an argument already won, to teaching Maori how to live in a civilised (i.e. British) way. However, while the aspects of Maori culture most objectionable to the British – cannibalism, infanticide, slavery and endemic warfare – were already slipping away by 1840, they continued to constitute a European view of generic barbarous society. Even though Maori relinquished the marks of barbarism, they were subsequently unable to escape this characterisation, for the reason that the genesis and repository of false distance

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<sup>1</sup> Speech of Moses (Mohi) at Hokianga. GBPP 1845 (Colonies – New Zealand – Vol.4, pp.9-11, Irish University Press, pp.511-513. Mohi seems to have hoped that as the *mana* of the British (i.e. the Queen) was in England, the Governor was not too much of a threat. This illustrates the face-the-face Maori mode of political thinking, but Mohi's bravado should not obscure the fact that most speakers had a strong concern about the effects of the Governor's power on that of chiefs.

<sup>2</sup> GNZMA Vol.2, Letter 75, William Marsh Te Rangikaheke to Governor, 11 July 1864, (National Archives, Wellington). This is a letter asking for military protection for the loyalist section of Te Arawa.

<sup>3</sup> *AJHR* 1861, E1 No.1, p41, 'Extracts from Speeches of Chiefs at the Ngaruawahia Meeting in May 1860,' speech of Paora [Tuhaere] (English translation only).

was the European imagination. For example James Busby, who had been in New Zealand since the 1830s, said in 1860 that Maori were incapable of exercising the functions of sovereignty:

Divine Providence has denied to this people the blessing of Social Institutions, and the New Zealander is still the son of Ishmael, the “wild man whose hand is against every man and every man’s hand is against him...”<sup>4</sup>

Busby’s was not the only view, but it was the popular one. It seems, moreover, preferable to the covert version, such as that expressed to Maori by Bishop Selwyn that everyone in New Zealand was now a half-caste, as a result of cultural mingling;<sup>5</sup> this view surely contains the greatest distance of all. The habits of distance are reflected in an early historiography that placed itself in the service of the narrative of mission success; in the eyes of colonists, the civilisation of Maori was the only history New Zealand had.<sup>6</sup> While the gross distance that this implies is now erased from the literature, the thinking that produced it continues wherever the implication of an impenetrable ‘otherness’ serves as an analysis of post-contact Maori society. This turns attention away from enquiry about how that society worked, which is the subject of this chapter. Through the study of words for the exercise of power the chapter examines how Maori ideas about the governance of society changed. Because the subject is overlaid with modern Treaty politics, a dialogue with the present will also be presented, with a view to creating more space for the past.

The premise of the chapter is that Maori governance was founded on the *mana* of chiefs. This also means on the *tapu* that guarded *mana*, however *tapu* will be considered in a chapter of its own (Chapter Four). The reason for splitting the two is that *tapu* did not survive in the relationship between Maori and the government, whereas *mana* took on a new significance. Only a full-scale study of the pre-contact period could produce a proper breadth of contextual understanding of *mana*;<sup>7</sup> the modest goal in the present case is to restore to understanding the significance of *mana* at the signing of the Treaty of Waitangi. On that occasion, as the quote from Mohi above suggests, Maori could judge themselves against the new Pakeha chief

<sup>4</sup> GBPP 1841 (311), p.75. Speech by James Busby, 9 July 1840.

<sup>5</sup> AJHR 1863 E12 No. 4, p.4. Speech by Bishop Selwyn at Peria, 27 October 1862.

<sup>6</sup> By the end of the century, however, the emphasis on difference was the result of a Pakeha ambiguity that reacted to the uncomfortable evidence that Maori now lived in ways that were similar to their own. This made assumptions of white superiority conscious to those that held them, and therefore newly subject to moral judgement.

<sup>7</sup> The best (because it is founded on the study of Maori manuscript) existing study is by J. Prytz Johannson, *The Maori and his religion in its non-ritualistic aspects*. Copenhagen: Munksgaard, 1954.

(Governor-elect Hobson) and feel that it was *possible* that power could be shared with the British.<sup>8</sup> However, if this was the hope in 1840, in the following years the meanings of *mana* changed in ways that document the political decline of chiefs and the rise of a new significance of land.

The chapter begins with a study of the chiefs' speeches at *hui* held in early 1840 to discuss signing the Treaty. These speeches were recorded by the missionary printer, William Colenso, who began his memoir of 'founder's day' with the observation that 'It has been said, "That country is the happiest which has no history."<sup>9</sup> This was a proposition from which Colenso demurred; his purpose in using it was to congratulate himself on being present at the birth of New Zealand history. The idea that the Treaty marks the beginning had a long reign, and it is not certain that it is yet unseated, but it will not do if Maori are to enter an integrated national story. In order to understand the weight of *mana* in 1840, it is necessary to know what it had been beforehand. Therefore the chapter looks back briefly to both pre-contact and pre-Treaty society before it considers the language of the document that records the transfer of sovereignty from Maori to the British. Finally, the chapter will comment on the re-creation of *mana* within the state set up by the Treaty of Waitangi.<sup>10</sup>

More, perhaps, than any other topic in Maori history, understanding *mana* requires a step into the mode of being of a traditional society. In such societies, including, in earlier centuries, those of western Europe, personal power was *experienced* by those in its presence. Richard Taylor, speaking about the Ngati Toa chief Te Rauparaha as an old man, said:

His being long accustomed to command, gave him a dignified demeanour... Even clad in a blanket, few could look at him without being impressed with a feeling that he was no ordinary person.<sup>11</sup>

As the modes of an oral society still existed in 1840 (and beyond), comments such as Taylor's illuminate a world where *mana* was a palpable force. What is necessary to

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<sup>8</sup> The assertiveness of Mohi's 'let him come' should not be taken at face value as showing total confidence. It is, rather, an example of the frontal approach to danger that Maori took, and an expression of *mana*.

<sup>9</sup> William Colenso, *The Authentic and genuine history of the Signing of the Treaty of Waitangi, New Zealand, February 5 and 6, 1840*, Wellington: Government Printer, 1890, p.5.

<sup>10</sup> The chapter was originally intended to present a case study of the career of Wiremu Tamihana Tarapipipi Te Waharoa, the leading thinker of the King Movement, whose strong Christian faith provided him with a way to retain and re-express *mana*. That study has now been published by the author as 'Wiremu Tamihana and the *mana* of Christianity' in Stenhouse 2005, pp.58-86.

<sup>11</sup> Taylor 1855, p.338.

grasp is that *mana* was not an abstraction, but experienced in the person; the ‘great powers’ of Maori society were, as the second opening quotation states, the chiefs.<sup>12</sup> The *hui* held to secure agreement to the Treaty were a concentration of *mana*, that is, of chiefs in the mould of Te Rauparaha, who *was* power in ways that a blanket could not hide. To repeat Taylor’s phrase, it was ‘no ordinary persons’ who were there to decide on the shape of New Zealand’s political future, but an array of its most successful leaders. Display was, among Maori as among Europeans, a way of underscoring personal authority,<sup>13</sup> and in 1840 *mana* was a visible power to both Maori and Pakeha. When Hakitara appeared at Waitangi in a ‘silky white *kaitake* [cloak]’, his glory was that of a sun king.<sup>14</sup> Hakitara’s cloak was *mana* in itself, but it was also a symbol of an inner reality, without which he could not have worn it.<sup>15</sup> These observations make the point that the *hui* at Waitangi and elsewhere in the north were not politically dominated by the Governor-elect and his supporters, but by *mana*, in the persons of the chiefs assembled there. From a viewpoint within Maori culture, the Treaty of Waitangi was a conclave of chiefs, in which political decision-making was staked on the notions of power in Maori culture; it certainly did not depend on the wording of a document.

The introduction of *mana* into the Treaty *hui* expands the canvas on which the founding of the nation is painted; this is necessary if the Maori side of the Treaty is to emerge. Nevertheless, it raises the questions of the modern de-politicisation of Maori culture, which accords *mana* cultural respect but does not consider it as the expression of political power. *Mana* is excised from explorations of Treaty meanings - ironically, while its absence from the wording of the documentary Treaty is held to be its gravest fault. Failure to give due weight to *mana* is an example of the exclusion that stems from the distancing impulse of the colonial legacy. It is, however, a largely unwitting phenomenon and its history needs further exploration. Analyses of the signing of the Treaty recount the actions of the Pakeha largely as a story told against them. For

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<sup>12</sup> *Mana* could also be an object, but the focus of this study is the political role of *mana* in the governance of the tribes.

<sup>13</sup> This is a premise argued by Mark Francis in *Governors and settlers*, Basingstoke: Macmillan, 1992. See also E.H. Kantorowicz, *The king’s two bodies: a study in mediaeval political theology*. Princeton, N.J.: Princeton University Press, 1957.

<sup>14</sup> Colenso 1890, p.15.

<sup>15</sup> When the unworthy wore a chief’s cloak, they died; for example when a woman put on the cloak of the Ngai Tahu chief Te Maiharanui; see, e.g., H.C. Jacobsen, *Tales of Banks Peninsula*. Akaroa: Akaroa Mail Office, 1914, p.21. See Chiefs would throw away cloaks rather than leave them where another might be harmed by them. See e.g. Taylor 1855, p.164.

example, their failure to provide sufficient food at Waitangi meant that the chiefs could well have dispersed without signing; it took some scrambling by the British to get the ceremony back on track – albeit with a Governor-elect minus his own trappings of power, and with an unseemly scramble for precedence among Catholic and Protestant missionaries.<sup>16</sup> These pictures have provided rich material for modern theatre and television, where the subject of the Treaty *hui* is customarily treated as farce, and the British as stock fools. Pricking the bubble of historical British pomposity is not only a feature of popular representations of the Treaty events, but also of the academic literature; the difference is only that the latter is sourer. Works on the Treaty do not restore Maori to a powerful role in the proceedings, but merely fill the gap with suspicion. A miasma hangs over the Treaty events. It is widely suspected that Maori would not have signed without special pleading from the Pakeha, and that, in any case, they did not know what they were signing.<sup>17</sup> The diminished autonomy of Maori decision-making undermines the status of the Treaty.

The shortcomings of the *hui* that founded the colony, and in later estimation, the nation, chime with a modern antipathy to empire; they have created an overwhelming unease in the recent literature. However it should be noted that criticism of the Treaty of Waitangi in the historiography is largely contained within a moral frame of reference: the British stand condemned, but condemnation has no consequences. The political frame that Maori nationalists have employed challenges the legitimacy of the mandate to govern and is an invitation to radical dissent, but ironically, rejection of the Treaty would also be a false position, because all the judgement of the signing of the Treaty is attached to the behaviour of one side – the Pakeha. Both the historical and radical literatures ignore the fact that the *hui* were gatherings of chiefs, and that what organised the content of the *hui* was Maori power.<sup>18</sup> They are argued from a base in persistent colonial attitudes rather than in a

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<sup>16</sup> Colenso 1890, pp.13-14.

<sup>17</sup> For example, Orange says: '[Maori understanding of the Treaty] left much to be desired. As well as those who had not heard or grasped explanations, there were signatories who had not been fully aware of the nature of the agreement. Williams's Maori text failed to convey the full meaning of the national sovereignty being conceded. Adequate explanations could have overcome this, but failed to do so. Couched in terms designed to convince the chiefs to sign, explanations skirted the problem of sovereignty ...' Claudia Orange, *The Treaty of Waitangi*. Wellington: Allen and Unwin, 1987, p.56.

<sup>18</sup> Sir Keith Sinclair may have been working towards a greater recognition of Maori power when he said 'Pakehas did not need any "lawful authority" to be here; they just needed a chief or tribe willing to accept them.' Sinclair is quoted (unadmirably, and rather beside the point) by Keith Sorrenson, 'Treaties in British colonial policy; precedents for Waitangi' in Renwick, William, (ed.) *Sovereignty*

re-think of the nature of chiefly power in 1840. The historiography has displayed its iron enclosure in mono-cultural assumptions by treating *mana* as if it were solely a word in a document (in this case, of course, a word that is absent from the document.) This chapter argues that the omission of *mana* from analysis of the Treaty *hui* has obscured the nature and high seriousness of Maori assent to British government, and that this has entrenched the perceptual bases for a lop-sided state that creates Maori as the perpetual victim of Waitangi.

The perception of the imbalance of power at the birth of the nation has placed a corrosive ambivalence at the centre of New Zealand identity, but most of all, it has devalued the essential *Maoriness* of Waitangi. A distancing, moral frame of reference means that the idea that Maori may have made a choice for a modern state is widely avoided, out of fear that it would make Maori complicit in its crimes. This is foolish. Participation in the Treaty only lessens the Maori claim for justice if a position is taken that Maori are not citizens of the state, which seems an untenable proposition. What follows is a re-reading of the Treaty *hui* based on the premise that the creation of the state was validated in Maori terms dictated by *mana*, and that Maori decisions for the Treaty therefore have a standing that is independent of the actions or attitudes of the British.

An analysis of Maori opinion at the Treaty debates requires a note on the provenance of the sources for the task. Pakeha eyewitnesses recorded the opinions of the northern chiefs.<sup>19</sup> Their versions of the speeches trace back to translations made by William Colenso, which reflexively raises questions about the accuracy of the records. The problem seems compounded by the un-English idiom and syntax that gives the translations of the chiefs' speeches a quaint and even childish air that undermines their status; effort is required to read them as political commentary. However, on the contrary, the awkwardness of the translation serves to verify the speeches, because the pattern of the faults is a sign of translation from Maori and/or the haste of simultaneous translation. For example, in the speech of Tainui at Hokianga 'We are not good to give up our land' is from the Maori *pai* (good, in the sense of willing); again, when the chief 'John King' says 'Listen, this is mine' [i.e.,

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*and indigenous rights: the Treaty of Waitangi in international contexts.* Wellington: Victoria University Press, 1991, p.15.

<sup>19</sup> Richard Taylor Papers, Vol.2, pp.363-6 (Hokianga), pp.197-201 (Kaitaia), (Canterbury Museum Archive); GBPP 1845, Colonies – New Zealand – Vol. 4 pp 9-11, IUP pp. 511-513, "Speeches at Hokianga Meeting," Willoughby Shortland, letter to Lord Stanley 18 January 1845.

this is what I have to say,] the phrase is a literal translation of a Maori idiom, ‘*Noku tenei*’.<sup>20</sup> It is unreasonable to reject Maori views of the Treaty of Waitangi because their expression does not conform to English speech patterns or western notions of dignity. Rather, the survival of apparently verbatim native opinion on the establishment of British government should be regarded as an incomparable piece of luck, with few parallels in the annals of European colonisation of tribal peoples; it does not seem to be going too far to say that gratitude is a more appropriate response.<sup>21</sup>

It also seems useful to clear the ground for a focus on language to analyse the intervention by William Colenso that is adduced as proof that Maori did not understand the language of the proceedings at the Waitangi *hui*. Colenso initially wrote his account of the signing of the Treaty in 1840 for the Church Missionary Society in London, and it is frequently self-serving. Colenso had a low churchman’s abhorrence of Rome, therefore when the Roman Bishop, Pompallier, persuaded the Governor-elect to append a proclamation of toleration of religion to the Treaty, an irritated Colenso insisted on adding a clause that protected ‘*te ritenga Maori*’ (native religion) as ‘a correlative to that “of Rome”.’ Far from evidence of a breadth of tolerance that might mark Colenso out from his fellows, this was an action designed to insult the Roman Church and its Bishop, and to seek the approval of his London superiors. Then, when Hone Heke stepped forward as the first chief to sign the Treaty, Colenso interrupted proceedings to ask the Governor if he thought Maori understood what they were signing. This interruption has been read as proof of the deficiencies of the Europeans’ grasp of Maori language. It helps to paint Waitangi as a pathetic scene, where a group of bewildered natives was manipulated into support of the designs of empire. Such an analysis fits neatly into the moral frame of judgement, yet this seems designed to redeem the Pakeha past (through the acknowledgement of deep guilt) rather than to consider the importance of the Treaty of Waitangi to Maori history. First, it assumes that there was ‘no history’ before 1840 which might have

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<sup>20</sup> *GBPP* 1845, Vol.4, pp.9-11. A further point is that while the editing of Maori political opinion by Pakeha became established in the colonial era (occasionally letters were intercepted and retained by government officials, and in the 1860s the Maori-language newspaper *Te Waka Maori* routinely edited out Hauhau opinions it considered inflammatory), if the Pakeha scribes of 1840 were aiming to massage the texts of speeches in favour of assent to the Treaty, it seems unlikely that they would have included the forcibly expressed opposition to the coming of a Governor that is a feature of many of them.

<sup>21</sup> Colenso’s translations have been retained here as their air of authenticity adds vividness and immediacy to the portrayal of the scene.



informed the chiefs' opinions; second, it reveals the problem of the continuing *unreality* of Maori history to a mainstream that is still unfazed by the idea that Maori people might exist only on a plane of language. Colenso, like all the Pakeha present, knew that Maori had little idea of what the Treaty would mean for their future. His worry was not that Maori had failed to understand the language used by Maori-speaking Pakeha at the *hui*; this misrepresents both Colenso and the pre-Treaty experience of Maori. His reference was to the vocabulary of colonisation itself, and seems fair comment.<sup>22</sup> It remains to ask why he made it, and a plausible answer is that in 1840 Colenso, unlike the older-established Williams brothers, was still an evangelist rather than a settler, and that conscience prompted him. Arguably, he was discharging his duty to the Church Missionary Society, as a body concerned with the welfare of native peoples. By including his action in his report, Colenso was reinforcing his own spiritual standing within the society.<sup>23</sup>

The debates on whether to sign the Treaty were in one sense somewhat of a formality. The Maori way to show strong opposition to a plan was to withdraw from negotiations; perhaps the best known example in the colonial period is when Wiremu Kingi and his followers got up and left the meeting at which Te Teira offered Waitara for sale in 1859.<sup>24</sup> It seems likely that chiefs already implacably opposed to the introduction of British government would have stayed away from the Treaty *hui*. Therefore the presence of leading chiefs is an indication of goodwill that can be expressed as prior disposition to sign. This is not to say that signing the Treaty was a foregone conclusion, as in a political forum opinion could be swayed by force of argument, but it is an important point about intentions.

Nevertheless, many of the speeches made by the chiefs at the *hui* were fiercely negative, and this needs explanation. The strength of anti-signing sentiment is, indeed, even somewhat obscured in Colenso's account of proceedings, which stresses the *mana* and reasoned oratory of pro-British chiefs such as Tamati Waka Nene who are credited with moving Maori opinion in favour of signing. However, Colenso's recollections were published fifty years after the Treaty, in 1890, by which time he styled himself:

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<sup>22</sup> Colenso 1890, pp.31-33.

<sup>23</sup> Doubts have been raised about whether Heke was in fact the first to sign, as his name does not head the list, but it is not difficult to account for this, and the arguments presented against Heke's position do not seem sufficiently strong to warrant a conclusion that Heke's action was Colenso's invention.

<sup>24</sup> *AJHR* 1860, E3 No.23 Encl.1, p.19.

The only one still remaining of that little British band who alike strove loyally and patriotically to do their level best on that important occasion.<sup>25</sup>

This language is an indication that Colenso's final view of the Treaty was a reminiscence that belongs in the 'romance of empire' genre of late nineteenth century writing. Its sentimental treatment of pro-British chiefs serves the genre, and cannot be accepted at face value as the voice of the Maori Treaty. However, while romanticism has been properly rejected, the rejection has been for the wrong reasons, as part of the laying aside of colonialism. This has no bearing on the historicity of 1840 events, and cannot explain Maori decisions. Especially, the rejection of colonial readings of the Treaty *hui* cannot explain, any more than the former tactic of making pro-British chiefs speak louder, why so many chiefs who subsequently signed the Treaty made negative speeches. The names of these chiefs read as a 'who's who' of northern Maoridom: Kawiti, Marupo, Mene, Te Kemara, Ruhe, Rewa, Moka, Wai.

The explanation of this apparent contradiction must be pursued in Maori terms. The speeches show that Maori understood that the Governor was the non-negotiable local peak of a hierarchy of authority. His status stemmed from his position as representative of Queen Victoria, who represented the *mana* (power) of western civilisation. This, in turn, was an expression of the *tapu* (sacred power) of God. This hierarchy of power summarises the depth of what Maori thought they had to gain from alliance with the British. The *necessary* system of government of the modern world, from which they had been excluded by isolation, would be theirs, and the benefits that flowed from it. However, the chiefs also feared that modernity had its price: the end of the independent authority encapsulated in *mana*.<sup>26</sup> There was no part of Maori political culture that would remain untouched by colonisation, because the Governor would have greater political power than any chiefs. No position was offered to chiefs in the hierarchy of the state, yet they were aware that 'government' would be a system of sanctions that would be applied to Maori. Therefore *mana* was the central issue the Treaty posed for the chiefs. It seems worthwhile to quote some chiefs who attended the *hui* on their anxiety about the erosion of Maori independence that signing the Treaty involved. Kawiti viewed government in terms of military power:

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<sup>25</sup> Colenso 1890, pp.5-6.

<sup>26</sup> It is also worth noting that by the 1860s Maori at war with Pakeha also thought that the price of the peace of the gospel was the sword of European authority. See *AJHR* 1865, A6 No.25 Sub-encl.2 in Encl.1, p. 22, Te Oha Taotao, Katikati and Te Kou on behalf of their tribes to the Aborigines Protection Society, 29 October 1864 (English translation only). This conundrum helps explain the split reality of the Hauhau faith.

What! To be fired at in our boats and canoes by night What! To be fired at when quietly paddling our canoes by night! I, even I, Kawiti, must not paddle this way nor paddle that way because the Governor said 'No', because of the Governor, his soldiers and his guns.'<sup>27</sup>

Te Kemara speculated that under British government he might fall foul of the law and 'be judged and condemned...and more than that – even hung by the neck.' He said:

Were all to be on an equality, then perhaps Te Kemara would say 'yes'. But for the Governor to be up and Te Kemara down – Governor high up, up, up, and Te Kemara down low, small, a worm, a crawler. No, no, no.<sup>28</sup>

Tareha's similarly anxious speech deserves quotation because it illustrates process in Maori decision-making; the preservation of this process in the text is, additionally, proof of its authenticity as a Maori record. Repetition of sentiment by succeeding speakers was the way that binding decisions were reached in political meetings:

We, we only are the chiefs - the rulers. We will not be ruled over. What, thou, a foreigner, up, and I down. Thou high, and I, Tareha...low? No, no, never...If all were to be alike, all equal in rank with thee ...<sup>29</sup>

The speeches show a clear awareness that a governor is an authority different in kind from the existing roles of Pakeha in Maori society. A number of chiefs distinguished between the acceptable, or at least tolerable, levels of authority possessed by Pakeha familiars, and the unacceptable authority of the proposed Governor. Hakiro called the missionaries and the British Resident, James Busby, 'our fathers', *matua*. *Matua* was a deferential term that expressed inclusion in the community, and provides a reminder that political legitimacy was accrued by Pakeha living among Maori within one generation. The missionaries had been in New Zealand since 1815, but even Busby's seven years was sufficient to establish his place, on Maori terms. The Governor-elect, by contrast, was seeking acceptance by fiat – the signing of a treaty. Although the idea of the authority of the document was foreshadowed by pre-Treaty experience of land sales to Pakeha, the introduction of political authority by fiat had no traditional precedent except that of conquest. Te Kemara also called for the Governor to depart, leaving Busby and Henry Williams (the senior CMS missionary and the translator at the treaty *hui*) 'to arrange and to settle matters for us natives as before.'<sup>30</sup> The bargain

<sup>27</sup> T.L. Buick, 1936. 'The Treaty of Waitangi', New Plymouth: Thomas Avery, 1936, p.134. Buick repeats Colenso's account of the speeches; this one appears on p.22 of Colenso 1890.

<sup>28</sup> Buick 1936, p.126.

<sup>29</sup> Buick 1936, p. 137.

<sup>30</sup> Buick 1936, p.126.

argued by Maori was that the existing Pakeha mediation of Maori affairs did not erode the balance of power; the point made by speeches that distinguish between ‘father’ and ‘Governor’ is that they show awareness of the possibility of such erosion. It is therefore untenable to suggest that the chiefs did not realise the implications of signing the Treaty. Maori raised fears about stepping into a political future where the only known quantity was that under British rule a Governor’s *mana* would be greater than that of the chiefs.

Maori perceptions of the inequalities of authority in a British-run society explains why a significant anti-signing faction built up at the Treaty *hui*, but does not illuminate why the expression of negative sentiment did not determine its outcome. To discover the reason it is necessary to delve further into the operation of *mana*. The Treaty *hui* were different to other *hui* in shape only to the extent that the hosts were British, not Maori. This difference was not great in a cultural sense; Maori behaved as they usually did at such meetings. However, the accumulation of *mana* present at the gatherings guaranteed a super-charged political atmosphere among the Maori participants, as chiefs protected position. As major chiefs wielded tremendous power, anyone who considered himself such was under pressure to take an independent line of argument in a public debate, in order to assert the independence and equality proper to the station. If some influential chiefs were in favour of the Treaty, others, equally influential in fact or aspiration, or nursing unsettled past scores, were bound to oppose it. This produced very lively debate, but a display of independence was a tactic, not a decision. An anti-Treaty speech did not signify a determination against signing. On the contrary, attendance at the *hui* suggested a pre-existing intention to sign. Once eminent men had indicated their support for the Treaty, all the chiefs were playing for high stakes. For one thing, not signing would have indicated hostility to powerful men and thus set up a putative *take* for war; this irony would not have been lost on the chiefs, all of whom were seeking entry to civil society, which they defined as one that did not resolve conflict by fighting. In addition, the northern area of New Zealand was not only rich in individually powerful chiefs, but was also powerful collectively. Not signing the Treaty would have put dissidents outside the pale of this *mana*, whose sum would have been particularly clear at the *hui* where Maori were confronted by the ‘tribe’ of the Pakeha.<sup>31</sup>

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<sup>31</sup> One of the important portents for the future offered by the *hui* was the opportunity for both sides to

However, if the Treaty *hui* were culturally much like any other *hui*, and belonged in a long tradition of conclaves of the great, in another sense the difference between past *hui* and the Treaty *hui* was huge, because what was being debated was the acceptance of a foreign authority on New Zealand soil. This gave the trial of *mana* among Maori a new dimension, consisting of the question of whether Maori power was enhanced or eroded by formal alliance with the British: that is, whether it was better to claim a share in a great foreign *mana*, which required an immense trust in the British, or whether fortune was still best served by the old system of tribal independence, in which, however, *mana* was now by comparison small, because its terms were solely Maori. These currents of thought support the view taken in this chapter that *mana* was the foundation of Maori calculations about the compact with the British.

### **The search for *mana* in the Treaty of Waitangi**

If the Treaty *hui* were saturated with Maori questions about *mana*, the question needs to be carried into consideration of the documentary treaty.<sup>32</sup> In the later twentieth century the politics of ethnic difference began to define the official search for a New Zealand identity. What was sought was an identity that did not suffocate that of the Maori minority, and which could also plausibly be based on the Treaty of Waitangi. In her 2005 Waitangi Day speech, the Governor General, Dame Sylvia Cartwright, stated that the phrase ‘*He iwi tahi tatou*’ (lit: we [i.e. Maori and Pakeha together] are one people) used by Governor Hobson in 1840 really meant ‘one nation, two peoples’. This suggests that ‘We are now one people’ is seen by advisers to the government as conservative in the sense of illiberal, because it fails to protect Maori *rangatiratanga*. It is, however, not possible to translate *he iwi tahi tatou* as the Cartwrightian ‘one nation, two peoples’ without deforming the Maori language. The abandonment of historical accuracy in this official reading is therefore problematic, but it is part of a tradition of linguistic manipulation.

In the debate about how Maori of the time understood the transfer of sovereignty to the British, much has been said about the meanings of Maori words, particularly when used by Pakeha, but the analysis of the language has often been

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coalesce in terms of ethnic solidarity.

<sup>32</sup> See Lyndsay Head, ‘The pursuit of modernity in Maori society: the conceptual bases of citizenship in the early colonial period’, in Sharp and McHugh 2001, pp.96-121, for a discussion of the significance of the ‘signatures’ that chiefs who could not write appended to the Treaty of Waitangi.

unhistorical. It is now widely accepted that the words of the Treaty of Waitangi meant different things in Maori than in the English version. There may be a psychological need for this to be true in a present in which Maori and Pakeha identities are locked together as mirror images of each other and therefore require difference to be highlighted; this, however, was not the case for the people present at the *hui* in 1840. The chapter will now attempt to restore historicity to the treaty document by explaining its language in terms of its time.

There is a gap in meaning between the Maori culture of 1840 and that of the present. The words for human authority that are now *noa*, that is, available for common use, were formerly too powerful to be lightly uttered. In the perception of an oral culture the word is not just the referent of the thing, but contains its very nature. Therefore, since words are powerful in themselves, they are used economically and exactly. This phenomenon is present in early Maori writing, where such words of power as *mana*, *rangatira*, *rangatiratanga* were very infrequently used. While *mana* was the spiritually charged efficacy exhibited by leaders,<sup>33</sup> this word was not used to describe the power exercised by chiefs over people, although that power expressed *mana*. *Mana* does not appear in the Taranaki McLean Maori Letters until the mid 1850s, and only then, as we shall see, as a consequence of political innovation.

Before literacy enabled communication to take place at distance, Maori political organisation centred on direct encounters between people. Accounts of the history and traditions of the group reflect this by talking concretely about the deeds of chiefs rather than about the exercise of power. Great deeds expressed and conferred *mana*, but someone with power over the people was described as their *rangatira*, as the following examples demonstrate. When Paoa first came to Hauraki he stopped at Mirimirarau: '[he] dwelt there amongst the people of that place, and they became a people for him...and he was a chief [*rangatira*] to them.'<sup>34</sup> An anonymous dreamer asked an old slave he met on the path: 'Who are the Chiefs [*rangatira*] of this place? He answered: Hongi, Titore, Manu and so on, and Pumuka and Taurau are lately arrived.'<sup>35</sup> Although Maori history is about the deeds of chiefs, *rangatira* nevertheless appears in early Maori writing with a parsimony that is surprising to a modern

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<sup>33</sup> This discussion concerns *mana* as a noun. As a verb it meant to give the seal of approval to something. William Williams, *A Dictionary of the New Zealand language, and a concise grammar*. Paihia: C.M.S., 1844.

<sup>34</sup> George Grey, *Polynesian mythology and ancient traditional history of the New Zealand race...* Auckland: Brett, 1885, p.199.

<sup>35</sup> *Ko Te Karere o Nui Tireni* Vol.4 No.9, September 1845, p.35.

reader.<sup>36</sup> Similarly, *rangatiratanga*, derived from *rangatira*, was a prop of the traditional ethical universe, but on the rare occasions that it occurs in early writing by Maori, it is in a specific context. In each of its appearances in *Nga Mahi a nga Tupuna [The Deeds of the Ancestors]* (1853), *rangatiratanga* expresses a specific aspect of the chiefly character - the quality of caring for people: ‘Nobility [*rangatiratanga*] in humankind consists entirely in helping people.’<sup>37</sup> Its consistently narrow representation in traditional *korero* (oral narrative) shows that *rangatiratanga* underwent substantial evolution of meaning after contact; as we shall see, its meanings expanded hugely and became more abstract. *Rangatiratanga* was not an exceptional case; ‘chief’ also underwent change. In the McLean Letters, people are normally simply described by their name, and not by their description as chief, because in a small-scale traditional society, to know the name was to know the status.<sup>38</sup> People for whom ‘chief’ was a word of active power did not lightly use *rangatira*, and it rarely appears in the ‘Letters’; *rangatiratanga* does not appear at all.

An examination of the meanings of the text of the Treaty of Waitangi needs to ask whether change in words of power in Maori consequent on contact with Europe had occurred before 1840 – to which the answer is, yes. Change began, as far as the written word is concerned, with the arrival in 1814 of missionaries whose immediate intention was to produce a Maori alphabet. The missionaries’ aim was to communicate their cultural meanings of power and authority in the first translations of holy scripture, however, as beginners in Maori, they first shaped their English to fit the singularities of the Maori language. The work of the inaugural translators of the Bible into Maori displays the unconscious integrity of the learner, listening to and endeavouring to replicate a teacher’s voice, and dependent on his or her meanings. In recasting English sentences about power to fit a Maori linguistic idiom, they needed to emphasise the person.<sup>39</sup> There were no Maori verbs for ‘to rule’ and ‘to reign’, therefore the exercise of power was expressed in the translation of the Bible by

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<sup>36</sup> Where a chief is being identified with tribal territory rather than as a leader of people, he is often simply described as *te tangata*, ‘the man’, of a certain place, in a word whose simplicity is a powerful expression of the identification of chiefs with tribal territory.

<sup>37</sup> ‘*He awhina tangata anake te rangatiratanga o tenei mea, o te tangata.*’ Bruce Biggs, ‘Humpty Dumpty and the Treaty of Waitangi’ in I.H. Kawharu (ed.), *Waitangi: Maori and Pakeha perspectives of the Treaty of Waitangi*. Auckland: OUP, 1989.

<sup>38</sup> It was, and is, a breach of etiquette to ask someone’s name, because of the implied insult in the idea that someone whose name is unknown must be a person of no standing.

<sup>39</sup> This is a very early phenomenon. The anglicisation of Maori syntax quickly followed, resulting in, most strikingly, a shift from nominal to verbal sentences.

turning English verbs for these concepts into Maori nouns, such as ‘king,’ ‘chief’ and ‘governor’. The following comparison between the languages of two passages shows the process:

### Passage 1

[Maori:] Koia ranei? ko koe hei kingi mo matou? hei  
*rangatira ano ranei koe mo matou?*<sup>40</sup>

[King James Bible:] Shalt thou indeed reign over us? or shalt  
thou indeed have dominion over us?<sup>41</sup>

[Literal translation:] Shalt thou indeed be a king [*kingi*] for us?  
a veritable chief [*rangatira*] for us?

### Passage 2

[Maori:] ...a, hei kawana koe mo nga iwi maha, e  
kore ano hoki ratou e meinga hei kawana  
mou.<sup>42</sup>

[Bible:] .. .and shalt thou reign over many nations,  
but they shall not reign over thee.

[Lit:] and you will be a governor [*kawana*] of  
many nations, but none shall be made  
governor over you.<sup>43</sup>

Passage 1 shows that the early translators thought that Maori ‘chief’ was akin to English ‘king’; this provides an example of the point that the idiom of power in Maori society was personal. Passage 1 also shows the strength the translators gave to the word ‘governor’, which they used for the power of rule.

The most striking example of the translators’ reproduction of the personal idiom of Maori authority is provided by absence: their avoidance of *mana* as a word for structural power in human societies. *Mana* was used in scripture to express personal (as opposed to institutionalised) authority, in particular the power of God or Jesus. This did not at all disturb the Maori idea of *mana* as a worldly (in the sense of present) power with a spiritual source:

### Passage 1

<sup>40</sup> Genesis/Kenehi 37:8, *Tetahi Wahi o te Kawenata Tawhito*. London: Harrison, 1848.

<sup>41</sup> Quotations in English are from the King James Authorised Version of the Bible.

<sup>42</sup> Deuteronomy/Tiuteronomi 15:6.

<sup>43</sup> When the translators tried to find a verb to express ‘rule’ they could only find *tiaki*, ‘protect’ (see e.g. Matthew 2:6.) This underlines the fact that chiefs did not govern, but attracted followers by their example and influence.



[Maori:] *Na, miharo ana ratou ki tana ako: e ako ana hoki  
ia i a ratou, ano he tangata wai mana, kihai pena  
me nga karaipi.*<sup>44</sup>

[Bible:] and they were astonished at his [Jesus's]  
doctrine: for he taught them as one that had  
authority [*mana*], and not as the scribes.

## Passage 2

[Maori:] *A i rite ano te kararehe i kite ai a hau ki te  
reopara, ko ona waewae i rite ki o te pea, ko tona  
mangai i rite ki te mangai o te raiona: a ka ho atu  
e te tarakona tona kaha ki a ia, me tana torona,  
me te mana nui.*<sup>45</sup>

[Bible:] And the beast which I saw was like unto a  
leopard, and his feet were as the feet of a bear,  
and his mouth as the mouth of a lion: and the  
dragon gave him his power, and his seat, and his  
authority [*mana*].<sup>46</sup>

While the examples above are congruent with Maori culture, change was already begun by the translators, in particular by the employment of existing Maori suffixes (*-anga / tanga/ hanga*) to create English abstraction. There was an explosion of such coinages. In particular, *rangatiratanga*, which was formerly used (rarely) for an aspect of chiefly behaviour, was expanded to translate biblical 'kingdom,' as in *te rangatiratanga o te rangi* 'the kingdom of heaven'. This phrase introduced into the Maori language the idea of an independent, or sovereign, ruled territory.

Where translators found no Maori word, or approximation, which could be reasonably assimilated to the meaning of an English concept, or where, in a process which hints at a consciousness of doing something new with Maori language, they had already employed that word for something else, they introduced transliterated English words into their text. Both *kingi* (king) and *kawana* (governor) in the passages quoted above were designed to extend the meaning of 'power' beyond the

<sup>44</sup> *Ko te Kawenata Hou*. Paihia, 'he mea ta i te perehi o nga mihanere o te hahi o Ingarani' (printed by the missionaries of the Church of England, 1837). Mark/Maka 1:22.

<sup>45</sup> Revelations/Whakakitenga 13:2.

<sup>46</sup> The Maori is stronger, as it says 'great authority.'

cultural boundaries imposed – for people who could see chiefs every day – by *rangatira* (chief). It is fortuitous that the first book of Corinthians in the New Testament assembles, in one sentence, all the major words for power and authority discussed above (and adds yet another, *kaha*, which expresses an executive power or ‘might’):

*Ko reira te mutunga ina oti te rangatiratanga [kingdom] te ho atu e ia ki te Atua te Matua; ina oti te wakangaro te kawanatanga [rule] katoa, te mana [authority] katoa me te kaha [power].<sup>47</sup>*

Then cometh the end, when he [Christ] shall have delivered up the kingdom to God, even the Father; when he shall have put down all rule and all authority and power.

From this verse the meanings early Pakeha translators of the Bible assigned to the words they used for ‘authority’ may be traced:

- (1) ***rangatiratanga*** (whose root is Maori *rangatira*)  
The ‘sphere in which a chief holds sway’, therefore a chiefdom, or kingdom, with a territorial implication. The influence of English shows in the logic of the extension from the person (*rangatira*) to the sphere (*rangatiratanga*). This was subsequently widely applied in Maori language, both by Pakeha and Maori writers, the latter group being strongly influenced stylistically by the language of the Maori Bible, and remains a feature of new word creation in Maori today.
- (2) ***kawanatanga*** (whose root is *kawana*, from English ‘governor’)  
‘Governance, government’, therefore biblical ‘rule’. *Kawanatanga* implies a civil government devolved from a higher authority, such as God, but it not weakened by such devolution, as it exists under the *mana* of God.
- (3) ***mana***  
All personal consequence, however derived, therefore biblical ‘authority’.
- (4) ***kaha***  
Executive power, therefore biblical ‘might’.

In conclusion, the early translations of the Maori Bible allow a glimpse of the idioms of power employed by Maori before the influence of English on the language was entrenched. The most significant development for the immediate future was the linkage established between authority figure and territory: a *rangatira* in a

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<sup>47</sup> *Ko te Kawenata Hou*. Paihia: he mea ta i te perehi o nga mihanere o te hahi o Ingarani [printed on the Church of England press, 1837. 1 Corinthians 15:24. Verse 25 continues: ‘For he must reign, till he hath put all his enemies under his feet.’

*rangatiratanga*; a *kingi* in a *kingitanga* (*rangatira* and *kingi* are used as if they are equivalents).

If the Bible was the engine of conceptual change in Maori thought, the process was also illustrated in pre-treaty political documents in Maori. In *Te Wakaputanga o te Rangatiratanga o te Wenua*, 1835, ‘The Declaration of Independence’, *mana* was used by James Busby to express personal authority over people.<sup>48</sup> This echoes the biblical precedent discussed above. However, because *mana* did not imply the existence of a state, it could not alone carry this new weight of meaning. Therefore the translator prefaced it with the introduced word *kingitanga*:

*Ko te Kingitanga ko te mana i te wenua*  
All sovereign power [*kingitanga*] and authority [*mana*] within the territories  
[of the United Tribes of New Zealand]<sup>49</sup>

As we have seen, Maori did not use *mana* (or any other words) to signify an abstract ‘authority’, nor did they use *rangatiratanga* (or introduced *kingitanga*) for ‘sovereign power’; instead, they talked about chiefs. The importance of the ‘Declaration’, therefore, is that it shows the start of the Pakeha-initiated shift of Maori language towards a western, literate abstraction, which would in the 1850s detach political *mana* from chiefs and attach it to land. However, while the use of language in the ‘Declaration’ was innovative, there is no reason to think that Maori were unable to perceive the novel meanings that were assigned to *mana*. As members of a culture whose politics turned on the spoken word, Maori were accustomed to picking up subtleties of meaning; mission journals frequently report the Maori relish of debates about meaning in the Bible. The ‘Declaration’ would have been subject to similar forensic analysis. There is no reason to think that Maori were unaware that the language of the ‘Declaration’ was an attempt to express in Maori foreign concepts of authority.<sup>50</sup>

The word *kawanatanga* does not appear in pre-treaty political documents, although, as we have seen, it had been used as a translation for ‘rule’ in the Maori Bible. In light of the importance of this word to modern debate on the language of the Treaty, its absence requires explanation. *Kawanatanga* (rule) represented a kind of

<sup>48</sup> Both Maori and English texts appear in Orange 1987, p.255.

<sup>49</sup> In the ‘Declaration’ the words ‘[the chiefs] in their collective capacity’ are translated as ‘*i to matou huihuinga*,’ (at our gathering), which considerably reduces the scope of the phrase.

<sup>50</sup> The ‘Declaration’, it should be remembered, was preceded by the ‘King’s Letter’ of 1831 and its reply, which was translated on Busby’s arrival. It therefore continues a discussion on foreign power already begun.

authority wielded by neither chiefs nor the British Resident, James Busby. Chiefs attracted followers of their authority by their possession of *mana*. Busby did not have the power of rule, as understood by the British, among Maori; there was no state structure within which *kawanatanga* could operate. The linguistic evidence for his lack of the power of rule is available in the official reply to the ‘King’s Letter’ of 1831, which describes Busby as a *kaiwhakarite*, ‘functionary’ or ‘official’ – a word which does not have a mantle of power in Maori. The use of *kaiwhakarite* would have made clear to Maori the limitations of Busby’s authority.

The care taken to signal extensions to existing meanings or the introduction of new ones suggests that the translators were familiar with the Maori language. The precision of the language of the ‘Declaration’ presupposes a competent Maori audience. The translation shows a consciousness of the need for linguistic precision if Pakeha were to communicate their world to the masters of that language – Maori themselves. There is no reason to think that this communication failed. On the contrary, the evidence of engagement suggests that a community of political understanding existed among the chiefs and the Pakeha before 1840.

Analysis of the use of *kawanatanga* in the ‘The Declaration of Independence’ raises the question of the use of *mana*, because these words are assumed today to be in an opposition that calls into question the moral standing of the Treaty of Waitangi. The ‘Declaration’ is called in Maori a statement of *rangatiratanga* (independence), not one of *mana*. The choice of *rangatiratanga* was dictated by observation of Maori reality, which, as we have seen, was that power was displayed in the person of chiefs. Chiefs displayed their *kaha* (might) by doing what they liked, that is, by manifesting that power of independent action that indicated the possession of *mana* (which, in turn, attracted support from followers).<sup>51</sup> The intense individuality of *mana* as the quality of chiefs strictly divided them; they were always potentially in competition with each other. *Mana*, in these traditional and highly personal terms, was not available to express ‘sovereignty’ for Busby’s purposes, which was to portray New Zealand as a sovereign state *to other Europeans*, in order to protect New Zealand

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<sup>51</sup> There was, however, a governor on chiefly power, which was the collective weight of the opinion of his followers. How important this brake was depended logically on the gravity of the situation, but followers had more power over chief’s decisions in the post-treaty period. Chiefs acknowledged the influence of others on their power of action. For example, in 1861 Wiremu Tamihana, undisputedly the leader of the King Movement, told the Governor not to invite him to Auckland as ‘*kaore au e tukua atu e oku iwi katoa*’ (none of my people will allow it). *AJHR* 1865, E11 No.13 p.9, Wi Tamihana Te Waharoa to Governor Grey, 23 October 1861.

shipping in foreign ports; hence the choice of *rangatiratanga* – but *kingitanga* would have, on biblical evidence also served, as both *rangatiratanga* and *kingitanga* were able to express the concepts contained in the English word ‘sovereignty’. Pakeha in the pre-treaty period understood *rangatiratanga* to mean both ‘chiefliness’ (extending the original meaning of a particular aspect of chiefly behaviour to an overarching expression for the sum of all behaviours which expressed the function and condition of the chief) and, from the Bible, ‘kingdom’, or in Maori terms, the territorial sphere of chiefliness. Because they put chiefs and territoriality together, these meanings underline the aptness of the translation of ‘independence’ into Maori as *rangatiratanga*. This language adds weight to the view that the translator of the ‘Declaration’ was familiar with the culture and its meanings, even as they were being extended, and could use the language with some subtlety.

In conclusion, the words used to translate the ‘Declaration’ into Maori were interdependent; together they expressed the authority of chiefs in an implied territory. Pakeha translators defined authority among Maori as the power to make independent decisions. Power was wielded in a personal, independent, *mana*-evincing idiom by *rangatira* within a sphere of territorial influence called *rangatiratanga* or *kingitanga*. The appearance of English-derived words such as *kingi* and *kawana* to refer to authority figures without counterparts in Maori society signalled to Maori ways to define and execute power that were outside the ambit of traditional culture. The emergence of such concepts in pre-treaty documents is significant because they form the proper linguistic context of understanding for the Treaty of Waitangi.

The Treaty of Waitangi was built on the foundation of the discourse established in the 1830s, but the difference between the pre-treaty political documents and the Treaty is immense. The former were designed to bolster, on paper, and to Europeans, the authority of chiefs as the sovereign power; the latter formally notified the establishment of British sovereignty. Sovereignty is the theme of the ‘Declaration’, but in the Treaty Maori authority is not attached to sovereignty, but, instead, to the situation that the transfer of sovereignty brings about – a British ruled territory in which Maori authority is not sovereign, but explicitly tied to land ownership. This is a very important difference, because it marks the beginning of the perceptual shift of the centre of Maori society from chiefs to land, which was accomplished during the period covered by this study, and was expressed in the shift of *mana* from people to land. Authority and land were paired in the Preamble, which protects chiefs’

*rangatiratanga* ‘just rights and property’. In Article One, Maori cede the *kawanatanga katoa o o ratou wenua*, ‘the rights and powers of sovereignty... over...territories’, or, political authority over the land of which the chiefs are the ‘sole sovereigns’, or owners. Article Two again expresses chiefly authority in terms of their lands, through accepting their ‘possession’ of them in the phrase *te tino Rangatiratanga o o ratou wenua*. What these words meant in the Treaty of Waitangi will now be examined.

### **Rangatiratanga**

*Rangatiratanga* occurs in the Preamble for the existing rights of chiefs over their property. It is used in an abstract, all-encompassing, English way to express the essential nature and function of ‘chiefliness’. This parallels the use of *kingitanga* in the ‘Declaration’ for their (fictitious) ‘sovereign power’. *Tino rangatiratanga* occurs in Article Two, and describes what chiefs retained under the Treaty. It carries the meaning of ‘independent authority’ established since 1835;<sup>52</sup> its practical motive was to confirm the position of chiefs as an inducement for them to sign. However Article Two also presents the Crown’s right of pre-emption, and the pairing of Maori authority over land with information on how to sell it is the key to the meaning of *tino rangatiratanga* in the Treaty. Its practical purpose (whatever the wider reasons for founding a colony) was to establish the British power base in land. *Tino rangatiratanga*, therefore, expresses the independent authority of chiefs *within the boundaries of an English-language conception of land ownership*. The confirmation of the chiefs’ *tino rangatiratanga* of their lands carried the British conception that Maori owned land, in British terms, until they chose to sell it. Most of the northern chiefs had both sold land and participated in the debate that preceded the signing, which strongly suggests that they already understood the British conception of land ownership and sale when they came to the treaty table. That is, the signatories understood *tino rangatiratanga* in the Treaty in the limited sense intended by the translators.<sup>53</sup>

<sup>52</sup> *Tino* being emphatic in the same way as when, for example, *tino rangatira* was used (1842) to describe the governor of prisons. *Te Karere Maori* Vol.1, No. 10, September 10, 1842, p.1.

<sup>53</sup> While the Governor-elect is described as a *rangatira*, (in the English sense of gentleman) the Treaty limits the expression of the power of the Governor by the qualification that he is, like Busby before him, a *kaiwhakarite* (official) of the Crown. This is also evidence of an attempt to use the language to convey meaning precisely, which argues against the allegation that the translators had an intention to deceive.

### ***Kawanatanga* and the absence of *mana***

A much-debated question in the last thirty years has been whether the language of the Treaty was an attempt to mislead Maori. The answer lies in the pre-treaty history of the use of the words *rangatira*, *rangatiratanga*, *kingitanga* and *kawanatanga*. As we have seen, they were used quite interchangeably in scripture and political documents, and in either Maori or foreign contexts of meaning. However, this situation changes in the Treaty, where, by contrast, *rangatiratanga* was attached solely to Maori contexts of meaning. *Rangatiratanga* was reserved for power or rights exercised *exclusively by Maori*. The clear linguistic delineation of the two sides to the agreement is important, because the enclosure of *rangatiratanga* in the Maori side of the agreement is evidence that care was taken to avoid the blurring of Maori and English meanings.

It is important to recall that the Maori sovereignty posited by the 'Declaration' was manufactured by Busby. The Treaty split this bogus sovereignty into (1) political sovereignty, which went to the Crown, and (2) land ownership, which remained with Maori. A word for this new, split sovereignty was needed. As we have seen, in the Maori Bible *kawanatanga* was adopted as a strong word for rule (under God); this creates a context for the understanding of *kawanatanga* in the Treaty. *Kawanatanga* was, like *rangatiratanga*, a term used for authority. Unlike *rangatiratanga*, it derives from English, and in the Treaty it is confined to English contexts. In the Preamble it expresses the 'sovereign authority' (of the Queen), and in Article One it is used in an explanatory way for 'all the rights and powers of government.'<sup>54</sup> This echoes the use of *kingitanga* in the 'Declaration' for the 'sovereign power' (of chiefs), but the change from 'king' to 'governor' as the root word is practical: it acknowledges the actual presence in New Zealand of the *kawana*, the governor-elect, and, in the presence of the Maori at the *hui*, it was simply logical to call the authority he represents *kawanatanga*. The Treaty needed to gain acceptance by the Maori present at the *hui*, not by the international community, and this would have dictated Williams's choices. Williams provided Maori with a language of statute and government that acknowledges that New Zealand was to be formally governed from afar.<sup>55</sup>

<sup>54</sup> It is also used in a self-explanatory way in Article 1 for 'all the rights and powers of government'.

<sup>55</sup> In Head 2001, pp.99-103 an inadvertent transposition of numbers meant that the age of Williams's son Edward was read as 12 not 21. The rectification of the error strengthens the argument that the Treaty was translated by competent linguists, as Edward had grown up as a Maori speaker.

It has been said that if the translators of the Treaty of Waitangi had used the word *mana* for the *kawanatanga* that was ceded, no chief would have signed.<sup>56</sup> This striking assertion has become Treaty dogma, however it requires that *mana* meant sovereignty to Maori. *Mana* was neither an abstraction nor a word for executive power in Maori, but denoted an intrinsic (though not inalienable) personal authority. From the point of view of existing Maori culture, therefore, *mana* would not have been used to refer to the cession of 'sovereignty', because *mana* was inconceivable as a force detached from chiefs. Chiefs were *nga mana* (the powers). They were not asked to give up personal authority in the Treaty; asking chiefs to cede *mana* would have been asking them for an absurdity - to give up themselves. A further point is that as the Treaty was required to impress its hearers and readers with the imperial might of England, it exalts the Queen. She is *mana*, and if that word were to be used in the Treaty, one would expect it to describe her. It does not so appear. This suggests that the exclusion of *mana* from the text of the Treaty of Waitangi was indeed deliberate, but from awareness of its Maori inappropriateness, and not from an intention to deceive.

The objection may be raised that in the 'The Declaration of Independence', *mana*'s resistance to abstraction had been surmounted by pairing it with *kingitanga* (to translate 'all [Maori] sovereign power [*kingitanga*] and authority [*mana*]').) At first sight, this seems to support the view that the absence of *mana* from the wording of the Treaty is significant, and probably deliberate. However the 'Declaration' and the Treaty had almost opposite purposes. The former was designed to create a fiction - New Zealand, as a sovereign state, in the eyes of other Europeans, while the latter's purpose was to convince Maori into unity with the British under the Queen. The language of the Maori Treaty is less lofty than that of the 'Declaration'. It stresses a very mission-like kindness and caring as the nature and purpose of the Queen, rather than her majesty. It is plausible to think that the striking absence of imperial bombast was designed to impress Maori with the trustworthiness of the missionaries' support of the Treaty. This must have seemed a pressing need, in the face of the strong anti-

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<sup>56</sup> Ross, R.M. 'Te Tiriti o Waitangi: texts and translations', in *The New Zealand Journal of History*, Vol. 6, No. 2, October 1972, p. 141. .



treaty European lobby - traders and adventurers including a vocal American anti-English lobby, who were present at the Treaty *hui*.<sup>57</sup>

In the wider terms of this thesis, the above linguistic analysis has been undertaken to help chart the evolution of the role of the chief in the post-treaty period, and there is, therefore, more to say about *mana* in relation to the Treaty of Waitangi. Where the Treaty is revealed as the document which sets up a future in which Maori *mana* was exceedingly vulnerable is when Article Two ceases to talk about the recognition of Maori ownership of land that guarantees Maori a viable future within the state, and begins to instruct Maori on procedures for selling their land. The political authority which Maori retained under the Treaty was expressed as the rights of chieftainship, but with a crucial difference: chiefly authority was now, as it had never been formerly, tied to the ownership, *in Pakeha terms*, of land, which they have the right to sell. The Treaty therefore set up a political situation in which Maori remained outside the protection of the state in the one area where they possessed power in that state, namely, the ownership of land.

### ***Mana* after 1840**

As we have seen, *mana* functioned in the Maori world as the evidence of the personal authority that was the pre-requisite of leadership. After 1840, there was a new mantle of legitimate authority that was worn by government officials, and which stemmed from a signed Treaty. For them, this was entirely sufficient proof of authority, which is a comment on the cultural confidence of the British, living as they did in a country where most of the population had no such tradition of reliance on documents. When they went among Maori to negotiate for land, or wrote to Maori, officials did not have to struggle to win acceptance of their authority; they got it free, because when people acted with authority, Maori assumed that they possessed it. This was the embodied power of *mana*, visible in chiefs, but also in British figures of authority.<sup>58</sup> Why this was the case deserves exploration. In modern New Zealand English *mana* is used to describe powerful or successful people of any ethnicity, and this may prevent our seeing a historical paradox: that it was the enclosure of its meaning in Maori culture that originally made *mana* available to all. Maori society

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<sup>57</sup> Colenso's account (1890) gives a good idea of the vociferous opposition of this group to the Treaty. Their views are echoed in the speeches of some of the chiefs.

<sup>58</sup> Over the next decades Maori learned authority in government attached to the position rather than its (temporary) incumbents.

developed in isolation and with a homogenous genetic basis, and therefore did not record ethnicity as a category of human difference. Instead, Maori distinguished between human and non-human powers, the most commonly mentioned of which were *tipua* (non-human powers in the visible world) *taniwha* (non-human powers, visible or invisible, in the natural world), *ngarara* (worldly monsters in mythology) and *atua* (gods, in material form or standing behind the visible world). The result of the division into human/non-human, rather than into like/not like categories was that when foreigners first stepped ashore in Maori territory, Maori immediately recognised that they were dealing with fellow human beings, and treated them with the assertiveness customary to Maori culture, even in the face of death dealt out by the strangers' weapons. The consistent evidence of the engagement of Maori with fellow human beings, from Abel Tasman's voyage in 1642 to the late eighteenth century British and French exploration in the South Pacific, has been obscured by a romanticised anthropology that currently shapes views of first encounter.<sup>59</sup> Maori *hongi'd* (greeted) the strangers, traded goods with them, fought with them and, in the case of Maori women, slept with them; these are human interactions. The humanity of foreigners was the foundation stone of the relationship that Maori forged with Pakeha. It meant, most importantly, that foreigners could be invested with culture. As a result, Maori brought into the early colonial period the assumption that *mana* was a human quality, not an ethnic marker. This created space for the acceptance of colonial authority, because it let the foreigners into Maori categories of being. Officials, being human, could display *mana*, and when they gave evidence of it, Maori treated them as if they were powerful. It is important to grasp that it was not institutions of government that were the front line of British power, but the land agents, surveyors, magistrates and the military who were its face in Maori communities. *Mana* constituted the first effective form of British authority. It enabled them to govern the colony *at once*, before an infrastructure of government was established.

All the major Maori words for 'authority' that existed at the opening of the colonial period changed in use over the period of this study. By dealing with Pakeha officials, Maori stepped across the boundaries of their own culture into one in which power could not usefully be construed in the old terms. Study of Maori in the early colonial period must proceed from this axiom, even though it presages confusion. The

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<sup>59</sup> See, for example, Salmond 1991, where the chapter describing first contact is entitled 'Goblins from the sea.'

need to find a new politics of relationship to the British can best be demonstrated by the failure of the old, as in the following example. When the Nga Puhi chief Hone Heke went to war in 1845 to protest his declining power relative to that of Maori located in centres of economic development, he was treating the British in the old way, as if they were another tribe.<sup>60</sup> However, Heke's rebellion was an early lesson for Maori that the *mana* that was the personal quality of leaders and heroes was no longer synonymous with political power. Heke was beaten by a superior military technology and organisation; the war produced no gains for him, because power was no longer confined to a contest of champions. It showed, furthermore, that fighting was not the answer to dealing with the colony; the shift south of the seat of government (which had generated Heke's discontents) could not be countered by it. The early lesson, then, that Maori learned about British power was that it was complex and ambiguous. It contained more options than were available to tribal culture, and was therefore unanswerable in those terms. This knowledge effectively silenced the north, which failed to rise in the fighting of the 1860s. Heke's war also carries a general message about the post-1840 standing of chiefs. While their social recognition in the community usually remained,<sup>61</sup> without the sanction of *tapu* and the threat of military might, their political capabilities were not supported by a social structure, and were virtually restricted to the chance possession of personal ability. Governor Grey's attempt to introduce a system of civil law into lower Waikato in the early 1860s provides an example of how Maori responded to the decline of structure in the community. While traditional chiefs filled the formal role of chairmen of village councils, Maori chose their most able men for their local magistrates.<sup>62</sup>

From the beginning of the colony the British used *mana* to mean 'authority'; government announcements were made to Maori *i raro i te mana o te Kuini* (under the authority of the Queen). This bureaucratic convention posits a depersonalised *mana*, where the 'authority' exercised by visible officials on behalf of an invisible power led to the increasing detachment of the concept from the person. The June 1844 issue of the Maori language newspaper *Te Karere Maori* spoke of '*te mana o te Kawana*' (the authority of the Governor); it did not, however, call him a chief. When

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<sup>60</sup> For a recent descriptive account of Heke's war, see Paul Moon. *Hone Heke: Nga Puhi warrior*. Auckland: David Ling, 2001.

<sup>61</sup> The exceptions are cases where land sale had caused internal dissension.

<sup>62</sup> *AJHR* 1860, E1C No.4, p.42, No.4, Meeting No.2 at Kahumataku, August 6, speech of Te Ratutuna.

Wiremu Tamihana wrote to the Commander of the Pakeha military to protest against the war, he called him ‘*he tangata mana kore*’ (a man of no authority); he did not say that he was not a chief.<sup>63</sup> Among ultra-loyalist Maori such as Wiremu Maihi Te Rangikaheke, *mana* could be applied to any context of authority. In 1861, he bizarrely explained Article Two of the Treaty of Waitangi as:

*Ko te Tiriti ki Waitangi, ara ko te whakaaetanga a te Kuini i te mana maori kia tohungia mana tangata, mana whenua/ The Treaty of Waitangi, namely the Queen’s agreement to respect Maori authority – authority over people and land.*<sup>64</sup>

The splitting of *mana* into two components, human and land is an important indication of change already achieved in a society where they had once been indivisible. This is a foundation of modern thinking.

While *rangatira* remained a concrete term for a chief, *mana* became a de-cultured abstraction for the exercise of any political authority, but particularly that of the government. This was a political authority that had been formerly implicit in the word *rangatira*. While the state gained in authority, the idea of ‘chief’ continued to lose in political consequence, as is illustrated by the vivid case of the fighting at Wairau in the northern South Island in 1843. When a party of New Zealand Company officials began to survey land near Wairau that its Maori owners had excluded from sale, a shoot-out occurred in which twenty-two British people, and a lesser number of Maori, died.<sup>65</sup> Governor Fitzroy declined to punish the chiefs involved, in order to avoid the spread of fighting and, perhaps, because of doubts about the status of the survey, but Maori views could hardly have been more different. The lights of Maori culture *required* the Governor to revenge his dead. Regardless of where the right lay, the loss of life had set up an imperative *take* (cause) for war, which would be acted on when circumstances were propitious. It was therefore, in traditional terms, an insult that Fitzroy did not respond to the challenge, in spite of Maori offering further encouragement by taunting that he (and by implication his government) was a

<sup>63</sup> *AJHR* 1865, E11 No. 4, p.2, Wi Tamihana Te Waharoa to the Commander of the Forces, 12 March 1861. There was a great deal of talk about the *mana* of the Queen among loyalist chiefs hoping to counteract the influence of the King Movement. See, for example, Te Awaiaia’s speech quoted in Head, 2001, p.112.

<sup>64</sup> *AJHR* 1861, E1B No.22, p.20, Te Rangikaheke to Governor, 9 July 1861. Te Rangikaheke’s letter is possibly the first appearance of the pairing of the compressed terms *mana tangata* and *mana whenua*, and the first time the term *mana tangata* was used by anyone. The splitting of *mana* into two components is an important indication of change already achieved in Maori society, and is a foundation of modern thinking.

<sup>65</sup> Harry Evison, *Te Wai Pounamu – The Greenstone Island*. Christchurch: Aoraki Press, 1993. pp.165-166.

*paukena* – a pumpkin, hard on the outside but soft on the inside. However, the Governor's response to Wairau is not evidence of the 'weakness' detected by revisionist historians. Instead, it points crucially to the spaciousness in British culture that was lacking in its Maori counterpart. This spaciousness underlay the *mana* of the state: the British had more options, and this kept Maori respectful, interested - and unsure.

Among Maori, *mana* retained its old visual expressiveness after 1840, but weakened in its primary attachment to chiefs.<sup>66</sup> It gravitated to new symbols of imported power such as Bibles, European dress and, in particular, flags,<sup>67</sup> which, though unknown in pre-contact Maori society, became the strongest symbol of allegiance in the post-treaty era, particularly after the foundation of the King Movement meant that there was a choice.<sup>68</sup> The plenitude of post-Treaty visual symbolism, however, contrasts sharply with the sobriety of the early Maori written record, in which the absence of the word *mana* reflects the culture of the past. *Mana* was not used by any Taranaki Maori writing political letters during the 1840s, and similarly, very rarely appeared when officials communicated with Maori. In the first series of *Te Karere Maori*, *mana* was used in May 1844 for the personal authority of the Queen; she was described as a *wahine wai mana*, a 'woman of *mana*'. This rare occurrence was within the traditional boundaries of meaning, however, these were on the brink of change, as methods of land purchase lessened the authority of chiefs over the people. While *mana* is rarely used by Maori talking to Pakeha in the 1840s, this changed in the 1850s. Maori stopped talking about 'chiefs' in political contexts and spoke about the abstraction of 'power': *mana*. This was a major cognitive shift.

While it seems less dramatic, there was an equally instructive change in the vocabulary of executive power associated with chiefs, which charts the attempt to resist the decline in personal power caused by their increasing inability to control the culture of land sales. The search for a combination that would deliver power to Maori shows in change in the words for describing ownership in the negotiation of land deals with the government. In the McLean Maori Letters the words for land ownership are those for expressing the general power of decision-making: *whakaaro*

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<sup>66</sup> Chapter four, which considers *tapu*, provides further reasons for the decline of political *mana*.

<sup>67</sup> This was an augmented rather than a new feature of Maori culture, in which precious objects such as personal ornaments and weapons had always had *mana*.

<sup>68</sup> See Thomas Buddle. *The Maori King Movement*. (1st AMS ed) New York: AMS Press, 1979, p.10. The action of the King Movement chief Wiremu Tamihana on his submission, when he went and sat under the British flag, provides a striking example; see Head 2004, p.81.

(to think or decide) and *tikanga* (rule, plan, proper procedure). In an oral society, thought is not caged in the mind, but has executive power. *Whakaaro* expressed the power to think executively, and *tikanga* the power to make the plan or rule that guided action. Although they were used in most circumstances interchangeably, the second word was more common than the first:

Friend McLean greetings. Great is my love for you as I sit here on this land waiting for you. Son, I approve Arama Karaka's decision [*tikanga*]. It was Heremaia's and Piripi's position [*tikanga*] that caused them trouble. But you must come. The people here are discussing ceding land for the Pakeha, however that is all of that thought.

If it is well-publicised, it will be well. My grandfather Parata and Iharaia have agreed to that decision [*tikanga*]; if their ears hear that call there will be no place reserved all the way to Waiongana.<sup>69</sup>

Under pressure from land sales, and, more widely, from the realisation that all that the British wanted from them was their land, Maori adopted Pakeha views that land was the basis of political power. Assertions of the *tikanga* and *whakaaro* of decision-making were inadequate for expressing the new importance of land simply as land, and for the determination of independent anti-land selling chiefs such as Wiremu Kingi to hold it in the face of opposition.<sup>70</sup> *Tikanga* and *whakaaro* were also 'too small' to express the authority of the developing aspiration to nationhood, and they were replaced by *mana* as the term for the exercise of decision-making authority over land.

Change in the perception of *rangatira* was partly driven by the same pressures placed on language by Pakeha usage in the print media that they dominated. Although *rangatira* remained the word for 'chief' in Maori contexts, literature in Maori written by Pakeha reassigned the meanings of words expressing authority, and *rangatira* and *rangatiratanga* were the chief casualties of this change. In the printed literature of the government, instead of expressing Maori qualities, *rangatira* and *rangatiratanga* were frequently used to mean, respectively, a civilised person or a gentleman, and civilisation:

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<sup>69</sup> McLean Maori Letters, MSP.675d. Toheroa to McLean, May 1851. See Chapter One p.69 for an example that employs *whakaaro*.

<sup>70</sup> Like Te Heuheu, Kingi did not declare himself a supporter of the King, possibly because of the past history of enmity between Waikato and Ngati Awa. However his support for the principles articulated by the King Movement, of Maori control over land not sold, is clear.

I shall inform you in this edition how to go about accumulating wealth [*taonga*], and indeed to attain the status of gentleman [*rangatira*].<sup>71</sup>

When we living now study the writings and sayings of previous generations we find that the appearance of the plow and horticulture are the sign of civilisation [*rangatiratanga*] in the case of every culture.<sup>72</sup>

Official writing made the condition of being this kind of modern chief contingent on conformity to Pakeha views of morality:

However their [i.e. certain Ngati Whatua] standing as chiefs [*rangatiratanga*] has been obliterated because they have rescued and protected thieves. Some say, 'Te Mania is a chief [*rangatira*].' He used to be a chief, but he was accused of theft and if he did steal, that is the end of his chiefliness [*rangatiratanga*].<sup>73</sup>

The almost inevitable result of the appropriation of the meanings of *rangatiratanga* was that by 860s, it was in use, by Maori, for the sovereignty of the Queen.<sup>74</sup> As the pressure on the concepts of *rangatira* and *rangatiratanga* to exist within the colonial state increased, it devalued them as words for Maori wielding power. This is important background to understanding why, when the King Movement attempted to unite Maori in a nation, they chose to describe its leader a word of greater power: 'king', to which aspect of change attention now turns.

Opposition to land selling in some areas became an inchoate movement in the late 1840s, in the sense that people with similar views met to discuss the need for a kind of authority that could hold the land. An 1850 letter opposing the landholding movement in Taranaki catches a point of change in thinking about authority. The writer first uses the word *upoko* (head, in the English sense of a leadership role) to describe a leader, and then explains it as *rangatira*. The use of a word for leadership that is separate from the role of chief is a sign of the emergence of a new kind of social group, one that is based on convergence of political opinion rather than blood connection:

This is a further matter about the children who have overridden our authority [*tikanga*]. Their food has been planted in wheat. Now, I hear and I know that this strategy [*tikanga*] is Wiremu Kingi's, as indeed he is the head [*upoko*], that is, the chief [*rangatira*], of the stubborn people.<sup>75</sup>

<sup>71</sup> *Te Karere Maori*. Vol.1 No.11, 1 October 1842, p.41.

<sup>72</sup> *Te Karere Maori*. Vol. 3 No.1, 1 January 1844, p.5.

<sup>73</sup> *Te Karere Maori*. Vol. 3 No.3, 1 March 1844, p.14.

<sup>74</sup> See, e.g., *AJHR* 1861, E1, E No.2, p.3, Tareha *et.al.* to the Queen of England, 3 April 1861.

<sup>75</sup> McLean Maori Letters, MSP:674d. Ihaia to McLean, 26 August 1850.

The new use of *mana* reformed and reintegrated the group and its land as a Maori nation, a concept that did not formerly exist. Sovereignty was conceptualised in the language of the Bible as a covenant between God, an anointed leader and his people in an emotionally charged vision of a homeland. In this image and with this depth of emotion Maori erected a kingship as a *mana*, authority, over the land.<sup>76</sup> The shift in thinking to a situation where land, by merely existing, represented power was clear to Maori, according to a missionary:

The term *mana* in reference to land I have occasionally heard, and have asked the question, *He aha te mana o te whenua?* [What is the *mana* of the land] and have received this answer - *Aua hoki, ma te pakeha* [I don't know, it's a Pakeha term]. The answer implies that the term as applied to land had its origin in a mistaken conception of the meaning of Native words by Europeans. The term as applied to land is scarcely heard of in some districts.<sup>77</sup>

Hamlin's view, however, is oddly forgetful of the fact that the genesis of Maori use of *mana* for 'authority' was in the vocabulary of the government and Bible.

The forging of the crucial conceptual bond between the retention of land and the future survival of Maori was the impulse for political unity that resulted in the King Movement.<sup>78</sup> Before the Treaty, politics had been based on the score-keeping and retrospective requirements of *utu*. Now, land was beginning to acquire the weight of responsibility for the survival of Maori as a people: according to Te Heuheu in 1860, '...if the land die, the power of men shall perish with it.'<sup>79</sup> Where formerly Maori groups had defined themselves against each other, the King Movement expanded the idea of the group into the wider kinship of a Maori nation, and this was defined against the kinship of the Pakeha nation.<sup>80</sup>

The modernity of the King Movement must be calculated by its difference from Maori social organisation, but it is also easily obscured for a modern observer by its religious casting. The shaping values and spiritual validation of the King Movement were found in the Old Testament of the Bible, where the Israelites, having ceased their wandering, were trying to construct a settled territorial nation:

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<sup>76</sup> At the same time the groundwork was laid by this movement for the millennial activism that greatly prolonged and darkened the character of the war.

<sup>77</sup> *AJHR* 1861, E I Appendix A, Native Tenure VI. Rev. J. Hamlin [*paper on Native Tenure, not before published*], p.6.

<sup>78</sup> Land was not the sole concern of the movement, which also sought to implement the principle of *kotahitanga*, 'unity', which was promoted to Maori as the basis of British culture.

<sup>79</sup> Buddle 1979, p.42.

<sup>80</sup> There is, as yet, no satisfactory study of the nineteenth-century King Movement.



Thou shalt in any wise set him king over thee, whom the Lord thy God shall choose: one from among they brethren shalt thou set king over thee: thou mayest not set a stranger over thee which is not thy brother.<sup>81</sup>

The identification with Israel was an important step in the reconstruction of Maori identity in ways that acknowledged their existence in world history. It enabled the King Movement to present national unity less as something new and non-Maori and more as a restoration of a state which had existed before the Jewish Diaspora. An observation by the chief Porokoru underlines the internationalism of King Movement political thinking: ‘Maori customs had separated us into units, but this unites us again.’<sup>82</sup> In the expanded group, or nation, that was the King Movement, the power to ‘govern’ (in the Pakeha sense established from the 1830s) within their unsold lands was assumed to be absolute. This re-integrated *mana* and the person in the leadership of the movement by a king, but this was at the final cost of the political reign of *rangatira*. Chiefs were associated with the discarded past of disunity and war, therefore when Wiremu Tamihana promoted unity in order to stop the ‘river of blood’ that ran through the Maori past, he asked for the leadership of a king.<sup>83</sup> King Potatau was known as ‘the *mana* of New Zealand’, or the legitimate authority over Maori New Zealand.<sup>84</sup> Followers shared in the king’s *mana* in the same way that they had formerly shared in the *mana* of their chief. As, for example, Te Wetini said:

I am determined to maintain my mana; therefore I turn my back on Pakehas and my face to Taranaki, my mana [i.e. the authority of the king] rests on that land, and I go to defend it.’<sup>85</sup>

This *mana* carried a new freight of meaning, conveying the will to make land the inalienable, never-to-be-sold basis of the identity of the group. *Mana* expressed the concept of organised political authority developed by Pakeha that was firmly attached to territory.<sup>86</sup> It now meant ‘sovereign power’, whether of the Queen, or King

<sup>81</sup> Deuteronomy 17:15. Quoted by Wiremu Tamihana in support of the right of Maori to have a king. Wi Tamihana to the Governor of Auckland, 7 June 1861, *AJHR*1861, E1B No.20, p.18, (original translation).

<sup>82</sup> Rev. Thomas Buddle, *The Maori King Movement in New Zealand with a full report of the native meetings held at Waikato, April and May, 1860*. Auckland: ‘New Zealander’ office, 1860, p.42.

<sup>83</sup> *AJHR* 1861, E1B No.20, p.18, Wi Tamihana to the Governor of Auckland, 7 June 1861.

<sup>84</sup> There was, however, a shift from *mana* in the 1860s to *maru* (shadow or shade) to express the protective power of a monarch, at least in formal speeches.

<sup>85</sup> Buddle 1979, p.44 (English translation only).

<sup>86</sup> The observation of the Rev. J. Hamlin, a Maori speaker, echoes the evidence of Maori writing: ‘In the few instances in which I have heard it [*te mana o te whenua*] used, its meaning is synonymous with *tikanga* which expresses ownership, or delegated authority by the owner to sell, to manage the business, or to be the spokesman, as we employ an auctioneer or solicitor.’ See footnote 77 above.

Potatau, in which case it might be expressed as *mana motuhake* (independent power). In political contexts, therefore, *mana* may properly be translated from the mid-1850s as 'sovereignty'. This is among the most pivotal results of the experience of colonisation.

However, the king, or any human authority, was not the final resting-place of the concept of *mana*. To recapitulate the argument of this chapter, *te mana o te whenua* was universally adopted as a term for land ownership in English terms, appearing in letters by Maori who were land sellers as well as those of landholders. In 1859 Pehimana Hamarama wrote urgently to McLean from Pakaraka, Waitotara to finalise a sale 'because Ngati Ruanui are coming to take that land for him to give it to the Maori King, Potatau,' declaring: '...my older brother and my father Aperahama Tamaiparea and Haretepene Karoro are the men who have *mana* over the land.'<sup>87</sup> In the King Movement, however, *te mana o te whenua* became greater than a statement of ownership. It became the term for the reassertion of the particular, chief-centred kind of territorial sovereignty chiefs exercised in the pre-treaty period, when such a phrase would have been unthinkable; then, as we have seen, political *mana* inhered in the *rangatira*. The 1860s war was a victory for the British. Because the King Movement had tied land to sovereignty, both people and land were defeated, and the *mana* was, in Maori eyes taken by the government. When Ngai Te Rangi surrendered in August 1864, their leader Te Harawira told Governor Grey:

...what we mean by the mana of the land being given to you is, that you may consider the mana of the land yours. You may occupy it permit us to do so or not as you please...you are to hold the land as your own, and to do what you like with it.<sup>88</sup>

The defeat of the sovereignty movement prompted a conceptual re-separation of land and authority. Maori no longer had political *mana*, and therefore it was hidden in the land, from which it could not be wrested, against the day when it could be reclaimed. *Mana* migrated from ownership of land into the land itself. The phrase *te mana o te whenua* (the power of the land) would re-imagine Maori identity in the modern period, and it is entrenched today. It is, however, the enduring proof of the changes

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<sup>87</sup> McLean Maori Letters, MSP32:683b. Pehimana Hamarama to McLean, 12 September 1859.

<sup>88</sup> *AJHR* 1867, A20, No.1, p.5, 'Notes of speeches at the pacification meeting of his Excellency the Governor with the Ngaiterangi tribe at Te Papa, Tauranga, 5th and 6th August 1864 (English translation only).

that happened in the colonial period. Chiefs were formerly *te mana o te whenua*. What modern *te mana o te whenua* leaves out is the authority of chiefs.

## CHAPTER FOUR

***Tapu and its unmaking***

**The Power of the native chiefs is very much broken in upon by the introduction of Xtianity [sic]. Their slaves have been emancipated, and so they have to work with their hands, like anyone else...Besides this the native teachers have often risen up into a sort of opposition power...<sup>1</sup>**

After 1840, when chiefs and officials did business they travelled together, sharing the conditions of the road and the cabins of small ships. They attended the same meetings in *pa* (descended now from the hilltops as a sign of trust in civil law) and in Native Offices in the towns. Contemporary accounts do not say how the officials handled the matter of the chiefs' *tapu*; the silence suggests that it was not handled at all, beyond conventional respect for status. Yet, within recent experience, the *tapu* of the well-born had imposed the shape of the Maori world, dictating the hierarchies of human relationships and the interactions to people and the environment. The premise of this chapter is that if chiefs did not insist on being treated by Pakeha as sacred persons, dangerous to themselves and others, Maori self-perception was no longer anchored in the past. The size of the breach with the past is inadequately expressed in a statement of its outcome in colonial relationships, which is that chiefs dealt with the government without the former chief support of their civil authority; the subject of any study of nineteenth-century *tapu* is, unequivocally, loss. From the point of view of change from the past, the loss of *tapu* seems, on its own, sufficient explanation of the decline of chiefly authority.

From a standpoint within Maori society, the disappearance of *tapu* is not, however, direct evidence of external coercion. In the early colonial period, officials were not powerful enough to risk giving serious offence to important chiefs, therefore

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<sup>1</sup> William Cotton, Journal, 1841-1847 [microform] Cited in Ross, 1972, p.29.

the sequestration of *tapu* is logically a decision that was taken by the chiefs themselves. While an understanding of how *tapu* came to be absent from the conduct of colonial politics is therefore a proper pursuit for a study of the Maori intellectual milieu, it is nevertheless difficult to argue from absence. This problem can at least partly be addressed by deduction, by showing the vivid function of *tapu* in the pre-colonial world, and by charting its ending. These are the tasks the chapter attempts. The subject will also be addressed contextually, by reference to the processes by which Pakeha ethnographers gained control of the interpretation of *tapu* after it ceased to function politically.<sup>2</sup> It seems important to examine this context, not only as evidence that Maori society was in many ways re-invented in the colonial era, but also because these ethnographic readings are entrenched as the authentic representation of the past. This chapter expands the discussion of change opened in Chapter three, which argued that when *mana*, as the outward sign of a chief's *tapu*, began to detach from chiefs and to adhere to (and eventually inhere in) land, Maori culture was substantially redesigned.<sup>3</sup> Nevertheless, the main aim is to allow a glimpse of pre-colonial life in all its genuine, documentable 'otherness', in order to throw into sharper relief the perception of immense change that must underlie any study of nineteenth-century Maori experience.

That *tapu* was the Maori system of law and cornerstone of reason was clear to pre-Treaty foreign observers, who used the phrase 'living under the *tapu*' to describe the Maori political universe. Missionaries and others recorded approvingly when Maori 'ceased to live under the *tapu*', by which they meant the system of government of the native past.<sup>4</sup> The missionaries' phrase, however, slips by too easily. If *tapu* could stand in this way for the whole of a way of life, its passing must signal a comprehensive political upheaval. Yet, the effects of *tapu* on colonial Maori thought and politics have been little studied. By contrast, the replacement of *tapu* by Christianity is *always* noted in histories of New Zealand, as if the fact is sufficient

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<sup>2</sup> The focus of this chapter is on the functioning of *tapu* in daily life. It does not deal with the rituals which removed the temporarily imposed *tapu* which were a feature of life-cycle ceremonies and important activities such as planting, fishing, construction of nets, buildings or canoes (etc); it is sufficient to say that ritual continually reinforced the necessity of *tapu* in Maori life.

<sup>3</sup> In Pakeha observation, the *tapu* of chiefs faded into a touchiness which became the proverbial quality of their *personalities*. This allowed 'insults to *mana*' to remain too long as a sufficient explanation of the frequency of war in Maori society.

<sup>4</sup> Taylor 1870, pp.172-3.

explanation of change.<sup>5</sup> The fact that a political system was replaced in the historiography by a religion points to a plausible reason that *tapu* has failed to receive due attention: its enclosure in scholarly thinking in the western category of religion. An outline follows of how this serious misperception of *tapu* arose in the nineteenth-century. Early foreign observers of Maori society described what they saw, with the result that they correctly recorded *tapu* as public behaviour.<sup>6</sup> However, because to an external observer it was cognitively based in the irrational, missionaries saw *tapu* as superstition: a ‘powerful system of religious despotism’ that held the land in thrall.<sup>7</sup> Even before 1840 the Maori world view was rapidly being historicised – by the secularisation of economic life, by the spread of Christianity, by the penetration of introduced ideas and, in particular, by literacy. After 1840 agents of instruction such as the official Maori-language newspaper added further speed to the process. At the same time, books aimed at English readers recorded Maori traditions as a vanishing past.<sup>8</sup> These books were a collaboration between Pakeha and Maori. Informants for the text were literate, Christian Maori who were formally committed to the supercession of Maori ideas. They presented cultural knowledge not as current behaviour but as artefacts of the past, and their material was organised by the Pakeha editors into categories of history and religion that were non-existent in Maori thought. In this collaboration between Maori and Pakeha, *tapu* was first designated as a religious ‘concept’ rather than a prescription for living - and in particular, the instrument of social control wielded by chiefs.

The de-politicisation of *tapu* in the literature opened it up to theorising undisciplined by practice. Fixing the nature of an essential Maori ‘being’ was the goal of a new generation of New Zealand scholars influenced by the speculative intellectual climate of the turn of the twentieth century. Ambivalent about the rapid modernisation of Maori society, professional local ethnographers such as S. Percy Smith and Elsdon Best recorded a priceless corpus of ethnographic information, but theorised it according to a self-important vision of a largely lost ‘high’ Maori culture

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<sup>5</sup> Understanding is further clouded by the continuing evidence of remnants of *tapu* observance in modern Maori culture, which has been overstretched by cultural relativists to the status of a system of governance.

<sup>6</sup> E.g. Shortland 1856: 105-7.

<sup>7</sup> Thomas Buddle, *Christianity and colonisation among the Maoris*. Supplement to the *Nelson Evening Mail*, 23 and 30 August 1873, p.8.

<sup>8</sup> Sir George Grey, *Ko nga moteatea me nga hakirara o nga Maori*. Wellington: Robert Stokes, 1853, p.viii.

– to which they were the door.<sup>9</sup> The fault of the past, when *tapu* was categorised as religion, was repeated and compounded: Smith’s and Best’s search for what they called the *kura huna* (hidden knowledge) relied on informants who were not only, like all Maori by this time, born into a Christianised world, but also belonged to the minority within it who were motivated to explain their culture to Pakeha. They offered fragments of past practice mixed with a false narrative of culture, based on unconsciously or consciously assimilated Christian models. This narrative came to centre on the existence of an ancient high god, Io, which gratified the ethnographers’ need to discover a Maori religious thought on a plane that equalled that of northern hemisphere antiquity. While this development would be of great interest for a psychological study of a white New Zealand consciousness struggling to assert itself against a dominant parent culture, its historical effect was to further remove *tapu* from the political arena. It was restored instead to false power, as a way to surmount the problem of missing evidence for the nature of the newly uncovered god Io: he was too *tapu* (i.e., filled with dangerous power) for his ritual to have been generally known among Maori. And yet, it is difficult to avoid a conclusion that Io is a god without *tapu* in the original Maori sense, because he, like the Christian God, is invisible and offshore, whereas the gods of pre-contact Maori were present in the natural world.

In the mid-twentieth century, the indigenous western-educated scholars Sir Peter Buck (Te Rangihiroa) and Sir Apirana Ngata discussed the need for an analysis of culture that penetrated beyond what they recognised *avant la lettre* as an orientalist view of Maori society.<sup>10</sup> Buck was an influential academic anthropologist, but although he doubted the specific case of Io, he did not achieve emancipation from the wider framework of Maori culture erected by Smith and Best. For educated Maori of Buck’s generation this version was, on the contrary, engrained as cultural base. This suggests that it was, therefore, psychologically *too necessary* to Buck for him to destroy it, and the circle of reasoning closed. Subsequently, both

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<sup>9</sup> While it is not within the field of view of this thesis, Smith’s and Best’s Maori project may represent the beginnings of (white) New Zealand nationalism. Smith and Best rejected, and felt rejected by, the old-world frame of official white colonial self-perception. They were in a sense anti-colonialists, who found a purer New Zealand essence in the Maori past; neither man supported a Maori modernity in which differences between Maori and Pakeha were weakened, possibly – but unconsciously – because the ability to exert intellectual control over Maori culture depended on the maintenance of difference and the inability of the past to threaten the Pakeha present.

<sup>10</sup> Sir Apirana Ngata and Sir Peter Buck, *Na to hoa aroha, from your dear friend. The correspondence between Sir Apirana Ngata and Sir Peter Buck 1925-50*, edited by M.P.K. Sorrenson. Auckland: Auckland University Press, 1986. This is a continuous theme of the correspondence; see pp.91, 96, 105, 116, 122, 132, 201, etc.

Maori and academic analyses of oral narratives, notably those by J. Prytz Johansen and Margaret Orbell, have left the early twentieth century religious taxonomy intact, while international scholars working outside the Maori language, for example (earlier) Mircea Eliade and (later) Alan Hanson and Marshall Sahlins, provided it with theory that does not seem to speak to any Maori reality.<sup>11</sup> Today, *tapu* is synonymous with a spiritual essence of identity, projected on the past; there are no modern works dealing with *tapu* in terms of its role in public governance.

The enclosure of *tapu* in religion plus its present florescence as a marker of modern Maori identity have conspired to veil the magnitude of the change that the loss of its political functions of governance represent. Magnitude is the necessary idea to grasp, if the consequences of intellectual change for the functioning of chiefly authority are to be understood. In order to give magnitude substance, this chapter will attempt to restore a sense of how *tapu* formerly functioned in Maori society. The premise of what follows is that *tapu* must be deduced from the sensory and moral cues of daily life, and not from a 'system' of belief conjured from abstractions. This should open more space for understanding questions such as why chiefs accepted government by the British, and why they sold land.

### ***Tapu* in pre-colonial Maori society**

The Maori world was alive with spiritual meanings. The landscape teemed with gods whose presence could be known by studying the behaviour of the visible world. Any rock, stone or tree, any living creature, could be a god or a messenger of a god in a world full of signs.<sup>12</sup> When chiefs died they became gods, and their souls became birds. If a bird ate from a basket of food placed on a chief's grave, it was a sign that the god had accepted the offering and would assist the supplicant. Stylised wooden images of dead chiefs were placed outside their descendants' houses as symbols of the protection offered by gods (provided, of course, that conditions were

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<sup>11</sup> J. Prytz Johansen, *The Maori and his religion in its non-ritualistic aspects*. Copenhagen: Munksgaard; 1954; Margaret Orbell, *Hawaiki, a new approach to Maori tradition*. Christchurch: University of Canterbury; 1985; Mircea Eliade, *Myth and reality*. London: Allen and Unwin, 1964; F. Allan Hanson and Louise Hanson, *Counterpoint in Maori culture*. London: Routledge and Kegan Paul, 1983. Marshall Sahlins, *Islands of history*. Chicago: University of Chicago Press, 1985.

<sup>12</sup> With the casualness of someone stating the obvious, Best said that gods were 'deified ancestors &c., &c.,' . The etceteras denoted the exhaustiveness of the category, as anything could be designated a god. The category included 'malevolent demons, fairies, deified ancestors, natural phenomena, personification of pain or disease, &c.' Elsdon Best, 'Spiritual concepts of the Maori', *Journal of the Polynesian Society*, Vol.9, 1900, p.176.



met.)<sup>13</sup> The recently dead were the gods most present to the living; those further back recombined with the landscape as mountains or rocks.<sup>14</sup> Behind them again were superhuman primal ancestors who generated the world and possessed it with their magic powers. The ancestor who bequeathed order to the world was Maui, a figure widely known in the Pacific. Maui was a careening *tapu* breaker who wrested space for human life from power-hoarding Titans. He caught a great fish and killed it to make the land. He cheated and stole from his elders to lengthen the day and gain the power of fire.<sup>15</sup> In opposing the gods Maui did things that placed cruelty, deceit, violation and murder at the core of heroic action. He was a principle of creative disorder, a mighty Lord of Misrule, who created his opposite: a dependable, life-sustaining order in the human world. Manifestations of power, human or otherwise, occurred where the veil between this and the supernatural world was thinnest, and this juncture was guarded by *tapu*.

The relationship between humans and the spiritual universe was not one of benign communion but full of threat. Maori experienced the ancient pairing of responses to spiritual intimations contained in Latin *sacer*, meaning both dangerous and holy. *Tapu* refers to what is sacred, set apart, forbidden and dangerous with power.<sup>16</sup> Power inherent in the world had been contained by mythic ancestors who set the boundaries of being, but the price of order was limitation. Maui won against the gods until he gambled with death herself and lost. This, his final story, is about the limits of human autonomy. It was not Maui's angry freedom that shaped the belief structure of Maori society, but its opposite: the circumcision of human action by religious powers. In contrast to the possibilities suggested by the thrashing Maui gave the gods, the space for humans was hard-won and small. *Tapu* closed round the Maori mind like the hedge of a witch's curse. It meant restriction, fixity, fear and retribution, and the Maori attitude to the world was one of wakeful vigilance. Within the boundaries of finitude, Maui was, however, the embodiment of will. He showed energy, courage, physical strength and mental acuity, from which flowed great magic,

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<sup>13</sup> See, e.g., the paintings of Maori houses and villages in G.F. Angas, *Maori scenes and portraits*. Wellington: A.H. & A.W. Reed, 1979, plates 10, 26, 32.

<sup>14</sup> Orbell 1985, pp.1-2.

<sup>15</sup> Grey 1956, pp.12-44.

<sup>16</sup> Although almost any world mythology provides examples of similar thinking about the connection between sacredness and power, biblical analogies are appropriate to Maori thinking, because the similarity of its depiction of sacredness to *tapu* smoothed a path to Christian conversion. An example of the 'awe and threat' combination occurs in *Exodus* 3:2, when God spoke to Moses from a burning bush in the desert. The image of fire where none should burn expresses sacred dread.

or *mana*. Actual chiefs were powerful in proportion to their reflection in Maui's mirror. The possession of efficacy, which was the content of *mana*, proved proximity to the supernatural and made chiefs spiritually dangerous.<sup>17</sup> When a man was told the food he had just eaten was from a chief's basket, he began to convulse, and died the next day.<sup>18</sup> The ground where a journeying chief sat down immediately became sacred, and was cleared, fenced and named.<sup>19</sup> A chief's possessions were *tapu*; people died if they found that they had unwittingly lit their pipes from a tinderbox belonging to a great chief.<sup>20</sup> When a chief died, his *tapu* intensified because he had stepped across the border into the realm of spiritual power. In funeral rites the corpse was called *atua* and those handling it *kai tango atua*, (one who places the god).<sup>21</sup> His possessions - his cloak, greenstone personal ornaments and gun, and possibly his house, remained *tapu*. Possessions might be hung on a frame until they variously rotted, fell into the ground or rusted; houses were abandoned.<sup>22</sup>

A chief's name was *tapu*. If he called a canoe belonging to the group by his name, no-one else subsequently used it. The question of ownership did not arise - not because the canoe was communal property, but because any rights were trumped by supernatural power.<sup>23</sup> *Tapatapa*, naming, describes how chiefs commandeered resources, including how they claimed land. They would say, 'that axe is my head'; 'that plain is my backbone', and only a stronger chief might dispute it. When the chiefs on the Te Arawa migration canoe approached the land, Tama said 'the bridge of my nose is the point jutting out from Maketu'. Tia called Rangiuuru his stomach. Hei went one better and named Otawa his 'big stomach'.<sup>24</sup> *Mana* was being asserted as ownership in these words. How ownership was experienced in the lives of the people was as *tapu*, the supernatural force which protected the possessions of a chief. Frederick Maning, who was married into the Nga Puhi tribe, described a warparty that travelled hundreds of miles south to attack Ngati Whakaue, who lived at Rotorua. He records that Whakaue exited for safety to Mokoia, an island in the middle of Lake Rotorua, thinking their enemy had no canoes with which to pursue them. But Nga

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<sup>17</sup> Taylor 1870, p.173.

<sup>18</sup> Maning 1863, p.123.

<sup>19</sup> Taylor 1870, p.170.

<sup>20</sup> Taylor 1870, p.164.

<sup>21</sup> Adele Fletcher, 'Religion, gender and rank in Maori society', PhD thesis, University of Canterbury 2000, pp.16-18.

<sup>22</sup> Taylor 1870, p.221.

<sup>23</sup> Taylor 1870, p.168.

<sup>24</sup> Grey 1956, p.117.

Puhi had prodigiously dragged their canoes overland, and hidden them beside the lake. Every morning Ngati Whakaue would paddle along the shore in their war canoes, taunting the helpless-looking Nga Puhi. As they passed, however, the Ngati Puhi chiefs were saying:

‘That canoe is my backbone.’ Then Tareha ... roars out: ‘That canoe! My skull shall be the baler to bale it out.’ ... Then the soft voice of the famous Hongi Hika... ‘Those two canoes are my thighs.’<sup>25</sup>

The Nga Puhi chiefs claimed all Whakaue’s property in advance. Under cover of darkness, they hauled out their own canoes, proceeded to Mokoia Island, and made good their boasts.

*Tapu* provided structure in a community which lacked civil institutions of government, and where many men competed for precedence.<sup>26</sup> Chiefs’ decisions created hierarchy and leadership because they were infused with *tapu*, which was so internalised that it governed by the most casual symbol – a twist of flax, for example, announcing a prohibition on using a path.<sup>27</sup> The superiority of order in society was demonstrated by the consequences of its opposite: *hara* – breaches of *tapu* – brought the disorder of failure, misfortune or death. According to Fernand Braudel, Egyptians lived ‘under the sign of obedience’ because of the sacred power of the king.<sup>28</sup> Among Maori, similarly, omnipresent *tapu* generated a personal psychology of fear, centred on spiritually dangerous chiefs.<sup>29</sup> However, if the *tapu* of a chief was dangerous to others, it was also dangerous to himself. Pollution by the touch of a lesser person on his possessions might damage his strength and success. The chief in this circumstance might be content with killing the offender, but sometimes he gathered his allies and wiped out whole tribes.

Men were *tapu* not only in war and other great undertakings, such as the making of seine nets and canoes, but because it was the condition of freeborn maleness. The hair of a chief’s head was used in a rite performed over noble new-born children, in order to confer on them the vitality of life.<sup>30</sup> The *tapu* of a man’s head went all the way

<sup>25</sup> Maning 1863, pp.176-8.

<sup>26</sup> E.g. John White, *Ancient history of the Maori*, Wellington: Government Printer, 1887-91 Vol.IV, pp.191-3; Vol.V, pp.61-6. In historic times, this competition was on display at the *hui* held to discuss the Treaty of Waitangi on 5 February 1840.

<sup>27</sup> Taylor 1870, p.171.

<sup>28</sup> Fernand Braudel, *The Mediterranean and the Mediterranean world in the age of Philip II*. London: Collins, 1972-73, p.69.

<sup>29</sup> Thomas Gudgeon, ‘Maori religion’, *JPS* Vol.14, No.55, 1905, pp.122, 130.

<sup>30</sup> Best 1900, pp.193-4.

down the spine, and therefore the condition of his back was a daily consideration. It was considered an insult not to visit relations when on a journey (failure to register goodwill assumed its opposite.) Waikato tradition records of a chief named Hekemaru that if a village called to him after he had passed the gate, he ignored the invitation: because it had been addressed to his back it was considered that the village food might kill him.<sup>31</sup>

The gods withdrew totally from slaves, whatever their former consequence. Enslaved, Maori lived without *tapu*, which meant a life without meaning. In 1864 Maori allies of the government and their relations who followed the Hauhau religion, which supported the anti-government side, fought each other at Moutoa Island on the Wanganui river. The Hauhau chief Raimona was captured by ‘friendlies’ (Maori fighting on the side of the government), but they balked at the task of manhandling their chiefly prisoner into a canoe:

He is a very great Chief; he is nearly related to all of us. If we lay hands on him he will be degraded, and looked upon as a slave forever. We are, therefore, trying to persuade him to walk down to the canoe without our touching him.

When a plan for taking the chief that did not require physical contact was suggested, they readily complied.<sup>32</sup> The *tapu* of chiefs was strongest in war. When temporal power was felled by death in battle, a chief’s *tapu* fled. Those who succeeded in killing a chief offered every indignity to his person, particularly his head, to show that his spiritual strength was gone; the Israelite analogy with Samson, whose superhuman strength lay in his long hair, is apt, but hardly exclusive. If seventeenth century Europeans reserved beheading for magnates, and displayed the heads of enemies of the state as trophies, so did Maori. At a chief’s funeral, the heads of his chiefly enemies would be placed at his feet, as a statement of pride in his powerful life, and a reminder of the price of security.<sup>33</sup> Conversely, the heads of dead nobles of the tribe were also preserved, and displayed on great occasions by their relations.<sup>34</sup>

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<sup>31</sup> White, 1887-90, Vol.4, pp.170-1.

<sup>32</sup> Raimona was treated with every dignity by his relations on the way down the river, although, allegedly, the Hauhau warparty had dug two huge ovens in which they intended to roast the friendlies, had they won at Moutoa. The story shows how the 1860s war was not a traditional war, and upset the categories of *tapu*. *BPP NZ* 14 (1865-68) pp.77-82, encl. 2 in No. 22, Report by his Honour the Superintendent of Wellington on the battle of Moutoa, and subsequent events on the Wanganui river, 20 July 1864.

<sup>33</sup> Polack 1838, Vol.II, p.73.

<sup>34</sup> Polack 1838, Vol.II, p.68.

The *tapu* of the living chiefs made a strong impression on European observers, because it was at odds with European notions of rational and efficient behaviour. The early European evidence of contemporary Maori behaviour mirrors the templates contained in Maori oral narratives, however when Pakeha recorded the operation of *tapu* after 1840, they were aware that they were looking backward. The decline began when Maori began to consciously manipulate the automatic boundaries of daily behaviour, as in the following example. Men could not carry things on their sacred backs.<sup>35</sup> A party of young nobles faced the problem of getting food supplies across a river when they had no slaves or women to act as porters. Perplexed by the conflict between goal and law, they decided that if they *hiki*'d the food – carried it in their arms – *tapu* would not be violated.<sup>36</sup> The men knew their solution was tendentious. Older chiefs would not have chosen it, for fear of weakening themselves.

Formally unassailable in traditional thought, *tapu* was unseated when it was proved contestable. The beginnings of change can be detected as early as 1772, when a chief was invited aboard Marion du Fresne's ship and was dressed by the French in their garments. It was recorded that he seemed nonplussed, which would be the case because of the Europeans' failure to observe his *tapu*, but as he came to no obvious harm his followers joined him, and French and Maori exchanged gifts.<sup>37</sup> Europeans neither believed in or were affected by *tapu*, and the institution was holed like a dam by the introduction of doubt.<sup>38</sup> In the 1840s the Wanganui River was often closed to traffic by the *tapu* imposed by chiefs after accidents. Pressured by the settlers' irritation at disruptions to travel and trade, local Maori decided to exempt all Europeans from the necessity of observing any *tapu* laid on the river. Subsequently, the exemption was extended to all Christians – that is, to Maori behaving like Pakeha. As the missionary Richard Taylor put it: 'finally, the *tapu* became disregarded by all, and fell into disuse.'<sup>39</sup> This is an important incident, because it stands for a universal trend. Instrumentally, 'closed' societies ground their intimate knowledge of the physical world in a moral order that depends on the assumption that its reasoning is

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<sup>35</sup> They could not even lean against the wall of a house, for fear of pollution from the walls, which were the repositories of the mosses used by menstruating women; Shortland 1856, pp.112, 292.

<sup>36</sup> Maning 1912, pp.115-6.

<sup>37</sup> Salmond 1991, p.363.

<sup>38</sup> In 1829 a group of Pakeha had felt secure enough to challenge a *tapu* fishing net operation, and their success made them think that Maori would not try to make Pakeha observe *tapu* again. Yate observed that many *tapu* had already been given up. William Yate, *An account of New Zealand*. London: Seeley and Burnside, 1835, p.246.

<sup>39</sup> Taylor 1870, p.166.

universal. Because *tapu* was a function of ‘reality’ to Maori, when that reality changed *tapu* ceased to provide logical reasons for behaving as the past dictated. If *tapu* were, at best, ‘true’ only in Maori contexts, the availability of alternative ways to think about the governance of society meant that its political potency had already slipped into pastness. Maori with an unreformed relationship to *tapu* could not function politically or economically in the colonial world. If they wanted to sell land, build towns, roads and bridges, attract settlers – and equally, if they were determined not to do these things - they needed to negotiate with Pakeha, whose imperviousness to *tapu* advertised its failure as a law of nature. It is not the case that the practice of *tapu* entirely disappeared, but it became elective and anecdotal.

. The ‘closed’ Maori world was opened by the westernising fiat of Christianity, and *tapu* was its first casualty. By becoming Christian, Maori of any social status could know the freedoms of the hero and the chief. Around 1840, as a result of the Christian influence that stood for a wider ‘westernisation’, Maori released their slaves. This was a milestone of change, both for the decline of the old universe of thought and for a future in which *tapu* no longer regulated the relationships between people. The decline of *tapu* meant that chiefs lost the external source of support of their civil authority. This toppled the pillars of governance in Maori society. Yet, according to missionaries, *tapu* was given up without much regret. These statements appear contradictory, however they are reconciled by the fact that Christianity was embraced by Maori before the habit of belief was lost.<sup>40</sup> The Maori world view was thoroughly this-worldly; Christianity was similarly perceived. It shared with *tapu* the idea that human behaviour was governed by an active, rewarding or punishing divine law, and conversion that focused on this familiar idea was not traumatic, and even less so when viewed in the wider context of the gains of modernity. Christianity shared powerful ‘pull’ factors with foreign imports as diverse as the potato and literacy that made Maori life easier. Jesus’s easy yoke and light burden were measured against the killing power of *tapu*; this part of the answer to why Christianity was welcomed into

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<sup>40</sup> The severely functional and instrumental explanations offered by historians are unsatisfactory, because they silently reduce Maori motivation to acquisitiveness. If conversion was simply strategic as, for example, Belich argues (1996, p.217), it would be impossible to explain the great outpouring of creative theology that came out of it.

Maori society only looks too simple when the religious severity of the past has been covered by time.<sup>41</sup>

Christianity gave Maori a means to exit the past. The decision was not based on a strong knowledge of Christian theology, but on a perception that the Christian God was stronger than *tapu*.<sup>42</sup> Maori were rarely converted as a result of the deep personal conviction of sin that evangelical missionaries felt to be the pre-condition of faith.<sup>43</sup> They changed one system of thinking about the world to another, but, in a sense nothing changed, because belief in the supernatural remained, and was still experienced as a way of being in the world. Initially, Christians were conceptually a quasi-tribe, known as the *hunga tapu* 'sacred people'; *tapu* in obedience to God, but empowered in the modern world.<sup>44</sup> Yet too much emphasis on continuities would also be mistaken. The perception of Christianity as an alternative definition of the group was a way station rather than a destination. Christian law could not be lifted from Western civilisation and grafted onto a Maori stem, because inbuilt links to the wider Pakeha culture provided steady pressures that channelled Maori towards greater approximations of Pakeha thinking. Maori found, by experimentation, that expressing the old thinking in new terms did not work independently of an orthodoxy determined by the church, and after 1840, the state. A pre-treaty example is the appearance in the Bay of Islands in the 1830s of a teacher called Papahurihia, who had a degree of mission education, experience of the world outside New Zealand, and literacy. Papahurihia taught that the snake and not God was the true figure of power in the Garden of Eden because he was the possessor of worldly knowledge. Papahurihia elaborated his message with a vision of heaven, a place without any moral restraints on human desires, and of hell, a cold place of fire called *hotoke*, winter, joined to heaven by a tree up and down which the people, chosen for one or the other by the snake, climbed. Papahurihia's followers squared off against the Wesleyans as rival tribes. They fought over doctrine, such as whether the Lord's Day should be observed on Sunday (the Wesleyans) or Saturday, favoured by Papahurihia because it was the

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<sup>41</sup> *Tapu* continued to cling to the rituals and locations of death, but it died as the prescription of order in Maori society.

<sup>42</sup> Shortland 1856, pp.84-98.

<sup>43</sup> But see Wereta's conversion in Ian Church, *Heartland of Aotearoa: Maori and European in South Taranaki before the Taranaki Wars*. Hawera: Hawera Historical Society, 1992, p.62.

<sup>44</sup> In the earliest years of the introduction of Christianity, Maori thinking often remained in its old groove, so that, for example, Wesleyans and the followers of Papahurihia, the Bay of Islands independent religious teacher, sometimes fought each other in the name of their respective allegiances. See Binney, 'Papahurihia: some thoughts on interpretation', in *JPS*, No.75, 1966, pp.321-31.

Sabbath of Judaism, the parent and correct biblical faith.<sup>45</sup> Papahurihia's world view did not succeed because it was much too thin. His teaching was based in one Old Testament picture plus supplements from Maori tradition that destroyed coherence. Because of his sparse (if vivid) thought world Papahurihia, in compensation, arrogated power to himself, claiming, for example, to be master of the comet that appeared in 1843. In the northern war in 1845 he was advisor to Hone Heke on both Christian or traditional beliefs. He preached the *tapu* of invulnerability to bullets through prayer to God, and blamed Heke's defeat on violated *tapu*: Heke had looted a soldier's body in despite of Papahurihia's instructions. This explanation of Heke's defeat showed that *tapu* no longer, for Papahurihia, worked in the old way where the violation of enemies' bodies was proper, and ritual was efficacious. Papahurihia tried to apply a Christian *tapu* to an old culture of war when he thought that offence against the Christian practice of respecting the dead was sufficient cause for failure in battle. The cultural incoherence of this episode offers insight into why *tapu* was abandoned: it could no longer function as a system.<sup>46</sup> Papahurihia's teaching lived on in a non-structured way as a folk memory of opposition to Pakeha claims to rule. It was revived in times of social stress in mutated forms as experience of the supernatural in séances, in the movements of the heavens, in omens, in the guise of a black dog that runs at night and as a modern belief that the people of Panguru were descended not from Israel but a Tibetan people known as the Nazaki, which is a corruption of *nakahi*, Papahurihia's word for snake. The recrudescence forms underline the failure of structure in Maori religious expression, and point to why *tapu* disappeared as the governance of mainstream Maori life.

A further instance of the difficulty of grafting Christianity onto a Maori political stem is less singular in its details, but more startling in its insight into what some major chiefs thought about the politics of government. In December 1846 the Wellington chiefs Te Rangihaeata, Te Wawarua and Te Tawiri sought a war alliance with Waikato and Ngati Maniapoto, in order to free Te Rangihaeata's uncle, the chief Te Rauparaha, who was the prisoner of Governor Grey. The reason they offered for fighting the Governor was that Te Rauparaha, a famous fighting chief, was 'the eye of

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<sup>45</sup> Polack 1838, Vol.II, p.63.

<sup>46</sup> Ormond Wilson, 1985, pp.192-210. Also see, e.g. Binney 1966, p.321-31. After the war Papahurihia continued his journey into modernity. He became a successful cattle man and in the 1860s was paid by the government, whose troops were fighting south of Auckland, to report on the state of the north. He became a lay reader in the Church of England and died at seventy-five in 1875.



the faith (Christianity) and all the people'. This was a statement of Te Rauparaha's *mana* and an attempt to appropriate for it the power associated with the Pakeha. By 'faith' the chiefs meant the new political organisation that Christianity had introduced; Te Rangihaeata and the others were presenting Te Rauparaha as a head of government.<sup>47</sup> This letter was a diplomatic communication designed to appeal to chiefs whose own political adviser was their missionary, John Whiteley, which offers further inside into the nature of early Maori politics. Missionaries, not the few government agents who Maori pleaded to see but who rarely came, were the strongest representatives of the Treaty of Waitangi in Maori communities, and their presence is why it is erroneous to assume that the Treaty of Waitangi made little impact on Maori society. In the political metaphor of the 'eye of the faith', Christianity implied – even equalled – government to Maori. Therefore the letter to a powerful chief was an attempt at exerting the old grammar of (chiefly) power in the new language of the post-treaty organisation of the state. The Kawhia chiefs replied scathingly to Te Rangihaeata that the Pakeha were the 'eye of the faith' and that the British government was the authority under which Maori now lived. Under this there no doubt lay the intricate revenge politics of the struggle for power between different lineages of chiefs,<sup>48</sup> but the official status of Pakeha authority allowed a top layer in a new language; this was the Treaty of Waitangi in action.

The decline of *tapu* puts a piece in the jigsaw of change that explains why Maori sold land. Land belonged to chiefs because they were *mana*, and *mana* was powerful because of the sanctions of *tapu*. Within this statement of principle lies former Maori practice. Perhaps the most graphic example of the connection between chiefs and land is the fact that chiefs might be buried in the middle of their villages.<sup>49</sup> It is *tapu* that makes the connection. A *wahi tapu* was a small, fenced-off place where the detritus of a chief's life was kept. *Wahi tapu* contained his food scraps and the baskets he ate from, the combs with which his head was scratched for lice, his nail and

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<sup>47</sup> McLean Maori Letters MSP32: 670b. Nuitone Te Pakaru, Nga Motu, Te Waru and Te Kanawa to Te Rangihaeata, Te Wawarua and Te Tawiri, 28 December 1846. They replied to the effect that Te Rauparaha had lost his way if he thought he could win against the Pakeha – 'will the sea dry up?' - and declared that the Pakeha were 'the eye of progress/authority [*rangatiratanga*]' for Maori. Their reply seems partly designed to impress their missionary, John Whiteley. McLean Papers, WTu: MS-Papers-0032.

<sup>48</sup> This is almost exactly comparable to 11<sup>th</sup> c. Saxon-Danish England; see Richard Fletcher, *Bloodfeud; murder and revenge in Anglo-Saxon England*. Oxford: Oxford University Press, 2003.

<sup>49</sup> Samuel Marsden, *The Letters and journals of Samuel Marsden*. John Rawson Elder (ed.), Dunedin: Coulls, Somerville, Wilkie and A.H. Reed, 1932, pp.242-244.

hair clippings and the like. After his death, wherever his bones lay was a sacred spot.<sup>50</sup> The decline of the personal *tapu* of chiefs initiated the secularisation of Maori perceptions of the natural world. This separated chiefs and land, and logically played a role in reconstitution of land as a commodity. *Tapu* took on a secular dimension as a word for ‘restriction’, and by the 1850s *whenua tapu* meant reserved land, in the sense of a piece of land cut out of a block when land was sold in order that its former owners might have somewhere to live.<sup>51</sup>

One of the most powerful remains of a world that has gone are the last mausoleums (before Christian burial took over) housing chiefs’ bodies or their bones. These were *wahi tapu* (sacred places). Unlike the familiar shape of the buildings of the living, they might be rearing narrow sheds with a sloped roof, elaborately carved, or eerily abstract mock-ups of the human form, placed beside paths in the bush. The Wanganui River missionary Richard Taylor made drawings of these objects in the 1840s, but just in time. A decade later the houses of the dead and the death sculptures had collapsed, and *wahi tapu* became, overwhelmingly, the ground where chiefs were buried. The term *wahi tapu* was replaced with *urupa*, which is today’s ‘cemetery’. But the memory lingered of a power formerly *in the land*. Some Maori in the 1850s wondered if the former *tapu* places were still powerful, and the cause of present Maori suffering. Religious leaders (usually not chiefs), that is, men with enough Christian knowledge to feel strong enough to out-face *tapu*, conducted ceremonies to end its lurking presence and, not incidentally, claim authority for themselves. The founder of the *tapu*-removal movement known as Kaingarara was Tamati Te Ito, a former Wesleyan teacher. Politically sympathetic to the aims of the King Movement, Te Ito supported land retention and independent Maori local government, divided tribal land into sections in imitation of Pakeha survey practice, and ran courts of law that pronounced on misbehaviours such as theft and adultery, and even arranged a time-payment system for fines.<sup>52</sup> Kaingarara members could not be described as collaborating with the government, yet the purpose of the movement was to destroy the *tapu* heart of traditional society. Yet, the pace of change in Maori thought was so rapid that even the impulse to remove *tapu* came to be seen by chiefs as a hangover

<sup>50</sup> G.S. Cooper, *Journal of an expedition overland from Auckland to Taranaki*. Auckland: Williamson and Wilson, 1851, p.288.

<sup>51</sup> McLean Maori Letters, MSP32: 672B. Te Teira to McLean, 7 April 1848.

<sup>52</sup> See transcript of Kaingarara court hearing, 6 December 1859, in Penelope Goode, ‘The Kaingarara Letters; the correspondence of Tamati Te Ito Ngamoke in the A.S. Atkinson Papers, 1857-1863’, M.A.Thesis, University of Canterbury, 2001, pp.120-125.

from the past. In 1859 Rewi Maniapoto, the King Movement chief, wrote a curt note to Tamati Te Ito, the leader of *Kaingarara*, commanding him to stop his ‘sorcery’ at once.<sup>53</sup>

Maori repudiated two cultures of government, whether those of Maori separatism or Pakeha exclusivism. In May 1861 a provocative declaration by the Governor was read to King Movement Maori at Ngaruawahia. It affirmed the sovereignty of the Crown, stressed the rule of law, proscribed political combinations arrogating to themselves power over other people’s land, and affirmed the government’s right to build roads and bridges through land belonging to Maori, on payment of compensation. Wiremu Tamihana replied with a song about the double-hearted, then said that Pakeha had led him to think that – as he put it, that ‘ there was to be no distinction between salt and fresh water’, ie Maori and Pakeha were equal citizens of the state. He says if we are to take up your culture let there be no distinctions or *tapu* bits – why should he be allowed God, but not a king?<sup>54</sup>

As the King Movement’s hope of establishing unity under a king suggests, the initial Maori perception of Christianity as an alternative definition of the group was a way station rather than a destination. It lost defining force when the majority of the people were baptised, as was the case by the 1850s. It was also undermined as literacy enabled individuals to retreat from the group into private worlds. As religion shifted from the practice of ritual to governance by doctrine,<sup>55</sup> the social sanctions provided by the *tapu* of relationships between people were replaced by something less socially comprehensive: the orthodoxy of coded law. In the 1850s, the King Movement would view its civil mission as bringing Maori communities under the rule of its courts, while all the prophet movements that arose in the 1860s wrote codes of law. *Tapu* was, paradoxically, an agent of this change. Whereas it used to be in the landscape and the persons of the mighty, *tapu* migrated across the cultural divide and withdrew into the person of God and his laws. This had a profound effect on the role of chiefs, because it left the role of governance in Maori society unfilled at the point at which there was unprecedented surplus of need to govern, both in terms of new wealth and the growth in foreign settler numbers. The de-throning of *tapu* also unseated the

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<sup>53</sup> McLean Maori Letters, MSP32:74. Toma Whakapo and Rewi Maniapoto to Tamati te Ito, 29 December 1859.

<sup>54</sup> *AJHR* 1861, E1B, No.18, p.13, Wi Tamihana Te Waharoa to McLean, [23 May] 1861.

<sup>55</sup> See discussion in Gellner 1995, p.37. An example of the transition is the emphasis in early Maori Christianity on Sabbath observance rather than appreciation of the atonement of Christ.

chiefs. This provides a reason for their (mostly) reluctant acceptance of government by the British. Personal rule was replaced by a formal machinery of government. In a sense the decision the chiefs made was a death warrant, because Christian law (and civil law, because Maori did not distinguish between the two until the later 1850s) functioned by prescription not personal power.

## CHAPTER FIVE

**The flawed basis of the codification of Maori land tenure**

**[There was] no fixed law existed in regard to Native tenure except the law of might.<sup>1</sup>**

Alasdair MacIntyre's observation that 'moral concepts are embodied in and partially constitutive of forms of social life' is a useful test of present perceptions of historical Maori property rights, which are treated in the literature as a prescription that can be isolated from the life of the community.<sup>2</sup> This chapter considers land as a constituent of the morality of Maori society through the examination of a manuscript that shows how land ownership was integrated into a system of domestic justice. The premise of this chapter is that in order to understand Maori as a moral society, land tenure must be understood in terms of Maori concepts of legitimacy. These cannot be extracted from the code of rights, *take*, that was assembled by Pakeha in the nineteenth century and which constitute modern Maori land tenure.

It seems reasonable to assume that the terms of Maori legitimacy will be different from those of the British, yet they are not as different as suggested in the opening quotation of this chapter. Alexander Mackay expresses the common nineteenth-century view that Maori society had a simple politics of violence, which qualified it as 'savage'. In fact, Maori had a system of justice, and one, moreover, that seems neither more nor less violent than that of the culture Mackay represented. A

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<sup>1</sup> *AJHR* 1890, Vol.1 G1, 'Opinions of various authorities on native tenure,' View of Alexander Mackay, pp.1-2. See also a Maori view of the past in *AJHR* 1861, E1 No.4, pp.46-47, Ihaia and Tamati to the New Plymouth settlers, 15 July 1860, reprinted from the *Taranaki Herald*, July 1860: 'Formerly we [Maori] did wrong one to another, made war on one another, we ate one another, we exterminated one another. Some had deserted the land, some were enslaved, the remnant that was spared went to seek other lands.'

<sup>2</sup> Alasdair MacIntyre, *A short history of ethics*. New York, Macmillan, 1966, p.1.

‘system’ operates among a group of people whose interdependence obliges them to maintain order in their daily lives. However, because Pakeha tended to make the extreme situation of inter-tribal warfare the measure of Maori life, the mechanisms for its domestic orderliness have been largely hidden. It therefore comes as a surprise to find that forfeiture of land was one of the sanctions that disciplined the group.<sup>3</sup> Yet the nature of Maori society suggests that surprise is unwarranted. While both British and Maori systems of justice might take lives, a signal difference between them is that Maori did not deprive malefactors of liberty. Instead, they deprived them of their possessions. Maori operated a subsistence economy where wealth was counted in food; punishment for wrongdoing, therefore, could include loss of the land that produced the food. There is a possible further dimension to such loss: lack of land for subsistence implies exclusion from the group, which would be punishment indeed.<sup>4</sup> Straightforward examples of the forfeiture of land for wrong-doing are available in the post-1840 Maori literature, for example, when, in 1862, Tikipoti plundered and burnt a European’s house, the Mokau chief Wetere Takerei took Tikipoti’s land off him and awarded its crops to the European.<sup>5</sup> Land loss as part of a system of justice suggests again that the nature of Maori society has been obscured in the historiography. Therefore this chapter takes up the subjects of chiefs and land already discussed in chapters three and four, but looks at them from the angle of how land functioned in the Maori justice system, which was administered by chiefs. The circumstances in which these sanctions were invoked are described as *take*, which is today the basis of ‘traditional Maori land tenure.’ Therefore the chapter is a study of the meaning of *take* in a Maori context, however it seems not possible to do so unless the substantial history of *take* as meaning ‘Maori land tenure’ is addressed.

The modern model of Maori land tenure was developed after 1840 by the government, pre-eminently in order to facilitate land purchase. This produced a functional arrangement that fitted the purposes of the state and was institutionalised in the Native Land Court in 1865. There, it was a specific mechanism of a pervasive phenomenon, namely, the colonists’ power to dictate the terms of Maori culture. The colonial (which is also the present) version is preserved in the historiography, where it

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<sup>3</sup> This makes sense of the evidence that Maori resistance fighters submitting to the government in the 1860s appeared to accept with equanimity some loss of land as punishment for rebellion.

<sup>4</sup> There is no direct evidence on this point to be found in oral narratives. It was customary for anyone at odds with the group to leave it, but this is usually cast in the stories in terms of shame, and is often the prelude to action taken to regain *mana*.

<sup>5</sup> *AJHR* 1863, E4/10, No.28, Encl., p.68, Wetere Takerei to Parris, 17 May 1862.

has a false patina of antiquity by the appellation of 'traditional'. Simultaneously, the subject of Maori land tenure has become entwined with modern New Zealand nationalism, and is often overlaid with a romanticism that is the result of white New Zealand's search for an 'indigenous' identity of its own. Modern Maori culture has also reinforced the colonial model of land tenure. Maori conceptualise the whole experience of colonisation pre-eminently in terms of land, both as a notion of identity and as the measure of colonial depredation. Loss of culture, autonomy and economic potential has given a depth of emotion to the portmanteau importance of 'land', and the veracity of this response in its own terms has added moral force to Maori readings of the more specific subject of 'land tenure'. Nevertheless, modern published Maori views do not differ from those in the non-Maori literature, which suggests that they are based on an internalisation of the colonial model of land tenure. Perhaps the most telling fault of the literature written by Maori is the most unconscious: namely, the authors' implicit assumption that their readers are Pakeha. This produces an underlying protest against colonisation, which ensures that the discussion of Maori property rights by Maori is dominated by a Pakeha agenda.

While it is not difficult to separate either the romance of identity or the moral force of loss from the evidential base of Maori land tenure, this chapter is not concerned to do so, because the historical error does not lie therein. It belongs to the post-treaty period, when the colonial government assumed (rather than accrued by time and cultural convergence) the power to re-structure those aspects of Maori society that frustrated the progress of white settlement, which was geared to land ownership. 'Traditional Maori land tenure' relies on the pre-contact concept of *take* ([basis of] right) to describe Maori property rights. This was the pillar of the colonial model, and became the arbiter of legitimacy in the Native Land Court. *Take* was abstracted from the larger system of Maori civil governance which gave it meaning and legitimacy, and erected by the British as a stand-alone catalogue of rights that became the only surviving notion of 'traditional Maori land tenure'. It is, however, an expression and artefact of colonial power, and not of Maori culture. Edward Said observed, presciently, that 'you cannot grasp historical experience by lists or catalogues as this procedure will leave out ideas.'<sup>6</sup> This chapter seeks to go beyond the land-buyer's list, and restore former meanings to Maori experience. This does not

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<sup>6</sup> Edward Said, *Culture and Imperialism*. New York: Knopf, 1993, p.xxiv -v.

mean dispensing with the notion of *take*, but rather, restoring it to Maori political culture. The chapter does not argue that because *take* was not the original basis of Maori land tenure everything done in its name is therefore invalid; whatever its origin, assimilated change accrues legitimacy. However, a political history that cannot begin to perceive change in its indigenous culture is still oppressing it.

The wider aim of this chapter is to pierce the stasis of readings of historical Maori property rights, in support of the premise of the thesis that change must inform every enquiry into Maori culture in the early colonial period. Today, the *take* Maori hold to land is almost exclusively that of inheritance from forebears who were successful in arguing an earlier right in the Court.<sup>7</sup> Inheritance is the abstract right of *whakapapa* (descent), or ‘blood’; nothing is required to make ‘blood’ active within culture. A re-think of *take* in a politically viable culture opposes the abstraction of ‘blood’: it takes kinship for granted, and, instead, locates culture in behaviour. According to a manuscript presented in this chapter, in former Maori society *take* operated within a system of reward and punishment that policed the group. The account does not present *take* as a system of land ownership, because land for sustenance was the automatic right of any member of the group, and had no bearing on political authority. Instead, the value of the account is the insight it gives into the role of land in the justice system of tribal culture.

Maori land tenure has not been newly described since Raymond Firth's scholarly work, *Primitive Economics of the New Zealand Maori* was published in 1929 (a subsequent edition appeared in 1959 with ‘primitive’ excised from the title, but with little alteration to the text).<sup>8</sup> The main features of the Firthian model of Maori land tenure are: resource use rights rather than ownership; vesting of land in the (kin-based) collective; and ‘title’ based in the establishment of *take* (‘rights’).<sup>9</sup> A New Zealander who was a foundation student of Malinowski, Firth professionalised a field largely created by auto-didacts. Nevertheless, his intention to represent a traditional, in the sense of pre-contact, view of Maori property rights does not stand up to scrutiny. The majority of its references show that *Economics* is evidentially based in a late nineteenth-century ethnography influenced by the theoretical anthropology of

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<sup>7</sup> Now known as the Maori Land Court.

<sup>8</sup> Raymond Firth, *Economics of the New Zealand Maori*. Wellington, Govt. Printer, 1959, Chapter Eleven.

<sup>9</sup> Firth also notes the emotional dimension of the relationship between Maori and their land, and the *mana* that attaches to its ownership, but these are treated as distinct from actual land tenure.



Max Mueller. Firth's conceptual masters were the local-born ethnographers S. Percy Smith and Elsdon Best. His perception of Maori culture therefore depends on men who were passionately involved in the making of New Zealand being. They witnessed the westernisation of Maori culture at first-hand, and judged its changes as deficit and dishonour; they unconsciously praised the death of the culture that they were at pains to 'preserve' for posterity in their writings. The frontispiece to *Economics* is a twentieth-century photograph entitled 'The passing of the old order'. It depicts an old man wearing a cloak over his European clothes and holding a spear. He looks down, suggesting an inner gaze at a secret 'elsewhere'. His spear points unthreateningly at the ground, to imply the passing of a heroic world.<sup>10</sup> Such pictures are legion. They were all entirely posed, but the poses perfectly capture the mindset of early twentieth century Maori anthropology. Fixated on preserving the remnants of a dying indigenous knowledge, it produced a static, backward-projected reading of markedly dynamic Maori experience. As Firth remains the reference on which all subsequent analyses depend, pre-colonial or 'traditional' Maori land tenure continues to be structured by a model which silently incorporates the shaping mosaic of nineteenth century change – land sales, legislation, war, the monetarisation of the Maori economy and loss of power – all the upheavals that produced the impression of a lost world. It is not that Firth was unaware that land played many roles in Maori society; he notes the emotional bond between people and land, and also mentions the interplay of *mana* and land. The problem is that he could just as easily be describing the feelings of European landowners for their property; this is an indication of failure to leap the cultural fence. Firth does not set his analysis within the necessary holism of Maori political institutions. He integrates neither *mana* nor love for land with land tenure, but treats the later as a discrete, and indeed isolated, subject. Firth's willingness to abstract land tenure from culture locates him intellectually in the post-treaty world of the colonists. Their interest in Maori land was limited to the processes of its purchase, and therefore Firth is unwittingly tied to a colonist's agenda. If his reading of Maori land tenure is persuasive, it is because it offers the familiar thought world of colonial power which the present inherits.

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<sup>10</sup> Firth 1959, frontispiece. The moralism that dominates present readings of the relationship between Maori and land, including readings by Maori scholars can be traced to this genre of the depiction of Maori.

Firth's successors re-labelled the *take* described in *Economics* as 'Maori land law', which is the title of the book *Maori Land Law*, written by Norman Smith, a twentieth century judge of the Maori Land Court.<sup>11</sup> Smith broke no new ground as far as insight into the past is concerned, but his use of 'law' cemented the appropriation of Maori meaning by the state. The Maori word for 'law' is *ture*, introduced from Hebrew *torah*. 'Maori land law'; *nga ture whenua*, therefore, depends for its meaning in English on a transliteration which reflects the case that 'law' as a code of rights policed by the state was an introduced idea. The content of Smith's 'Maori land law' is the code of *take*; this completes its incorporation into western modes of thought, because *take* was not sheltered in Maori society by an overarching concept of land law. Shorn of this aggrandisement, the concept is incapable, on its own, of representing legitimacy in Maori thinking about rights of property.

Countering the view that *take* is the basis of pre-Native Land Court era Maori property rights requires an investigation of how Maori used the term themselves. The closest approach to pre-colonial usage is via the earliest texts written by Maori, which, because they responded to the interests of Pakeha, record the origin stories of traditional history.<sup>12</sup> *Take* means cause, reason or origin (etc) – of anything.<sup>13</sup> *Nga Mahi a Nga Tupuna* (The Deeds of the Ancestors) is the 1855 collection of oral narratives that express the moral order of the pre-contact Maori world. In this work, *take* appears thirty-five times in the meanings of cause, reason and origin.<sup>14</sup> However, although *Nga mahi* includes stories about ancestors claiming land, none of them employ *take* to describe the foundation of rights to tribal territories, even though many of the stories show that in cases of competition for land a legitimate claim depended on the production of superior proofs of right.<sup>15</sup> This is strong evidence that *take* was not originally part of the language of property. Even more strikingly, the evidence is echoed in the colonial period. *Take* is not a significant feature of the language of

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<sup>11</sup> Norman Smith, *Maori land law*. Wellington, A.H. & A.W. Reed, 1960. Other works dependent on Firth are *Maori land tenure: studies of a changing institution*, by I. H. Kawharu (Oxford, [Eng.], Clarendon Press, 1977) does not break with the conventional view; Richard Boast et.al., *Maori land law*. Wellington, LexisNexis, 2004 (2nd. Ed.)\_Ron Crocombe's *The South Pacific; an introduction*, Auckland: Longman Paul, 1983, provides interesting comparisons in the practices of living traditional cultures.

<sup>12</sup> Firth 1959, p.383 ff.

<sup>13</sup> One of the common uses of *take* was as the justification of war. For an example in the colonial period, see *AJHR* 1865, E5 No.6, Encl. 3, p.12, 8 March 1863. Wiremu Maihi Te Rangi Kaheke writes to Te Arawa to give a list of reasons why the Hauhau should be fought.

<sup>14</sup> Ray Harlow, *A name and word index to Nga mahi a nga tupuna*. Dunedin: University of Otago Press, 1990, p.160.

<sup>15</sup> See Chapter Three for narratives about proofs of right.

ownership in the McLean Maori letters, although they are overwhelmingly about the subject of land rights. If Maori seldom use *take* when discussing land ownership with the government, then the concept is clearly inadequate to capture their reality.

### Challenges to the authority of chiefs

Throughout the 1840-1865 period, Maori most often assume their ownership of land is conveyed by their being the one speaking about what should be done with it. Often, ownership is stated even more simply, by bald assertion. This reflects the political arrangements of a small-scale society, where everyone *knows* the status of both people and land. The following are standard examples of Maori speaking about their ownership of land:

The people of Wairarapa have called for our land to be sold... I will not approve Tauherenikau's being given to you, because I have seen its unsuitability. But the Wairarapa district is a suitable one.<sup>16</sup>

Te Ruakuri is the name of the land. This land belongs to Parata and Iharaia, and it also belongs to me, Te Tahana.<sup>17</sup>

Friends, Tutira is our land. We will not allow it to be taken by the Governor.<sup>18</sup>

Lists of owners made in connection with land sales often consisted of the names of chiefs and their *hapu*. By naming the chief, or, even more delicately, its 'man' or 'woman', the writer is expressing the authority over land that goes with the role:

- (1) Ngati Tawarua is this *hapu*; Anaru is its man
- (2) Ngati Te Kupenga is this *hapu*; Mere is its woman
- (3) Ngati Te Witi is this *hapu*; Tipene is its man<sup>19</sup>

...Tikiku - his *hapu* is Nga Tapukau  
 Rawiri Tangiwera - his *hapu* is Ngati Terematorua  
 Raniera - his *hapu* is Ngati Tahuaroa  
 Tamati Te Kenakena - his *hapu* is Ngati Tai  
 Wi Takurua - his *hapu* is Ngati Komako  
 Ihaia Te Ringaringa - his *hapu* is Ngati Hineranga...<sup>20</sup>

<sup>16</sup> McLean Maori Letters, MSP32: 672d. Te Manihera to Governor, 30 October 1848.

<sup>17</sup> McLean Maori Letters, MSP32:676c. Te Tahana and others to McLean, 5 May 1852.

<sup>18</sup> McLean Maori Letters, MSP32:691e. Reti Paia and others to Governor, 19 August 1867.

<sup>19</sup> McLean Maori Letters, MSP32:683e [n.d.] 1859, Wi Tako. Authority is often expressed, as here, with the word *tangata*, 'man.' The list that follows shows that women could head *hapu*, but this is rare in the Letters.

<sup>20</sup> McLean Maori Letters, MSP32:683e. *Te Uruhi* [n.d. 1859]. The document contains more than thirty names.

It is notable that all the above speakers assume that authority over land lies in the present; they have in common that they do not quote a history (i.e. a *take*) to prove that the named people own it, although all these individuals would almost certainly have been descended from chiefly families who preceded them on the land. The presentness of the letters is evidence of a functioning Maori society, which needs make no appeal to the past for manifest authority in the present. However, the government also had terms of operation, which were the terms of the land market. The government was not concerned with maintaining the structure of governance in Maori society, and was therefore no friend of the chiefs. As a result, the evidence of Maori society functioning in its own terms, predicated on the authority of chiefs, also reveals its vulnerability in the colonial period.

At the same time as Maori were writing about ownership in the present-tense of culture, Pakeha were compiling the lists of historical rights (*take*) that have assumed the status of a canon of land law. The need to codify Maori land tenure arose from the main activity of government, which was to acquire land for settlement. However, the task of formulating a code was not straightforward, partly because government was an obstruction to framing it in solely Maori terms, and partly because of rapid change in Maori society. In the pre-treaty period, negotiations for land purchase and the deed which memorialised it were simple and comprehensive. They were conducted with consenting Maori authority, which meant the chief, and they established the boundaries and price of the land concerned, as an 1831 deed selected at random illustrates:

...I Panakareao and tribe have sold to Mr Puckey for the Church Missionary Society a piece of land with all the trees on it and every thing else that grows on it and every thing under it. The size of this land may be one thousand acres either more or less. The chief name of the place is Kaitaia. The boundary on the North is the Tiki o Taiki, on the South the Wakarere, on the East Te Kani Tatau, on the West te Tou o Mauku...Mr Puckey has given to Panakareao and tribe as a payment these things: 80 blankets, 30 hoes, 30 Iron pots, 30 scissors, ten shark hooks, forty axes, eighty plane irons, 2,000 fish hooks, 48 combs, 600 heads of tobacco, for the land and trees and all besides...<sup>21</sup>

How the payment was split up within the tribe was tribal business, handled by the chief. It was not a concern of the foreign purchasers. After 1840 the larger legitimacy

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<sup>21</sup> H.H. Turton, *Maori deeds of old private land purchases in New Zealand, from the year 1815 to 1840, with pre-emptive and other claims...* Wellington: Government Print, 1882, p.3, Kerekere Co.1, Mangonui District, 17 March 1834, (original translation).

of most transactions still depended on chiefly agreement to sell. However, it was not possible for the British to codify land tenure on the basis of chiefly authority in a colony in which sovereignty belonged to the Crown, and where ‘chiefdoms’ were not recognised, except culturally. The problem for the government was the clash of political cultures, because the right expressed by chiefs in the negotiation of land sale was not a right of ownership in the terms of the market (i.e. the right that was confirmed by the Treaty of Waitangi, Article Two) but a right of authority, or the ability to make decisions on behalf of the group. This right was more akin to sovereignty than to proprietorship. It did not indicate that the chief owned all the land, but that he had the authority to make decisions about it. This right belonged to the old world, and was compromised by the existence of the sovereign power of the government, as representative of the Crown, that was established in Article One of the Treaty.

The change described above affected chiefs’ power relative to the government. Change of equal magnitude that affected chiefs within their communities was the loss of authority they suffered as a result of the disarticulation of religion and politics. The old Maori world was undermined by the increasing freedom of action enjoyed by ordinary people. They no longer feared war, to name the most extreme situation in which the group coalesced under chiefs as leaders, and therefore chiefs were less necessary to them. While there were rare outbreaks of tribal warfare after 1840, the establishment of civil society meant that, for most of the time, chiefs now had no force at their command except moral suasion. Strength of character could, of course, make a chief influential, but this was now an individual contingency and no longer bound into a generally operative structure of governance.<sup>22</sup> Equally, as Chapter eight will explain, while chiefly power had been potent within the terms of pre-Christian religion, when chiefs commanded (and were subject to) the spiritual force of *tapu*, by the 1840s *tapu* was no longer a system of control that ordered society on the chiefs’ behalf. Most Maori were baptised Christians, which provided an exit from former disciplines and, moreover, required that the past be left behind as the condition of recognition in the faith.<sup>23</sup> Even among those whose mode of thought was

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<sup>22</sup> Except, especially in the late 1850s and early 1860s, in the King Movement, which attempted to govern the community through a prescription of law.

<sup>23</sup> Statements such as the following, ‘The things of our ancestors are left behind; let no man lift them up again’, give a glimpse of the discipline which Maori adopted as Christians; *AJHR* 1860, E1C, No.4, p.41, Piripi Ngahuka, 6 August 1860 (English text only).

unregenerately pagan, Christianity was equally acceptable as a religion, because its god had proven to be stronger than Maori gods, and practice of the faith offered sure ritual protection from the depredations of *tapu*. Both responses detached the people from the spiritual power of chiefs, while ironically, the habit of belief strengthened the freedoms that Christianity offered. However, if Christianity was emancipating for Maori, it was profoundly dislocating for chiefs, because it relocated them in a merely mortal world. They were then opened to political challenge from aspirants to power who no longer had reason to fear either them, or war, or the gods. The most important example is Waitara. While the reasons that the government's purchase of Waitara from Te Teira Manuka and others started war are multi-stranded, it is erroneous to construe this case as primarily a traditional power struggle. Wiremu Kingi Te Rangitake stated the chiefly position of former times:

Listen, Governor notwithstanding Teira's offer, I will not permit the sale of Waitara to the Pakeha. Waitara is in my hands. I will not give it up.

Q. [District Commissioner Robert Parris] Does the land belong to Teira and party?

A. [Wiremu Kingi] Yes; the land is theirs but I will not let them sell it.<sup>24</sup>

These were statements of *mana* by Kingi, but Te Teira gambled on the greater authority of the government.

Further challenge to the authority of chiefs came from the re-conceptualisation of land as a realisable asset. This allowed British notions of ownership based on land area rather than the authority of chiefs to enter Maori thinking, so that, now, everyone who was part of the economic life of the group, and therefore had land to cultivate, or hunt or gather on, considered him/herself the owner of disposable property. Asked who had rights within a boundary, the answer Maori made was, all of us. The loud, dissatisfied voices of Maori denied payment comprise the largest group of letters in the McLean Collection, indicating the amount of trouble that people caused the government over domestic issues of ownership. The change to thinking about land as real estate affected the way that land deals were done. Unlike pre-treaty land buyers, the government could no longer deal only with chiefs as representatives of the group, but had to consider the rights of the whole group, as individuals. In order to respond

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<sup>24</sup> *AJHR* 1860, E3, No.23, Encl.1, p.19. Robert Parris, 'Statement relative to the purchase by the British government of Te Teira's land at Waitara, Taranaki', reprinted from the *Taranaki Herald*, 12 March 1859. The Governor said he 'did not use force for the acquisition of the land, but for the vindication of the law'; *AJHR* 1861, E1B No.2, p.4, 'Copy of the terms offered by the Governor to the Waitara insurgents'.

to trouble, the government therefore needed to establish ownership of land in the prosaic – but, to Maori, novel – terms of whom they needed to pay.

The establishment of civil society under a British government also changed Maori thinking about land by turning the focus inwards. The age of long-distance raiding was becoming an old man's memory, and ownership began to be calculated in terms of competing claims *within* the tribe, rather than the terms of inter-tribal relationships that war and alliance had formerly regulated. Civility was expressed in the reinforcement of ownership by the *take* of inheritance. This was a crucial change, which focused attention on the chain of history rather than relationships in the present. Letters like the following express the new importance of *whakapapa*, or family history, in current affairs:

We are seeking their ancestors, because their ancestors are not actually known. Who might their ancestors be that they said belong to the land here?<sup>25</sup>

The democratisation of Maori society affected the way land deals were negotiated. The government, unlike pre-treaty land buyers, could no longer deal only with chiefs as representatives of the group, but had to consider the rights of the whole group as individuals.<sup>26</sup> If the people were no longer contained within the *mana* of the chief, then another way of expressing rights was necessary – one that distinguished the right of one member from that of another. History became the answer to the need. Maori used the word *take*, or, especially in the early period, its variant form *putake*, a word that formerly meant 'root' or 'foundation', to express ownership in these terms. *Take* set out first causes, which were always the actions of people. It was the people who were the 'root' of the land. This is an important notion to grasp, because it runs counter to the later (and currently entrenched) metaphysical view that land in some sense controls people, rather than it being in their control. A letter offering Waitara for sale said:

Listen. This is the root [*putake*] of Waitara; let me tell you. Do not let anyone say the land is his alone, for this land Waitara is mine. Listen to the proof. Puponga, the mother of Awaitara, owned this land. Her husband was Wakamaerorangi. This was the root [*putake*] of Waitara. Her son was Ngarue,

<sup>25</sup> McLean Maori Letters, MSP32:671a. Ihaia, Te Hemara and Tamati to McLean, 24 January 1847.

<sup>26</sup> The new importance of individuals is a general phenomenon in Maori society post-1840. One of the most extraordinary examples of the attempt to wield authority in the name of an entire group of people is the petition of Otaki Maori to the Queen for the recall of Governor Gore Browne, which has 508 names appended; *AJHR*1860, E1A No.2 Encl.2, p.2, Petition to Her Majesty, 30 March 1860.

and we are Ngarue's descendants. His sister was Rangiroa. Our grandparents were Rangiroa's children, and we come from that.<sup>27</sup>

Nga Henga Te Waatarauhi, asking for three acres of land among the New Plymouth Pakeha, declared: *Kei a au te take o te wenua*, 'I have the root of the land.'<sup>28</sup> Te

Meihana told Governor Grey:

I am the root of that land. As for them, they are just spring chickens on that land! It was my ancestors, it was Mairerekura, who handed his hearth-fire down to me.<sup>29</sup>

The translation of *take* and *putake* diverged as time went on. *Putake* remained connected to the thought world of the past, whereas *take* moved towards the future, because its idea of 'cause' was translated by Pakeha as 'right'. This made it a less weighty term. It jettisoned the cultural texture of the idea of people as the root, or first cause, of land ownership, and helped it enter a western thought system that emphasised abstraction and the individual. *Take* as the expression of individual rights chimed with the government's need to placate the whole of Maori society, not just its chiefs, and, of course, with the ideas of ownership that obtained in English society.

Maori did not resist the idea that all the people were 'owners', because all were, in peace time, cultivators. However, what was suppressed was the system under which the land was available for cultivation, which involved the authority of chiefs. In 1859 McLean informed the 'men of Waitara' that they were 'well aware that each man has authority over his piece [of land].'<sup>30</sup> The letter was addressed to all the people, but at the bottom says 'to Wiremu Kingi' (and two other chiefs); once, it would have been addressed to these chiefs. The letter shows how the individualisation of land ownership and the sidelining of chiefs were linked in the government's thinking. Chiefs, whether in the King Movement or individually, as in Wiremu Kingi's case, now needed to get all the people to agree if they wished to resist land sale, but the people would no longer agree simply to support the chief. Chiefs needed a new *reason* for eliciting the support of the people, and the ownership of land provided it. Chiefs used the new importance of the people as landowners, in the eyes of the government, to find a political strength in the group that might exert authority

<sup>27</sup> McLean Maori Letters, MSP32:674b, Rawiri Rauponga, Hopa Te Roro, Panapa Porutu to Governor Eyre, 17 May 1850.

<sup>28</sup> McLean Maori Letters, MSP32:675a. Nga Henga Te Waatarauhi to McLean, 28 January 1851.

<sup>29</sup> McLean Maori Letters, MSP32:675b. Te Meihana to Governor Grey, 21 February 1851.

<sup>30</sup> *AJHR* 1860, E3A No.8, Encl.5, p12, McLean to Friends, 18 March 1859.



in land sales. For this reason, while Wiremu Kingi asserted the old *mana* of the chief when he said ‘Waitara is in my hands. I will not give it up’, he also asserted the new authority of the group. In December 1859, writing to Hadfield – and calling himself, in a word that evokes the old Maori hope of unity with Pakeha, Hadfield’s *tuakana* (older brother) – Kingi made the foundation statement of modern Maori views of land tenure in 1859: ‘They say that Te Teira is the only owner of his piece of land; no, it belongs to us all, that piece of land belongs to the widow [and the orphan].’<sup>31</sup> Officials, however, had begun to tell Maori to ‘mark off’ their own ‘pieces’ of land at Waitara, which was as difficult a task as spinning straw into gold. Riwai Te Ahu tried, in a letter to the government, to synthesise the old system, where cultivation did not confer a right of ownership that amounted to competence to alienate, but indicated membership of the group, and the new one, in which a cultivation conferred such a right – and failed, as two contradictory statements see him descend into confusion:

‘Yes, [Te Teira’s] title is good to his own pieces within the boundaries of that land – two or three pieces.’

‘Now this land was not divided into different portions for the different *hapu* for Ngatihinga and Ngatituaho, and for Ngatikura and Ngatienuku and other *hapu*, within the block which has been purchased by the Governor. No, they were all intermingled; the boundaries of each individual’s land having been marked by stone-posts by our ancestors [.]’<sup>32</sup>

Waitara, however, was bought on the principle that individuals owned their cultivations and therefore the owners had a right to alienate. This began the war.<sup>33</sup>

In summary, the importance of land issues to the stability and progress of the colony would suggest that breadth and depth were required in their treatment. The task was, for the reasons suggested above, instead perceived ‘in small’, in the narrow

<sup>31</sup> *AJHR* 1860, E3A No.7, p.8, Wiremu Kingi Whiti (Te Rangitake) to Hadfield, 5 December 1859. The English translation add ‘and orphans’ after ‘widows’. As this is the usual pairing in both the Bible and Maori letters, it seems likely that the Maori text is inadvertently missing the phrase.

<sup>32</sup> *AJHR* 1860, E4, ‘Evidence relating to the origin of native insurrection’, p.4, Riwai Te Ahu to the Superintendent, 23 June 1860. Earlier, McLean had observed that land around New Plymouth had been so intensively worked that it was impossible to sort out individual boundaries. This should have led to a re-think of the principles on which Maori land tenure was being established by the government, but instead, as the independence of Maori individuals grew relative to the authority of chiefs, the idea of individual ownership was reinforced in McLean’s mind. Nevertheless this does not alter the fact that the war in Waitara was not, from the government’s point of view, about conflicting readings of land tenure, but about the assertion of the right of the Governor to make the laws of the colony. As Governor Gore Browne asserted in the terms of submission offered to Waitara Maori, ‘..I did not use force for the acquisition of land, but for the vindication of the law, and for the protection of Her Majesty’s native subjects in the exercise of their just rights’. *AJHR* 1861, E1B No.2, p.4, ‘Copy of the terms offered by the Governor to the Waitara Insurgents’, 8 April 1861.

<sup>33</sup> See, e.g., Te Teira and Retimana to Governor, 20 March 1859; *AJHR* 1860, E3 No.4, p.4.

terms of rights, and specifically, rights within the tribe. This brought the individual into unprecedented prominence as a rights bearer, and at the same time sidelined the political authority of chiefs. Rights were rendered historical, and subject to historical proofs. While *take* is used legitimately in a language that expresses cause, and particularly first cause, history only expressed ‘ownership’ in Maori society where power existed in the present. Formerly, land ownership was contingent on the strength of the group in an axiomatically present-tense inter-tribal politics. In the colonial period, the ability of tribes to pursue their political interests vis-à-vis other tribes was severely curtailed. Tribal boundaries were fixed, and Maori political interests turned inwards to focus on the tribal estate. A contest for land was played out by individuals against their own relations, through the new weapon of *take*.

*Take* were first exhaustively evidenced in the report of the *Board of Enquiry into Native Lands* of 1856, which consulted (mostly) ‘old colonists’ with a large experience of Maori culture; most were Maori speakers.<sup>34</sup> The aim of the enquiry was to settle on a workable *tikanga* (formal procedure) for the purchase of Maori land, in pursuit of the larger goal of replacing the sway of custom with British law. The timing of the enquiry reflected the trouble land sales had already caused, and foreshadowed the outbreak of war four years later. Because land was the resource that drove the development of the colony, the enquiry responded to the government’s need to negotiate land purchases that did not produce spiralling Maori discontent. It was not a disinterested investigation, but read the needs of the colony into custom by viewing custom through the urgent, narrow lens of land purchase.<sup>35</sup> The report of the Board of Enquiry was a crucial turning point in the governing of the colony. It reduced the relationship between Maori and land to questions of ownership, and of the bases of ownership to *take*. This removed *take* from context, shrinking ownership to a code of first causes which could stand independent of the political arrangements of living Maori culture. Formerly, as Chapter four has argued, chiefly authority was interwoven with land ownership, but under colonial rule Maori were no longer at liberty to continue the contest for group supremacy which made ownership operative. This change was deep. *Take* are elements of a picture that has lost its frame. Fixing ownership of land to first causes while denying or suppressing the politics of

<sup>34</sup> ‘Further Papers relative to the Affairs of New Zealand: Board of Enquiry into Native Affairs 1856’. *Great Britain Parliamentary Papers*, Vol.11, 1860; (henceforth ‘Board of Enquiry’).

<sup>35</sup> One result of the focus on land is that the enquiry failed to deal with property in the sea – as, equally, did Maori politics of the day.

possession shows how the wholeness of society was breached. That *take* now constitute the Maori view of land tenure is the measure of the colonists' power to impose terms; *take* were reinforced by time, because after Crown Title to a block had been granted in the Native Land Court, descent became the usual basis of succession.

The ascendancy of the list of *take* was not a neutral change, but one that pointed towards disorder in Maori society. Ownership expressed abstractly and legalistically isolated land tenure from the web of community. The list of *take* obscured the political function of land in inter-group relationships as the symbol of group identity, predicated on the authority of chiefs. Before 1865, a *take* was not required to stand alone as proof of land ownership. It was, instead, sheltered by the authority, *mana*, of chiefs, which was the control and validation of any 'right' exercised in Maori society. The *mana* of chiefs is, therefore, the *pou* (pillar) on which a restoration of Maori thinking about the ownership of land depends. The *mana* of chiefs can be contemplated through the observations of a culturally competent observer of colonial Maori society, the missionary Richard Taylor, who published an anatomy of Maori society called *Te Ika a Maui* (1855). Taylor's calm explanation of Maori property rights describes what he witnessed in the 1840s, and therefore predates the full-blown emergence of land as the site of struggle between Maori and the government.<sup>36</sup> Discussing land sale, Taylor implicitly places *mana* at the centre of Maori property rights. He says that land may be held by whole tribes, constituent families or individuals, but when the land is sold,

...it is nominally said to belong to the principal Chief or Chiefs of the tribe, and to them the payment is given, which is however, a nominal honour, the money being equitably divided amongst all who are entitled to a portion, the seller rarely retaining anything for himself.<sup>37</sup>

Taylor's use of the term 'nominal' is explained by his attempt to describe the traditional situation through the fact of land sale. A chief's *mana* did not depend on the size of the tribal estate but on his spiritual strength, which was expressed in temporal success. He did not need to aggregate land, but to maintain the goodwill of his followers. In this sense his 'ownership' of the land is only 'nominal,' and his distribution of payments is geared to his authority. In Taylor's description the Pakeha's division of land into blocks whose ownership was tied to a *take* is irrelevant

<sup>36</sup> Taylor's own extensive land purchases were made around 1840, which seems to explain why aspects of his view seem antequely serene.

<sup>37</sup> Taylor 1855, p.384.

to the chief's authority. This is not to say that *take* were unknown. On the contrary, within the tribe they were known to all and taken for granted. A chief who (in Taylor's example) is described as the seller yet retains nothing 'for himself' is one whose contribution to the transaction is *legitimacy*. He displays *mana* by being acknowledged as the chief, and by having the power to distribute the payments. In this example, the idea of *take* is at its proper, subordinate level in the phrase 'all who are entitled to a portion'. In 1840, everyone in the group would know who had such *take*, because all *take* were contained within the *mana* of the chief. By 1865, by contrast, chiefs no longer exercised a governing *mana* over the people, who were therefore free to make speculative claims to land, because there was no chief to punish them. The people clamoured for pay because they were members of the group,<sup>38</sup> but they learned quickly that the Pakeha judged the legitimacy of ownership by the presentation of a watertight *take*. This explains the clamour in the Native Land Court, where there were often numerous counter claimants, and no guarantee that the first claim indicated a stronger right. In this strident and poorly regulated atmosphere *mana* was absent. By the twentieth century, *take* became the only basis of Maori land ownership, but the *take* narrowed almost exclusively to *whakapapa*, as the descendants of the original grantees applied for succession orders.<sup>39</sup>

This chapter has traced the rivers of deep change that occurred in Maori perceptions of their property rights as a result of the introduction of a land-selling culture, and argued that these changes are the basis of what appears in the historiography as traditional Maori land tenure. The early colonial government's use of *take* as the basis of legitimate land rights was an assault on the traditional society it was, and is, said to represent. It offers a crippled version of Maori society because it leaves out the authority of chiefs. This version would not work in practice, through its lack of a structure of governance. Therefore this chapter concludes that the basis of

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<sup>38</sup> Taylor's views echo the much earlier observation of John Savage in 1807. Savage noted that a chief watched his people take gifts from Europeans, but did not take anything himself; John Savage, *Savage's Account of New Zealand in 1805 : together with Schemes of 1771 and 1824 for commerce and colonization*, 1939, p.42. Observations by others show that this was not always the case, but Taylor in particular is giving a view of norms of behaviour.

<sup>39</sup> *Whakapapa* inevitably became a political strategy rather than a recitation of history. The effects show in the exasperated tone of a complaint about the Native Land Court's invitation to manipulation of *whakapapa* to secure advantage: 'Ngatiwhakaue and all its hapus joined together in setting up different ancestors; they set aside our common ancestors, and set up different ones for the purpose of excluding us. But when the Court was held the Ngatiwhakaue set up our very ancestors for the purpose of having the block subdivided.' Speech of Ratema Awekoteko, 18 February 1885; *AJHR* 1885, G1, p.47, 'Notes of a Meeting between the Hon. Mr Ballance and the Natives. . .'

the codification of Maori land tenure is flawed. However it is not enough to point out the flaw, because it leaves unanswered the question of what the role of *take* was in a functioning Maori society. It remains to restore *take* to Maori legitimacy by explaining its hitherto hidden role within tribal culture as a system of internal justice.

### **Ropata Wahawaha's explanation of take**

In 1846 the former New Zealand Chief Justice, Sir William Martin, published a pamphlet in which he said:

...the whole surface of these Islands, or as much of it as is of any value to man, has been appropriated by the Natives, and, with the exception of the part which they have sold, is held by them as property. Nowhere was any piece of land discovered or heard of [by the commissioners] which was not owned by some person or set of persons.<sup>40</sup>

This sets out the macro position in principle, but offers no clue as to how ownership was maintained, lost or alienated within the tribe.<sup>41</sup> A Maori account which does this is therefore of inestimable value; such an account exists in the explanation of the basis of ownership rights in land given by the Ngati Porou chief Ropata Wahawaha.<sup>42</sup>

Ropata was a loyalist chief in what is recognisably the old mould: one whose decisions were independently made and whose *mana* depended on the willingness of his clansmen to follow him into battle. Ropata fought as an ally of the Crown against Hauhau insurgents and Te Kooti in the 1860s. Paradoxically, this background contributes to the value of the manuscript as a record of pre-colonial practices.

Loyalist chiefs believed that they shared the *mana* of colonial authority by choosing to ally themselves with it, and were much more conservative in outlook than those who asserted Maori authority outside the sovereignty of the Crown, and whose need to define themselves against the government sent them looking for imported, biblical models of the nation. Nationalists inhabited a disturbed world, whereas chiefs like Ropata were able to maintain a sharper demarcation of the line between Maori and colonial culture. Ropata did not resile from a warrior past, and his support for the Crown as a fighter continues to define Maori loyalism in the 1860s, albeit in an

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<sup>40</sup> [Sir William Martin, late Chief Justice of New Zealand]. *England and the New Zealanders, Part 1: remarks upon a despatch from the Right Hon. Earl Grey, to Governor Grey. Dated December.23. 1846.* Auckland, College Press, 1847, pp.3-4.

<sup>41</sup> The question of how these processes worked between tribes is somewhat clearer, as recorded tribal histories concentrate on wars and migrations, although studies of *whakapapa* would probably alter the picture.

<sup>42</sup> The Maori spelling is Rapata, but the spelling of *Ropata* by which he was known in the contemporary literature has been retained here.

understudied area. Without moralising, he produced an account of Maori land tenure that showed how, following an initial situation where an ancestor settles on the land, subsequent ownership was gained and lost by conflict. The cases he sets out are illustrative of a self-governing Maori world. What is startling about the text to a modern mind – that is, one accustomed to see land in isolation from the ordering of society – is that many of the cases are not about land, but about *mana*, or the situations in which one feels impelled to fight. Ropata sets out situations in which the ownership or loss of land is not the cause but the consequence of fighting, either as reward or loss, according to the fortunes of war. It needs to be emphasised, however, that this does not downgrade the importance of land. There is no sense in which land is ‘merely’ a consequence. On the contrary, it is an instrument of justice that ranks in importance alongside death, death being a more severe punishment than the forfeiture of land.

The twenty-eight situations described by Ropata as occasions for the transfer of ownership of land offer a picture of Maori society that is in startling contrast to the received view. First, it suggests that while the concept of sale was not present, it has been a mistake to assume that the transfer of land in Maori society was unknown or even merely rare. More importantly, it takes the subject of land loss out of the familiar frame of colonial predation and puts it, instead, in a new frame of Maori justice. The two ideas are related in Ropata’s text: land as a function of a system of justice is complemented by land as a commodity of exchange. This suggests that what was alien to Maori in western culture was not the idea of land transfer, but the system by which land transfer was effected. As we have seen, under British government land was abstracted from the web of Maori community governance, over which *mana* pervasively presided. The result was that the possession of land became a wild card, able to be played by any Maori who could convince the Pakeha that he or she had land to sell. This explains the disorder that surrounded the subject after 1840. The power of land, viewed in this light, equally contributes to understanding why Maori leaders throughout the nineteenth century expressed the view that law was the essential requirement of a viable community. Law was the replacement of *themselves* – of *mana* as a system of governance – that the failure of Maori religion had politically destroyed. It was also a shield against the threat to Maori society that was now posed by ungovernable land.

To attempt to begin a process of unlearning engrained modern attitudes – whether dependence on the untenable narrowness of *take* as the explanation of Maori land tenure, or the helpless lack of content of ‘spirituality’ as sufficient explanation of Maori relationships to land, it seems necessary to allow Ropata to speak at some length. Substantial quotations from his previously untranslated text, ‘*Take o te tangata*’ follow, with interspersed commentary.<sup>43</sup> The title of the text means – human rights, or ‘rights of the people’. Translated (with equal validity) in the singular, it means ‘rights of a person.’ *Tangata* in nineteenth-century Maori writing was usually male, and as many of his *take* stem from the mostly male pursuit of fighting it seems likely that Ropata was thinking of ‘a man’s rights.’<sup>44</sup> The manuscript exists in the handwriting of A S Atkinson, brother to a Premier and collector of Maori manuscripts, and is a copy from another text which may have been written by the literate Ropata. It is also possible that he was recorded verbatim, as internal evidence suggests that the text is a response to questions. The manuscript reads like someone thinking aloud, adding more examples as they come to mind or perhaps, in the case of the extended treatment of *ahi ka*, as prompted by his interrogator. Ropata says all his *take* have been presented in the Native Land Court. This dates the text to after 1865, and allows ‘rights’ to be the proper translation for his use of *take*, as this use was standard in the court. The reference to the Native Land Court places the manuscript outside the period of the thesis, but its value as a commentary on life in the community is not materially affected. This is not only because Ropata consciously sets out to explain the situation that formerly obtained within Maori society, but also because he speaks as an independent chief – which independence, paradoxically, was a result of his loyalism. He assumes that the former system of *take* is chiefly. His words continue to be emotionally situated in a present context of functioning power, such as only a loyalist chief might believe in after the 1860s. His views are, therefore, neither a reaction against the government system or an attempt to parallel it, but a statement of genuine difference that adds to other evidence available in his writings that Ropata Wahawaha should be considered as a founder of Maori anthropology. He says this Maori law is ‘fixed’ (i.e. permanent), concluding that he has presented the

<sup>43</sup> A.S. Atkinson, ‘Maori account of the campaign against the Hauhaus on the East Coast 1865-1870,’ pp.129-140, MSPapers 1187-006A, Polynesian Society Collection (WTu).

<sup>44</sup> Maori partially extricated themselves from a male-dominated idiom of thought in the nineteenth century, possibly because declining numbers and power led to a re-evaluation of attitudes to women, however examination of this subject, which must be conducted through the language, is outside the scope of the present study.

genuine ‘New Zealand laws of property rights’ but does not make a moral judgement on them: he ‘does not examine whether they are right or wrong.’ Ropata does not think that the Maori laws are incapable of cross-cultural comprehension. On the contrary, the evolutionary outlook on culture of a loyalist chief is clear in his expectation that his list of *take* will be honoured in the land court:

There is no reason why Court decisions should be unsatisfactory when both proper and mistaken native rights have been explained.<sup>45</sup>

Ropata concludes by calling his collection of *take* by the term *ture* (law). This is the point of cultural crossover of a chief who assumes that Maori and English systems of law are compatible and amenable to amalgamation. Ropata is using the new language of the state, as befits a moderniser and strong loyalist. His language, however, is controlled by a perception of himself as a powerful traditional chief, and therefore the authority of his text comes from the past.

Ropata was not, of course, as influential within Pakeha circles as the authority of his text implies, at least to him. As for how his *take* would have fared in the Native Land Court, the Minute Books of the court suggest that many of them were not presented as the basis of claims. The reason lies in the court’s power to impose terms. This narrowed legitimacy to a version of Maori culture acceptable to Pakeha, and ‘alien’ claims, for example, those based on murder, were excluded. However, the purpose of this chapter is not to state, yet again, the loss of authority suffered by Maori culture in the colonial state. What makes Ropata Wahawaha’s text so infinitely valuable is that it is a window into a former world, where property rights were controlled by *mana*. Ropata delineates the organisation of a society – he does not merely compile a list, and he deals with land not abstractly, but within the life of the tribe. The huge difference between his working world and Raymond Firth’s exercise in the anthropology of a frozen past can be glimpsed numerically: Ropata gives a total of twenty-eight *take* that confer ownership rights over property, while Firth, examining a society which he assumes lacks the tools to speak for itself, offers an instructively reductive list of (1) conquest and discovery (2) occupation and (3) ancestry.

Ropata first sets out a foundational situation that explains the reason land ownership must be subject to law. He says that a man divides his land between his

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<sup>45</sup> A.S. Atkinson Collection, MSP Papers 1187-006A (WTu), p.140.



two sons,<sup>46</sup> who have families and develop separate interests. This produces conflict, which leads to fighting between the sons, and the winner gets the land. This creates Ropata's foundation right:

**1** *Take papatipu o te tipuna* (right to the land of the [founding] ancestor).

**2** *Take raupatu tangata mate* (inheritable right gained through assistance given to land owners in war following a murder)<sup>47</sup>

Ropata adds that revenge is taken on both the murderer (who is killed) and the land (which is taken).<sup>48</sup> The land is then given to the *hapu* who came to the aid of the murdered man's *hapu*, whose enduring right is known as *take raupatu* (right of success in war).

**3** *Take raupatu kuri mate* (inheritable right to land seized by force off wrongdoers killed for the offence)

This article reads in full:

When a Maori dog or a pig is killed by a person or *hapu*, he or they are fought [*raupatutia*].<sup>49</sup> When a man dies through this, the land is also taken and held till the present. The right of such a *hapu* is said to be a right of *raupatu*; there is no other right.<sup>50</sup>

*Raupatu*, then, is not simply 'conquest' in the sense of inter-tribal fighting that the usual English translation has come to imply; the above case paints a more domestic picture of fighting that generates a sufficient and permanent right to land.<sup>51</sup>

**4** *Take raupatu wahine tangohia* (inheritable right to land seized from an adulterer or his *hapu* killed for the offence)

This law covered offences across *hapu* lines, where a woman of one *hapu* was seized or abducted against her will by a man from another *hapu*. Her husband or his *hapu* would fight the malefactor and his *hapu*. If they failed to show contrition the fight

<sup>46</sup> He uses the words *tamaiti* (child) and *tamariki* (children). These words are normally denote the male, with *kotiro* denoting the female.

<sup>47</sup> This numbering appears on the manuscript. Number one (not numbered) is *take papatipu o te tipuna* described above.

<sup>48</sup> '*Ka raupatutia te tangata me te whenua.*'

<sup>49</sup> This seems to be a related idea to *murū*, the ritualised plunder by which wrongdoers within the group were punished.

<sup>50</sup> Ropata means by this phrase that the *take* is sufficient.

<sup>51</sup> The presumed frequency of dog or pig killing suggests that land transfer might have been quite common. It also raises questions that are unanswerable, such as the rights of children of the man killed for stealing, and what 'land' means in this scenario: was his productive land was taken? Were his dependants obliged to cultivate elsewhere on the tribal estate?

might be to the death, after which their land was permanently taken by the aggrieved parties.

**5**     ***Take raupatu whanako*** (right to land belonging to a food thief killed for the offence)

This law mentions *kumara*, potatoes, fern root, *whinau* (presumably *hinau* berries), fern fronds and *kouka* (steamed cakes of cabbage tree pith). The theft of any vegetable foods (meat is dealt with in article 2) is grounds for fighting which results in the permanent transfer of land. As the law does not rank punishment according to the relative value of the food (*kumara*, for example, was a prestigious food, fern fronds were not) it seems that it is the idea of violation of rights involved in theft that incurs the punishment, rather than the relative value of the resource. This fits the personal idiom of Maori law. It also puts the significance of land into a clearer perspective: it is presented in this code as a commodity of exchange, *subordinate* to the rights of people.

**6**     ***Take raupatu kanga upoko*** (inheritable right to land seized from a man who has cursed one's head and who is killed for the offence)

The head was the most sacred part of a man, perhaps because it was the site of his individuality. The law outlines a sequence of events that confirms that in Maori eyes land is acquired by due process: 'If a certain man curses another man's head without just cause, he is killed and the land taken. It is forfeited on account of head-cursing, right up to the present time.'

**7**     ***Take raupatu hakere kai*** (inheritable right to the land of man killed for the offence of pilfering food)

This article describes a lesser offence to that described with *whanako* in article 5 above. The fact that the penalty is not death as well as forfeiture of land, but the latter only is further proof that people rank above land.

**8**     ***Take pare whenua*** (inheritable right to land through gift by beneficent owner to an outsider living on his land)

This is a rare description of the value of human friendship in Maori society. The article describes two people who live together on the land of one of them: *noho tahi ana raua ko taua tangata nona te whenua*. The land owner prefers his 'well disposed' companion (*whakaaro pai*) to his own relations, and gives him his land. Ropata distinguishes the situation of a landowner disposing of his own land from that in

which ownership is shared with relations, in which case the donor cuts out a portion for his relations, but gives the bulk of it to his friend. It is significant that Ropata speaks easily of both individual and group ownership of land.

**9** *Take inoi kainga* (inheritable right of begged home)

Ropata says that if a man lacks a place to live, he might beg a place for himself from better-placed relatives or from a complete stranger. If he is successful, *ka mana tonu te tuku*, the validity of the gift continues into the present. This is another article that suggests kindness – and a feeling that there is enough land for all. The article uses the word *kainga*, home in the sense of land to sustain life. It is clear that Ropata is writing from a position of strength: a group lacking living space presumably would feel less generous.

**10** *Take kakahu* (right to land given as return for the gift of a cloak)

This article describes a variety of dogskin cloaks *ata hoatu ki tetahi tangata* – ‘freely given to a certain man.’ The recipient wishes to return the compliment. If he has nothing to give ‘he takes his land and gives it away for that cloak’. That Ropata adds, apparently as an afterthought, that cloaks were formerly highly prized suggests a man thinking back from a present to a time when land was not the arbiter of wealth. He seems to be reminding himself or his interlocutor that fine cloaks were relatively scarce objects, and prized in a way that land, being plentiful, was not.

**11** *Take taha wai, kai, kakahu* (inheritable right to land given by dying person to his caregiver)

Sickness was inherently spiritual and therefore dangerous to others, therefore courage is implied in the moral choice to offer care, and this is rewarded. The article states that the dying person’s family will be cut out of the will, and his lands (*kainga*) pass to the caregiver and his descendants. According to Ropata, the overlooked relatives can never challenge the permanent ownership conferred by this deathbed disposition of land: *kaore e taea ona whanaunga te whakahe i muri i a ia, taea noatia ki tenei takiwa* (his relatives are not able to dispute [the will] subsequently, right up to the present time.)

**12** *Take pakuha* (life-interest in land given on marriage, which right ceases if the marriage ends)

Ropata says that where two *hapu* are connected through marriage, the husband's family gives land to the woman's family. The article may imply a value on monogamy, because if the marriage lasts until death the land becomes the permanent possession of the woman's family.

**13** *Take taputapu motoi* (inheritable right to land of man refusing to return a plundered ear ornament and killed for the offence)

A *murū*, or plundering, raid, was a punishment in which the malefactors' possessions were confiscated, in the standard punishment for wrongdoing within the group. After a period of time, the goods were returned to their owner. In the event that this did not eventuate, the original owner might take drastic action:

if a man's threaded ear ornament is plundered, he eventually requests its return. If it is not returned, it is fought over and he kills the man and adds [his land] to his own place (*kainga*). He gets a double payment – the man and the land. Both are gone (*mate*), right into the present.

**14** *Take rakau patu tangata* (inheritable right to land given in gratitude for the gift of a weapon when a fighting man has none)

This article expresses the value placed by Maori on the honour of a warrior. A man in battle finds himself without any weapon – Ropata's antiquarianism appears in the fact that he names the variety of traditional weaponry; someone else lends him one and if he is successful with its use he offers land in return. The permanence of such a gift reinforces the value placed on success.

**15** *Take waka* (inheritable right to land given as a return for a canoe given to one in urgent need)

A man in conflict with his relations asks another person for his canoe in order to make his getaway. He gives land as payment.

**16** *Take aroha* (inheritable right to land gained from siding with a man against his relations; if the man is killed by his relations, his friend is given his land)

A man in serious conflict with his relations is sheltered by someone else, but when his relations hear about it they come and kill him. Then the relations give the dead man's land to the friend who cared for him. This clause is a key to understanding the dynamic of *utu*. Conflict demands action, hence the man is killed. But a good deed demands recognition, therefore his helper is rewarded with land. It seems logical to think that all these cases assume the productivity of transferred land, else little was to

be gained by the addition. However, it is a plausible speculation both that the land in some way represents the dead man, and therefore now belongs to the person who defended him, and that the fact of the gift recognises honourable behaviour.

**17** *Take whare tono* (inheritable right to land given as payment for the house of another)

A man asks to have another man's house, and gets it. 'His heart remembers the gift [*taonga*] of the other' and gives land in perpetuity as compensation. This illustrates a Maori sense of justice and fair play. The transfer of ownership is permanent because the magnitude of the gift means that the *mana* of the giver is great. It therefore needs a large return. The largeness is in the permanence, but it is really in the transfer of the power to command – i.e. to have control over that land. This is the proof that ownership was powerful in Maori society.

**18** *Take hoko whenua* (inheritable right to land traded for goods)

A man trades land for clothes or food or similar, for himself or for his male or female slave from fallen *pa*. He gets all the land of the other man and his ownership of it is permanent.

**19** *Take ta moko ngutu, rape* (right to land given in payment for the services of a tattooist when the client has no other goods to offer)

This clause suggests that land is the payment of last resort, but it is unclear whether this is because land is not a preferred payment, or whether it is considered an excessive one. In either case, the idea that payment for services must be offered is paramount.

**20** *Take ahi ka roa* (right to land through long occupation; inheritable if it has endured through generations, but temporary – i.e. ceasing at death or departure - if not)

*He mahi nga tikanga o te ahi ka roa i runga i te whenua* 'the proper meanings of "long burning fire on the land" derive from work'. This clause deals with rights derived from labour, which Ropata divides into two categories. When 'long-burning fire' is another term for continuity through generations, the right to the land is

permanent. When the occupation is sustained within the compass of a single lifetime, the right to land ceases with departure or death.<sup>52</sup>

**21** [Unnamed but another *ahi ka roa*]

Ropata cites the case of someone knowing a war party was coming. He would look for the best defensive position to build a *pa*, whether on his own land or that of other members of the tribe. If the *pa* proved successful, it would remain his *pa*, but no-one forgot that the land was not his. Similarly, a land owner might agree to someone else establishing a garden on his fertile land, but *kaore nei ona take ki taua whenua*, 'he has no rights to that land'.<sup>53</sup>

**22** [Another *ahi ka roa*]

When either a stranger friend or relation sees fertile land belonging to another, he may make use of it for cropping, but when his crop is raised, he leaves the land as his work, though welcomed by the owner of the land, confers no permanent rights.

**23** [Another *ahi ka roa*]

This clause simply reinforces the assertions in clauses 20-22 that long occupation and use does not necessarily confer permanent rights, but when these evidences are combined with the right ancestry, they do.

**24** *Take tango whenua* (false right arising from seized land)

'There is no right when a man just takes the land (*kainga*) , even when it is kept down to the present.' This clause emphasises that rights spring from the law. A person acting outside the law cannot expect its protection, even though continuity of occupation is maintained.

**25** *Take muru kai* (right of plundered food)

If food is plundered from its owners, they will kill the culprit[s] and eat them. The relatives of those who were killed then avenge their dead in further killing. They also take the land; this circumstance constitutes an inheritable right of ownership. *Muru* is the punishment for wrongdoing within the group. As the original plunder assumes a

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<sup>52</sup> In the pre-treaty period purchases of land were occasionally considered by the sellers within this frame of reference. This may suggest why land deeds developed a strong emphasis on the declaration of permanence at an early date.

<sup>53</sup> In this article Ropata clarifies the meaning of *kainga* at that time: *ahakoa noho kainga mahi whare ranei me era atu mahi a te tangata. . .kaore he take*. 'Although they live on the land [*kainga*], or make a house and other things men do. . .they have no right [of ownership].'

malefaction by the owners of the food, the fact that the plunderers end up with the land can be seen as just.

**26**     *Take taha hinu* (inheritable right arising from potted birds)

This clause pertains to food gathering on the land of another. If the worker habitually gives the fattest birds to the land owner, in return for his courtesy and respect the owner might make him a gift of the land; which gift confers an inheritable right of ownership: *ka tukua te kainga mo taua tangata taea noatia ki tenei takiwa*. Preserved birds are given as an example of a more general case.

**27**     *Take makutu* (inheritable right through action against witchcraft.)

A person alleged to have killed by witchcraft (*makutu*) is killed and his land permanently taken. This clause assumes the crime is within the kin group.

**28**     *Take tupapaku* (inheritable right resulting from war waged to avenge atrocity)

This is the first time that Ropata introduces an *iwi/hapu* distinction (*ki te mate te tupapaku o tetahi iwi hapu ranei*), but this is no more than to indicate that some *hapu* are sufficiently powerful to act alone. According to Ropata, if one tribe or *hapu* should disinter, cook and eat a deceased member of another group, his tribe 'will destroy the *iwi* and take their land permanently.' The presupposition of the ability to do so shows Ropata speaking as a powerful chief.

In summary, *take* were developed after 1840 as a code of land rights used in government policy to identify ownership of land and incorporated in law. The list describes how land was originally gained or subsequently divided up, the main *take* being founded on conquest, occupation and inter-generational continuity, with others such as gift and deathbed deposition less commonly adduced.<sup>54</sup> Ropata's manuscript gives a different view. He shows *take* as a way of expressing the politics of group membership. It functioned as sanctions for wrong-doing and rewards for proper behaviour. This reveals its role in creating the moral order of Maori society. The rights of *take* were contingent on peace. They were extinguished by conquest or other lesser dispossessions, which, however, under colonial rule faded to extinction as shapers of inter- and intra-tribal politics. Territories were fixed in their 1840 boundaries. Former avenues for the aggregation of power closed off, as intra-group

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<sup>54</sup> Firth 1959, pp.383-388; Sinclair 1975, pp.121.

fighting was relinquished as the new culture of Christianity became influential. While much of the Maori culture of governance disappeared under British rule, *take* were left standing, because of the British need to find a workable formula for assessing the ownership of land. This allowed a model of Maori land ownership to develop which was in isolation from the governance of society.



## CHAPTER SIX

**The meaning of custom in the case of fisheries**

In June 2003 the New Zealand Court of Appeal ruled that the transfer of sovereignty from Maori to the British Crown did not affect existing customary property rights. These were ‘confirmed and guaranteed’ in Article Two of the Treaty of Waitangi 1840 and again in the Native Rights Act 1865. All parties to the 2003 debate referenced Maori rights to practices handed down from the past (or suppressed under colonisation); both historical legislation and modern opinion emphasise the differences between (Maori) custom and (Pakeha, i.e. western) law. This chapter argues that the boundaries between the two, in terms of property rights, are not as clear as presently supposed. It is implausible that custom would remain unchanged through two centuries of western influence, including formal colonisation and the swift slide into minority status. It is not clear, moreover, that custom is in any case incompatible with law; compatibilities are, however, hidden by the control exercised over the literature by the concept of indigeneity, which needs only to demonstrate ‘firstness’ to establish its claim on the state. The questions raised by the modern debate suggest a need to establish the content of the ‘ancient custom and usage’ that was protected in the Native rights Act (1865) as a baseline reference for the debate.<sup>1</sup> The purpose of this chapter is to strengthen the view advanced in earlier chapters that Maori property rights had the force of English ownership. It accordingly examines the period when custom was definitive; that is, before it became enclosed in the language of British power. This point was reached about the time when the Native Land Court, set up in 1865 to convert customary land into Crown title, began its deep reach into Maori society. The upper parameter of this study, therefore, is not when customary practice ceased, but when the government and the courts assumed the authority to

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<sup>1</sup> “Every title to or interest in land over which the Native Title shall not have been extinguished shall be determined according to the Ancient Custom and Usage of the Maori People so far as the same can be ascertained.” Native Land Act 1865, p.iv.

define it. The study aims to introduce into the debate about ownership of the seabed and foreshore one of the historical boundaries that should inform it, which is the boundary between the time when Maori society had no outside influences or coercions, and the time when these things cannot be separated from custom. The chapter expands the evidence for the view taken in Chapter Five that the exercise of *mana* was the original basis of Maori property rights, and that proving a *take* (historical basis of right) represents a major change rather than, as is commonly assumed, the heart of 'traditional land tenure'. The shift from *mana*, the power exercised by chiefs, to *take* is key. It locked Maori authority into first causes and therefore into pastness, while the government established under the Treaty of Waitangi arrogated to itself authority in the present.

One of the accumulated consequences of loss of Maori authority over the physical fabric of New Zealand has been the emergence in the last thirty years of the value of *kaitiakitanga* (guardianship). *Kaitiakitanga* now plays a significant role in the formulation of national ethos. It capitalises on international clean greenness, but that it wears a Maori cloak suggests a maturing of the conceptual national self. Billed as an Article Two principle of the Treaty of Waitangi, *kaitiakitanga* provides a Maori voice on the environment to which local bodies and commercial interests are obliged to listen.<sup>2</sup> This chapter proposes that *kaitiakitanga* is nevertheless a child of colonial rule. Evidence will be brought forward to show that *kaitiakitanga* posits Maori property rights in terms which do not address issues of ownership - that is, the issues at the centre of the present foreshore and seabed debate, and of the wider processes of colonisation that this thesis addresses. Positions taken by Maori appellants in the Environment Court show that it is increasingly common for culture to be expressed in conceptual or metaphysical terms, without a living practice attached. That is, a way of life is being compressed into ungrounded belief. This seems an inevitable result of the fact that few Maori lifestyles incorporating property ownership now form a patterned contrast to those of non-Maori. The vast majority of both groups live in urban centres, and their lives are variations on a common theme. *Korero*, (recorded) oral narrative, is the opposite of modern Maori metaphysics, in that it teaches by telling the story. *Korero* embeds values in incidents and life predicaments whose lessons were clear to

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<sup>2</sup> Consultation nevertheless remains problematic. It can overstretch the resources of tribal groups to respond to every issue, and as there is no requirement that their advice be followed, the system has weak defences against insincerity on the part of official agencies.

the people listening, because they lived in ways that echoed the narrative. The seabed and foreshore issue has a particular relevance to this crucial point, because it retains an untypical ability to close up the gap between past and present. The visceral Maori response to any suggestion of the erosion of customary rights stems partly from the fact that fishing remains for many a specifically Maori behaviour, or is at least fresh in family memory: the *korero* and the practice, therefore, remain emotionally close-linked, and provide a backbone to Maori opinion.

Because it deals with the pre-contact period, this chapter largely departs from the methodological base in Maori political writing of other chapters; an evidential base in *korero* requires the ‘change of gear’ mentioned in the Introduction in respect of study of the pre-literate past. It seems worth noting, however, that the subject of the foreshore and seabed rarely arises in discussion between Maori and the government in the 1840-1865 period, when attention was focused exclusively on land for settlement. A plausible explanation is that fisheries were not absent from Maori minds, but that ownership of this resource was secure enough from pressures to alienate to be taken for granted, as Taylor suggests in the following observation:

To show the value put upon their fisheries, in nearly every instance where land has been sold to the crown, these rights [to property in fisheries] have been retained.<sup>3</sup>

Taylor’s view would repay examination, but his view is outside the parameters of this study, which attempts to understand traditional property rights through the medium of recorded oral tradition, or *korero*. It seems necessary to say that if some of the stories that this study will examine initially seem too familiar, the object of telling them is not. This object is to show the content of the authority of custom by re-engaging prescription and practice and meshing metaphysics with life-ways.

Land and sea were brothers in the heroically dysfunctional primal family of Rangi and Papa, Sky and Earth. Tumatauenga, father of war, had the idea to kill the parents, in order to create the ‘world of light’, or visible world. Overruled by Tane, father of forests, who let them live though forever separated, Tu took revenge on all his brothers. By eating fish, birds and plants he made his brothers’ children *noa*, or unable to resist exploitation. Tu is the ancestor of humanity. His story purports to

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<sup>3</sup> Richard Taylor, *Te ika a Maui*. Wellington: Reed, 1974 [1855], p.385.

establish the moral basis of human use of the resources of land and sea.<sup>4</sup> This story, therefore, sets up the conditions in which questions of ownership can be addressed.

Equality of treatment of land and sea is a feature of stories about the nature of the world. Maori thought posits an underlying conceptual unity between all forms of water. The ancestor of fresh water, Parawhenuamea, was married to Kiwa, guardian of the ocean.<sup>5</sup> The sea and the land were also a unity, the actions of the founding ancestors being as likely to take place in water as on land. Tossed into the waves, Maui was nurtured by sea creatures until found by his grandfather.<sup>6</sup> When Ruatapu drowned the 140 sons of Uenuku by sinking their waka, Paikea survived and rode a whale to Aotearoa; spring surf on East Coast beaches are said to be Ruatapu visiting. When Tasman and Cook arrived, in 1642 and 1769 respectively, both of them beheld Maori in canoes;<sup>7</sup> it is a foundation image of culture. By chance, the first *hongi* (ritual greeting) between Maori and Pakeha echoed the ancient unity between sea and land: it took place on a rock in the water in the harbour at Turanganui.<sup>8</sup>

The mythological interdependence of sea and land had practical expression in fishing lore. The same procedure for defining the boundaries of fisheries was used for those on land. Fishing grounds at sea were identified by *tohu* (landmarks) on shore. Kapurarangi, for example, was 'named after a prominent hill that served as one of the lining-in objects.' Rurima Rocks in the Bay of Plenty were located '[b]y bringing the northern end of White Island just in sight to the left of the Moutoki cone, and the inshore side of the western hummock of Rurima proper just clear of the inner face of the most southern hummock'. *Tohu* were found by 'looking at the signs on shore; if the signs were lost, the rock was completely lost.'<sup>9</sup> Attitudes to the sea were measured

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<sup>4</sup> 'Human', at this point rather than 'Maori', because the story of the sons of Rangi and Papa purports to set up the order of the world rather than of 'Maori society'.

<sup>5</sup> Margaret Orbell, *The illustrated encyclopedia of Maori myth and legend* Christchurch, Canterbury University Press, 1995, pp.86, 135.

<sup>6</sup> George Grey, *Polynesian mythology and ancient traditional history of the New Zealand race*, ed. W.W. Bird. Christchurch: Whitcombe and Tombs, 1956, 1956 pp.13-14. Another foetus abandoned to the sea, Whakatau, was rescued by a god who shaped him into a boy and returned him to shore (Grey 1956, p.91). Hinauri threw herself into the sea after Maui turned her husband into a dog, floating about covered with barnacles until finally resuming a human existence. (Orbell 1995, p.161) Such stories show the sea as a formative influence on human lives, but also oppose it as an abnormal environment to the land, which is the normal environment for humans; events gain significance by taking place in the former.

<sup>7</sup> Anne Salmond, *Two worlds, first meetings between Maori and Europeans, 1642-1772*. Auckland: Viking, 1991, pp.78-9, 123.

<sup>8</sup> Salmond 1991, p.127.

<sup>9</sup> Elsdon Best, *Fishing methods and devices of the Maori*. Wellington: Government Printer, 1977, pp.5-6.

by fear, respect and human intrepidity – all told, by *experience*. Danger associated the sea with negative emotional states. It was a metaphor for human dislocation and loss of love, as in the ‘New Zealand national song’ *Pokarekare Ana*, where churning waters express the pain of separation. Feelings of insecurity were projected onto the unfixed, unknowable sea. Strangers arriving by waka were liable to be killed before they got up the beach;<sup>10</sup> wrecked or drifting sailing ships in the early period were stripped and burnt.<sup>11</sup> These attitudes persisted into the post-Treaty era. When Maori realised in the 1850s that their ways and those of the Pakeha could not easily be reconciled, they expressed it in a watery metaphor: Pakeha, they said, were fresh water and themselves seawater (it seems impossible to say why it was this way round). The metaphor posits an absolute difference. This was by no means the only Maori characterisation of the relationship, but it was always available when things went wrong. In the 1860s, when the power of the colonial government became oppressive, Maori told the foreigners to return across the sea, or threatened to drive them into it.<sup>12</sup> It is worth noting here that Maori were, in effect, expressing indigeneity as the basis of sovereignty, a century before indigenous rights achieved their present prominence in politics and scholarship.

While the idea of customary Maori property in the foreshore is easy to comprehend, property in the seabed seems a more difficult logical proposition, if only because technology limited Maori to the shallows. This is, however, a conceptual problem for Western thinkers rather than an actual one for Maori culture, where ideas about ownership go well beyond the commercial considerations that form a silent frame to twenty-first century debate. If the seabed can be shown to be integrated into the Maori worldview, there is no reason to draw the line of possibility concerning ownership above it. The enculturation of the sea reached down to its bed, which was another source of the energy of the world. The sea contributed to human knowledge. Tangaroa the sea father, who lived with his (fish) children in a house under the sea, grabbed a human boy playing in the surf. Ruatapu went down under the sea to avenge

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<sup>10</sup> Mohi Turei, ‘Te Rerenga mai o Paikea I Hawaiki ki Aotearoa nei’, in *Te Waka Maori*, Vol.13, No.8, 1877, p.134.

<sup>11</sup> Joel Polack, *New Zealand: being a narrative of travels and adventures*. London: Richard Bentley, 1838, Vol.2, p.197.

<sup>12</sup> See, e.g. Head 1992, p.17. Also, e.g., *AJHR* 1863, E3 No.23, Encl. 2, sub-Encl. 6, p.51, ‘Ihakara Tukumarū’s Oral Report of the “Tainui meeing...”’, 12 June 1863, Heremia speaking: ‘My plan is to fight across the boundary into the very midst of the Pakehas, and to drive them into the sea, so that Pakehas may disappear from this Island.’ (English translation only.)

his son's death. He let the sun fatally shine on Tangaroa's sleeping children, burnt down their house and escaped back to this world with its exterior carvings. This explains how humans gained knowledge of carving skill.<sup>13</sup> The story has fire, sunshine and a *whare whakairo* (carved house) under the sea; life goes on there as on land. Such stories are evidence that the sea was as much Maori cultural property as the land was.<sup>14</sup> The unity of land and sea in *korero* sets up a model of customary thought in which unequal consideration of the two spheres bends Maori culture out of true. The only one of his brothers that Tu the ancestor of man-as-warrior did not conquer was the storm-god Tawhirimatea. Tawhiri's endless revenge explains why the sea is dangerous to humans, and like seafarers everywhere, Maori used religion to counter its power. The greatest sea monster was Te Parata, whose throat was a whirlpool aching to suck down canoes; the Te Arawa migration canoe was only saved from it by the prayers of the *tohunga* (priest) Ngatoroirangi.<sup>15</sup> Seafarers in general might call on the help of spirits taking the form of whales, and at landfall they made offerings to Tangaroa.<sup>16</sup> The supernatural creatures called *taniwha* represented the natural dangers that lurk in water.<sup>17</sup> There have been recent cases when *waka* trips too lightly undertaken have fallen victim to the wrath of the sea. Formerly Maori did not make that mistake; even paddling just offshore, any shipping of water required propitiatory prayer.<sup>18</sup> Anyone making their first voyage across Raukawa (Cook Strait) passed Nga Whatu (the rocks known as the Brothers) blindfold, lest they meet the gaze of *nga whatu* (the eyes) of Maturangi's octopus, which would cause the canoe to swamp.<sup>19</sup> Though often overmatched by nature, Maori sea-going was not limited by will - the ocean voyages that brought the people to New Zealand from tropical Polynesia make that point.

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<sup>13</sup> Orbell 1995, pp.161-3.

<sup>14</sup> According to a version of the Maui story recorded in southern New Zealand circa 1850, when Maui fished up the land, 'there stood storehouses, and houses; dogs were barking, fires were burning, people were sitting and going about.' Christine Tremewan, *Traditional stories from southern New Zealand. He korero no Te Wai Pounamu*. Christchurch: Macmillan Brown Centre for Pacific Studies, 2002, p.84.

<sup>15</sup> Grey 1956, p.112.

<sup>16</sup> Best 1977, p.2. A *tohunga* attributed 'the Atua foaming at the mouth' (a high surf at the Hokianga heads) to his not having 'preached my *Kauwau* (prayer) today.' (Polack 1840, Vol.1, p.237).

<sup>17</sup> Orbell 1995, pp.184-6. As in the case of local Maori opposition to the recent establishment of a prison at Ngawha in Northland, *taniwha* are still invoked to reinforce human positions. The practice is traditional, for example, a *taniwha* called Humuhumu escorted the Mahuhu canoe from Hawaiki and took up residence in a lagoon on the Kaipara harbour, which made it *tapu*, and so no food could be taken there. (Orbell, 1995, p.71).

<sup>18</sup> Lawrence Rogers (ed.), *The early journals of Henry Williams*. Christchurch: Pegasus, 1961, p.213.

<sup>19</sup> Orbell 1995, p.124.

The huge respect Maori paid to the sea is proof of cultural connection and an underlying economic dependence on its resources. ‘Respect’ was expressed as religion. Activities associated with fishing were *tapu* (subject to religious restriction), or carried out under rules they believed to be backed by supernatural power. The first catch of the season was reserved to chiefs, who ate it with accompanying ritual.<sup>20</sup> Sites of manufactories such as beaches where seine nets were made were restricted access areas, because the success of any work vital to the economy was believed to depend on the avoidance of spiritual pollution.<sup>21</sup> No food was taken on board fishing canoes, and people at the village did not eat while the fishermen (it was a male task) were at sea.<sup>22</sup> Eating while merely paddling past a burial ground courted the punishment of drowning.<sup>23</sup> When the Tokomaru migration canoe arrived its captain planned his village near the food supply provided by a beached whale, but forgot to perform his religious duties. Faced with accusations of impropriety, Manaia relinquished both whale and land.<sup>24</sup> *Tapu* was a comprehensive system of religious authority. Belief in it is now, by comparison, fragmentary, and its practice selective. Nevertheless, the idea of sacred restriction, where transgression invites punishment, remains. This helps explain the emphasis on the spiritual in recent Maori attempts to explain the cultural rights that the state should respect – an emphasis with which non-Maori may feel less than comfortable. The problem is that explanations that attempt to convince other than by reference to practice – assertions of the ‘everything is *tapu*’ variety – primarily illustrate the post-colonisation disarticulation of concept and custom. Of course, life could hardly go on if *tapu* was without limits. Maori lived in a much-regulated world, but society was in proper balance with its religion.<sup>25</sup>

Because of its economic importance, fishing provided a fundamental metaphor for culture. Maui hauled up the North Island while fishing off Te Wairoa;<sup>26</sup> the South Island was his canoe.<sup>27</sup> The first gods to be brought to Aoteara were the sustaining gods of fish and *kumara* (sweet potato),<sup>28</sup> the pairing underlining an equality of

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<sup>20</sup> Polack 1838, Vol.2, p.261.

<sup>21</sup> Polack 1838, Vol.2, p.26.

<sup>22</sup> Best 1977, p.6.

<sup>23</sup> Joel Polack, *Manners and customs of the New Zealanders*. London: James Madden & Co., 1840, Vol.1, pp.237-8.

<sup>24</sup> Grey 1956, pp.179ff. What Manaia should have done was set up his *tuahu* (shrine to the gods).

<sup>25</sup> The balance was maintained by chiefly *mana*, which both upheld and counterpointed *tapu*.

<sup>26</sup> Polack 1838, Vol 1, pp.356-358.

<sup>27</sup> Orbell 1995, p.115.

<sup>28</sup> Grey 1956, p.129.

esteem for the foods of sea and shore. Fishing grounds were the gift of gods, who protected ownership through generations:

The hapuku rocks at sea were revealed by the god. People cannot see the hapuku rocks; they were pointed out by the god. . . The signs were hills, trees. And [the god] put them there and left them as a fishing rock for his descendants through the generations, and another tribe could never take it.<sup>29</sup>

Possessions in land and sea were treated equally when Maori discussed the subject with the colonial government. Hori Ngatai said of Tauranga harbour:

...with regard to the land below high-water mark immediately in front of where I live, I consider that that is part and parcel of my own land. This land formerly belonged to a tribe called Ngatimarama, but we came from the East Coast and took it over. I will look upon the land below high-water mark as being part of my own garden.<sup>30</sup>

Although the fact that he was explaining it at all is a sign of the ever-present Pakeha, Ngatai was nevertheless describing the kind of authority operated in pre-colonial Maori society.

All fish were said to spring up in a fountain in the sea near Hawaiki.<sup>31</sup> This is an image of abundance, associating fish with success. Maori society placed a very high value on success, which was much more than simple reward for effort. Anything that supported human existence had a *mauri* (life force) whose condition was an index of success.<sup>32</sup> A *mauri* for a fishing ground, for example, represented the life in fish. *Mauri* are now often conflated with *wairua*, which describes an immortal soul, but formerly the difference between them was absolute: *mauri* were mortal. They could die from theft or wrong-doing, and then there would be neither abundance nor success. Mortality is essential to the nature of *mauri*: it provided an inbuilt imperative for resource protection.

The early extinction by Maori settlers of large game birds and the reduction of forest cover meant that the resources of sea and shore became major sources of dietary protein.<sup>33</sup> Settlements were concentrated in warm areas with fertile soils and

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<sup>29</sup> Best 1977, p.6.

<sup>30</sup> Hori Ngatai to Ballance, *AJHR* 1885, G1, 'Notes of Native Meetings; notes of a meeting between the Hon. Mr. Balance and Tauranga natives, at Whareroa, Tauranga, 21 February 1885, p.60.

<sup>31</sup> Orbell 1995, p.148.

<sup>32</sup> Elsdon Best described a *mauri* as a resting place for a god (Best 1977, p3). See also Orbell 1995, pp.117-119. *Mauri* were placed by priests in objects, and kept in spiritually guarded locations.

<sup>33</sup> A. Anderson and M. McGlone 'Living on the edge - prehistoric land and people in New Zealand'. *The Naive Lands: Prehistory and environmental change in Australia and the Southwest Pacific*. J. Dodson, (ed.) Melbourne, Australia: Longman Cheshire



large fisheries. Where fish were plentiful, wars were fought for the control of the resource: Ngati Rangihouhiri, for example, attacked Maketu simply because it was rich in food.<sup>34</sup> An early observer thought that the fishing that ‘the entire inhabitants of several villages join[ed] forces to engage in’ consumed ‘much of the [people’s] time’.<sup>35</sup> It also offered a strong experience of civil co-operation: values were inevitably built around fishing and sea travel. The sagacity of chiefs, for example, was preserved in the story of a contest between two men as to whose seafood cooked the quickest (answer: the crayfish, whose feeler instantly turned red in the fire).<sup>36</sup> Kae, the sorcerer who killed Tinirau’s noble pet whale after it bore him home, was an archetype of dishonourable behaviour.<sup>37</sup> Houmea the Shagwoman secretly ate the day’s catch instead of sharing, and eventually ate her children.<sup>38</sup> She was the embodiment of evil. Such stories carried powerful lessons about how to conduct a civilised life. *Korero*, then, encodes a prescription of governance for both individual behaviour and relationships between groups.

When ships began to arrive in New Zealand, the Maori system of governance was sufficiently flexible - and secular - to allow immediate interaction with strangers in spite of differences in behaviour and belief. Trade was the first civil relationship Maori established with foreigners (the other was violence), and fish was among its first staples. A drawing made by Captain James Cook’s Tahitian interpreter, Tupaia, shows a cloaked chief and a be-wigged Englishman solemnly exchanging a crayfish for a piece of white linen.<sup>39</sup> This is an image of equality. It is a reminder that as long as Maori were in charge of their property, they had leverage with Pakeha. It also says that ‘cultural differences’ did not stop the two sides comprehending each other’s interests and wishes. Maori initiated trade with foreigners with the confidence of established practice: fish had been traded, gifted, consumed in celebrated quantities at feasts, for centuries. The seventy-year foreign market that preceded the Treaty of Waitangi only added a coda to custom, but its significance for questions of customary property rights can hardly be overstated. It provides three generations of unambiguous

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1992, p.233.

<sup>34</sup> D.M. Stafford, *Te Arawa. A history of the Arawa people*. Auckland: Reed, 1967, p.118.

<sup>35</sup> Polack 1840, Vol.1, p.199.

<sup>36</sup> John White, *Ancient history of the Maori, his mythology and traditions*. Wellington: George Didsbury, Government Printer, 1887-1890, Vol.4, 1888, pp.187-188.

<sup>37</sup> Taylor 1855, pp.112-114; Grey 1956, pp.69-76.

<sup>38</sup> Margaret Orbell, *Traditional Maori stories*. Auckland: Reed, 1992, pp.102-110.

<sup>39</sup> Salmond 1991, plate 3, pp. 208-9.

evidence of Maori exploitation of the resources of the sea for commercial gain. This suggests strongly that the protection of customary property rights in Article Two of the Treaty of Waitangi logically includes the protection of a commercial right. This study has shown that customary Maori notions of ownership have been subject to conceptual changes that have weakened the cultural authority Maori are able to call on today. An aspect relevant to seabed and foreshore issue arises from another property right presented by Becker<sup>40</sup> namely, *the right to alienate*. This was formerly expressed in the chiefs' ability to offer property to outsiders in fulfillment of obligations or for reasons of political strategy. However a common misconception is that customary property rights did not include the right to alienate. A comprehensive denial of both pre-colonial and nineteenth century Maori experience, this has contributed to the arguably unproductive, modern collective Maori persona. The 'right to alienate' mentioned above therefore merits further comment.

Maori justice turned on *utu*, the principle of necessary response. In action, *utu* was the political act of restoring balance to a relationship that had become lopsided. *Utu* was by no means confined to acts of revenge; it could for example be expressed in the transfer of property. Offences against *tapu* indicated a world seriously out of kilter, and always required redress. A party of Ngati Paoa catching herring in the Tamaki estuary were unaware that a drowning had made the area *tapu*. When they discovered their mistake they gave land to the people of the dead chief.<sup>41</sup> After a battle on the beach at Kororareka (Russell) in 1830 Kawiti gave land to his antagonists (who were also his relations) as compensation for those he had killed.<sup>42</sup> Ngati Pukenga were a small tribe who specialised in fighting in other people's wars. Their community at Manaia on the Coromandel Peninsula exists on land Ngati Maru gave them in return for military assistance. Pukenga also own land at Pakikaikutu near Whangarei, where their enclave was founded during Heke's war against the British. Pukenga fought as Heke's allies. When a canoe load of them returning from the war approached Whangarei the locals, who had been involved in a *kohuru* or treacherous murder of some earlier Ngati Pukenga visitors - offered the Pakikaikutu land to avert

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<sup>40</sup> See Lawrence C Becker, *Property Rights: Philosophic Foundations*, London: Routledge & Kegan Paul, 1977.

<sup>41</sup> Firth 1959, p. 389. When the Taupo chief Te Heuheu cut his foot while getting into a canoe, both canoe and the surrounding area of land became *tapu*. Its owner abandoned the newly built canoe; Taylor 1855, p.56.

<sup>42</sup> C.O.B. Davis, *Maori mementos*. Auckland: printed by Williamson and Wilson, 1855, p.17.

fighting These are common stories.<sup>43</sup> It is likely that people rarely forgot how they came by their territory. If memory remained, formal deference might continue to be displayed towards the original owners, as in the case of Ngati Pukenga at Manaia today. But however territory was obtained, legitimacy accrued to subsequent occupation. Where transferred land was stamped with the lives of its new owners, their ownership was uncontested. Raymond Firth makes this clear in his foundation work on Maori society, and there is no reason to relitigate the position.

Alienation of property to foreigners was introduced in the second decade of the nineteenth century. This was a new kind of exchange, and it would redefine *utu*: from the exercise of justice, it became the price of trade. Maori were the power group for most of the pre-Treaty period, and Pakeha landholders were occasionally subject to the political exigencies of tribal life. In 1827, for example, the Wesleyans fled their station as fighting raged around them. Such events were, however, the exception. They do not point to a simple extension of custom to Pakeha, as is often claimed<sup>44</sup> Maori did not have the same relationship with Pakeha as they did with each other. Pakeha were not incorporated into the tribe, unless by choice; they were not drawn into feuding relationships; they were lightly punished, if at all, for offences against the social order and were rarely completely stripped of possessions (*uru*) for a civil offence. Pakeha survived in pre-1840 Maori society for the straightforward reasons that they were interesting and useful. It was a coup to have a Pakeha in the community - if only to improve a trading position, but quickly for more complex reasons. Western civilisation offered possibility and example for economic and political development. These could not be successfully accessed without radical adjustment to customary behaviour, including the repression of fighting, brakes on arbitrary chiefly power and the rationalisation of *tapu*. Any change to these *pou* (pillars) of culture would have consequences that could not be foreseen, let alone controlled. Maori took the risks of change. As a result, their vulnerabilities in the pre-treaty period were multiple - and often insinuating and subtle. But one unsubtle fact

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<sup>43</sup> Whangarei Land Court Minute Book No.2, p.172.

<sup>44</sup> The Waitangi Tribunal has attached a culture to this, arguing in the Orakei and Muriwhenua reports that Maori may not have thought that allowing Pakeha to build or farm amounted to the alienation of territory, but was a temporary gift. This view constitutes the deeply flawed *tuku whenua* thesis, which cannot be addressed here. The *tuku whenua* thesis has not as yet been applied to seabed and foreshore issues. It is worthwhile noting that no society can survive without stability in its social arrangements, and that in Maori society land transfer was normally as permanent as the power relationship of the groups involved in the deal.

was that the usual Pakeha terms for living among Maori were the acquisition of property rights.<sup>45</sup>

A people as jealous about rights as Maori did not transfer property lightly. Allowing outsiders to put up buildings and fences and to cultivate the land was to sanction rights-bearing actions. Trade in land in Northland, which provides the fullest evidence, had grown out of the trade in goods. By 1840, land was the market's chief commodity. Joel Polack said that the land market (plus foreign travel) had made northern Maori 'fully alive to the value of land' in an English sense.<sup>46</sup> This is an important statement by an experienced secular eyewitness. Those who wish to diminish Maori responsibility for land alienation routinely overlook its implications. For most of the pre-Treaty period the chiefs adequately governed the market. Their control began to slip away in the overheated market of the later 1830s; this is probably the most significant factor in the decision to sign the Treaty. The speeches the chiefs made at the treaty *hui* (councils) make clear that Maori knew that land sales were permanent. Some regretted having sold, others that they had not been capable of seeing the consequences of earlier actions and that the land should in all conscience be returned, but not one of the chiefs said that the land had not been alienated.<sup>47</sup> The evidence of this Maori position is supported by the huge volume of deeds of post-1840 transactions under the policy of Crown pre-emption. It is logically inconceivable that Maori signed the deeds and abided by their provisions without realising what they had done. The tragedy of the nineteenth century was that Maori knew what they did, but were powerless to stop.

The evidence of early land deeds is that when land fronting the sea was traded, the foreshore was generally assumed to come under the authority of the new owner. Waterfront boundaries in early land deeds most commonly run the line to the beach or along it – *i te taha o te moana* (beside the sea). Land and sea are often more specifically divided by the tidemark, with the portion below high tide remaining in Maori ownership. At Kauaeranga, where pipi, flounder and seabirds were harvested, both the low tide mark and the high tide mark are named as boundaries:

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<sup>45</sup> As Alan Ward points out, 'the Maori world-order was not secure.' Alan Ward, *An Unsettled History; Treaty claims in New Zealand today* Wellington, Bridget Williams Books, 1999, p.9.

<sup>46</sup> Polack, 1838, Vol.2, p.215. At the same time, Maori attitudes were their own. Polack and his four boatmen were given a share in the payment for a land sale, simply because they happened to be paddling past at the time of the deal. Polack, 1838, Vol.2, p.207.

<sup>47</sup> William Colenso, Colenso, *The authentic and genuine history of the signing of the Treaty of Waitangi*. Wellington: George Didsbury, Government Printer, 1890, pp.17-28.

‘the boundaries. . .commence at the mouth of the Hape stream at Kauaerunga thence by low water mark of the river Waiwhakaurunga to the mouth of that River at low water spring tides thence by low water mark to a post standing at the sea side (at low water) thence. . .to the mouth of the Karaka stream at high water mark thence by high water mark along the sea beach. . .’<sup>48</sup>

Deeds show Maori trying to emulate the precisions of foreign descriptions of ownership. In the following case, in what seems a desperate attempt to retain a hold on ancestral land, Horei Kerei Paipai defined what he was willing to sell as being the area above the low tide mark. He said: ‘My father’s land is on shore. Beyond the high tide remains to the Queen; thus from the shore to the high tide is to be mine...’<sup>49</sup> Paipai also claimed the area below low tide: ‘the side inland of low tide within my claim is to be determined now – the decision about the seaward portion lies with me.’<sup>50</sup> Variation between low and high tide reflects the fact that Maori ways of thinking about boundaries were not in natural conformity to the abstractions of the Pakeha system, but were specific to particular locations. Maori behaviour, however, offers better evidence of custom than deeds, which are Pakeha-generated. The (Pakeha) pilot at Hokianga erected a flagstaff in order to signal the state of the bar at the head of the harbour to shipping. Maori allowed the flagstaff to stand. This confirms Polack’s statement that the land was ‘acknowledged as the property’ of the company who had paid for it.<sup>51</sup> The missionary Henry Williams lived at Paihia. In 1827 Williams tired of the struggle to land his goods in the surf, and set to work building a wharf to run out to low water. By the end of the next day he was able to record that he had 12 piles standing and a platform laid.<sup>52</sup> There is no evidence that local Maori objected to Williams’ actions, which confirms that they recognised him as having rights. Even more importantly, neither is there any evidence that Maori were consulted on the matter. Williams was confident that owning the land fronting the beach conferred the right to build structures on it, including in the water. It is entirely consistent with custom that the boundaries of his ownership were not stopped at the sea.

This study has argued that Native Land Court evidence should not be confused with the political arrangements of earlier Maori society; colonial Maori culture is not

<sup>48</sup> Hauraki Maori Land Court Minute Book 4, 27 April 1869 – 20 June 1873, Moanatairi No.9, Kauaeranga mudflats.

<sup>49</sup> Wanganui Land Court Minute Book 660-661, 14 July 1873, Ngongohau No.7.

<sup>50</sup> Wanganui Land Court Minute Book 493-494, Ngongohau No. 7.

<sup>51</sup> Polack 1838, Vol.1, pp.265-267.

<sup>52</sup> Rogers 1961, pp.45-6.

the one that ‘customary behaviour’ should be deduced from. It would, however, be rash to assume that customary ownership always continues where not specifically extinguished in a deed, because – and it seems an important point - this gives all the power to the wording of deeds, and by implication to Pakeha notions of Maori property rights. The logic of deeds, literally applied, will work against Maori interests, and has the potential to destabilise Waitangi Tribunal decisions.<sup>53</sup> Where custom is adduced instead as the basis of right, it is the logic of *korero* that should be applied. This requires investigation of the question of who had *mana*.

### **The Treaty of Waitangi**

Article Two of the Treaty of Waitangi recognises ‘full’ Maori possession of ‘Lands and Estates Forests Fisheries and other properties.’ However the object of the Treaty was hardly to put an existing situation on simple record: it was to foreshadow the operation of a British colony. Analysis of the text of the treaty must therefore assume this context. As we have seen, the Treaty of Waitangi did not create, but confirmed, an existing potential for treating land as a market commodity.<sup>54</sup> Confirmation of their ownership of the land was the (northern) Maori condition of assent. The crucial point, however, is that the Treaty does not protect Maori property rights beyond recognising their existence. In terms of Crown objectives it *could not* protect them: the British did not seek to rule a purely native dominion, but a settler colony. In pursuit of such a future, Article Two describes Maori property as alienable, in order to facilitate its transfer to the Crown.

In large part, northern chiefs signed the Treaty because they could not handle the issues of governance that arose from Pakeha settlement: they could barely control land sales and certainly could not control their aftermath. The real-life situation highlights the troubling unreality of currently influential views, for example, the suggestion that the Treaty was a sort of potlatch, where Maori made a gift of land and the British a counter-gift of the forms of Westminster-style government:

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<sup>53</sup> For example, deeds frequently comprehensively sell rivers or resources under the ground.

<sup>54</sup> Land sale had provided a significant source of income for northern chiefs. Some had sold all their land by 1840. For example Rewa, who had signed the ‘King’s Letter’ of 1831 asking for closer relationships with the British, described himself as ‘only a name’ at Waitangi. Other chiefs were concerned about their own status within a British colony, because they construed all their rights in terms of their own customary freedom of action. Some feared that the introduction of British government would end their right to trade in the land market. Nopera Panakareao’s remark that under the Treaty ‘the shadow of the land goes to the Queen, the substance remains with us’ expressed his understanding that he would continue to have the right to sell his land. The wording of Article 2 of the Treaty in part responds to this objection.

The Treaty represents the gift [by Maori] of the right to make laws in return for the promise to do so as to acknowledge and protect the interest of the indigenous inhabitants... That then was the exchange of gifts that the Treaty represented. The gift of the right to make laws, and the promise to do so so as to accord the Maori interest an appropriate priority.<sup>55</sup>

This view fails normal historical tests. In Article One of the Treaty, sovereignty passed to the Crown. Maori did not receive in exchange a blanket protection of the sovereignty of culture, but recognition of their ownership of property in terms designed to make it saleable. It seems necessary to state that redress for injustice will not be found in the bloating of the notion of *taonga* (property). On the contrary, the poverty of the idea exposes the Treaty to cynical disregard. This ought to be the concern of Government and the state-governed industries that interpret the treaty. There is little evidence that these sectors have grasped the fact that a majority of New Zealanders want to recognise the Treaty as a charter for the nation, but do not always trust current readings.<sup>56</sup>

The differences between the English and Maori versions of the Treaty of Waitangi continue to exert a strong influence on current government and institutional thinking. The Maori version does not mention fisheries, the English version does. The wording of the judgement of the Court of Appeal utilises the English version (State practice grants English and Maori versions equal status). However in anticipation of objections from contra-treatyists about the absence of fisheries in the Maori version of Article Two, the reason for the failure to specify fisheries needs a brief address. If extra-colonial standards for custom are applied, the looser wording of the Maori text - 'lands, villages [i.e. 'estates' in the sense of land modified by human activities] and possessions' - does not exclude fisheries.<sup>57</sup> The reason fisheries are not specified in the treaty is simple: the Maori text was written for *Maori* to hear. It was translated

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<sup>55</sup> Findings and Recommendations of the Waitangi Tribunal on an application by Aila Taylor for and on behalf of Te Atiawa tribe in relation to fishing grounds in the Waitara District – *Motunui-Waitara Report*, Wellington, 1983, pp.55, 61, 65. Cited in Geoffrey Palmer and Matthew Palmer, *Bridled power; New Zealand government under MMP*. Auckland, Oxford University Press, 1997, p.279. Governments have by and large supported free-ranging interpretations of the Treaty vide lists of 'Treaty principles'. Scholars follow suit, if with more caution. Alan Ward, a major researcher for the Tribunal, says 'The fundamental position ... is that New Zealand is fortunate to have a founding statement of principles - the Treaty of Waitangi and the courts to meet constantly changing circumstances.' Ward 1999, p.2.

<sup>56</sup> This chapter was written prior to leader of the National Party Don Brash's 2004 Orewa speech on race relations, the response to which offers evidence for the point.

<sup>57</sup> This is not, however, because fisheries are included in the Maori text in the phrase *me o ratou taonga katoa*. A universal application of the preciousness or sacredness of taonga springs from a modern view and not applicable to a study set in 1840. More to the point, it leaves a certain hanging weakness in the failure to spell out that Maori actually owned fisheries.

from the English by missionaries with vast experience of living alongside Maori, and who certainly knew that Maori notions of property were all-inclusive. Equally, they knew that the market in Maori property was focussed on Pakeha cultural aspirations. They wrote the document to this situation.

The documentary Treaty was important to Maori in a specific way: because it was important to Pakeha (as a symbol of Maori assent to British rule). It was not the *reality* of Maori assent, as its Pakeha writers knew: that lay in Maori attitudes and behaviour. Henry Williams and his son translated the treaty into Maori in order to obtain the signatures of the northern chiefs. They read the success of their strategy in the fact that nearly all the leading northern chiefs did sign. The fault in their translation of the Treaty lies not in any misrepresentation of the 1840 present, but in a hubristic failure to consider the future of Maori in a white settler colony. The Treaty was an amateur effort that may justifiably be described as morally incompetent. It was not, however, culturally so. It would be shortsighted to think that the views advanced in this study threaten Maori political gains. A closer historical reading of the Treaty is the way out of the present Maori rights gridlock that is the result of the ascendancy of ideology over reason. If the Treaty is read in accordance with the original intention of *rangatiratanga*, which was to confirm existing Maori ownership of the land in a Western language, the strength of a rights bearing ownership is restored to Maori.

## **Conclusion**

This chapter has attempted to explain the pre-colonial Maori culture which custom enacted. It has described a world in which value and behaviour, identity and culture cohere. *Korero* depicts a particular way of being human – which is to say, a civilisation with authority over its world. That society has passed. The need to explain its nature nevertheless remains, because Maori rights are still referenced to it. The study has argued that colonial practice and legislation do not reference custom to the Maori past but to the needs of the colony. The transfer of sovereignty to the British Crown breached the wholeness of Maori civilisation. Constituent parts were lifted from context and reshaped into conformity with British power. The operative bond between property rights and *mana* was lost. Custom was replaced by a code of rights based on first causes that could stand independently of Maori authority. This began the enclosure of Maori in an identity conceived in terms of pastness. Political powerlessness orientated Maori culture to identity rather than customary practice. The



old, unviable, *mana* of power and control was superseded (at least in spheres of interaction with Pakeha) by a new *mana* created by, but simultaneously denying, the comprehensive loss of authority that colonisation entailed. This re-written *mana* leaps back over colonisation to an imagined golden age, but however tenderly it is enfolded in present minds, its colonial roots show in its reflexive measurement of Maori authenticity as difference from Pakeha. In the later twentieth century, a new relationship sprang up between indigenous minorities and settler-descended majorities. As the rapacity of global capitalism became clear, pastness and oppositeness became an Ark of values that the West could not find in itself. This produced the leverage first nations were able to exert on the State. This study has argued that Maori pastness and oppositeness have been construed in colonial terms. The reason that (a putative) Maori 'non-ownership' of property chimes so well with modern indigenous theory is that the field of indigenous rights has necessarily been created out of colonisation. However, arguments for Maori rights based on the colonial situation have clear limits of utility in the present. They describe an ownership that is less than that claimed and exercised by Pakeha. They leave Maori vulnerable to further losses of authority, because 'otherness' can be co-opted to the purposes of the state. Finally, positions that require Maori to represent the West's lost innocence present a severe moral bind for a people who are in fact themselves Western. An underlying agenda for many Maori in the debate over ownership of the seabed and foreshore is the right to profit from the ownership of property. Customary values and practices clearly signal such a right. This study has argued that 'ancient custom and usage' produced rights in property that are equivalent to 'ownership'. As Maori culture did not conceptually differentiate between land and sea, a view of property rights arising from custom would be, first, that Maori own the resources of the sea and foreshore and second, that commercial development is compatible with customary ownership. Above all, custom implies an underlying value system. The customary value available to Maori to deal with the government is *utu*. *Utu* was a balancing act that provided both the theory and practice of Maori justice - before the Pakeha arrived and changed everything forever.

## CHAPTER SEVEN

**Early land transactions and the judgements of late theory**

This chapter compares pre-contact land transfer with subsequent land transfer in the contact period, in defence of the premise that Maori understood that when Pakeha individuals, or after 1840, officials of the government, traded for land, that land was permanently alienated. It is not history that dictates this topic, but late twentieth century politics; the reason it is considered here is because, under the terms of the *tuku whenua* thesis, which became influential in that period, the view that land transfer was not permanent in Maori eyes achieved the status of a dominant idea. The chapter does not consider parochial post-sale arrangements negotiated in particular transactions, neither does it consider questions of the morality of Crown purchase, although these are inherent in the scale of purchase. Instead, it aims to establish the general principle of the permanence of land transfer in the pre-colonial period, through an examination of early interaction between Maori and Pakeha in the Bay of Islands area, where land transactions were most numerous. The focus on the pre-Treaty period is designed to show that the permanence of land transfer to Pakeha was established before 1840.

The chapter will then argue that historical and linguistic evidence for pre-modern Maori society does not support the *tuku whenua* thesis. However such argument has not been fatal to its cause, because the thesis is a conceptual adventure rather than an historical argument. While it makes claims about ‘tradition’, it is in fact based on logical propositions about the period of contact, and these must now be considered. The propositions on which *tuku whenua* is based can be summarised as follows:

- (1) as there was no concept of sale in pre-modern Maori culture, early transactions which Pakeha would have understood as the purchase of the freehold would have been considered by Maori in their own terms as allocations of land to

outsiders accorded the status of conditional membership of the tribe, or gifts to forge a new tribal alliance, or to recognise past support.

- (2) the verb *tuku*, ‘give/convey/transfer/send’ (etc), in early land deeds and documents concerned with land transactions with Pakeha shows that Maori did not consider such land ‘sold’, because ‘giving’ implies ‘gift’. Therefore *he tuku whenua*, literally ‘a land giving, conveying, transferring, sending (etc)’ is a traditional ‘gift exchange’, and not a commercial transaction.

It is important to note at the outset the static and contextless assumptions of these propositions: the applicability of the *tuku whenua* thesis to post-Treaty land transactions depends on Maori not learning anything new in three generations of interacting with foreigners, and therefore not changing their ideas and practices. *tuku whenua* assumes that Maori culture was very little penetrated by the west. This seems inconsistent with the course of nineteenth century history, and, indeed, the whole Polynesian response to western contact. It posits a land of ironclad innocence at best, and leaves dangling the question of why Maori should be so unaware and incapable of learning.

*Tuku whenua* has also not been argued from historical linguistic data, but from a twentieth century linguistic standpoint. In the early records *tuku whenua* does not appear as the name of an institution of land gifting. While the silence of the literature would seem to undermine the case, in light of the volumes of Maori information available for other institutions such as *tapu*, *mana*, *utu* and so forth, *tuku whenua* has survived this difficulty. The main reason lies in the history of the verb *tuku*, which is a word for any action of transfer. *Tuku* appeared in connection with land in the earliest extant lists of the bases of Maori land ownership. It is important to note, however, that none of the familiar phrases of land tenure (e.g. *take tipuna*, *take raupatu*), including *take tuku*, are found in the traditional Maori literature. Where they do appear is in commentaries written by early English collectors, notably Edward Shortland and Richard Taylor. The activities of such men reflect the normal ‘scientific’ aim of Victorian ethnographers to reduce native custom to categories decided upon by themselves. The lists of the bases of traditional land tenure they compiled are themselves an intrusion of western thought, and they are the foundations of modern understandings of traditional land tenure.<sup>1</sup>

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<sup>1</sup> The role of *take* to land in the Maori justice system is discussed in Chapter Five.

While there is no evidence that the practice of making abstract lists of the bases of land tenure was a Maori one, it seems reasonable to assume that the ethnographers were recording the gist of what their informants said. There is, therefore, no reason to reject *take tuku* (and the rest) as descriptions of how people came by their land. However the relationship between nineteenth century *take tuku* and modern *tuku whenua*, is overstretched. *Take tuku* refers to history – it tells a story of how land originally came into the ownership of a descent group. *Take tuku* was a term that validated ownership; axiomatically it did not suggest that that ownership was contingent. The *tuku whenua* thesis, by contrast, obviates the traditional concept of ownership, making it temporary by retaining authority in the hands of the donor.

### **The circumstance and protocols of exchange in Maori society**

Two distinctions will be pursued in this examination: the difference between gifting and trading, and between the transfer of objects and the transfer of land. The major, organised inter-group gifting event in Maori society was the feast (*hakari*), as abundance of prestigious food was the sign of success and power.<sup>2</sup> The *hakari* was described by Maori as a feast, not as a gift; it was designed to reflect the prestige of the hosts, and to honour guests. It is, perhaps, difficult for a more complex society to grasp the enormous status of food as a measure of wealth. It can, however, be assessed visually in early paintings of storehouses, and in museum survivals that show that storehouses were the most fully carved structures in the *pa*. Inter-tribal feasts were relatively uncommon because they required lavishness; food was amassed over months or even years for a major event.

The gift of the feast, at its grandest in the *kaihaukai*, is well represented in the traditional literature, as is the rarer case of the gifting of prestigious or rare objects or goods, or objects where the value of the gift lay in the *mana* of the giver rather than in the object itself.<sup>3</sup> Gifts of objects might be inspired by occasion, such as a presentation at a funeral, or they might be a spontaneous reaction to a moment. Gift-giving in Maori society was not tied to a seasonal or ritual calendar but to social relationships and politics. Its institutional aspect lay in the inescapable obligation a

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<sup>2</sup> See Ann Parsonson, 'The pursuit of mana', p.140, in W. H. Oliver & B. R. Williams, eds., *The Oxford history of New Zealand*. Auckland: Oxford University Press, 1981, pp.140-167.

<sup>3</sup> At the lower end of the scale, acts of benevolence or charity, such as sharing food with the hungry, seem to have been common. For a discussion of gifting, see Raymond Firth, *Economics of the New Zealand Maori*. Wellington: Government Printer, 1959, pp.393-432.

gift placed on the recipient;<sup>4</sup> perhaps the most important characteristic of gifts is that they were never free. Rather, they were statements of power and political disposition that, in the terms of Maori culture, required a return. While recipients of a gift understood the obligation of return, the symmetry in the exchange rarely lay in temporal simultaneity. Gifts might be returned (or recompensed) years, and sometimes generations, later. For example, Kawerau people gave a *mere* called Hine-nui-o-te-patua to Ngati Paoa. Eight generations or about two hundred years later Ngati Paoa gave it to Nga Puhi, who held it until 1860. The *mere* was then returned to Ngati Paoa, who presented it to Governor Grey. In all its journeys, the purpose of this particular *mere* (and its *mana*) was to cement peace.<sup>5</sup> Such specificity underlines the political purposes of gifting across tribal lines. The value of a gift increased in proportion to the length of its history, that is, the span of time in which the exchange remained incomplete.<sup>6</sup> The temporal one-sidedness of inter-group gifting means that the term ‘gift-exchange’ used by proponents of *tuku whenua* is seriously misleading in respect of the culture of pre-modern Maori society. Its use in part reflects a failure to extricate this term from the influence of the economic anthropology of traditional Pacific societies. Malinowski’s Trobriand Islands ‘gift-exchange’ describes a Melanesian custom for the distribution of surplus which bears little relationship to the Maori situation. Maori gifting was not an economic institution and a particular gifting partner was not dictated by tradition. A Maori gift was more like an astronomer’s black hole, small but dense with power. This power consisted of the ability of the gift to create the political shape of the future (or in traditional Maori terms, to reinforce and fulfil the authority of the past, which was the corrective function of politics). In a society defined by kinship, an inter-group gift challenged nature by creating a simulacrum of blood relationship between two groups who were either unrelated, or whose degree of relationship was too attenuated to create a reliable bond. A

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<sup>4</sup> The translation of meaning is a problem in this discussion. The noun *koha* (gift) is rarely found in oral narrative, while the variability of the terms *kura* and *taonga* would suggest that a gift in Maori is not be the same as a gift in English.

<sup>5</sup> Firth 1959, p.415. Gifting was practised by the post-1840 government as an appreciation for services rendered. For example, in wartime 1863 the Waikato Maori who helped the government retrieve some timber were rewarded, the women with an annual pension of five pounds, and the men with an engraved silver watch; *AJHR* 1865, E1 No.44, p.19, Bell to Wiremu Te Wheoro, 23 March 1863. Needless to say, such gifts were not considered temporary by Maori.

<sup>6</sup> The necessity of return was, however, absolute, even in domestic situations at the other end of the scale. A proverb, ‘the wandering legs of Tokoahu’, was applied to people who accepted gifts but never returned them: Tokoahu was cursed for his behaviour, and died; George Grey, *Ko nga whakapepeha me nga whakaahureka a nga tipuna o Aotearoa*. Capetown: Saul Solomon and Co, 1857, p.113.

prestigious gift therefore set up a relationship and an obligation to which both groups were tightly bound. It was a major exercise of power.

If gifting in Maori society expressed politics between the tribes, between Maori and Pakeha the exchange of goods was first driven not by economic motives but by the universal human quality of curiosity. Trade between Maori and the earliest foreign travellers, most famously Captain Cook, gained an unstoppable momentum, even although violence at first frequently accompanied the exchange of goods. The market became more peaceable as it got more serious: Maori had too much to lose by bad behaviour when they were negotiating for desirable and increasingly necessary goods such as guns, iron and tobacco. By the time that foreigners sought to establish permanent residence among Maori, trade was the main reason for welcoming them in, but gifts were used to attract them. Objects and food were constantly exchanged between Maori and their visitors as a signal of mutual goodwill. When the missionary Samuel Marsden visited Waitangi in 1814, the people welcomed him with roasted fish.<sup>7</sup> Hongi Hika shot a duck and speared a pig for his guests.<sup>8</sup> Other people of the village gave the party cloaks and scraps of letters from the Boyd, a ship that Maori had earlier attacked and burned, and Marsden made gifts of tea, bread and sugar in return.<sup>9</sup> When he went on to the Hauraki, Marsden presented the locals with ship's biscuit and wheat. Marsden's companions began a full-scale trade fair, with Maori trading cloaks for fish hooks, pieces of iron and gannet feathers.<sup>10</sup> This is evidence that gifting co-existed with trade; they were not mutually exclusive activities, but overlapping, and somewhat undifferentiated on the surface. Under the surface, however, lurked the regulator: *utu*, the score-keeping principle of fair play and balance that was the Maori concept of justice.

However, if trade between Maori and Pakeha before 1840 shared some of the characteristics of gifting, the two types of transfer of goods can be broadly distinguished. The main distinction is simultaneity. In trade, the exchange of goods normally took place as soon as the deal was closed. Both traders (*kaihokohoko*) viewed the goods, haggled over relative values and decided whether to proceed, that is, to *hokohoko* (trade/exchange/ barter). The reduplication in the verb *hokohoko*

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<sup>7</sup> Anne Salmond, *Between worlds; early exchanges between Maori and Europeans 1773-1815*. Auckland: Viking, 1997, p.468.

<sup>8</sup> Salmond 1997, p.477.

<sup>9</sup> Salmond 1997, p.480.

<sup>10</sup> Salmond 1997, p.485.

captures the mutuality of this situation by suggesting the to and fro of the process of exchange. The crucial distinction between trade and gift is that a trade between non-related individuals created a temporary relationship which ended with the act of exchange. By contrast, a gift between related people reinforced kinship within the group. If the gift involved outsiders, it extended the web of kinship outside its normal strict borders. In both cases the gift projected the obligations of relationship into the future. This was not without risk, but the knowledge of risk was an essential component of the significance of the gift. It made it part not only of the history, but of the future of the group.

The ownership of land was contestable within the terms of pre-colonial Maori society. Territories were gained or lost through conquest. Land changed hands in peacetime, in pursuit of political alliances, and it was also traded for major manufactures such as cloaks and waka. Within the group, rights to productive land could be revoked as punishment for violations of the code of justice. When speaking of civil land transfer in the pre-contact period, convention dictates that the terms 'sell' or 'purchase' are avoided in favour of the neutral 'transferred.' The avoidance of English terms of the market underlines the absence of a money economy in Maori society; in English terms, Maori could not 'sell' land. This, however, is simply a way of saying that Maori culture was different from that of the British; it does not mean that land transfer within that culture could not fulfil the conditions of permanency that the British applied in their own culture. Yet that implication now hangs heavily over the subject of Maori land tenure. 'Transfer' or 'exchange' is eclipsed in the modern historiography of pre-colonial society by an emphasis on situations where land is 'gifted'. The frame of gifting has dictated and narrowed the consideration of land transfer in any period. Now, any terms of description of Maori land tenure that conjure the idea of permanent alienation in the colonial period invite denial, on the grounds that they misrepresent traditional practice. The cautious term 'property exchanges' crowds out the words 'sale' and 'purchase', especially in the literature produced by Waitangi Tribunal claims. This situation has arisen out of the realisation of the failure of governments to fulfil the spirit of the Treaty of Waitangi rather than its letter, which has resulted in emotional support for any reading of Maori property rights that can be used to argue for the return of land that passed into the hands of the colonial government. It may be that these terms have been avoided in the literature through fear that a choice for change in the fraught area of property rights might work

to lessen state responsibility for the scale of Maori dispossession over the whole of the nineteenth century. The opposite, however, is true, and makes an important point: change is what created the bond with Pakeha that brings morality into the equation.

Putting the history of injustice aside, however, it is not clear how different the categories of (Maori) exchange and (colonial) sale/purchase are in principle, when in both cases rights were permanently transferred. There may not be as much distance between Maori culture and British or state thinking as is implied by conventional linguistic differentiation. The oral literature on pre-contact society does not make clear how frequently peace-time land transfers occurred, because it focuses on issues of power and justice (*mana* and *utu*) in inter-tribal relations; it is an heroic literature, and it remembers episodes of war. An inevitable result of the heroic focus is that in tribal histories conquest rather than political negotiation appears as the usual reason for land transfer. Cases of civil transfer between Maori that survive in the post-1840 Maori documentary record, and later Native Land Court evidence suggest, however, that it was probably not the case that most land transfers in Maori society were forcible; it is simply that they were not edgy enough to be passed down in tribal memory.

The modern academic literature operates at a large remove from both pre-contact Maori politics and the Maori oral literature. It de-emphasises inter-tribal relationships as the measure of Maori land tenure in the pre-contact period, and, as in the case to be considered here, as the measure of the difference between Maori and British perceptions. Instead, the domestic situation within the tribe is made the basis of modern readings, and, moreover, the test of the difference between Maori and British models. This poses a difficulty, because in Maori domestic life, 'land rights' were, as discussed in Chapter Three, not about land at all, but about membership of the group: a corollary of such membership was the conferral of land for subsistence farming, which right expressed, but did not define, inclusion. The confusion arising from cultural misapprehension suggests a need to look again at the historical evidence for the development of land transfer from Maori to Pakeha. When they first engaged in such transfer, a domestic focus on the life of the group was certainly the basis of Maori understanding. The transfer did not carry the significance that it might have had to the English; an exchange was negotiated, but not a sale. What Maori granted to Pakeha was the right to live among the tribe. Land for cultivation was, as it always had been, the outcome of acceptance into the life (and protection) of the tribe. As an



informant said in a report that considered early Pakeha claims to land : '[A Pakeha who traded for land] was considered as one of the tribe, among whom he had cast his lot.'<sup>11</sup> It would therefore be inaccurate to analyse this situation in a language of sale/purchase, regardless of the words Pakeha used at the time. However, the period in which land transfers to Pakeha were contained within the domestic axis of land tenure in Maori culture was very short. Settlers (mainly missionaries and their associates) replaced adventurers as the foreigners wanting access to Maori land by 1820, and inclusion within the tribe was axiomatically not what the new group of Pakeha intended. The informant continued his explanation of land transactions in the early history of settlement:

[Maori] soon, however, ascertained, when a knowledge of their language had been sufficiently acquired by the Europeans, that this sort of tenure was unsatisfactory; and in all subsequent transactions of the kind, gave written titles in perpetuity, with the right of transfer.<sup>12</sup>

The change in the culture of land deals between Maori and Pakeha happened, then, in the north, in the 1820s. According to Maning, when Maori realised that Pakeha wanted sole control over land they purchased, they obliged them with acceptance of deeds to that effect.<sup>13</sup> Maning says that this was not done in ignorance of the change it signalled. It is significant that he dates the introduction of deeds to when Pakeha were able to express themselves in Maori, because it indicates that the matter was discussed and understood between the parties. This is attested by the hundreds of deeds recording a permanent transfer in formal deeds that survive from that time.<sup>14</sup>

The permanence of alienation to Pakeha did not dampen the land market; instead, it expanded rapidly. The reasons for the expansion have been taken for granted rather than subjected to analysis, which has allowed both profligate greed for western goods combined with absolute political innocence to continue to flourish as sufficient explanations. The question of whether Maori thought about the implications of allowing Pakeha to settle is usually answered along the lines that they felt too secure to worry about a few powerless and vulnerable foreigners. Like the other

<sup>11</sup> Further Papers relative to the Affairs of New Zealand: Board of Enquiry into Native Affairs 1856'. *Great Britain Parliamentary Papers*, Vol.11, 1860, p.237 (henceforth 'Board of Enquiry').

<sup>12</sup> 'Board of Enquiry' 1860, pp.237-8.

<sup>13</sup> Maning, F.E. *Old New Zealand: a tale of the good old times*. Christchurch: Whitcombe and Tombs, 1912, p.78. Also see footnote 33.

<sup>14</sup> Collected in H.H.Turton, *Maori deeds of old private land purchases in New Zealand, from the year 1815 to 1840, with pre-emptive and other claims*. Wellington: Government Printer, 1882.

answers, this one seems grossly inadequate, given the evidence that Maori worried about French power in 1831. Anxiety about the future was also clearly present in foreboding in the 1830s that the British would supplant Maori and their way of life. A more plausible answer focuses on both land and people. Early Maori willingness to trade land must depend in part on the perception of land as an inexhaustible resource; there was no obvious reason to put a brake on land sales; and in part on perceptions of Pakeha. On the thinking of the foreign relations axis of land tenure (discussed in Chapter Eight) Maori knew the risk of having Europeans in the community but balanced strategic land transfer against the greater risk of not having allies. The difference between the past situation and a present in which it was now Pakeha who were the foreigners proposing to settle on Maori land was that the general characteristic of resident Pakeha was their disinclination to fight. Maori saw the ability to live civilly as the crucial difference between Pakeha and themselves. In Maori terms, therefore, having foreigners living among them was not a political threat; selling land to them posed no undue risk to the maintenance of the terms of their own society. On this line of thinking, early Maori willingness to sell land seems to fit easily into a general thesis that Maori took a calculated risk on Pakeha and social innovation. From then on, there seems no reason to avoid the words ‘sale’ and ‘purchase’ and other market-related terms in speaking of land transactions between Maori and Pakeha.

### **An analysis of the *tuku whenua* thesis**

As has earlier been observed, the problem of why Maori sold so much land will not go away by simply refusing to accept that sale did, by Maori lights, take place. The view that Maori ‘lost’ the land through the machinations of the equivalent of men from Mars excises Maori from their own history. Yet such views have been incorporated into the official thinking of the Waitangi Tribunal through a theory of exchange that has cast doubt on the meaning of nineteenth-century land transactions. According to this thesis, known as *tuku whenua*, Maori did not sell land, but gifted it to Pakeha in order to draw them under the control of the chief and into a quasi-kinship relationship with the tribe.<sup>15</sup> This is said to express the operation of a traditional

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<sup>15</sup> See, e.g., Margaret Mutu, ‘Muriwhenua – Crown Alliances as described in the Maori Language Documents relating to Crown Land Purchases in Muriwhenua in the period from 1840 – 1865’, 1993. (WAI 45, Doc. 4.)

institution of land gifting called *tuku whenua*, implicit in which is the eventual return of the land to its original owners.

The *tuku whenua* thesis advances a comprehensive conceptual basis for interpreting land transactions under Article Two of the Treaty of Waitangi, which confirms Maori as owners of the land. According to *tuku whenua*, land transactions with Pakeha were understood by Maori to operate under traditional *tikanga* (customary law).<sup>16</sup> Therefore, until Maori and Pakeha were operating in a common cultural milieu, Maori did not understand it to have been permanently alienated. By rough consensus, this point was reached in the 1850s, or after most of the large-area purchases were made. Until then, *tuku whenua* suggests, land brought into Crown title and Pakeha ownership must be considered illegitimately gained.

While the *tuku whenua* thesis was first mentioned in the Waitangi Tribunal's report on the Orakei Claim, it appeared as a full-blown thesis in evidence in the Muriwhenua Claim.<sup>17</sup> At issue was what Muriwhenua Maori prior to 1865 meant when they agreed to 'sell' land. The Crown argued that common rules for land transactions were established between Maori and Pakeha in Muriwhenua in the pre-Treaty period, and that Maori subsequently understood land transactions as sales in which all rights in the land were transferred to the purchaser. The claimants and some researchers for the Waitangi Tribunal argued that land was gifted to cement a relationship under the custom of *tuku whenua*. According to witnesses, this meant that the rights (*mana*) of the donor over the land, including the right to occupy, were maintained in transactions with Pakeha, and the gift carried an implication of eventual resumption by the original owners. The Waitangi Tribunal found for the claimants:

we think it is highly unlikely that Maori generally saw the land transactions in Muriwhenua as land sales in the European sense.... It is far more likely the transactions were seen by Maori as creating personal bonds, and as allocating conditional rights of resource use as part of that arrangement...<sup>18</sup>

Academic witnesses Dame Joan Metge, an anthropologist trained under Raymond Firth, and Dame Ann Salmond lent their support to the view that there was an *institution* in Maori society called *tuku whenua*. It is necessary to examine the occurrence of this term in the literature, because the simple, unanalysed existence of

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<sup>16</sup> The point at which this occurred is left open, but there is a rough consensus that by 1850 Maori would have understood that transfers to Pakeha were permanent.

<sup>17</sup> *Report of the Waitangi Tribunal on the Orakei claim* (WAI 9), Waitangi Tribunal, Wellington, 1987. *Muriwhenua Land Report* (WAI 45, Wellington, GP Publications, 1997.

<sup>18</sup> *Muriwhenua Land Report* (WAI 45), Wellington, GP Publications, 1997, p.106.

Maori-language words has been central to building an aura of authenticity for the thesis. Salmond, Metge and academic witness Dr Margaret Mutu (herself a claimant) assume that because *tuku* is a word for ‘give’ and *whenua* is a word for ‘land’, therefore if land transfer did occur in Maori society it is therefore an institution, and would have been called *tuku whenua*. Professor Salmond comments (with a curious airiness) that ‘so far as I know’ pre-contact land transfers were known as *tuku whenua*, citing the early twentieth century anthropologists Raymond Firth and Peter Buck as references. Neither of these writers, however, use the term *tuku whenua*.<sup>19</sup> Professor Metge adduces a text by Te Rangikaheke about the gifting of land as proof of the existence of an institution of *tuku whenua*. Again, the text does not use this term.<sup>20</sup> Dr Mutu states that Norman Smith in his book *Maori Land Law*, (1960) describes land ‘gift or *tuku whenua*.’<sup>21</sup> Smith did not use this term, but the unexceptional *take tuku* (right of gift) that is a component of the list of rights compiled by Pakeha in the nineteenth century. All three academics accept the outdated language and premises of the classic, early twentieth century New Zealand anthropological literature they cite, which holds that institutions structure culture. None, however, consider why the term *tuku whenua* does not exist in it. The failure to adhere to accepted standards of proof suggests that these opinions rely more on the moral authority of the crusader than on scholarship.

*Tuku whenua* was incorporated into the academic culture of the Waitangi Tribunal as a central reference point for understanding Maori thought. It was subsequently accepted as an ‘institution’ of traditional Maori society by a majority of New Zealand anthropologists. What is more surprising, it has also been embraced by some historians. Angela Ballara, for example, discusses the ‘right of great chiefs to gift land (*tuku whenua*)...’ The addition of ‘great’ to ‘chiefs’ is an unfortunate attempt to add weight to the thesis by increasing the dignity of the actors. Dr. Ballara agrees that Maori ‘relatively rapidly’ realised that land sales were permanent, but the modification is apparent rather than real, because the time in which Maori norms are said to rule takes us well into the colonial period:

Maori in most areas relatively rapidly came to understand that when Europeans purchased land, the deal meant that, contrary to Maori practice, the

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<sup>19</sup> Salmond’s references are to Firth, 1959, p.389, and Buck, 1962, pp.102-3.

<sup>20</sup> The text appears in an Appendix to Bruce Biggs, *Maori Marriage marriage; an essay in reconstruction*. Wellington: Polynesian Society, 1960.

<sup>21</sup> Norman Smith, *Maori Land Law*. Wellington: A.H. & A.W. Reed, 1960, pp.102-3.

former owners lost their rights in it for ever. Nevertheless - particularly during the first three decades of land purchasing, but to some extent throughout the 19<sup>th</sup> century - Maori norms of land exchange continued to affect their understanding of the deals struck with Europeans.<sup>22</sup>

A few academic critics have raised doubts about *tuku whenua*, however the pressure of politics has muted what might have been strong voices. Professor Alan Ward took the view that in most parts of the country, Maori views of land transactions altered with experience of the Pakeha. However, Ward inexplicably argued in respect of Muriwhenua – the cradle of the land market – that the scarcity of settlers meant that ‘the traditional Maori view of the transactions was likely to have persisted relatively undisturbed’. The exemption of Muriwhenua Maori from the ability to profit by a longer and more expansive experience than almost all other tribes is untenable.<sup>23</sup> Ward extends unmodified ‘tradition’ to the 1850s, but concedes that ‘By the mid 1850s at least, [Maori] must have realised that when Pakeha acquired land they meant to stay on it and control it...’<sup>24</sup> However, he moves quickly to withdraw this concession by adding that ‘Having discerned what land-selling really meant, Maori almost everywhere in the North Island moved to block it’.<sup>25</sup> This leaves an impression that one way or another, Maori never sold land. Furthermore, Ward implies that the realisation of the permanence of land deals with Pakeha was sufficient cause of the emergence of political nationalism; this cannot be sustained by the evidence. The King Movement thinking coalesced over the realisation that *too much* land was being sold, because in their view, sovereignty was synonymous with land ownership. Maori authority was therefore diminished by each sale, and it was that authority that the King Movement was set up to protect. Professor Ward has been a leading researcher for the Waitangi Tribunal. His discomfort at any appearance of deviation from the Waitangi Tribunal’s orthodoxy is clear, but it is more enlightening about the moral dilemmas faced by those who have done much to advance the cause of restorative justice than about Maori history. Sympathy for Ward’s situation is in order. However

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<sup>22</sup> Angela Ballara, *Iwi: The dynamics of Maori tribal organisation from c.1769 to c.1945*. Wellington: Victoria University Press, 1998, p.261.

<sup>23</sup> However, it enabled Professor Ward, who was employed by the Waitangi Tribunal, to excuse himself from judgement on the epicentre of the debate. This suggests the politically pressured era of the last decades of the twentieth century.

<sup>24</sup> Alan Ward, *An unsettled history: Treaty claims in New Zealand today*. Wellington: Bridget Williams Books, 1999, p.115.

<sup>25</sup> Ward 1999, p.118.

his hint that the ‘debate [on *tuku whenua*] is far from finished’ does not sufficiently redeem his failure to distinguish between academic enquiry and advocacy.<sup>26</sup>

A stronger voice of doubt about *tuku whenua* was raised by Professor W. H. Oliver, who argued that ‘the [Muriwhenua] report’s core argument is...schematic to a degree and verges on the dogmatic.’<sup>27</sup> Oliver concludes that ‘It is unfortunate that the tribunal felt obliged to make such a premature pronouncement so emphatically - and the more so because this element of overkill weakens a good case for remedy.’ However, Oliver’s work centres on disquiet about the climate of advocacy in which the Waitangi Tribunal works; like Ward, he does not offer an examination of the evidence for *tuku whenua*. Neither scholar asks whether it is plausible that the whole history of the interaction of land and people within Aotearoa should be condensed into a single practice – that of the gift. A fresh look at land transfer in Maori society from the point of view of historical, and particularly, linguistic, evidence therefore seems in order.

*Tuku whenua* relies heavily on words having a single meaning at all times, in this case, on *tuku* always signalling a gift. However, an examination of oral narratives shows that in pre-1840 Maori thought the distinctions between gift and trade lay in intent, and not in language. Even when it was chiefly, a mutual exchange of goods might be described in the language of trade. When Rongorongo, daughter of the captain of the Aotea *waka* (canoe), gave her father a dogskin cloak in return for the *waka*, this was called an *utu matua*, (return to the father).<sup>28</sup> The noun *utu* (return) is important here, establishing the principle of reciprocity that lay at the centre of both gifting or trading events. The verb used in the text to describe the action of exchange in the story is *hokohoko* (trade/exchange/barter). This is significant, because the reason that the story of Turi and Rongorongo was preserved for the edification of generations to come was that it displayed the proper behaviour of chiefs. The fact that the dictionary glosses it as ‘trade’ is merely a statement that a lexicon is not intended to replace more complex and subtle guides to culture, as in this case, where the survival of the story corrects the dictionary. The chiefness of the story of Turi and Rongorongo does not lie in distinctions of language between trade and gift, but in the

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<sup>26</sup> Alan Ward, ‘Treaty-related research and versions of New Zealand history’, pp.401-419, in R. Brofsky (ed.) *Remembrance of Pacific Pasts: An Invitation to Remake History*, Honolulu: University of Hawai’i Press, 2000, p.410; see also further comments on pp.411-412.

<sup>27</sup> Bill Oliver, ‘Is bias one-sided?’ *New Zealand Books; a quarterly review*, 7(2), June 1997, pp.17-19.

<sup>28</sup> Firth 1959, p.408.

noble status of the actors. While this exchange between nobles is described in the language of trade, this does not suggest that Maori might confuse an ordinary economic transaction with the more serious business of offering or receiving a chiefly gift. This is important information for the rebuttal of the *tuku whenua* thesis, which operates in an arena of an extreme linguistic prescription rather than in the Maori arena of *mana*. *Tuku whenua* proponents make an absolute distinction between the verbs *tuku* and *hoko*, with the first denoting a gift and the second a trade, but, as in the story above, this distinction is not found in oral narrative. The lack of a special or ritual language for gifting suggests that it would be a mistake to search for the deep meaning of the gift in Maori society in verbs of transfer, as has happened in the work of *tuku whenua* theorists.

The discussion so far has focused on a gift of valuable possessions, and not on land. However, it is the significance of the object that has been attached by proponents of the *tuku whenua* thesis to the transfer of land. It seems a fundamental error to assume that land was a ‘possession’ in the same terms as, for example, a *waka* or a greenstone weapon, as in the examples discussed; the assumption lacks support in the literature which these scholars cite. Early nineteenth century ethnographers do not include land in their descriptions of the custom of gifting precious or chiefly objects, but treat it as a separate topic. In the twentieth century, Firth likewise does not deal with land in the chapter of *Economics* devoted to gifting (even though this was too indiscriminately a focus of early twentieth century anthropology). Foundation scholars of Maori society, therefore, recognised a distinction between land and portable objects. They did not objectify land in a way that allowed it to enter the category of objects that were appropriate subjects of the gift. *Tuku whenua* theorists, by contrast, appropriated the literature of the gift in order to talk about land, apparently with no more justification than their conviction that the verb *tuku* (convey, transfer, give over) must always denote a gift. However, while faulty reasoning weakens the credibility of the *tuku whenua* theory, there is no doubt that the transfer of land by one group of Maori to another was traditional practice, and its nature and meaning require further exploration.<sup>29</sup>

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<sup>29</sup> The word *taonga* was not normally used to describe land, although it might appear in poetry or other symbolic contexts. *Taonga* originally covered all portable possessions, as in: ‘*nga taonga i tahaetia mai e nga tamariki* (the goods stolen by the young people)’; McLean Maori Letters, MS Papers 32:676b. Tumu and Tawhao to McLean and magistrates, 8 March 1852.

Transfers of land between tribes were politically motivated strategies to create alliance or fulfil obligations incurred in the past. There was, however, one type of land transfer which was so embedded in the domestic economy and whose elements of ‘gift’ are so muted as to make any language of gifting inappropriate to its discussion, and it will therefore not form part of this study. This was the allocation of cultivable land to outsiders entering the life of the group; the commonest example is the man who married into it. Assigning land to outsiders in this situation was a matter of domestic necessity. The ‘ownership’ of the land lasted as long as the outsider remained with the group, and attracted no return gift. It cannot be regarded as belonging in the category of political gifting. *Tuku whenua* theorists not only failed to make this distinction, they elevated the situation of the contingent allocation to a gifting norm. This false norm was then applied to land transactions with Pakeha, but again, the peculiar situation of the Pakeha-Maori, Europeans living as (often temporary) members of a Maori tribe,<sup>30</sup> was elevated to the status of a general principle: that a transfer of land to a Pakeha drew him into the domestic life of the tribe, and made him subject to *tikanga Maori*, Maori culture, and specifically, the authority of the chief. This, however, describes the situation of Pakeha-Maori who chose to live within Maori tribes on Maori terms, and not of the majority of settlers, including pre-Treaty settlers. A few Pakeha-Maori, like Barnett Burns and John Rutherford, underlined the anomalous aspects of their adoption of a foreign culture by having themselves famously tattooed, but this exhibitionism was not a key to their status within Maori society. Their usefulness to the tribe was as bi-lingual facilitators of trading relationships with ship and shore-based foreigners. Their cultivations would have been treated like those of a Maori outsider marrying into the tribe. Their land would have been theirs only for the duration of their stay,<sup>31</sup> but any descendants of their liaisons with Maori women would have rights to it. Their experience cannot be used to argue the impermanence of Maori land transactions with all foreigners.

The formalisation of the sale process began in the 1820s. The deals were conducted between Maori and the kind of Pakeha who had more to offer Maori than simply their ethnicity, as was the case with the tribal Pakeha-Maori whom they

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<sup>30</sup> Ngati Kahungunu obviously had Pakeha-Maori living amongst them. Colenso mentions a Pakeha-Maori of Tangoio, whom he knows only by his Maori name of Reino, who has died suddenly. McLean Maori Letters, MSP32:221. Colenso to McLean, 1 August 1851.

<sup>31</sup> The children of permanent *manuhiri* were traditionally treated as members of the tribe in matters of inheritance.



supplanted. A class of bi-cultural Europeans also sometimes (loosely) termed Pakeha-Maori, but of a very different outlook, consisted of men who had Maori wives but remained within the developing world of the colonisers. Frederick Maning, who arrived in 1833, was one such bi-cultural Pakeha. Maning lived on tribal land, but arranged formal deeds for its purchase from his wife's relations. It seems plausible to assume that Maning obtained deeds so that other Pakeha would recognise his ownership in English terms. Would his Maori relations, by contrast, have thought that they were simply giving him, a landless outsider, land to live on, as was customary? There are historical reasons for rejecting this proposition. Maning's land deeds relate the boundaries of the land, name a price, make statements about the permanence of the transfer, and contain the signatures or marks of the vendors. The level of ceremonialisation of the procedure, the making of a written record and, most importantly, the fact of payment, do not suggest a temporary measure offering the means of domestic support to a person living under the authority of the tribe. The size of Pakeha land purchases also strongly argues against this being a simple case of what is termed 'allocation' in the *tuku whenua* theorists' terminology. Although large Maori gardens were occasionally recorded, they were rare, whereas the size of the blocks Pakeha purchased continued to expand in acreage; Maning purchased 200 acres in one deal, and many other purchases were larger. The size of land transactions with Pakeha gave Maori the opportunity to realise that foreign systems of land use were very different from their own.<sup>32</sup> It therefore seems highly unlikely that such a deal could be encompassed by unmodified custom, and could proceed without any awareness of disturbance of tradition. To recapitulate the argument of this chapter so far, there is no evidence that the allocation of cultivable land to *manuhiri* entering the domestic life of the group involved payment, in what was merely a practical arrangement to provide the means of survival. There is, however, clear evidence of a basic distinction between the traditional categories of 'gift' and 'trade': whereas 'gifts' might be reciprocated or returned years or generations later, 'trade' was based on a negotiated exchange in the present in which payment closed the deal. The transactions of the kind exemplified by Frederick Maning's deeds strongly resemble

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<sup>32</sup> In 1860, for example, Tamihana te Rauparaha raised the size (500 acres) of the land area claimed by Te Teira as an argument against the veracity of the sale. *AJHR* 1861, E1 No.2, p.43ff, '2. Extracts from speeches of chiefs at the Kohimarama Conference in July and August, 1860.'

the latter model. His account of the occasion of one of his deals also bears the unmistakable marks of trade:

The day being now come on which I was to make the payment and all parties present, I then and there handed over to the assembled mob the price of the land, consisting of a great lot of blankets, muskets, tomahawks, tobacco, spades, axes, &c.; and received in return a very dirty piece of paper with all their marks on it, I having written the terms of transfer on it in English to my own perfect satisfaction.<sup>33</sup>

Maning recorded his land dealings as purchases in his book *Old New Zealand*. Work such as Maning's is the only contemporary evidence of pre-Treaty land deals that survives as a written record, and it has determined the view from the present.

Maning's writing style is idiosyncratic; he makes a joke of everything, here, the fact that Maori could not understand what he wrote in the deed. This, however, does not mean that Maori did not know what they were signing. Maning was a man who lived among Maori, spoke their language, married their women, talked among their chiefs, and lived according to the culture of the tribe when he resided with them, including observing religious prohibitions. He wrote the story of his exotic (to the English) experience for posterity, but it is a double-tracked story, and in one of the tracks it was Maori who held power. Acceptance of the *tuku whenua* thesis requires that Maning, and the many Pakeha who bought land before 1840, were all fools or knaves. Either their lives were in constant danger through their ignorance of the fact that Maori thought differently from them, or else they joined in a hermetic conspiracy of silence in order to hide the truth that their landholdings enrolled them in a Maori brotherhood of the gift. Neither view seems tenable.

This conclusion has the support of mid-nineteenth century informants who had lived long enough in the country to have known the Pakeha-Maori situation:

When the natives first came into contact with Europeans in the relative position of sellers and buyers of land, the evidence of which before the Board extends as far back as the year 1822, it has been shown that the natives in disposing of their land intended only to convey a title similar to that which they, as individuals, hold themselves; - the right of occupancy. They did not imagine that anything else would be wanted. Their desire for Europeans to

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<sup>33</sup> Maning 1912, p.78. The final sentence of the quotation clearly suggests that the deed Maning wrote in English was not understood by the Maori sellers. Maning consistently adopts a humorous style in his reminiscences, designed to present a picture of the freedoms of the old days and of Pakeha as men whose bifurcated culture made them powerful. Maning is claiming a power over the Maori past in order to appeal to Pakeha readers, but it did not exist in the 1830s. the legitimacy of Maning's land purchases did not depend on his deed, but on the agreement of Maori to the boundaries of the land and to the amount in goods he paid for it.

settle among them was very great; and in selling a piece of land to one of these early adventurers, they not only were prepared to hold his title, such as it was, inviolate, but considered his personal safety a matter of the deepest interest. He, in fact, was considered as one of the tribe, among whom he had cast his lot.

They soon, however, ascertained, when a knowledge of their language had been sufficiently acquired by the Europeans, that this sort of tenure was unsatisfactory; and in all subsequent transactions of the kind, gave written titles in perpetuity, with the right of transfer.<sup>34</sup>

The speculation that Maori would have understood land agreements with Pakeha as the sign of admittance to tribal membership also ignores the wider frame of commerce. A land purchase industry developed rapidly, especially in the north. The bulk of pre-Treaty and transactions between Maori and settlers were not made with the kind of part-time Pakeha-Maori represented by Maning, but with Protestant missionaries and their associates.<sup>35</sup> Missionaries had to earn acceptance by a chief in order to settle, which they did through offering goods and ideas that Maori found interesting and/or beneficial. In the chiefs' minds, land sale was not central to the business of creating relationship with Pakeha, because land could always be resumed by threat or force, if the relationship went sour. In this milieu the political independence of pre-1840 missionaries was initially circumscribed, because they lived under the patronage of chiefs, as did secular settlers such as Maning. However, the Pakeha also had patronage to dispense. If chiefs wanted Pakeha around them, or at least, if they wanted the goods that might be exchanged for allowing them to settle, they had little reason not to sell land to them, and, moreover, to comply with the Pakeha *tikanga* of written deeds. In Maori society, the legitimacy and permanency of transactions in land did not depend on the deeds, but on the will of the chiefs backing them. It is easy to believe that chiefs thought that having Pakeha settled among them would increase their chances of capturing more trade. It is much more difficult to believe that they were creating 'tribal alliances' in the old way, because, except when their lives were threatened (which was rare), missionaries refused to act like Maori. In selling land to Pakeha, chiefs were fulfilling the old conditions both of alliance and trade. Their agreement to the Pakeha ritual of signing and witnessing a written deed is evidence that they also knew they were doing something new. Pre-Treaty land

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<sup>34</sup> 'Board of Enquiry' 1860, p.238

<sup>35</sup> The rush of speculative buying by foreigners in the late 1830s is not considered here. Many of the grosser deals were repudiated or reduced by the Old Land Claims Commission.

transactions by Maori are hybrid strategies; early purchases were considered permanent under pre-existing Maori rules, but also if Maori chose to exercise their power to decide on whether to honour a transaction. In 1827 the Wesleyan mission at Whangaroa was destroyed in the course of an inter-tribal war.<sup>36</sup> When one of the missionaries returned in after years he asked whether the resumption of the mission would require re-purchase of the land. According to Joel Polack, an itinerant trader:

A Native asked Mr. Stack if he would not come again; he said, “oh, if we come, we shall have to purchase Land.” “What,” says he; “have you not got Land here?” “Oh, but we were turned off.[.]” The Native replied, “If the Land was made over it belongs to you, does it not?” Of course the Land you bought remains yours; we can never take away the Land from you. Come, and let us hear you karakia” that is, “preach;” which shows that the Ignorance of Mr. Stack to their Customs would have enabled the Native to act wrong, if he had thought proper; but it was the native Law.<sup>37</sup>

Polack says that ‘The question excited some surprise in the natives, who distinctly gave him to understand, that land, once purchased fairly, could not be taken away by the natives.’ Another of the missionaries, William White, was told: ‘It is your place ... and you shall have it whenever you have a mind to come and take it.’<sup>38</sup>

The foundation missionaries’ importance to the development of a land purchase culture requires an examination of their motives for acquiring land. Missionaries came to show Maori a different way.<sup>39</sup> With a vocation to save souls, they axiomatically did not consider themselves as becoming part of a heathen people. This was made clear to Maori in word and deed. Although missionaries initially lived under the patronage of chiefs, they took every opportunity to advance the claims of Christ, and of Christendom.<sup>40</sup> They promoted a way of life that contrasted with that of Maori and Pakeha in the freewheeling Bay of Islands port communities, where Pomare owned the brothels and the pubs, and put on a nightly culture show for the tourists of Kororareka (entry fee one shilling): the culture of the industrious, literate, pious English family. Mission communities used their land to grow produce, mill

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<sup>36</sup> T.M.I. Williment, *John Hobbs 1800-1883; Wesleyan missionary to the Ngapuhi tribe of northern New Zealand*. Wellington: Government Printer, 1985, chs. 7 and 8.

<sup>37</sup> Evidence before the British Select Committee 1838: \*

<sup>38</sup> C.H. Laws. ‘The Methodist Mission to New Zealand’, *Proceedings of the Wesley Historical Society (New Zealand Branch)* 3(1-2) (1944), p.23.

<sup>39</sup> In the first generation they had no family ties to Maori (later, a number of prominent mission families had both Maori and Pakeha branches, as their sons married local women).

<sup>40</sup> All early missionary accounts show enthusiasm for change. See, e.g., William Yate, *An account of New Zealand and of the Church Missionary Society’s mission in the Northern Island*. Wellington: Reed, 1970, chapter five.

grain and raise stock in order to subsist independently from an uncertain Maori charity, but also to set an example. Mission stations were showpieces of order and industry as advertisements for changed lives. The way the land was used was therefore integral to the missionary message. Missionaries bought land precisely because they were not Pakeha-Maori. They needed to own the land in order to pursue the Church Missionary Society's religious goals. Title to land was the usual condition of the establishment of new stations.<sup>41</sup> A secular age may dismiss the evangelical outlook as narrow and judgemental, and find it difficult to explain why it succeeded in converting most of Maori to its prescription. However the missionaries had something to offer the chiefs: a doctrine of peace - or a way to avoid the war culture (which was the central justification for the old system of tribal alliances). Musket warfare had distorted the balances on which tribal fighting was calculated, and therefore New Zealand in the early 1800s was a violent place. At the same time, however, the world of undreamed-of possibilities which Pakeha represented had already made the fatal breach in the warrior mentality, which was single-mindedly devoted to the maintenance or extension of power. Maori sought a way out of the labyrinth of war. At the same time, Henry Williams, head of the mission at Paihia, regarded peace between the tribes as essential to their Christianisation. Maori and Pakeha interests converged. The success of Williams and other missionaries in the role of peacemaker shows that, on their side, Maori allowed Pakeha a role in facilitating deep cultural change.

The search for peace indicates crucial early movement in the deep structures of Maori thought. This makes it difficult to argue, as the *tuku whenua* theorists do, that, by contrast, land transactions were untouched by cultural change, and viewed by Maori in entirely pre-contact terms.<sup>42</sup> Choosing to use missionaries to enable them to step outside warrior culture was one thing, but controlling the interaction was another. As northern Maori grew in knowledge of the outside world, and as they pondered the implications of the spread of muskets and other improved means of waging war, their confidence in their ability to control foreign settlers and imported goods ebbed.

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<sup>41</sup> It is, however, a mistake to think that missionaries attempted, or even wished, to change everything about Maori culture. Like Christian proselytisers in the ancient world, they ignored or tolerated native customs which did not hinder their own purposes.

<sup>42</sup> There is no space in the present study for a discussion of the implications of cases where land deeds specifically allow for Maori to continue to cultivate on land transferred into Pakeha ownership. This subject belongs partly to the study of the place of land in pre-modern Maori society, and partly to the circumstances of particular mission transactions.

Northern chiefs were psychologically vulnerable in the 1830s to a kind of speculative political insinuation, talked up by settlers, which would prepare the ground for the Treaty of Waitangi. Pakeha were representatives of a vast universe of knowledge, wealth and might, in comparison with which Maori felt impoverished, intimidated and diminished. It is difficult to believe that any group of northern Maori remained unaware of the sudden shrinkage in their collective image of themselves as men of power. Certainly the major chiefs, who were frequently quoted in contemporary journals and letters, were engaged in a searching dialogue with Pakeha about the modernisation of society; this must echo a similar conversation among themselves. Pakeha gained status as the civilisation they represented gained status, and, among many other things, this made subtle, shifting, significant alterations to the basis of their tenure of land traded from Maori: it began to be secured by the might of western culture rather than by chiefly patronage. As Maori made efforts to understand and participate in this culture, artefacts such as land deeds began to be treated as they were treated by Pakeha, that is, as the symbolic representation of an agreement *whai mana*, an agreement with chiefly status in Maori terms, or a true record of the permanent alienation of land in those of the Pakeha. This is the reason that while some Maori in the early post-Treaty period lamented their past profligacy in selling land, and while specific boundaries and payments were frequently disputed, they did not say, in a generic way, that they had not sold the land. This was also true in the debate preceding the signing of the Treaty at Waitangi and in the Hokianga. Chiefs did not suggest that sales were made under the impression that the land was 'gifted' according to some traditional *tikanga*, or cultural prescription. Neither is there any indication that they thought the transactions were not as permanent as the deeds said. These were the chiefs with the longest and fullest experience of interaction with Pakeha residents and transients, and it is not possible to explain the striking uniformity of their stance on land transactions by the suggestion that that they knew nothing but the land tenure which operated before their time, in the generations of their ancestors. Within twenty years of the Treaty the King Movement would have taken up the challenge to protect land from alienation, and at this later time they pondered aloud on theirs and their fathers' innocence, and, in particular, on the trust of missionaries, which led to the loss of such a huge acreage. At no time, however, did this educated, overtly political movement describe past land sales as gifts. In the 1860s William Colenso observed moves within Ngati Kahungunu King Movement

sympathisers to repudiate past land purchases,<sup>43</sup> including that of the Waitangi mission land.<sup>44</sup> He did not say that Maori thought that sale had never been contemplated.

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<sup>43</sup> McLean Maori Letters, MSP32:221. Colenso to McLean, 12 December 1861: 'I have heard enough to convince me that some. . .will make great attempts to get back some portions of lands bona fide sold by them to you & paid for by you – to alter boundaries – to represent their not being half-paid, & so on – and I much fear they are organising among themselves deep laid schemes of this kind. You know them well enough to know that they will scarcely dare to do anything of the kind to your face – but, yourself being absent, is quite another thing. "Now or never" is their belief.' Earlier, Te Teira Te Paea had refused an invitation to attend the Kohimarama Conference because Toha had sold his (Te Paea's) land. Te Paea wanted the payments distributed by Cooper to be returned. McLean Maori Letters, MSP32:683s. Te Teira Te Paea to McLean, 26 December 1859.

<sup>44</sup> McLean Maori Letters, MSP32:221. Colenso to McLean, 27 June 1862.

## CHAPTER EIGHT

**Land and authority in Maori society****towards a new model of Maori land tenure**

**Those who wage war against the Queen...will be punished for their deeds. It should be quite clear that if they persist in these errors, the provision under which their land ownership was guaranteed is void; that is, the guarantee laid down in the Treaty of Waitangi. Those lands will be taken, and given to be lived on by a population capable of protecting for the future the people who live peacefully, lest they suffer from the violence with which they are now constantly threatened.<sup>1</sup>**

This chapter sets out to reconstruct the historical principles of Maori land tenure. It proposes that the Treaty of Waitangi provided the basis of a land policy that created a new model of Maori authority based on property. This eclipsed the old model based on the *mana* of chiefs. Support for this view is sought by looking backward to the pre-contact era to establish *mana* in a human-directed symbolic relationship to land, and also to show the political identity of land as a matter that was controlled by chiefs. The chapter then returns to the colonial period to provide evidence from Maori-language sources of how these former meanings were disturbed by the new status of land as commodity, and to document the new conception of individual rights of ownership which arose out of the experience of land sale. Continuing the discussion opened in Chapter Three, this chapter aims to re-establish a notion of the sovereign force of chiefly authority as the equivalent of English ‘ownership’ of land. Equally, the chapter is concerned to show how that authority slipped away, as the government asserted and incorporated into land policy a redefined Maori society, from whose politics *mana* was excised.

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<sup>1</sup> *AJHR* 1863, E5 No.2, p.5, Governor to chiefs of Waikato, 15 July 1863.



In 1844 the Maori-language newspaper *Te Karere Maori* advised Maori about progress:

Friends, formerly the nobles of far-off England were just as troublesome as here, nothing survived plunders, the laws were slack and they paid no regard to its authority, yes, they were as disobedient as Maori. That's why England was a poor man's country – land wasn't worth much, clothes were rags, the food was bad. Now, land is sold properly, because they live quietly and mind the authority of the law, and it will never be like it is here...<sup>2</sup>

The message of this exhortation was that behaviour must be constrained by law, if chiefs wanted wealth and wellbeing. The passage is an example of the emphasis on the difference between Maori and British society that pervades the government literature. Such evaluations were always weighted in favour of the English, whose successful way of life was contrasted with the poverty and disorder of its unreformed Maori counterpart. Land ownership was incorporated into an educative programme to teach Maori how to become more like Pakeha. The peace and prosperity Maori yearned for was dangled before their eyes as the reward of change. The quotation above shows the meshing of Maori aspiration and external influences that made such propaganda influential. This created pressures for accepting the government's reading of Maori culture. While external pressures are important to understanding the climate of post-Treaty Maori thought, this should not simply produce a moralising analysis. The passage in question has specific bearing on the field of enquiry of this chapter, because its assumption that chiefs could exercise authority for change is based on a comparison with the top strata of former English society – with its 'nobles', or its landed class. Colonial officials represented a society where private land ownership was highly valued, and where landed patricians were the ruling class; they also assumed that New Zealand society would develop in the same general way as the parent culture. Land belonged to Maori in settled times through a system of inheritance which had obvious parallels with the English situation. The language of the comparison suggests that the British in New Zealand had no difficulty in seeing, in their own terms of meaning, that Maori chiefs were possessed of an aristocratic, independent power of action (*mana*) that included power over land. The government therefore had ample cultural parallels through which the character of Maori land tenure could have been glimpsed. Yet, in their reading of Maori land tenure they

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<sup>2</sup> *Te Karere Maori*, Vol. 3, No.11, 1 November 1844.

avoided a language which acknowledged such parallels between Maori and British concepts of ownership, where this might have helped to protect Maori interests. By the 1850s, Maori land tenure was expressed in terms of a technical language of 'interests' or 'rights,' and this view would be institutionalised in the Native Land Court as traditional Maori land tenure. Over and above that, as the opening quotation shows, the ultimate arbiter of the disposition of land was assumed to be the Crown.

It is plausible that avoidance was, initially, a conscientious attempt to express a sense of the conceptual gap between Pakeha and Maori thinking. But whereas a 'rights' language was innocuous when applied to traditional Maori society, in which the use of land was delineated within an encompassing social system, it was pernicious in the era of land sales, where Maori 'rights' were seen by Pakeha as an inferior order of 'ownership'. What may have begun as a simple matter of a distinguishing language became a settled fact: that Maori *relationship* to land was something less than *ownership*. Attention was steered towards cultural differences in the way land was used, which allowed a model of Maori land ownership to develop which undervalued the integration of land into a social organisation whose order depended on the power of chiefs. The moral authority of Maori traditional culture has been conferred on the colonial model of Maori land tenure that the present inherits, yet its assumption that 'ownership' is an English imposition on a Maori society lacking such a concept can only be true if the political order founded on *mana* is ignored.

It is necessary to get a sense of the confusion that was created by the power the government exercised over the terms on which Maori property rights were dealt with. In the pre-Treaty period, inter-ethnic relationships necessary to trade, including the trade in land, were developed through negotiations which assumed the sovereignty of the parties. After 1840, negotiations for land purchase were unbalanced by the power of the state to make the kind of laws that had developed out of the experience of only one partner to the Treaty. This lopsidedness made misreadings of Maori culture systemic, and almost guaranteed the development of an unequal Maori power of citizenship. In particular, the language of rights that the government employed in land negotiations blurred the acknowledgement in the Treaty of Waitangi that the land belonged, *in an absolute sense*, to Maori. This had significant consequences for the development of white colonial society. First, it created a climate of thought in which, at least where Maori were not superior in force of arms, there was little energy for

respecting Maori ideas of land ownership in law. Second, it reduced the Maori *paanga* (effect, from which rights flowed) on the land by removing its parallels with English custom. It is plausible that the manufactured blankness about the *weight* of Maori custom helped to justify to colonists their goal of supplanting of Maori as the owners of the land.

In post-Treaty negotiations of sale, Maori land ownership was not simply a reflection of Maori culture, but was also subject to legitimisation by the state. Each sale needed the approval of its accredited agents of purchase, which constituted a pressure on Maori to think in terms of the views of the government. It is ironic that the government's attitude to Maori land tenure was legitimised by the same Treaty of Waitangi that unequivocally set out the ownership by Maori of the land. It seems worthwhile to repeat Article Two of the Treaty, because it encapsulates the expectations of both peoples:

[the Queen] confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish...to retain the same in their possession; but [the Chiefs] yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon...<sup>3</sup>

Pakeha understood the transfer of sovereignty from the chiefs to the Crown in Article One to mean that the political culture of New Zealand would henceforth be English. In relation to land, this would be expressed in the effort to convert land under Maori authority into Crown title. However, in Article Two the Treaty deals with Maori land in terms of territorial rights, not in those of political authority, or *mana*.<sup>4</sup> Therefore, what the Treaty could not do was protect Maori property rights, as promised in Article Two, because Article One transferred to the British the political authority (*mana*) which chiefs exercised over land, and which constituted their ownership of it. After 1840, Maori property rights existed in a frame of thinking which was antagonistic to Maori culture. Rights could not be practiced under authority, because the power of 'chief' was reduced to that of 'land owner'. Maori authority was fused with, and

<sup>3</sup> The Maori and English texts are reproduced in Orange, 1967, pp.257-259. The Maori text confirms Maori authority over 'lands (*kainga*) and possessions (*taonga*). In 1840 *taonga* meant 'property' in the relaxed sense of anything one owned.

<sup>4</sup> It is important to note that this is not an argument for the inclusion of *mana* in the Treaty as a word for sovereignty, as Maori would not have used *mana* in speech or writing this way in 1840, although the Treaty proceedings were imbued with it; see discussion in ch.3.

limited to, ownership, where ownership no longer implied political authority. The contrast was with former Maori terms, where land did not drive culture: then, land rights were an effect of membership of the group, that was politically led and culturally symbolised by chiefs. These terms, in which land did not determine culture, continued to obtain in the declining field of inter-tribal politics after 1840, as for example when Te Atiawa returned to their Waitara homeland. Te Atiawa were still unsure what Waikato, who had formerly claimed land in Taranaki by virtue of conquest, would think of this, so the chief, Wiremu Kingi, proposed that all the people gather for security in one place, regardless of who owned the land. He was reported as saying:

it is not a question of a permanent settlement but only a mere dwelling place, that Waikato may hear that the fire has become ashes, inasmuch as we are all living together. Do not let us separate, so that if the enemy comes we shall all be in one body. When we see we are safe let each one go to his own land.<sup>5</sup>

A major effect of the fusion of land and authority in a concept of owned acreage was the creation of a notion of individual ownership. The land purchase procedure established in the 1840s was orientated to questions of scale, and legitimacy was conceived in terms of *quantity* of Maori agreement to the deal. The government aimed to buy large tracts of land, which inevitably involved lots of Maori owners. As many *hapu* members as possible were encouraged to sign deeds, in order to achieve, in the government's terms, a maximum quantity of legitimacy to the transaction. This process established large numbers of people as land owners, in the view of the government. Maori were therefore able to draw on the power of the state to strengthen their new perception of themselves as rights-bearing individuals vis-à-vis the chiefs. Individuals began to share in the payments for the land on the basis that they were land owners, rather than, as formerly, members of the group. These changes, which took place in the 1840s and 1850s, are the root of modern attitudes to land. If it was the government that made land the centre of authority in Maori society, in the 1860s the relationship to land became deeply imbued with the distress generated by a war in which most Maori felt betrayed by Pakeha. Identity became entwined with the loss of land, and the view that land dictated culture became entrenched as a position that is faithful to tradition.

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<sup>5</sup> *AJHR* 1863, E2, No. 13A, p.32, 'Statement by Te Teira', 16 April 1863.

The territorial focus of post-Treaty land rights, in which Maori owned pieces of land on the basis of proofs acceptable to the state, turned Maori society on its head. Most of all, it reduced a chief's power to the size of his cultivations. As we have seen, this was a non-Maori perception of chiefly authority, which had formerly depended on political leadership, and not on the possession of land. 'Relationship' may properly be used here to describe the connection between Maori and land, provided always that relationship is understood to be a consequence and expression of the power of chiefs, and not a function of spirituality, as in the modern view. The transmutation of Maori *relationship* with land into English *ownership* of territory, and the de-politicised reading of ownership as the rights of all the members of the group had consequences that distanced post-Treaty society from its past focus on chiefs. It produced a breed of Maori 'politicians' whose consequence to the state depended on their new status as land owners, and therefore potential land sellers. The 'new men' created by the colony used the state's conception of land-as-power to challenge the authority of chiefs. As we shall see, one such chief was Wiremu Kingi Te Rangitake,<sup>6</sup> whose experience stands as representative of the predicament of his class; his challenger was Te Teira, whose political capital depended upon serving the need of the government for land.

### **Land and authority in the pre-contact era**

There is a need to counter the confusion of understanding that is a result of the dominant influence of land sales on readings of Maori land tenure in the colonial period. Equally, it is necessary to register the depth of cultural change that the ascendancy of land over chiefs signals. Both situations require a return to pre-contact society in order to search for a firm base for the appellation 'traditional', which is a word that confers the authority of the past on institutions of Maori society so described. Accounts of first settlement recorded by Maori in the mid-1840s show land as a stage for the expression of chiefliness. The relationship between chiefs and land was brought from the Pacific, and put in operation as soon as Maori stepped ashore. Chiefs performed the acts of claiming and naming which established ownership of the land. They also set up the *tuahu*, sacred shrines, which validated ownership. When the Tokomaru *waka* sailed to Taranaki, Manaia and his crew put up shelters and cleared

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<sup>6</sup> Kingi's people called themselves Ngati Awa in the 1840s, but after their reverse migration to Taranaki in 1848 they became, in a process whose beginnings can be documented to 1850, known as Te Atiawa, presumably to distinguish them from the Ngati Awa of the Bay of Plenty.

land near where a whale was auspiciously washed up on the beach, and then went exploring to find the best place to establish themselves. While they were absent, another canoe arrived, and its crew ‘without delay, began to claim each one as his own, the sheds, the cleared ground, and the whale, which all belonged to the people of the [Tokomaru].’<sup>7</sup> Manaia and his crew objected, but as the second arrivals were able to show that they had also set up their shrine, Manaia conceded that the latecomers had established the *better proofs of ownership*, and left. This cautionary tale explains the consequence of neglect of religious duties: when Manaia failed to create the conditions of social order in the new setting by neglecting to erect a shrine, he failed to act as a chief. Therefore he lost his right, in his own eyes and those of others, to the land.<sup>8</sup> Imperative actions which exemplify and guard culture stand at the centre of human societies. Among Maori, owning land was not the foundation of power, but the *consequence* of a chief’s demonstration of the ability to order a ‘proper’ society. If power was founded on the ability to order society, it was exercised and maintained in the display of the leadership qualities that comprised ‘chiefliness’. A successful chief was one who retained his following; that is, he was one whose decisions were supported, so that the group had the numerical strength and unity of purpose to ensure a continued identity. A chief who was successful in this way embodied the group; every individual’s identity was expressed in him. This explains the intense *tapu* of a chief’s life, which encompassed the ground he lived or acted upon. If that land was taken in battle, his people would make every effort to regain it - conquerors were sometimes known simply to give such land back rather than face the endless challenges the possession its status would call forth. The institution of chieftainship was the bond between land and the group, both symbolically and executively.

People were the centre of the original Maori relationship to land. Land did not have value in itself, but by its connection with the life of those who lived on it. Land was the standing-place of heroes. In the first remembered encounter, Kupe (in other versions Maui) fought the land into submission, to make it a fit home for humanity. In a *waiata* which remembers the beginning, Kupe celebrates power over nature:

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<sup>7</sup> George Grey, *Polynesian mythology and ancient traditional history of the New Zealand race*. 2<sup>nd</sup> ed., Auckland: H. Brett, 1885, p.143.

<sup>8</sup> The Tokomaru then paddled north to Tongaporutu. All the story says about their final landing place is that they set up their god Rakeiora there - in other words, Manaia finally acted as a chief should; the implication is that he will therefore gain the land.

I sing, I sing of Kupe,  
 The man who cut up the land.  
 Kapiti stands apart!  
 Mana stands apart!  
 Arapawa stands apart!<sup>9</sup>

Land was a source of metaphors for meaning and feeling in the emotional life of the tribe. It was the antithesis of the sea, which was not a proper place for humans. When King Movement chiefs challenged - by letter- the British to a fight in 1861, they said 'Fish fight at sea – come inland and stand on our feet.'<sup>10</sup> 'Wild land' - land as a force of nature - was contrasted with the land which nurtured the group.<sup>11</sup> For example, mountains were inhospitable by nature; they challenged the safety of the *kainga*. Their size and barrenness were seen as the antithesis of home and the human scale of the domestic life of the group. In the Maori imagination, wild country was populated by non-human life forms; fairies and monsters threatening to humans were said to inhabit mountains. These last were so uncanny that they could move about, as when Taranaki, rejected by his hill lover, Pihanga, fled from the interior to the western coast.<sup>12</sup> Land as a force of nature was a metaphor for the power of the emotions that bound people to each other. In poetry, landmarks were not valued for scenic reasons, but as pointers to where lost or absent loved ones lived. When a person of high standing died, the land might be said to quake in dread and grief, while the tops of mountains were bent out of shape, or broke off, when the tribe suffered a great reverse:

As I slept in the night the land quaked;  
 The peak of Puhirua fell towards me  
 And Te Rau o te Huia snapped off:  
 It is the sign of death!<sup>13</sup>

<sup>9</sup> George Grey, *Ko nga moteatea, me nga hakirara o nga Maori*. Wellington: Robert Stokes, 1853, p.67.

<sup>10</sup> *AHJR* 1861, E1A, No.1, encl. 1, p.8, Wetini Taiporutu and Porokoru to Parris, 1 November 1860.

<sup>11</sup> This contrasts with the twentieth century sense where land itself is the object of the emotion. See, for example, Douglas Sinclair, 'Land: Maori View and European Response' in Michael King (ed.), *Te Ao Hurihuri*. Wellington: Hicks Smith, 1975, p.115.

<sup>12</sup> Margaret Orbell, *The Natural World of the Maori*. Auckland, Collins, 1985, p.84. The idea of mountains as the antithesis to the land from which people gained sustenance continued through the 19th century, for example when Tamihana Te Rauparaha, in an argument about the right of the King Movement to hold authority over land, said: 'The place for all insolent men is wandering upon the mountains.' McLean Maori Letters, MSPP32:685b. Tamihana Te Rauparaha to McLean, 15 March 1861.

<sup>13</sup> A.T. Ngata and P. Te Hurinui, *Nga Moteatea*, Part III. Auckland, Polynesian Society, 1959, p.82, 'He Tangi mo Kahawai'.

When the Ngati Awa chief Te Wharepouri heard that Nukupewapewa, his chiefly Ngati Kahungunu enemy, had drowned, he sang him a lament in which the height of mountains spoke the magnitude of his loss:

Sing, birds, give me peace of mind.  
Let the south wind hurl me away  
To the high peaks of Rangitoto,  
That I might follow my absent one.  
Perhaps you are on a mountain top  
With the tides of Manukau crying below...<sup>14</sup>

In the colonial period, in formal situations Maori continued to employ images of the landscape to express their relationship with Pakeha. When they farewelled Sir George Grey on his departure for South Africa, Te Tangikaheke conferred chieflihood upon him by picturing him as a master of the Maori natural world:

What was once a clear stream has now become muddied. The rain will fall upon the earth, and who is here to clear away the mists and usher in the cloudless sky?<sup>15</sup>

If land as a metaphor for human qualities and emotions showed the integration of people and landscape in Maori thought, it was largely confined to a declining poetic tradition and to formal oratory. If Maori talked about people in metaphors of the landscape, the converse was also true: they talked about land in human images, and this was almost exclusively the case when land was considered for sale. Land might be called *matua*, 'parent' (usually 'father', and frequently in the sense of 'elder' rather than biological father) or *tipuna*, 'ancestor', including 'grandparent'. Tati and Te Kawau told McLean that though their human father has died, their father still living is the land.<sup>16</sup> Te Puni told the Governor: 'To me, land is man's parent; without land mankind will not survive'.<sup>17</sup> Te Teira and others said: 'Mr Parris must give me the payment for my ancestor which was given to His Excellency and Mr McLean by Te Teira.'<sup>18</sup> An uncompleted sale might picture land as a child, which was an image of weakness or vulnerability: 'You must lift up the head of this child - that is, the child is

<sup>14</sup> Ngata and Jones 1959, Part I, p.152, 'He tangi mo Nuku-pewapewa'.

<sup>15</sup> C.O.B. Davis, *Maori Mementoes*. Auckland: Williamson and Wilson, 1855, pp.9-10, address of Eruera Kahawai and thirteen others to Governor Grey,

<sup>16</sup> McLean Maori Letters, MSPP32:678a. Tati and Te Kawau to McLean and Cooper, 14 March 1854. The image of nurturing male parent probably reflects the closeness of fathers and sons in traditional society.

<sup>17</sup> McLean Maori Letters, MSP32:676e. Te Puni to McLean and Governor, 12 October 1852.

<sup>18</sup> *AJHR* 1860, E3 No.13, p.8, Te Teira, Hemi and Paranihi to Governor, 18 October 1859.



the place where they are disputing, Waitara.’<sup>19</sup> Images were not only familial but sexual, and a language of possession and dominance is common. Its point was to express certainty that Maori had the power of decision over the land – that is, that they owned it. Land might be seen in the female image of lover, and offered for sale in the language of desire. Eruini Te Tupe said in 1848: ‘There is but one thing that men desire and that is this fine woman, Waitara.’<sup>20</sup> Ownership could be pictured in the foreign idiom of marriage and expressed with the English-derived word *marena*, ‘marry’:

...pay us for our piece of land at Waitara, because if it is prolonged, it will be the same as a female forsaken by her lover. But marry, then we shall sleep properly upon the sacred Law of God.<sup>21</sup>

Friend McLean, she was a woman married to me before your conversation that it should be forever sacred. You should remember what you said when you announced that reserves were to be designated for us at Waireka.<sup>22</sup>

Son McLean, in the past the lands were married to us. Now the Governor and Te Kanawa and Te Teira have married it to someone else.<sup>23</sup>

Maori described land transactions with *marena* because there was no indigenous symbolic language to convey the emotional reality of land sale. Missionaries preached the sanctity, exclusiveness and indissolubility of marriage, therefore the concept of *marena* was used by Maori to emphasis the good faith and permanence of land transactions.<sup>24</sup> The use of introduced ideas to prove good faith shows that when Maori dealt with Pakeha they endeavoured to shift their thought world into a Pakeha frame. This view can be illustrated on a practical level by an examination of linguistic change. The common words used for ‘land’ in the Maori-language sources are:

<i>motu</i>	Land in the sense of a country; lit. an island
<i>w[h]enua</i>	Land in a geographical sense; land as opposed to sea or sky
<i>kainga</i>	Land in the sense of home or village

<sup>19</sup> McLean Maori Letters, MSP32:676e. Ihaia to Governor, 28 August 1852.

<sup>20</sup> McLean Maori Letters, MSP32:672e. Eruini Te Tupe to McLean, 12 November 1848. It is not only land, but any idea of close relationship with Pakeha that could be pictured in images of desire.

<sup>21</sup> *AJHR* 1860, E3, No.9, encl. 1, p.7. Teira *et. al.* to Governor, 23 May 1859. (English translation only survives.)

<sup>22</sup> McLean Maori Letters, MSP32:674e. Te Waka to McLean, 7 October 1850. Minuted faintly on the letter is: ‘The epistle is rather above my comprehension’.

<sup>23</sup> McLean Maori Letters, MSP32:675f. Te Watarauhi Nga Henga to McLean, 12 July 1851.

<sup>24</sup> When there is conflict, the beloved wife becomes the adulteress. This fits with the best known of proverbs: ‘because of women and land, men die’. The modern image of land as primal mother was available in foundation mythology, but is rarely invoked in the early period. The decline of lover and rise of mother is consequent on loss - of land, culture and power; it was well established by the end of the century.

<i>oneone</i>	Earth; cultivated soil
<i>ngakinga</i>	Cultivation
<i>mahinga</i>	Cultivation <sup>25</sup>

The intimacy of the relationship to land was reinforced by the words people used to describe it in the context of the cession of territory to the government. While *wenua* (*whenua*) was widely used for ‘land’ in the 1840s, it did not yet dominate the vocabulary.<sup>26</sup> Land continued to be described in the domestic language of home: *kainga*, land in the sense of the place where you live,<sup>27</sup> *oneone*, cultivated soil, and *ngakinga* (much less often *mahinga*),<sup>28</sup> cultivations. These words signify the value of community. When Wiremu Kingi warned McLean that Ihaia and Pehimana had no authority to negotiate land sales, he said:

The authority over that *kainga* (land), Waitara, lies with the people of Waikanae and Arapawa, that is, with everyone. Son, all the people here are resolute about their *kainga* (home/land) at Waitara.<sup>29</sup>

Hoera asked for payment for his cultivated land, *oneone*, at Nga Motu.<sup>30</sup> Kuri Te Kaeaea used words for ‘land’ which show his mind ranging from acreage to his ancestor:

Pay me for that *wenua* (land) of mine, Te Umuroa. Another is Te Rewatapu, the *kainga* (home) of my grandfather<sup>31</sup> Tapiukura...<sup>32</sup>

Pakeha saw land in the terms of their own society, in which most land was potentially a realisable asset. However in pre-Treaty documents Pakeha writing in Maori sometimes followed Maori practice and used *kainga*, ‘home’ in the sense of one’s ‘place’, for land. The adoption of such a Maori terms reveals the existence of a linguistic understanding of the relationship between Maori and land by early Pakeha living in Maori society. However, most often (and, eventually, invariably) Pakeha

<sup>25</sup> Taranaki writers are more likely to use *ngakinga*.

<sup>26</sup> In light of the attack that the west coast *w*, as in *wenua*, has come under in the twenty-first century by Wanganui Maori it seems useful to say that the *w* form was used in the 1840s by most Taranaki writers. The *wh* form begins to appear in written scripts in the later 1850s. This appears to reflect the standardisation of the orthography achieved by mission schools.

<sup>27</sup> According to Sahlins, the Polynesian root is ‘*kainga*, meaning an abode and a group of kinsmen’; cf Hawaaiian *aina*, ‘land’. Sahlins 1985, p.29.

<sup>28</sup> The word *whakamahinga* appears once in the McLean Maori Letters; see MSP32:674d. Hone Ropiha to McLean, 4 August 1850.

<sup>29</sup> McLean Maori Letters, MSP32:669b. Wiremu Kingi to McLean, 10 July 1845.

<sup>30</sup> McLean Maori Letters, MSP32:672a. Hoera to McLean, 27 February/3 March 1848.

<sup>31</sup> Following the evidence of the McLean Maori Letters that in normal conversation *tipuna* means a grandparent, it is translated as ‘grandfather’ where there is no evidence to prefer ‘ancestor’.

<sup>32</sup> McLean Maori Letters, MSP32:673C. Kuri Te Kaeaea to Governor, 28 December 1849.

thought of Maori land as the foundation of a new English society. Therefore they objectified 'land' as *wenua*, a word which was much more capable of abstraction than *kainga*, 'home'. In 1842 when Waikato were paid for their Taranaki 'interests' (a word Pakeha used to avoid the issue of 'ownership'), the land was described in the deed as *enei kainga o matou*, (these lands of ours).<sup>33</sup> However, in 1844, when the cession of the Fitzroy Block was causing trouble, George Clarke, Chief Protector of Aborigines, wrote: 'My heart was very grieved at the bad news from there about the *wenua* [land] which the Pakeha have bought.'<sup>34</sup> The deed for the Grey Block first described land with the word *oneone* and then shifted to *wenua*.<sup>35</sup>

As the land market flourished, Pakeha rapidly came to assume that Maori thought about land in the same quantitative terms as they did. This view is supported by official land deeds, which – almost exclusively by the 1850s – use *wenua/whenua* plus words which describe a surveyors' language for the subdivision of land into blocks. The terms *wahi*, *pīhi*,<sup>36</sup> *wahi wenua* or *pīhi wenua* denoted a 'part' or, as most nineteenth-century translations prefer, a 'portion', of a larger area of land (*wenua*). The transliteration *pīhi*, from English 'piece', was used to express the introduced idea of sections of land. It was adopted by Maori, even though the indigenous *wahi* was available. This may simply suggest the pleasure Maori took in linguistic novelty, of which many examples, especially in poetry, survive. It seems more likely, however, that *pīhi* offers an insight into the land-selling mind. Ownership claims ceased to reflect the cultivations or resource sites of the owners. The abstract 'piece' expresses the specific novelty of valuing a piece of land as acreage.<sup>37</sup> *Wahi* also appears early in the language of land sale. In 1844 McLean told the people of Huatoki:

...hurry and come this week so that the portions [*wahi wenua*] of land agreed for you - cultivations and reserves - can be laid out.<sup>38</sup>

In the 1850s the description of land in terms of home faded from Maori writing, and *wenua*, 'land', and *wahi/pīhi*, 'section' – which were always present before but never

<sup>33</sup> Turton, H.H. *Maori Deeds of Land Purchase in the North Island of New Zealand*. Wellington: Government Printer, 1878, Vol.2, p.1.

<sup>34</sup> McLean Maori Letters, MSP32:668. George Clarke to 'all the people of Taranaki', 16 July 1844.

<sup>35</sup> Turton 1878, Vol.2, p.15. The deed for the Bell Block also uses both *wenua* and *oneone*.

<sup>36</sup> Occasionally written as *pīhi*.

<sup>37</sup> *Poraka* (block) superseded *pīhi* in the post-1865 Native Land Court era, as sales became even more abstract, and land was conceptualised not as home but in the more amorphous terms of tribal *rohe* (formerly 'boundary', but becoming 'territory'.)

<sup>38</sup> McLean Maori Letters, MSP32:668. McLean to the people of Huatoki, 4 December 1844.

dominant – took over. An 1850 letter captures the point of transition: ‘...because our homes [*kainga*] - I mean lands [*wenua*] - which Ngati Apa sold to you Pakeha are very extensive.’<sup>39</sup> The ascendancy of *wenua* and *wahi/piihi wenua* is a sign of the age of land sale.<sup>40</sup> They are all words which describe land as a quantity, defined against other quantities, and represent an evolution of values. They express a new conception of land as commodity and asset rather than as home. This change in language records the breaking apart of the old synthesis of people and their land, the unity of the past. The Treaty of Waitangi had created a putative state, but the way in which its authority impinged most nearly on Maori was to involve them in a market, in which land was the chief commodity. Maori struggled to accommodate the ancient idea of land as synonymous with home to the introduced one of land as quantity, but the result was the fracture of the unity of the group under the weight of the self-interest of individuals, all of whom had traditional rights over some quantity of land. The use of abstract and quantitative words for land at the expense of the old language of home and group not only signals the rise of a language of alienation or sale, but points to political changes occurring in the group. In the 1840s, as Taranaki land was pursued for sale, and as the threat of tribal enemies receded, an image emerges of an individual Maori owner, standing on his land.

A language which fitted the individualisation of land ownership became established in Maori minds. *Wenua*, *piihi* and *wahi* were words which allowed small domestic areas of land to be seen in a market context simply as quantity. They point to a wedge opened between the formerly indivisible land-and-group.

The human orientation of the traditional Maori imagination is a key to understanding willingness to sell land in the early colonial period. Since values centred on the survival and enhancement of the group, calculations of interest were not initially centred on land. In the pre-contact period, internal migration, as power waxed and waned, was part of the history of the majority of Maori tribes. Mechanisms, for example, carrying the bones of ancestors to the new home, had developed for the maintenance of the symbolic life of the group in a new location –

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<sup>39</sup> McLean Maori Letters, MSP 32:674b. Raihania Takapa and Paora Tarau to Governor and Taylor, 18 May 1850: ‘*ta te mea nui ke atu o maua nei kainga, ara, wenua, i tukua e Ngati Apa ki a koutou ki nga Pakeha.*’

<sup>40</sup> Occasionally *rohe* is used for land. See, e.g. McLean Maori Letters, MSP32:676d. Metiria Matara to McLean and Governor, 13 September 1852. Land deeds, which were written by Pakeha, consistently use *wenua*.

although, in desperate situations, the will to survive was impetus enough to move.<sup>41</sup> As long as the conception of the group was centred on the relationships between people, failure to maintain a hold on specific areas of land did not necessarily destroy group identity. Attachments to territory were informed by expediency and contingency. This explains why Maori often appeared more eager to sell their land than to think about why Pakeha wanted it so much, or about what the future would be without it.

While the land deed outlasted the negotiations which preceded it, it was not something which was flourished in front of Maori with a command to 'sign here', as is sometimes depicted in modern caricatures which suggest that Maori were signing away their land without knowing what they were doing.<sup>42</sup> Signing deeds was the final stage in a structured process of verbal negotiation, repeated in every land transaction. This reflected the processes of political negotiation of the past, where the transfer of land was an effect of group alliances, and the emphasis in the transfer was on politics rather than on the land itself. A case of transfer between Maori in the 1840s, hidden from the eye of Pakeha, offers a rare view of what might be close to traditional *tikanga* for tribal decisions on land transfer. Rakorako of Ngati Maru had built canoes and provided food for the Ngati Awa homeward migration to Waitara, and had been paid in land called Tipapa. Rakorako then wished to sell the land, but the people who had given it objected. Rakorako, in response, set out the formal process of exchange that had taken place, in which it is important to note how chiefs repeat the same words to show that the decision has the strength of unity:<sup>43</sup>

It is not as if this land was simply given to me - no: it was my payment for working on the canoes; hence the land was given to me.

There were two canoes; one was Te Rongo, and the other, Morungakawha. I found the [trees for the] canoes felled and lying on the ground. I shaped them and when the work was done men were fetched to haul them. And all Ngati Awa and Ngati Toa gathered at Tipapa to haul that canoe, and it was hauled,

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<sup>41</sup> For example, when Wiremu Kingi informed the Pakeha that he was intending to go home to Waitara, he couched his intentions in the words 'I...shall, some time in October, go to take my father Reretawhangawhanga to Waitara.' Kingi's father had died in 1843. *AJHR* 1861, E1 No. 17 encl., p.26, Wiremu Kingi Whiti to IKemp, Richmond and Wakefield, 2 September 1845.

<sup>42</sup> This view has historical antecedents in the view of Capt. (later Governor) Robert FitzRoy, who made a reference to early land deeds that Maori 'cannot read' Robert FitzRoy, *A narrative of the voyage of H.M.S. Beagle*. London: Folio society, 1977 [1839], pp.585-588. FitzRoy was, however, making a statement of a view of Maori reality that erroneously assumes that Maori society functions only in English terms.

<sup>43</sup> This may be an example of the lack of fit between traditional *tikanga* and the land sale era, but it is just as likely to indicate the growth of landholding opinion in Taranaki.

and when it emerged food was cooked. Ngati Toa looked at the [ ]bird as the food was cooking, and then Te Rangituroa stood up and proclaimed:

Now listen here Ngati Maru: there is your place, Tipapa.

When Te Rangituroa had finished speaking Te Hiko stood up and he also proclaimed: Now listen here, Ngati Maru. Now, that land there is Tipapa.

When Te Rangituroa had finished speaking Te Tire got up: Now, listen here Ngati Maru, the land is Tipapa.

When that proclamation was over Te Pera stood again and he repeated the call: Now listen here my friend Rakorako. Now, that land is Tipapa; it goes up the mountain there - Maungakawa.

When Te Pera finished speaking I then distributed the food. The birds - I gave them to him personally; thereafter the kiekie - I gave them to him; then the hundred kits of potatoes - I gave them to him; then the eels - I gave them to him; then the pipi, and after the pipi the fernroot, after that more eels, then the potatoes, then the kumara, then the eels, then 40 kits of Taranaki dried kumara.

These foods were loaded on the canoe when Wiremu Kingi went to Waitara. There was a great lot of food; Matiu's contributions from this area were kumara, pipi, eels, mussels.

Well then, you will remember this. These were a great lot of things from Ngati Toa. Now let me inform you: these were the things through which I obtained the land - this array of food, and the canoes. The payment for all these things was the land which was given to me.<sup>44</sup>

Ngati Toa's and Te Atiawa's complaint was not that land had been transferred, but that Rakorako aimed to remove it from a situation where relationship between different tribes was made on the basis of reciprocal benefit. He wanted to sell the land for cash, which might have created a degree of relationship with Pakeha for him, but did not carry Te Atiawa's and Ngati Toa's past authority with him. For them instead, it was an abrupt end of history; a myriad of such incidents contributed to the 'forgetting of being' which was the partner of change towards modern formulations of Maori society. However, the story is more complex than the loss that this implies. If the sale of the land wiped out the past to which, in Maori thought, first duty was owed, this does not mean that Te Atiawa or others might not themselves have offered the same land for sale; what they objected to is that the decision to sell was made without reference to relationship. This was an assault on *mana*.

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<sup>44</sup> McLean Maori Letters, MSP32:674a. Rakorako to McLean, 1850.

The earliest inter-cultural land transactions were made between Pakeha and, specifically, chiefs. Deeds contained phrases such as ‘I, Te Koki, a Chief Paihia,’<sup>45</sup> ‘a chief called Watta Prow’.<sup>46</sup> However, whether or not the deeds mention the word chief, the names of signatories to pre-Treaty transactions confirm that Pakeha – mostly missionaries – dealt with chiefs. The deed for the Waitotorongo Block, Kerikeri (1819) was signed with marks by Titore, Toenga, Kaikohe, Riri, Moka, Rewa, all chiefs whose history is recorded;<sup>47</sup> the Te Puna Block deed (1828) was signed by Warepoaka, Manuhiri, Waikato, Murupainga and Pani. Heke, Kawiti, Kiwikiwi, Korokoro and Pi, whose names resonate in the times, were parties to other pre-Treaty Bay of Island deeds.<sup>48</sup> The deeds of early mission transactions not only show the missionaries’ understanding that they were dealing with chiefs, but give clear indications of the magnitude of chiefly power. The first deed, for the Oihi Block (1815), was written by Samuel Marsden.<sup>49</sup> He used the word ‘king’ to describe the land owner, Te Uri o Kanae, who was ‘a chief of Rangihoua’. Marsden’s choice of the strongest word he could think of in his own culture to describe personal power in Maori society offers an outsider’s perception of the status of chiefs which confirms the traditional evidence. The New Zealand Company purchases of Taranaki land followed the northern pattern in which Pakeha negotiated with chiefs. In 1839 the Company’s agents spoke to Te Puni and Te Wharepouri at Port Nicholson, and to Te Hawe and Te Whiti at Totaranui (Queen Charlotte Sound).<sup>50</sup> The chiefs pointed to all the land in which they had acted not as landowners, but as chiefs. This distinction is crucial to the understanding the difference between Maori and Pakeha concepts of land ownership in the early years of land transactions. It explains the apparent puzzle of Te Atiawa selling land that was not theirs. The influence of traditional thinking also

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<sup>45</sup> H.H. Turton, *Maori deeds of old private land purchases in New Zealand, from the year 1815 to 1840, with pre-emptive and other claims*. Wellington, Government Printer, 1882, Deed No. 74, Motuorangi, 13 September 1823, p.62.

<sup>46</sup> Turton 1882, pp.62-3. Deed No. 76, Paihia, 22 May 1825.

<sup>47</sup> Turton 1882, p.61. Deed No. 72, Waitotorongo, 1819 & 1831.

<sup>48</sup> It is clear that reputable land transactions with foreigners were the preserve of chiefs. It was probably, but not necessarily, the case that chiefs shared the proceeds of land sales with their followers, however this was an internal matter for the group.

<sup>49</sup> Turton 1882, p.61. Deed No. 71, 24 February 1815.

<sup>50</sup> William Wakefield proceeded to Taranaki to ‘collect the chiefs whose consent is requisite for the transfer of the land.’ ‘The chief Tuarau’ travelled north with Wakefield to facilitate the sale. Thwarted by contrary weather, Wakefield gave his agent Dickie Barrett instructions to ‘...assemble the numerous chiefs on a coast line of 150 miles in a month’s time, when I am to return to make the payments for the different districts, and to receive the written assent of the chiefs to the sale.’ Benjamin Wells, *The History of Taranaki*. New Plymouth, H.D. Mullon, 1967, p.20. Wells, an early Taranaki settler, confidently named the chiefs in the deal, and Maori evidence confirms the status of those he named.

explains why the government continued to pay chiefs for land they did not own in the immediate post-1840 period. The Waikato chiefs Te Kati and Te Wherowhero were paid for their 'interest' in lands from Tongaporutu to Waitotara in 1842.<sup>51</sup> They had no intention of living in Taranaki, but this was beside the point. The payments recognised the authority they had gained by defeating Taranaki tribes. They were a tribute to chiefly power, not a compensation for relinquishing homes and cultivations.

The world of 1840, in which the assertion of chiefly selfhood was a sufficient statement of the will of the group, was on the verge of extinction. However the McLean Maori Letters afford a rare glimpse of the continuing life of a way of thinking about land which owed nothing to the Europeans. In 1859 the chief Panapa Tuawaru was checking the names of absentee owners of Bell Block to whom payment was due. When he came to Matiu Te Paeonepu, Panapa said his name was to be crossed off the list. McLean asked why, and was told: 'My nose snorted when Matiu was named - he is not like [these others].' McLean commented:

Ihaia was stroked out in consequence, and in deference to Tangiwhera he said if the letter he sends is good we will pay him if not give him nothing. This shows how easily a man's just claim may be upset even by slight twitching in the nose.<sup>52</sup>

This passage challenges current beliefs about the basis of land rights and the exercise of authority in Maori culture. First, the incident shows omens continuing to act as imperative instructors of behaviour. Panapa Tuawaru did not base ownership (expressed as the right to payment) on objective criteria, but on a sense of psychic rightness, divined through omens. Second, it shows Panapa exercising the chiefly power of defining the group, because denial of payment was a statement of exclusion. Third, Panapa's behaviour shows that chiefly power was not despotic, but negotiated. He was aware that another chief, Tangiwera, might reasonably object to Matiu's exclusion, and so he left the door open for a review of his decision. There is a huge gulf between this fluid, nuanced, contingent, personal exercise of power and the power of fixed principle expressed in the documents generated by land sales. In the twenty years following the Treaty the literate culture of land sales, comprising lists of

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<sup>51</sup> Turton 1878, Vol.2, p1.

<sup>52</sup> McLean Maori Letters, MSP32:683e. Panapa Tuawaru to McLean, 31 August 1859. These are some of the names on the list, of which the second half was illegible on the photocopy (but could possibly be reconstructed from the original). There are many lists such as this in the McLean Maori Letters. While the difficulties of working with them are many, their value for the reconstruction of accurate lists of owners is clear.



the bases of ownership compiled by Pakeha and disseminated in official publications, and lists of beneficial owners attached to written deeds, separated Maori from the culture of their youth (or of their elders). By 1859, when the incident described above occurred, a new mode of thinking about ownership and authority generated by land deals had become sufficiently dominant for older custom to have the status of oddity, hence the wry tone of McLean's observations. In former society land ownership was governed by the operation of truths that were determined by religious belief and articulated by chiefs;<sup>53</sup> this mode of ownership was very dissimilar from modern notions of Maori land tenure. It is necessary to hold this difference in mind, because it helps towards understanding the springs of the internecine conflict in Taranaki which led to war with the British in 1860.

Traditionally, the chief symbolised the basis of belonging to the group, which was, in turn, produced rights to land. Therefore, when the Treaty was signed in 1840, it was, quite properly, signed by chiefs; we can properly say that the first formal political relationship between Maori and Pakeha centred on them. However, in British eyes, the transfer of sovereignty in the Treaty was designed to confer legitimacy on the acquisition of land by the new government. The Treaty superseded the political power of the chiefs even while confirming them in their ownership of the land. While this transfer of power was only a speculative proposition in 1840, subsequently officials laboured on it to effect what the Treaty was designed to achieve – the separation of land ownership and the power of chiefs. During the 1840s the concept of *rangatira* (chief) was reconstructed by the state in a westernised idiom, in which chiefs were to aspire to behave like 'gentlemen'.<sup>54</sup> The role was stripped of its former political function as territorial lord, or, in English terms, 'landowner'. This was achieved by constituting all members of the group as landowners, which had a further consequence of increasing the power of individuals relative to that of the chief. This would increasingly undermine the chief's right to autonomous action which, paradoxically, had formerly reflected group cohesion. By diffusing decision-making powers among people whom neither Maori nor Pakeha perceived as having authority within Maori culture, the structure of Maori society was undermined. The respect

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<sup>53</sup> Land deeds and court judgements were challenging this universe, and would virtually destroy it in the Native Land Court period.

<sup>54</sup> The word *ariki* ('high' chief) does not appear in the Letters studied. Some tribes did not use the term, but its omission may possibly be because the function of an *ariki* depends on lineage rather than executive authority. The early use (or absence) of *ariki* from Maori writing would repay study.

which Pakeha had formerly – necessarily – accorded its chiefly order diminished, because chiefs no longer wielded executive power. The shift of power is exemplified in Taranaki land deals. The Wakefield transactions were made with chiefs acting in the name of the tribe, but subsequent sales of land in Taranaki (between 1844 and 1859) were not. In this period, many *hapu* members, sometimes including women and very small children, ‘signed’ deeds. By this means all Maori became land owners, not in a Maori sense, but in the English sense that prevailed in land deeds. A lot of names showed the unanimity of purpose that made a ‘good’ sale, that is, one which did not cause subsequent trouble (particularly over payments). What it does not show is a traditional, ‘communal’ Maori society, as is now assumed, but the enforced democratisation of Maori society created by land purchase processes that created every cultivator or resource-hunter/gatherer an owner. The contrast with the pre-Treaty period, when Pakeha understood Maori political power in terms of the power of its chiefs, is striking, and highlights land sales as the engine of change in Maori society. For example, the change in the politics of authority created by the communalisation of Maori land ownership made possible the positions taken by the chief Wiremu Kingi and the challenger Te Teira in their clash over the sale of Waitara. Te Teira asserted the power of the conception of individual ownership, and relied on the state to support the rights attached to it. Kingi asserted the old authority of the chief, who did not have to ‘own’ land to exercise authority over it. Kingi’s position, however, was the one that expressed the spirit of the Treaty of Waitangi, which was addressed to chiefs, and confirmed their authority over their land. For the chiefs, this authority expressed their ‘sovereignty’, but was not the basis of it; that lay, instead, in *mana*.

As individuals sought to profit by the trade in land, the relationship between the group and the land changed in the direction of increasing the power of the individual. A letter from Piripi, at Puketapu *pa*, shows the process by which Maori ceased thinking in terms of the group and became Maori individuals scattered among Pakeha individuals:

As for the pieces of land [*wahi wenua*] which have been handed over to you, I am satisfied with that - let a Pakeha live on that piece of land. But the part [*wahi*] I want kept for myself, is for me alone.<sup>55</sup>

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<sup>55</sup> McLean Maori Letters, MSP32:668. Piripi to McLean, [n.d.]1844.

The individual owner has, however, been hidden by the appearance in the 1840s of land deeds with all the names of the group attached. This has been considered evidence of the communal nature of traditional land tenure. In fact, deeds say virtually nothing about traditional land tenure, but, by contrast, show the atomising effect of a mode of purchase adopted by the government which made any cultivator of a piece of land its owner. The rapid rise of the idea of the autonomy of individual owners shows why judgements on Maori as land sellers or land holders cannot be made solely by reference to ‘tradition’, whether by ‘tradition’ one refers to relationships to land, or to the politics of group rivalries (both emphases can be found in the historiography). The emergence among Maori of the idea of the legally competent individual owner allowed the dispute over Waitara to develop among Te Atiawa. The idea was created *within* the polity formed by the Treaty, in particular by the novel experience of sale on terms that treated land as acreage, and not as a tribal fiefdom under the authority of chiefs. This returns the focus of attention to the actions of a colonial government which believed that Article One of the Treaty made the political power of chiefs irrelevant to the government of the colony, and to Article Three, which conferred citizenship on Maori individuals. Article Two created Maori as owners of the land as a saleable commodity. The new conception of land as commodity, rather than as an expression of the identity of the group, raises questions about the exercise of authority both among Maori and *vis-a-vis* the government, in the first instance because of the light it throws on who had the right to register land sales and adjudicate on disputes. In the wider context, the traditional exercise of authority by chiefs provides a benchmark against which change can be measured. Wiremu Kingi’s chiefly refusal to recognise an offer to sell by a relation of lesser standing precipitated the war which defined the modern Maori relationship to the state. His action has been treated as the inevitable action of the protagonist of ‘tradition’, however in the post-1840 period the traditional role of chiefs was substantially undermined. Chiefly decisions about land reflected contemporary politics rather than a ‘tradition’ which offered little precedent for the decisions they faced.

### **The report of the Board of Enquiry**

The rapid decline in the position of chiefs after 1840 is revealed in the report of the first official enquiry into the state of Maoridom in 1856. A ‘Board of Enquiry’ addressed questions to bilingual colonists with long experience of living in Maori

communities.<sup>56</sup> The 'Enquiry' throws valuable light on how an important group of Pakeha understood the transfer of sovereignty to the British. The Board sought the opinions of men were familiar with Maori and the country and able to relate to Maori in the native language. These respondents displayed a steady assumption that the Treaty that had wiped out Maori political sovereignty also delegitimised Maori social organisation. This echoed and supported the official position. After the Treaty was signed, the British way of life was treated as the norm by Pakeha, even though government was notional in most parts of the country. The power of validation was the strongest power contained in the Treaty, and this explains the confidence of official actions after 1840.

A few Maori were also consulted, the answers of all informants representing the present situation in their particular areas. The questions on land tenure asked by the Board were aimed at finding out whether it would be possible for the government to proceed with the creation of individual Maori land titles. The contrast with individual title was assumed to be the communal title of 'tradition', but in fact of the government's collectivisation of Maori land tenure; the exercise, therefore, was contained within the boundaries of Pakeha thinking, and while the evidence before the 'Board of Enquiry' does contain substantial information about how Maori traditionally saw the relationship between chiefs and land, the enquiry focused on affirming land as a resource which was not attached to chiefly authority. That a majority of respondents took that view was not a conscious slight on chiefs, but unconsciously reflected an assumption that chiefs' power to hinder the designs of Pakeha had already passed into history.<sup>57</sup> Nevertheless, Maori informants, and some Pakeha, replied that land was under the authority of chiefs:

The chiefs have a certain power over the land; I could not go to Waitara and claim a piece of land.<sup>58</sup>

The chiefs at present lay claim to some rights over the whole of the land.<sup>59</sup> The claim of the chief extends...over the whole block; the other claimants in proportion; but the proportions are not distinctly defined.<sup>60</sup>

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<sup>56</sup> 'Further Papers relative to the Affairs of New Zealand: Board of Enquiry into Native Affairs 1856'. *Great Britain Parliamentary Papers*, Vol.11, 1860; (henceforth 'Board of Enquiry')

<sup>57</sup> This assumption would be tested in the 1860s, and finally confirmed. Changing perceptions before this are illustrated by the fact that asked whether individuals could sell land, most informants were ambivalent or answered in the negative, saying that the power of decision was vested in the group.

<sup>58</sup> 'Board of Enquiry' 1860, p.278, evidence of Riwai Te Ahu of Te Atiawa.

It is probable that the chiefs would resist [individualisation of title], inasmuch as it would do away with their general claim.<sup>61</sup>

... the common people are mostly the rightful owners of the soil, and the chiefs claim the right of retaining and selling.<sup>62</sup>

Donald McLean, the chief government negotiator of land purchase, emphasised the authority of chiefs in land sales:

...when a chief undertakes to sell a block of land he does not allow after claimants to trouble the purchasers.<sup>63</sup>

William White had arrived among Nga Puhī in 1823. He tried to explain traditional Maori land tenure, but struggled to find English words which carried the strength of Maori meaning. White used the word 'etiquette' in an attempt to say that traditional values centred on power relationships between people rather than a relationship with the land:

I do not think the natives value individual claims [to land]; they, however, objected to any parties' interference with their cultivations, more from a feeling of etiquette than from any idea of the value of the land - its intrinsic value.<sup>64</sup>

Taka of Kohimarama said that although his land was his alone, when he sold it he made a present to Te Katipa, who had conquered Taka's people, but did not banish them from their ancestral land, therefore allowing their rights not only to continue, but to be capable of resurrection:

My fathers continued to kindle fires in my land, and hence my claim. They occupied it even until they died. Watere has a claim adjoining my land; the soles of his feet or those of Te Katipa do not touch my land. I am the sole and rightful owner.<sup>65</sup>

Taka's present to Te Katipa was a diplomatic recognition of the latent power that lay in Te Katipa's hands through victory in war, should he choose to exercise it. This

<sup>59</sup> Kepa's use of 'at present' is explained by his observation: 'but it is resisted by the young men.' 'Board of Enquiry' 1860, pp.281-2, evidence of Kepa of Ngati Pikiāo.

<sup>60</sup> 'They hold the land in common, that is, the tribe hold it. An individual native has the right to select any portion of land, and cultivate it.' 'Board of Enquiry' 1860, p.265, evidence of John Webster (arrived 1841).

<sup>61</sup> '...and would militate against their influence.' 'Board of Enquiry' 1860, p.266, evidence of Rev. Mr. Burrows (arrived 1841).

<sup>62</sup> 'Board of Enquiry' 1860, p.280. Evidence of Mr. Marshall (arrived 1830).

<sup>63</sup> 'Board of Enquiry' 1860, p.304. Evidence of Mr. McLean (arrived 1840).

<sup>64</sup> 'Board of Enquiry' 1860, p.288. Evidence of Mr White. The passage starts: 'There does not appear to me to be any individual claim, except the portion cultivated by each individual; the individual, I think, could sell this cultivation without the consent of the tribe.'

<sup>65</sup> 'Board of Enquiry' 1860, p.267, evidence of Taka.

power was not focused on land - neither man objected to its sale. Both were focused instead on the proper and necessary observation of the *tikanga*, or cultural etiquette, of the power relationship between people. This passage exemplifies the evidence that among Maori the power of decision making was the chiefly role (whatever was at issue); the power to make decisions over land is therefore the Maori meaning of what is expressed in English as 'land ownership'.

The pressure placed by the colonial government on traditional society appears in the respondents' answers in the way that the cultural nexus of chiefs/land/authority was reduced to the straightforward English question of title to acreage. Wiremu Maihi (Te Rangikaheke) of Te Arawa gave an account of the rights and responsibilities of chiefs:

I had an individual claim...in my youth, to a block of land which may have contained from 10 to 20,000 acres, but since then my individual right has been disputed.

Formerly I could have sold it after talking to the natives, even against their consent, but I must have divided the proceeds of the sale, or they would have seized the land from the person to whom it had been sold.<sup>66</sup>

Wiremu Maihi contrasts the past, when he had the power of decision over the land with the present, when land sale on the British principle that all members of the group were owners meant that the power of the collective outweighed him as chief. As well, the change from warrior society to one governed as a peaceable civilisation had deprived Maihi of spiritual power to wield politically. As a Christian, he was sworn to a way of life that did not allow him to fight for his rights. Maihi also made a significant distinction that illuminates former thinking about land: the power of decision over land was the right of chiefs, but he had an obligation to share the proceeds of sale. A chief's power over land, therefore, was the right to decide its fate. His power over people depended on his upholding of the justice on which their support of him depended, on the principle of *utu* (the justice produced by a proper balance of power). The people expected to share in the wealth good chiefly leadership produced, because this maintained the balance of intra-group relationships. The conclusion to be drawn from Maihi's views, and those of the Maori and Pakeha quoted above, is that owning land was not, in itself, a value of former Maori society. *Utu* was, by contrast, a central value of society, which Maihi's observations about the

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<sup>66</sup> 'Board of Enquiry' 1860, p.279, evidence of Wiremu Maihi.

consequences of not sharing the proceeds of land sale with the people illustrates (as do a majority of traditional post-migration stories about land). However, in the colonial period, *utu* required the sharing of the wealth produced by land sale. It seems plausible that it was this that steered Pakeha into thinking that Maori land was communally owned. Maihi's evidence also explains why Maori thought of land as alienable. Providing that *utu* was satisfied and the balance of order was thereby maintained in society, land sale did not equate with loss.

The views expressed before the Board of Enquiry help towards building an understanding the Waitara dispute. As we have seen, the possession of land was a consequence of power, not its cause. Wiremu Kingi's declaration in 1859 that the land was Te Teira's, but that he would not let him sell it, had the whole of Maori history behind it: this was the pronouncement of a chief entitled to make decisions on behalf of the people. However, the sale of Waitara was not a simple case of 'chiefly veto', as *traditional terms* were no longer the only terms within which Maori worked: Waitara was both an intra-group dispute and a face-off with the British, and by 1859 ideas about land and its ownership were no longer solely construed according to the values of the past. Wiremu Kingi did not simply represent the unbroken tradition of the old. A former land seller, he had subsequently reformed his attitudes to land because he was politicised in a *modern* way by land sales. His refusal to sell Waitara was modern in its aims. He was not opposing Te Teira simply on the grounds of traditional values, in which *utu* required that he act, but from a premise that future success for Maori lay in retaining an economic, political and cultural base in land. Kingi was exercising the rights of his citizenship in the colony; this forms an important, but overlooked, context for the evaluation of the Governor's response.

### **Towards a new model of Maori land tenure in the 1840-1860 period**

This chapter has shown how Maori thinking about land tenure buckled under pressure of land sale in the early colonial period, and was replaced by a different view whose roots were in the experience of sale. The chapter has argued that land tenure expressed by Pakeha as a list of *take* gave each article the same weighting, which had the effect of isolating land from the interconnecting web of the culture of the community. This obscured the domestic, intra-group relationship between Maori and land expressed in the Taranaki data: land as home, and individual people as its owners, defining their ownership in terms of family history. It also masked the

political function of land in inter-group relationships: land as the symbol of group identity, predicated on the authority of chiefs. In traditional society people needed land to produce food.<sup>67</sup> The essential issue of survival was not land but belonging, because the right to cultivate depended on being allowed to live as a member of the group. Belonging, not land, was at the root of the organisation of Maori society; land was, in the domestic situation, simply its consequence. Within the group, land was perceived as a personal possession, named and handed down. People owned their land in the same way as they owned their history, and for this reason the terms ‘useright’ or ‘right of usufruct’, employed in the nineteenth century and now to describe Maori domestic land tenure in English, miss the texture of the relationship. Pakeha writing to Maori about civilisation or progress pictured the state of Maori development variously in terms of British, Saxon or feudal models because these expressed the historical stage of development of Maori society in their terms, not because Maori society was actually organised on such models. This picture, and words which trapped Maori land tenure in concepts of ‘use’, obscured the fact that the absence of a prior concept of freehold, and, therefore, of sale, did not affect the question of ownership. The English word ‘ownership’ has European conceptual boundaries. These must be expanded, rather than avoided, to express Maori reality in English, and in order to circumvent the ethnocentric and colonial assumption, established during the 1840s, that ‘ownership’ of land can exist only in English terms.

The McLean Maori Letters from Taranaki suggest principles on which Maori land tenure in the pre-Native Land Court period should be framed. From the start of the colonial period Taranaki Maori spoke to the government as if they knew who owned the land, whether they meant by ownership the authority to decide whether land should be sold, or - and this was not the same thing - the right to share in payments. The first authority was that of the chiefs, and the second that of the group. The difference between the authority of decision-making and the rights of group membership is crucial to understanding Maori land tenure. A twin axis model expresses this reality. The vertical axis of the model expresses the domestic mode of ownership, or ownership *within the group*. Cultivated land was divided between near relations, and the individual distinguished his land by invoking the vertical axis of

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<sup>67</sup> While people also gathered and hunted food, these activities do not appear in the Taranaki McLean Maori Letters in this period. This is because the kind of thinking about ownership which would make the ownership of resources rather than the land itself a dominant issues after the war was not yet articulated by Maori.



direct descent: it is mine from my father from his father. This is the land over which the individual had power to act within the culture, the group forming the boundary of the power. The domestic mode of land tenure reflects the life of the individual within the group against whose members his individuality was defined and confirmed. The horizontal axis expresses ownership of land *by the group*. Kin groups had a wider territory than their homes and gardens, a collective homeland or tribal territory which can be defined as the land the group would fight for (if they had the present capacity) when threatened by outsiders. Territory could only be defended by numbers, by the cooperative effort of its members, fighting to preserve the integrity of the group. In this, foreign relations, mode the people gathered into the ‘tribal I’ of in-group solidarity – *hapu* against *hapu*, tribe against tribe. This is the collective mode of land tenure, in which all the people were contained in the identity of the group.

The vertical, or domestic, axis of land tenure, on which people as individuals owned land by inheritance (or by some individual significant event), was dependent on the horizontal, or foreign relations, axis, on which people as a kin-group defended their territory against outsiders. ‘Land ownership’ was a major issue of external relations, because the consequences of defeat in war could be banishment, or virtual enslavement on your own land. Either outcome threatened the survival of the identity of the group. In times of extreme threat, the role of the chief was to organise the defensive or offensive strategies of politics or war. In this situation all the people in the group were contained in the chief on whose success they depended for their future. When Maori thought in these terms, they could express land ownership simply by naming the person with authority there, for example: ‘The river is Mohakatino. The man there is Nga Poko.’<sup>68</sup> A common kind of list made in connection with land sales consisted of the names of people and their *hapu*; such lists affirm authority in the group:<sup>69</sup>

- (1) Ngati Tawarua is this *hapu*; Anaru is its man
- (2) Ngati Te Kupenga is this *hapu*; Mere is its woman
- (3) Ngati Te Witi is this *hapu*; Tipene is its man<sup>70</sup>

...Tikiku - his *hapu* is Nga Tapukau  
Rawiri Tangiwera - his *hapu* is Ngati Terematorua

<sup>68</sup> McLean Maori Letters, MSP 32:672b. Te Teira to Governor, 7 April 1848.

<sup>69</sup> This authority is usually expressed, as here, with the word *tangata*, ‘man’ in the sense of leader. The list that follows shows that women could head *hapu*, but this is rarely found in the McLean Maori Letters.

<sup>70</sup> McLean Maori Letters, MSP32:683e. [ n.d.1859], Wi Tako.

Raniera - his *hapu* is Ngati Tahuaroa  
 Tamati Te Kenakena - his *hapu* is Ngati Tai  
 Wi Takurua - his *hapu* is Ngati Komako  
 Ihaia Te Ringaringa - his *hapu* is Ngati Hineranga<sup>71</sup>

The insider/outsider model of land tenure expresses the inter-relationship between *chiefs, land and people* which constituted the organisational structure of Maori societies at the start of the colonial period. In the pre-1840 period, chiefs dealt with Pakeha as if they were foreigners, and for this reason the role of the chief was central to early land transactions. However, until they were disturbed by land sales, the two modes of thinking about land co-existed seamlessly. Land sales drove a distinction between them so they were in conflict. Subsequently it was no longer possible to order authority in society; this loss was expressed in the decline of the political power of the chief.

The agreements Ngati Awa made with the New Zealand Company in 1839 and 1840 reflected the twin axis model of land tenure. Ngati Awa acted according to custom, and the transactions were conducted by chiefs negotiating with a foreign power. Chiefs, in the name of the group, committed the people to a course of action. Nevertheless, when it came to payment, the internal mode of relationship to the land, in which the group were all alike 'owners' in the sense that cultivating land was an expression of group membership, took over, and everyone expected to share in the returns. Cases like this were understood by Pakeha to show that land was communally owned. Unlike the first sales, those negotiated with Taranaki Maori subsequent to 1840 were anchored in the physical reality of the actual soil, and centred on the villages and cultivations of domestic history. In the life of the community, in which an individual's land was defined in relationship to that of his or her close relations, chiefs were like anyone else, cultivating no more land than their families required. This reality was frequently commented on by early travellers, who said that the greatest chiefs were not the greatest landowners. Within the group, the power of the chief over land was veiled. The reason was that chiefly power was not expressed in terms of land, but in his personal qualities. These sales of land were in the domestic mode rather than by negotiation with chiefs. They produced land deeds on which appeared the names of everyone who had a stake in the land; chiefs are simply another name in the list. In 1852 Wiremu Kingi Whiti was among the parties to an agreement - called a

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<sup>71</sup> McLean Maori Letters, MSP32:683e. Genealogy from Te Uruhi [n.d. 1859]. The document contains more than thirty names.

*kupu runanga*, a community decision to sell Te Wera o Waitohi. The list of owners shows a sale where any influence of ‘chiefly right’ is subdued to the point of non-existence.<sup>72</sup> These deeds, which became the only kind of deeds, are a pointer to a huge shift in power in Maori society, pushed by land sales, from chiefs to the people. Land sales in the domestic mode clearly supported the rights of the individual group member against some veiled, arbitrary ‘chiefs’ right’, and the result was a colossal undermining of chiefly power, both within Maori society and *vis-a-vis* the government. The evidence for the dominance of the domestic model of land sale is clear in the McLean Maori Letters. The majority of letters about land concern the rights of individuals. They express a traditional understanding of domestic land ownership, but do so in the very new terms of commodity trading. A typical cultivation was an aggregation of the gardens of individuals, whose individual plots were marked by boundary posts or stones.<sup>73</sup> Maori, when speaking to government officials, called their cultivations *wahi wenua* ‘portion of land’ or *pīhi* ‘pieces’. Both terms express the idea of subdivision of a larger area. The plots were what individual people owned: inherited from their fathers, worked, and passed on to their children. Who owned what in a typical community was so intimately known that there was little need to do more than assert it. In the Letters, people frequently say of the land: ‘it is mine’. In an oral society, if such a statement passed without challenge, it was clear proof of ownership.

In letters to Pakeha, assertion of ownership was sometimes backed up with the presentation of *whakapapa*.<sup>74</sup> Usually the *whakapapa* was short, often stopping with the speaker’s grandfather, because living memory was, in domestic situations, sufficient confirmation of legitimacy:

Understand that that land is mine from my forefather Rauru, whose son was Rawiri senior. His sister was Tapiukura. [Then came] Hine[ ] and [one of her children] is Matakahea who is living at Te Umuroa.<sup>75</sup>

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<sup>72</sup> McLean Maori Letters, MSP32: 676d. Wiremu Kingi Whiti, Enoke Kingi, Te Teira, Te Manihera, Heteriki, Rina, Haimona, Paora, Horomona and Te Wao to Governor, McLean and Cooper, 2 August 1852.

<sup>73</sup> In traditional stories gardens were usually called *mara*, but this word is rarely used in the McLean Maori Letters.

<sup>74</sup> This was an increasing trend through the pre-war period, as, under the pressure of land sales people endeavoured to show customary title to land other than the immediate title of occupancy. In these circumstances *whakapapa* became the basis of payment for land.

<sup>75</sup> McLean Maori Letters, MSP32:673c. Kuri Te Kaeaea to Governor, 28 December 1849. This letter is asking for payment.

These pieces are mine, my grandparents', my fathers', my relations', my older brothers', my mothers'.<sup>76</sup>

Living memory does not carry much weight in the twenty-first century, and *whakapapa* tend to have status according to their length. This, however, is the result of cultural change. In the pre-contact Maori world, life expectancy was about forty years. 'Grandfather' had the dignity of 'ancestor', and therefore the word *tipuna* meant both.

When Te Teira offered to sell land in 1848 he listed the owners and offered casual indications of family. Such a list was as much an inventory of the people who belonged to the *hapu* as it was of the owners of land, because of the indivisibility of membership of the group and their land tenure:

There are forty men in this agreement, not to mention fifty women and thirty children, who all agree to sell.  
 Moho Te Wanga, Wati is his descendant  
 Te Anga; his son is Nga Tauru  
 Te Huia  
 Poupouiwi  
 The river is Mohakatino. The man there is Nga Poko.  
 Tamatapo  
 Tiha  
 Titotito  
 Te Maire  
 Te Reuatiti  
 Ahia-te-rangi  
 Marire's [offspring] is Te Hapimana  
 Te Waipuna  
 Te Watahi  
 Te Maika Tama[ ]<sup>77</sup> his descendant is Wiremu Patene, offspring Hapeti  
 Aiana.  
 Matarakaka  
 Ruakitoto; his grandchildren are Hokipera Te Wakamau and Aiana.  
 Namukino, Waiaua is his grandfather, his offspring is Pita.  
 Apito  
 Kaukino; his offspring is Heni.  
 Pukehou; his offspring is Puru.  
 Te Kakato  
 Te Umupokipoki; his grandfather was Te Watumakurukuru, his offspring is Te Rautahi.<sup>78</sup>

<sup>76</sup> McLean Maori Letters, MSP32:668. Piripi to McLean [n.d.] [late] 1844.

<sup>77</sup> Illegible.

<sup>78</sup> McLean Maori Letters, MSP32:672B. Te Teira to Governor and McLean, 7 April 1848. The transcription of names from a very poor photocopy is tentative.

Ihaia, Te Hemara and Tamati of Haurangi put the standard understanding of land ownership succinctly:

We are seeking their ancestors, because their ancestors are not actually known. Who might their ancestors be that they said belong to the land here?<sup>79</sup>

When the people sold land, far from no-one owning the land, or owning it collectively, everyone regarded themselves as owners: 'Do not say the land belongs to the one. On the contrary, friend McLean, it belongs to the many.'<sup>80</sup> The 'many', however, did not speak of an amorphous group ownership, but described a collection of individuals, who, with increasing insistence, expected to be paid individually. Within the group, land owning was considered in individual terms, in discussions of the past and in expectations of the future:

Waiwakaiho is mine. I have heard what Ngatata and Matangi [say]. The majority have no land at Waiwakaiho, it is my very own, from my grandfather.<sup>81</sup>

As for the pieces of land which have been handed over to you, I am satisfied with that - let a Pakeha live on such a piece of land. But the part I want kept for myself, is for me alone.<sup>82</sup>

While on the horizontal axis of land tenure (the chiefly or foreign relations mode) the rights of individuals are reduced to one right - that of membership of the group, on the vertical axis (the domestic mode) the individual rights of named people with regard to specific pieces of land are continually reinforced in letters. The view that the land of individual Maori cannot be sold without consent is explicitly presented. In 1844, Hoera, Paratene and Manahi complained that Pakeha were settling on land (the 'Fitzroy Block') for which owners who were out of the district had not been paid. They listed the people who were living at Kaputi (modern Kapiti) and said:

Now even if you Pakeha keep trying to buy the land of the people who are not there, I will never agree to sell it.

When you and Clarke spoke to us before, you said this: the portions of Matiaha and his sister Iwikahu would be left out. We are not willing to sell them. Each of them will fetch their pieces to be paid for.

<sup>79</sup> McLean Maori Letters, MSP32:671a. Ihaia, Te Hemara and Tamati to McLean, 1847.

<sup>80</sup> McLean Maori Letters, MSP32:675f. Te Kahawai and Te Hapimana to McLean, 22 July 1851: '*Kei mea koe no te tokotahi te wenua otira e hoa e Te Makarini no te tokomaha.*'

<sup>81</sup> McLean Maori Letters, MSP32:669a. Panapa to McLean, 29 April 1845.

<sup>82</sup> McLean Maori Letters, MSP32:668. Piripi to McLean [nd] 1844. The term *wahi wenua*, which indicates an area of land within a larger whole, was used by both Maori and Pakeha to refer to the land holdings of individuals.

Now, about people who will not agree. Now, if I were to sell other people's pieces I would do wrong. I fear to be like Ananias and Sapphira. It fell to God to punish their theft of the payments for the land..<sup>83</sup>

After 1840 land sales were not conducted with a foreign power but with the Governor whom Maori understood as the leader of a new tribe. Increasingly, and soon, exclusively, land sales were made under the *tikanga* of domestic ownership, rather than that of group ownership as symbolised by the chief. Domestically, everyone owned land, and the direction of the evolution in thinking about land was towards a reinscription of the inherent individualism of westernised land tenure. Maori found it difficult to act as a group in the domestic situation, in which individuals were accustomed to an independent authority over land. The struggle for clarity is expressed in letters which asserted - at the same time - the rights of both the individual owner and the group. The following letter expresses the rights of individuals, the rights of the group, and then brings in the third element, the right of chiefs to organise and oversee the actions of the people:

The reason I write to you is for that land at Tapuae to be left lying quietly. Let it lie quietly until I arrive. When my condition improves I will come back to you and your men. I do not agree for this place to be sold in case a mistake is made. Let me emphasise: everyone has rights in it. I do not want to steal the land sale. All the people have rights.

Do not listen to what the people selling land to you say. Rather it is for me and my elders to sell that area, so that it is done properly and lastingly. The whole say is mine – mine, Te Ngahuru's and Parenga's. It lies with everyone. If any person should sell it you will never get it, I will take it back again.<sup>84</sup>

Sale in the domestic mode of ownership had far reaching effects on Maori society. First, it ironed out differences of status and gender. People engaging with the colonial state were much more powerful relative to their chiefs than had been the case in the pre-Treaty period. Second, it supported the individual in his or her land rights. The right of an individual not to sell was recognised both by Maori and the government: the land of dissenting individuals was cut out of many blocks purchased. It seems inevitable that the recognition of the individual right not to sell would enlarge into its logical converse, the assertion of an individual right *to sell*, and this happened in Taranaki. Traditional ownership of cultivations began to be construed by radical

<sup>83</sup> McLean Maori Letters, MSP32:668. Hoera, Paratene and Manahi to McLean, 28 September 1844.

<sup>84</sup> McLean Maori Letters, MSP32:675d. Nga Rongomate to McLean, 15 May 1851.

change-makers as ownership in a Pakeha sense, and this included the right to sell without consulting the group.

When Te Teira, knowing that the governor intended to recognise individual claims, offered to sell 'his land' at Waitara in 1859, it was not simply a case of a pretender challenging the power of the chief. Underlying his action was the conflict between the chiefly and domestic modes of land ownership. In this situation, Governor Gore Browne chose to recognise the individual right of the domestic mode of Maori land tenure. In this way the government helped fracture the unity of Maori thought about land. The consequences were of stunning magnitude, because it precipitated a civil war after which Maori lost all semblance of political power for the rest of the century. The change in land tenure overwhelmingly contributed to the breaking up of the basis of the authority of chiefs, whose former position had anchored the political cohesion of the group, and supplied the status which the English had recognised as a society which commanded their respect.<sup>85</sup> The replacement of this society with a system of land tenure which destroyed Maori institutions and customs meant that subsequent Maori identity coalesced in opposition to the Pakeha, and then separated into the *mana motuhake* of the Kingitanga and other groups. This lack of congruity between traditional ideas and land sales is clear in the Waitara affair. When Wiremu Kingi agreed that the land was Te Teira's but refused to let him sell it, he was expressing the old fashioned, domestic concept of land ownership, in which everyone owned their cultivations, but no-one could, acting alone, alienate tribal land. In denying Te Teira's right to sell, Kingi was re-stating chiefly authority as it had operated in the traditional world. However, this was not a blow for 'continuity' on a 'continuity versus change' axis such as is frequently presented in the historiography. Kingi's refusal to allow Te Teira to sell land - at least some of which was 'his' - was in itself a primary statement of the consciousness of change. Kingi too was a modern, for he was claiming *mana* over a ruled or governed territory, in the new, land-centred way; as he said, 'the only ancestor living is the land.'<sup>86</sup> This novel claim shaped the landholding politics of the King Movement (and unaffiliated individuals, such as himself), which was the most important political phenomenon of the 1850s. Kingi was talking about a ruled territory, *te mana o te*

<sup>85</sup> The need English gentlemen had to see chiefs as an aristocratic counterpart to men of status in English society is reflected in a curious development in the 1870s, when landowners sometimes had themselves photographed in Maori cloaks and warrior accoutrements

<sup>86</sup> *AJHR* 1862, E1 No.24, Encl 1 sub-encl., p.54, 'Letter from the Maori King's runanga', 12 June 1861.

*whenua*: here is the Treaty come to rest in Maori society, and the source of *mana motuhake* politics in the late twentieth century.<sup>87</sup>

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<sup>87</sup> Over time, the result of the enlarged meaning of land was that the idea of individual land ownership came to be dismissed as a Pakeha fiction. Behaviour which arose from the power of the individual to act in respect of his land became inexplicable, and looked maverick, and led to the resurrection of a further explanation, though unanalysed, as an organic Maori propensity for intra-group conflict. This explanation was given by Pakeha at the time. The explanation of the conflict which led to the war in terms of traditional rivalries avoids the simplicities of the good/bad model but also presents difficulties, in particular the conclusion that Maori were so locked into traditional strife that they could not deal constructively with the colonial situation. The McLean Maori Letters reveal people continually grappling with the shocks of the new - everything contingent on the presence and power of the Pakeha. The big events of the nineteenth century lie in the relationship between Maori and Pakeha, and it is the study of this relationship, rather than the imperatives of traditional culture, that will establish a firm basis for understanding land sales in the post- civil war era.



## CHAPTER NINE

**The State and Maori citizenship**

**Who says people will not live on money? People will live on money. It was by money we were saved from Taonui's intention of destroying Waitara. You say the people will live by greenstone. No! I got money from the Europeans. I gave it to Taonui, and that was great to save the neck of men, and neck of land.**

**The lands are given by me into the hands of the whites in all directions. My thoughts and determinations shall not be broken by Ariki [chiefs] looking at me.<sup>1</sup>**

In the pre-Treaty contact period Maori society was like a kaleidoscope: one shake shifted everything – but randomly, so that initially no change looked individually more significant than any other. The flexibility of mind that opened the way to rapid westernisation in Polynesian societies has been remarked upon by Marshall Sahlins, Jonathan Smith and others, but willingness for change should not be mistaken for freedom of choice. The random quality of the surface of early contact Maori society is misleading, because an irreversible direction for the century began at this time. By dealing in land with the New Zealand Company in 1839-1840, Te Atiawa chiefs set in motion the relationship with settlers and government which would end in war and the confiscation of Taranaki territory. Te Atiawa's motivations have been held to be inscrutable by modern scholars. In the absence of an attempt to understand, a polarising suspicion rules the field: either the chiefs were driven by naive dreams of easy money, or they had no idea that they were alienating the land when they 'sold' it. This chapter argues that the difficulty of understanding motivation should not mean that it is incapable

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<sup>1</sup> Donald McLean, 'Journal', Vol.2, 1848, quoting the land-seller Ihaia.

of historical reconstruction. Te Atiawa were subject to the same forces, and made the same choices, as other Maori; the prospect of alliance with the power of the European world underlay Maori acceptance of foreign government and foreign settlement. The power of the foreigners was both feared and desired, and both responses impelled engagement. Te Atiawa were therefore pursuing rational goals when they sold their land; this constitutes the intellectual background of their citizenship of the state. However, 1840 is in many ways a false divider of Maori experience. In order to glimpse what made Maori citizens – that is, subjects of the Crown rather than a people in free association with its representatives – it is necessary to gain an idea of the momentum for change that was generated before the colony began, and how that change led to signing a Treaty. It is important to this chapter to attempt to give a sense of a period *in moto perpetuo*; that is, of the ferment of ideas and of the ungovernability of the changes that the arrival of Europeans set in motion.<sup>2</sup> As the early shaping of change is most clearly glimpsed in the north of the North Island, the chapter will begin its explanation there, extracting from it principles that apply to Maori society generally.<sup>3</sup> The chapter places the post-Treaty experience of citizenship by, in particular, Te Atiawa, in the context of pre-Treaty change, the motivations of which continued to shape behaviour subsequently. It focuses on the domestication of change in post-Treaty civil life, which constituted the exercise of citizenship.<sup>4</sup> This is a subject which is submerged in the political history of the period, which is strongly focused on the build-up to war. However, while the government's desire to buy more land in Taranaki was doubtless a factor in almost any communication from the government to Taranaki people, the Maori side of the correspondence shows people acting as citizens of the state, pursuing prosperity for their families and security for their persons and property. This chapter grounds an argument for willed change in

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<sup>2</sup> The penetration of Pakeha into Maori societies before 1840 was geographically uneven, and no analysis of contact applies to every area and tribe at any one time. Nevertheless, there was no tribe left untouched by change.

<sup>3</sup> It should be remembered that news travelled throughout Maori New Zealand, and what was known in the “documentable” north was also known in the south. In fact, knowing about foreigners but not having established relationships with them was an early pressure on Maori to offer land for sale.

<sup>4</sup> The fullest treatment of the wars in Keith Sinclair's *Origins of the Maori Wars*, Wellington: New Zealand University Press, 1961. See also Ann Parsonson, ‘The pursuit of mana’ in W. H. Oliver with B. R. Williams (eds.). *The Oxford History of New Zealand*, Auckland: Oxford University Press, 1987 (reprinted), pp.140-168.

letters written mostly to the government.<sup>5</sup> It provides evidence of Maori willingness to be governed, providing that government was just. Nevertheless, citizenship did not work in the terms Maori expected. In the end, state greed for land overcame the pledge in the Treaty to offer just government to Maori, and the result was war.

### **Representations of power in pre-Treaty society**

Until Europeans arrived, all Maori calculations about expressions of power were self-referencing. Afterwards, Maori had to deal with the idea of a world full of nations whose technologies were more powerful than their own. Europeans other than the British had an established presence in Maori minds before 1840 both conceptually and practically. The engagement between Bay of Islands Maori and the French in 1772, in particular, remained in memory two generations later, unlike less violent episodes associated with Cook and Tasman.<sup>6</sup> This is because the loss of life on both sides had set up the relationship of enmity expressed by the term *hoariri* (adversary, lit. ‘fighting companion’) that, in Maori minds, could always be rebalanced by another round of war. The ‘King’s Letter’ of 1831, in which some northern chiefs petitioned the king of England for an increased British presence in New Zealand waters, was prompted by the reappearance of French ships, while the ‘Declaration of Independence’ of 1835 entreated King William to ‘...continue to be the parent of their infant state, and ... become its Protector from all attempts upon its independence.’<sup>7</sup> It is important to grasp that the fears expressed by Maori were those of a people accustomed to war, and who viewed the sea as the lair of enemies. Northern Maori knew from practical experience that the French were a warlike naval power who were already in the Pacific, and the French represented all other foreigners as yet unknown, but guessed at through experience gained by Maori on Pacific whaling and trading ships and by Maori travel to England as guests of the British. On the evidence available, it was reasonable to fear foreigners, and to deal with that fear

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<sup>5</sup> An occasional pertinent document from outside Taranaki will be included in the examination.

<sup>6</sup> Several hundred Maori were said to have been killed when the French destroyed their *pa* in retaliation for the killing of Marion Dufresne and his men in June 1772; ‘Journal of Lieutenant Le St Jean Roux’ in Robert McNabb, *Historical Records of New Zealand*, Vol. 2. Wellington: Government Printer, 1914, p.433. While stories exist of encounters with Cook by men who were children in the eighteenth century, their provenance is shaky.

<sup>7</sup> For the English text of the ‘Letter’, see Claudia Orange, *The Treaty of Waitangi*. Wellington: Allen and Unwin, 1987, p.256. The Maori text of the ‘Letter’ is in GBPP 1840, [238], p.7, petition enclosed in Yate to Colonial Secretary, New South Wales, 16 November 1831.

by seeking alliance with the British, who were already established as Maori allies (i.e. enemies of the French) on Maori soil.<sup>8</sup> Politically, therefore, Maori had positive reasons for signing the Treaty of Waitangi.

In the pre-contact period, wealth was the foundation and expression of Maori power. Pakeha had lots of efficacious things, from articles of clothing to guns and ships, and therefore Maori construed European society as powerful. The cultural tradition through which Maori assigned meaning to European manufactures explains what early travellers called Maori 'acquisitiveness', a word whose meaning was enclosed in the morality of the foreign observers, and which deprived Maori action of its own meaning. From the earliest times Maori understood the implications of Pakeha wealth. In 1805 the Nga Pahi chief Te Pahi went to Sydney and was taken to a rope works. When he saw that the twine they were making was better than that of Maori manufacture, he wept.<sup>9</sup> Earlier, when Te Pahi had viewed the magnificence of the Sydney Government House, his response was to declare himself the vassal of the Governor, at the service of his lord.<sup>10</sup> For Te Pahi, possessions showed the virtue, or active presence, of power. His response was not that of an innocent, but of a man who understood power, and wanted to be allied with it. Trade in goods began with Cook and continued (with a few discontinuities, such as the check caused by the 1809 plundering of the *Boyd*, which was burned and her crew killed) with ship and shore based foreigners.<sup>11</sup> By 1840, northern chiefs understood the grip of western goods on their society:

Friends! Whose potatoes do we eat? Whose were our blankets?<sup>12</sup> These spears (holding up his taiaha) are laid aside. What has the Nga Pahi now? The Pakeha's

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<sup>8</sup> Maori attempts to gain foreign allies were not solely focussed on the British. Hone Heke's overtures to the Americans in 1844 carried clear implications for shared power, and Heke would have assumed that the Americans would inherit responsibility for foreign relations from the British.

<sup>9</sup> Patricia Bawden, *The Years Before Waitangi*, Auckland: P.M. Bawden, 1987, p.38. By 1818 Maori were rejecting shoddy iron tools made in Sydney, preferring English products instead; Judith Binney, *The Legacy of Guilt - A Life of Thomas Kendall*. Auckland: Oxford University Press, 1968, p.37.

<sup>10</sup> Bawden 1987, pp.36-37.

<sup>11</sup> See Wade Doak, *The Burning of the Boyd*, Auckland: Hodder and Stoughton, 1986.

<sup>12</sup> The translation in the past tense is typical of the awkward expression of the Treaty debate speeches, which survive only in English versions. Nevertheless the awkwardness itself is strong evidence of the authenticity of the speeches, which read clearly as literal translations from an original Maori version. The *no wai?* of the interrogative 'Whose?' is a case in point. *No wai?* speaks of possession achieved, and appears to an English mind to be a past tense, as in this translation.

gun, his shot, his powder. Many months has he been in our whares [houses];<sup>13</sup>  
many of his children are our children.<sup>14</sup>

The authority of goods speaks in the first post-Treaty official proclamation in Maori, which tried to stop soldiers and Maori trading in military issue equipment:

Now, that regulation states that soldiers are under no circumstances permitted to sell the things issued them by the Queen, such as uniforms, guns, powder... nightshirts, horse feed or anything else; neither are they permitted to trade off those things for the garments of some other person; neither also may any man procure the Queen's goods which have been issued to make soldiers of her men.<sup>15</sup>

This proclamation indicates change already accomplished in Maori society, and also portends change to come, as trade goods became staples of a way of life.<sup>16</sup> The authority wielded by goods contains a major reason for the vulnerability of Maori land to alienation. Maori needed to trade with Pakeha in order to acquire power in things, and therefore they sought the essential pre-condition for trade, which was the settlement of Pakeha amongst them. What attracted foreign settlers was the prospect of owning land, therefore the most important negotiation between Maori and Pakeha was one which represented land as a commodity. Pre-Treaty land sale grew out of trade and was attached to its mentality. Land had already become a bank underwriting the currency of trade in areas where Pakeha had settled before 1840, and this pattern was afterwards repeated in other districts. As long as land continued to be thought of as a trade commodity, (that is, before an understanding developed of its connection to English conceptions of the development of the colony), there was little reason for Maori to check its availability for sale.

The relationship between Maori and Europeans in the pre-Treaty period was not solely economic; if it were only a material trade in goods or land, Maori history would be reduced to questions of scale rather than those of change, and the history of colonisation

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<sup>13</sup> The translator has in mind the transliteration of 'months' (*marama*) whereas the Maori word is that for 'moon', and denotes an unspecified length of time. The staccato rhythms of the speech reflect the *takitaki* - the custom of delivering an oration in short bursts of speech between short runs from one to the other of two fixed points.

<sup>14</sup> Speech of Tamati Waka Nene at the signing of the Treaty at Waitangi. Buick 1976 [reprint], p.142.

<sup>15</sup> *He Wakapuakanga*, 'Circular of Governor Hobson to the Chiefs.' 2/5/40, Hocken Library.

<sup>16</sup> Fernand Braudels's observation of the Sumerians that their trade in copper 'launched [them] into the adventure of long-distance trade which, in every age, has been revolutionary' seems apposite in respect of the effects of Maori trade with foreigners; Fernand Braudel, *The Mediterranean and the Mediterranean world in the age of Philip II*, translated from the French by Sian Reynolds. London: Collins, 1972-73, p.67.

to relativities of might. What centres the Maori century in change is ideas; this is what made the deep connection between Maori society and Europe.<sup>17</sup> Change in ideas began in the powerful impact of Christianity on Maori warfare; the importance of the Christian missions to developmental issues in Maori society during the early nineteenth century needs a clear re-statement.<sup>18</sup> Pre-Treaty Christian missions were the force for qualitative change in Maori society. This stood in strict opposition to the quantitative change – change of scale – introduced by trade. The strongest early representation of Pakeha power in material goods was the musket, and Maori went to extremes of toil in order to trade for them. Access to more deadly weaponry did not expand tradition, but collapsed it, because custom could not encompass the scale and impersonality of the slaughter made possible by firearms. In the early decades of the century, inequality of access to guns destroyed the symmetries on which tribal politics turned. Some tribes were now much more powerful than others, but too much power was as burdensome as too little. The energy of foreign technology needed to be harnessed in less damaging ways; nevertheless, it was a trade good that opened the door to the intellectual changes of Christian conversion. Maori sought a new politics of inter-tribal relationships in order to counter the destructiveness of musket warfare. The first beneficiaries of the search were the Christian missions, who, above all, preached the necessity of peace. Professions of belief in a god who required peace allowed tribes to avoid the raiding which *utu* prescribed.<sup>19</sup> *Utu*, however, was the basis of order in Maori society, therefore the aim to curb warfare struck at its heart.

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<sup>17</sup> This chapter has been influenced by works on the conversion to Christianity of native American tribes, especially Richard White's *The middle ground*, (*op. cit*) and also the case of the European barbarians. See Seamus Heaney (translator), *Beowulf*. London, Faber, 1999; Richard Fletcher, *The conversion of Europe*. London, HarperCollins, 1997; Stephen Neill, *A history of Christian missions* (2nd. Edition). Harmondsworth, Penguin 1986.

<sup>18</sup> This connection has been crudely made in the literature so that what is reinforced is the popular impression of (ironically) a Jesuitical casuistry and militancy in the missions. A brief early interlude, in which inadequate artisan missionaries were overwhelmed by a Maori society trading in muskets, has been given too much weight, apparently in an attempt to try and level the differences between Maori and Pakeha culture.

<sup>19</sup> Conversion was, for the majority of Maori, not enclosed in a mission sensibility, but this does not mean that it was any more self-serving than religion normally. Maori Christian observance was serious with the weight of the past, in which the reality of the spirit world was unquestioned, and ritualistic with the assumption that ritual accessed the spiritual. Christianity was the beneficiary of custom, and if most Maori were not zealous by missionary standards, this was not because Christianity was rejected, but because it was conceptualised and practised in a Maori way. It is frequently said now that Maori conversions were specious because Maori retained their own thought patterns. This is only true if one uses an ethnocentric valuation of Christianity.

The desire to regulate fighting generated a political need to know how to serve the foreign god, which in turn, opened the Bible to Maori. This made missionaries, their books and their Maori helpers a power in the community, both as political negotiators and teachers of religion. The biblical idea that was most radical, and spoke loudest and first to a warrior society rocked to its core by the scale of musket warfare, was the New Testament doctrine that community and inter-tribal relations could be ordered by a doctrine of peace, and expressed as the rule of law which expressed the Old Testament relationship between God and Israel. It was not that Maori had failed to value peace previously, but it had been a by-product of political success rather than its goal and measures for its maintenance were fragile. The entry of missionaries into Maori society as political educators made peace credible, because missionaries argued for its spiritual strength in terms of power that were familiar to Maori: that peace was the will of an all-powerful god. Maori judged God powerful, because his European followers were wealthy beyond the measures of a people newly emerged from Neolithic culture. Missionaries acted as mediators between groups of Maori who did not know the Christian vocabulary of peace from any other source. In this role – often courageously performed – missionaries gained a place within Maori society. Their status as insiders, which they achieved in the pre-Treaty period, was the basis of an authority that was maintained until the war in 1860. Conversion was, however, even vaster in its implications for change than its effects on the prosecution of war; at the same time, it expanded the bases of political action. In contrast with the Homeric inter-tribal competitiveness of the past, a new picture of an inchoate Maori ‘nation’, based on biblical models, developed in the minds of literate Maori thinkers in the post-1840 period. This began a change in the relationship of most Pakeha clergy to Maori communities; they went from insider to representatives of colonial power. This explains the peculiar intensity of their rejection by Maori in the 1860s war.

The importance of the missionaries as shapers and indicators of change in Maori society has been downplayed in currently influential historiographical paradigms; this is an error of magnitude, and needs correction. While missionaries at first lived under the protection of chiefs, and occasionally did so precariously, at no point did they willingly live like Maori. Their goals remained their own; the compromises they were obliged to

make were only in the pursuit of these goals. The turning point for the missions' independence came early. It can be seen to have occurred by 1828, when Hongi Hika, the protector of the senior missionary, Henry Williams, died. The CMS mission did not then fail, as it would have if its terms of operation were solely Maori. Instead, it continued to develop in size and influence, not as a chief's *mokai* (favourite under patronage), but as a legitimate sector of Maori society. The establishment of the legitimacy of missions was also a turning point in the politics of the inter-racial relationship, because it pushed forward the development of the climate of opinion that would culminate in the signing of the Treaty. The missionaries' presence among Maori was more than physical proximity, and their meaning was not simply as point of access to trade. The holism of Maori thought meant that European culture did not appear to the tribes as a miscellany, but as a deeply connected system that explained all objects and behaviours. More than any other pre-Treaty settlers, missionaries offered to Maori the ideas which generated the technologies and possessions of the Europeans; these exercised an increasing authority and attraction, and for this reason settlers and their religion were at first tolerated, and, subsequently, sought after. The cultural balance tipped with increasing speed towards making imported culture a package which was necessary to Maori, and as this happened: Pakeha, who controlled access, gained in power.

By 1840 there were three generations of interpenetration of culture between Maori and Europeans.<sup>20</sup> In a society where the past was remembered, not written, this was more than sufficient for the Pakeha presence to have assumed an historic inevitability in Maori eyes. At the close of 1814 the Church Missionary Society had established a shore-based community of Pakeha in the Bay of Islands. Over the next fifteen years, missions established a legitimacy of presence, in Maori terms, simply by continuing to be there; the weight attached to sustained visibility and occupancy looks entirely different from a Maori point of view. The legitimacy-through-visibility, *kanohi ki kanohi* (face-to-face), of the missions in Maori eyes challenges the view that the missions remained fragile and dependent throughout the pre-Treaty period. In 1840 the influence of missionaries on Treaty signatories was not confined to advice about an unknown future. It was what mission teaching had already

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<sup>20</sup> While many areas had yet to experience the settlement of Pakeha among them, even tribes as apparently 'remote' as Tuhoe in the Urewera region had gained information on the culture of the foreigners.



accomplished among northern tribes that formed, in Maori minds, the powerful association between Pakeha, God and power. The Nga Puhi chief Waka Nene's speech in favour of accepting the Treaty has had a long and banal history as an apology for colonial rule, but restored to its proper position as the product of seventy years of Maori interaction with the British, it emerges as a reflection on the irreversibility of history:<sup>21</sup>

Say here to me, O ye chiefs of the tribes of the northern part of New Zealand, how are we henceforward to act?

Is not the land already gone? Is it not covered, all covered with men, with strangers, foreigners - even as the grass and herbage - over whom we have no power?

... The Governor to go back? I am sick; I am dead, killed by you. Had you spoken thus in the olden time, when the traders and grog sellers came - had you turned them away, then you could well say to the Governor, 'Go back,' and it would have been correct, straight, and I also would have said with you, 'Go back' - yes, we together as one man, with one voice. But now as things are, no, no, no.<sup>22</sup>

By the 1840s Pakeha were woven into a whakapapa of contact that emphasised the familiarity of the foreign presence in New Zealand. Pakeha had at least a conceptual existence in the minds of every Maori in 1840. In the Bay of Islands and the Hokianga (and a few other places such as the far south), where Pakeha residence was well established, the relationship between the two people had developed a *tikanga* (governing protocol).<sup>23</sup> It has been a contention of this thesis that analyses of the early nineteenth century which emphasise cultural distance have the effect of making Maori action inexplicable, particularly in the context of the signing of the Treaty of Waitangi. Because of the long relationship between Maori and Pakeha in their territory, when the chiefs of the north went to the Treaty debate they thought that Pakeha had a legitimate presence in New Zealand – in Maori (or tribal) terms. The question of the day was whether to legitimise that presence in the foreign terms of British power, that asked Maori to accept

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<sup>21</sup> Opposition in debate was culturally required; after such debate, there would typically be a collapse into consensus; in the case of the Treaty, those who had expressed strong opposition during the debate also signed.

<sup>22</sup> Buick 1976, pp.142-143. The quotation has been broken up into short paragraphs to reflect the fact that Maori speeches were not static orations but delivered in short bursts that punctuated the speaker's movement back and forth along a short 'track'.

<sup>23</sup> The reason that this thesis continues to offer a translation of *tikanga* is that it is a word that has an essential moral quality of 'rightness' but applications to many situations that require a different covering to the core idea of something upright, proper and secure.

the *mana* of a foreign governor and monarch. Maori had necessarily to take these terms substantially on trust.<sup>24</sup> The background to the chiefs' decision-making shows the radical courage Maori displayed in signing up for a new political future, but also their calculation of interest. In the 1820s Maori 'governed' Pakeha, and the contemporary literature makes clear the dependency of foreigners living as clients of chiefs. But by 1840, in startling contrast, Pakeha in the north were viewed as a powerful local tribe that Maori could not attempt to govern. The reversal of the 1820s position not only provides evidence of early change in Maori thinking, but also offers a substantial logic for making a Treaty with the British. Indeed, the chiefs gave the need to regulate the behaviour of Pakeha as an argument for their acceptance of a governor, and this view was frequently repeated subsequently. In some modern analyses, however, this point has been overextended to suggest that Maori thought that the Governor would govern Pakeha alone, and not interfere in the life of tribes. Maori opinion shows that the Treaty was not confined to the question of controlling the behaviour of the resident Pakeha. By signing the Treaty, Maori signalled a desire to enter the kind of society that had made Pakeha powerful. If this was a leap of faith into political change for Maori, for Pakeha, by instructive contrast, it was a confirmation of their familiar world; herein lay the inequality of the two peoples at the point of their uniting.

As discussed in Chapter Three, the principals at the signing of the Treaty at Waitangi and in the Hokianga were exemplars of the exercise of personal power. While they were aware of differences in personal status among British individuals, they also had some understanding that in western societies power was delegated (from the Crown), and that the arbitrary execution of power by individuals was restrained by institutions of government. Such institutions were perceived not so much as strong but as right, because coded laws that derived from God were assumed to govern them. By signing the Treaty the chiefs hoped to succeed in that greater world of power and wealth from which, on their own, they were presently excluded. The record of the Treaty debates shows an understanding that accepting a governor meant choosing a different way of ordering

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<sup>24</sup> This was the point of Colenso's much misinterpreted intervention, discussed in Chapter Three. When he asked whether the British were satisfied that Maori understood what Henry Williams was interpreting to them, Colenso was not questioning Williams's translating ability, but asking about the bigger picture. In effect, he queried whether the British were trustworthy.

society. One small, but telling, example is Waka Nene's observation that: 'We, the chiefs and natives of this land, are down low [i.e. assessed in the light of Pakeha culture]; they are up high, exalted, yet they *make no slaves*.'<sup>25</sup> Nene's view was grounded in a realisation of positively perceived cultural difference. British disinclination to make slaves of a vulnerable people was a message about power construed in ways that were un-Maori. It contained the hope that nothing in a future society governed on foreign lines by foreign personnel would exclude Maori from equality with the English, or from the pursuit of wealth. In summary, at Waitangi the chiefs behaved traditionally, in committing the tribes to a course of action. When they voted to become 'British citizens' this meant, in practical terms, accepting a foreign governor who would buy the land, develop the trading economy, regulate interaction with Pakeha and offer protection against tribal and foreign enemies. Maori expected — but had to trust — that commitment to the Treaty would be rewarded by citizenship, as understood by Pakeha.

Te Atiawa's motives for inviting Pakeha to settle in Taranaki were consistent with the politics of the times. The things that were immediately needful to the tribe were increased access to trade, and strengthened defences against current enemies.<sup>26</sup> These goals were, in the context of 1840, sufficient reason for their first action on the national stage, which was to offer land for Pakeha settlement. It is an interesting comment on the relationship between missionaries and Maori that when Archdeacon Henry Williams of Paihia heard that Colonel Wakefield was sailing from England to buy New Zealand land for settlements, he wrote to tell Maori living around Cook Strait not to sell. Later, impelled by intimations of approaching doom, he travelled south to reinforce the message that Maori should retain their lands. Williams' warning was based on experience in the Bay of Islands, where land had become the main commodity of Maori trade.<sup>27</sup> It would be easy to see hypocrisy in Williams' actions, as the establishment of the missions had begun the northern land market; Williams himself had bought large tracts on which to settle his family. A more subtle reasoning, however, suggests that Williams acted like a

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<sup>25</sup> Buick 1976, pp.142-143 (my italics).

<sup>26</sup> While fear of Waikato has been downplayed in some reports before the Tribunal, much contemporary evidence exists to suggest that the relationship with Waikato played a significant role in Taranaki politics. See Chapter 12 and the sections concerning Wiremu Kingi.

<sup>27</sup> For Williams the difference was that missionaries were committed to helping Maori willing to listen to them, whereas the Wakefield settlements were purely commercial ventures.

chief. He had provided land for his ‘tribe’ (family), through negotiations with the (Maori) tribes with whom he was in alliance.<sup>28</sup> His efforts to prevent southern sales also fitted the tribal paradigm. It is plausible to see Williams’s actions as an attempt to keep out foreigners, people without the alliances and relationships that conferred legitimacy and maintained the tribal idiom of society. By this reading, Williams had become sufficiently localised in Maori New Zealand to object to the separation of the land and politics nexus that ordered it. This shows the creation of the kind of ‘middle ground’ in New Zealand that Richard White argues for in respect of North America.<sup>29</sup> Williams foreshadows – indeed, he prophesies – the similar realisation of the perils of land sale that occurred among Maori in the later 1840s, leading to the emergence of nationalist aspirations. However, Maori did not heed his advice in the south, where inter-cultural trading relationships had not yet evolved into substantial Pakeha settlement. Te Atiawa were facing the foundation question: what were the advantages of allowing strangers to live amongst them?

This chapter has so far outlined the forces pushing Maori to relinquish their political independence. Christian allegiance, acceptance of Pakeha settlement and a British governor were political strategies for protection against the known threat from tribal enemies possessing western weaponry and the unquantifiable threat of foreign aggression. In addition, the prospect of the expansion of the trading economy and the maintenance of inter-group peace through the creation of a polity in which Maori and Pakeha were ‘equal’, and governed alike according to British customs, produced the Maori side of the agreement at Waitangi. The major weakness in the Maori position in 1840 was that they were inevitably looking at the British across a cultural divide, and from a point of view that included very little experience of ‘government’. A few Maori knew what western societies looked like – rich in material goods – but none of the major chiefs had lived overseas long enough to know what living within a western society entailed. Nene’s observation that the British ‘made no slaves’ was significant in terms of a Maori slave-owning culture, but observations of cultural difference shed little light on

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<sup>28</sup> It is instructive that when missions spread to the Wellington region, Maori objected to having missionaries from the Bay of Islands on the grounds that they had become too Maori.

<sup>29</sup> Richard White, *The middle ground: Indians, empires and republics in the Great Lakes region, 1650-1815*. Cambridge: Cambridge University Press, 1991.

how the British might act in a colony of the Crown. The phrase ‘cultural difference’ suffers from the weightlessness of overuse, but it was the point on which the success or failure of the Maori gamble on government by Pakeha balanced. As the government, it was up to the British to show Maori that they both belonged to a common project, working towards a common national identity based on Maori citizenship in a settler-led colony. Te Atiawa made the same answer as other Maori to the question of whether modernity should be pursued, and trusted the British. The result was the land deals they made with the New Zealand Company and acceptance of the Treaty.

The 1985 amendment to the Treaty of Waitangi Act 1975 gave the Waitangi Tribunal power to hear grievances back to 1840. This took the meaning of the Treaty out of the post-1840 history of New Zealand by binding it to a moment in time. While much subsequent attention has been focused on the words that memorialise that moment, the Treaty as a document tells us nothing about how Maori in the 1840-1860 period understood its application. The words *Tiriti o Waitangi* do not occur in the thousands of Taranaki McLean Maori Letters, although many are political documents, and are equally rare or absent in other sources.<sup>30</sup> A search of the newspaper *Te Karere Maori* to 1850, for example, shows a single (non-Taranaki) case of reference to the Treaty by a Maori writer; even then it was called ‘*te tuhituhinga ki Waitangi*,’<sup>31</sup> rather than ‘the Treaty’. As the words *Tiriti o Waitangi* had little currency, the weight that the English language attaches to the word ‘Treaty’ was absent; it cannot carry the heavy burden of interpretation in this period that is now laid upon it. However, if the document is, as seems proper, laid aside, the prime question becomes, how did Maori perceive their relationship with Pakeha? In particular, how did they perceive the state, both as an authority over them and an institution to which they belonged as citizens? While few Maori, presumably, can have foreseen the rapid development of a situation in which they would be a powerless minority, the McLean Maori Letters suggest that it is also untrue that Maori thought that colonial government changed nothing. It is correct to say that Maori understood the ‘Treaty of Waitangi’ – i.e., government by the British – differently from Pakeha, and not as a

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<sup>30</sup> Although the Treaty quickly disappeared from the vocabulary of government communications to Maori, it was vigorously recovered during the slide into war, in order to remind Maori of their obligations to the state.

<sup>31</sup> *Te Karere Maori* Vol.2 No.44, 29 August 1850. Kingi Hori Te Waru and Hoani Papita Kahawai to Queen Victoria.

document. This, however, is axiomatically not to say that Maori did not know the importance Pakeha attached to documents. It is important to recollect that land deals had been ritually validated by written deeds at least since 1815. Christian Maori had also had access to scriptures and liturgical works in print since 1827, with the entire New Testament becoming available in 1837. By then Papahurihia, literate and mission-educated, was already preaching an independent message that drew on Christian symbolism, and, moreover, wrote his teachings down in Maori (in a text that was subsequently lost).<sup>32</sup> The wide Maori experience of documents by 1840 means that they would have had no difficulty understanding that the written Treaty constituted the Pakeha side of the agreement. As for themselves, Maori viewed the Treaty as a debate. Chiefs who lived alongside Pakeha conducted this in Maori. As a result, the Treaty debates cannot be dismissed as naive, or as lacking standing in Maori terms; it is necessary to make this point before an anatomy of Taranaki society is embarked on. The Treaty of Waitangi that was signed following the debates had *mana* as an agreement between Maori and Pakeha chiefs. The truth of the agreement was to be found in the functioning of the state, which had to be created in subsequent action. However, it was the Maori expectation of action by Pakeha that constitutes the Maori legitimation of the state. That expectation is the reason that the Treaty can be said to have had validity even among tribes who did not sign, or among individuals or groups who did not feel represented by chiefs who signed. Officials established the legitimacy of state power among Maori by virtue of exercising it. The Maori response was clear: everywhere the Governor or officials travelled, they assumed powers over Maori, and were treated by Maori as having those powers. As a result, a phrase like ‘acceptance of the authority of the Governor’ is, from the Maori point of view, a better term than ‘Treaty of Waitangi’ to describe the basis of Maori engagement with the state.

### **Citizenship: the Taranaki Maori model of the state**

This section of the chapter consists of a commentary on the lives of Taranaki Maori (and others) as British citizens, conducted mainly through the evidence of the McLean Maori Letters. As we have seen, in the pre-Treaty period the main Maori objectives were to establish foreign trade on a more regular and extensive basis, to gain

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<sup>32</sup> There is some evidence that Papahurihia’s teachings had spread to the Waikato and the East Coast in the 1840s.

protection from the threat of foreign aggression, to establish a civil basis for inter-tribal relationships and, finally, to govern the behaviour of Pakeha; these objectives had prompted Maori to sign the Treaty. The desire to engage with European culture continued after 1840, providing some of the clearest answers to the question of why land continued to be offered for sale. Nevertheless, study of the post-1840 period cannot be confined solely to the issue of land; that subject is contained within the exercise of citizenship. It is first necessary to say that the government that operated in Taranaki was the government Maori consented to have. In 1847 a New Plymouth constable recorded that Capt Richard Brown had assaulted E Whiti with a whip stock.<sup>33</sup> Brown was kept in custody for his own safety, and on the day of his trial E Whiti's relations came to town and performed a haka on the beach. The message was that if justice were not done in court, Pakeha would be answerable to Te Atiawa outside it. Such a case makes the point that power in post-Treaty New Zealand was shared. Although the right to govern had been ceded to Pakeha, Maori were its watchdog, and custom was not delegitimised in places where institutions of government were functioning. Maori usages were explicable enough to Pakeha to form a basis for a Maori citizenship that both sides could perceive. This was recognised in Section 71 of the Constitution Act of 1852 that sanctioned the continuance of Maori customs that were not 'repugnant' to civilised values. However, in the case of E Whiti, what his relatives came to ensure was that the law of the government was properly applied to a Maori victim of crime.

The word Maori used to describe the quality of the relationships with loved ones was *aroha*, 'love' in the sense of both empathy and sympathy. *Aroha* was used to express the grief and longing of separation. It was also the word used to express loyalty to the Governor, the Queen or officials representing them. While Maori were often critical of the government, affirmations of loyalty to their 'new tribe' are legion. For example, Wiremu Kingi said:

We love the Pakeha as much as they love us the people of Waikanae. Friend McLean, greetings. Great is my regard for you. Why have you not written to me?

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<sup>33</sup> The vocative 'e' placed before chiefs' names is a practice that seems to have disappeared by mid-century. The fact that, in the written record it is placed before very few names deserves study, as it may help to sharpen perceptions of rank in Maori society; it seems clear that the word 'chief' is too widely applied in the literature, including the present study, but how it can be more accurately applied awaits further study.

Do not tell me that we have some other allegiance. No. There is only one way, that of the Queen and the Governor.<sup>34</sup>

*Aroha* to the government was the Maori side of what was expected to be a reciprocal arrangement. This is clear on a personal as well as a collective level. As a government official, Hone Ropiha of New Plymouth felt a special claim on his new tribe. When either a personal or family connection with an adultery case brought him to personal ruin, he expected the government to take responsibility for compensating him:

Go my letter to McLean. Greetings to you and the Governor. My word to you is to take pity on me. I have lost everything through wrongdoing, and now live in destitution. If you do not agree, write and let me know your intentions.<sup>35</sup>

The expression of loyalty as *aroha* is evidence of a positive engagement with the state, cast in an idiom that had the strength of tradition. Maori let Pakeha into their categories of relationship in order to create a group. The difference between this 'new tribe' and its predecessors lay in the political implications of its bi-racial composition: the first national grouping Maori constructed was inclusive of Pakeha. This stands in contrast to the ethnically exclusive nationalism which was forged in the 1860s. The familial model of the Maori state created a climate that did not discourage land sales. *Aroha ki te Pakeha*, which expressed positive engagement with the state, was often given as the reason for ceding land:

Mr McLean, greetings to you and Governor Grey. I was a grown woman before the investigation of this land, Nga Motu. Mr McLean, you know my land and Karira's which was sold to you on the other side of Waiwakaiho at Araheke... Hear me: I have completely given up all my land to you two; Mangorei has been given to you. This is my love to you - that is, to the Pakeha. Now you and the Governor show me love, in a site for my house in this town.<sup>36</sup>

This is my love to you – that I sold land to you, viz Pukearuhe, Otumatua, Waharewa, Kuhuriki, Mimi, Win[ ], Awaroa, Whaiiau, Te Tanewa, Titirangi which you have seen in your journey to that place... This is the blood of Kupa, this is my dead.<sup>37</sup>

Conversely, when Maori turned against land selling they termed it the cessation of *aroha* - the empathy that constituted loyalty:

<sup>34</sup> McLean Maori Letters, MS32:670b. Wiremu Kingi Whiti to McLean, 9 December 1846.

<sup>35</sup> McLean Maori Letters, MS32:680. Meteria Hone Ropiha to McLean and Governor, 10 April 1856.

<sup>36</sup> McLean Maori Letters, MS32:676d. Metiria Matara to McLean and Governor, 13 September 1852.

<sup>37</sup> McLean Maori Letters, MS32:674b. Taonui to McLean, 20 May 1850.



Pay heed, Governor and McLean. This was the extent of our love to you: one side of Mokau was given to you. Now our love to you is ended.<sup>38</sup>

The letters quoted show that the alienation of land was a conscious Maori contribution to the state, regardless of the personal motives of the sellers. Bi-polar models of post-Treaty society that constitute Maori as antagonists of the state, or as uncomprehending victims of its power, miss the complex texture of the drive for modernisation which was changing Maori society. It was their engagement with the state, not their failure to perceive it, which made Maori vulnerable to forces they could not control. When war began in 1860 the relationship between Maori and Pakeha citizens was ruptured. The war was a cataclysmic assault on the spirit of the first Maori conception of the national polity as composed of both them and Pakeha. The shock of severance produced a new kind of *mana* (independent authority)<sup>39</sup> movement that went well beyond the King Movement's 'separate but equal' political formula. In the radical politics of the Hauhau movement, Maori survival was seen as dependent on the expulsion or conquest of Pakeha. The war ended the experiment of Maori-driven citizenship. After it, Maori continued to have a choice whether or not to participate in the colony, but they no longer saw this as a matter of the exercise of citizenship. Instead, they lived with the knowledge that Maori culture was now an ethnic marker. It was exclusive in a defensive way, and lacked support from the political and economic structures and values of the colony.

The Treaty of Waitangi cannot be depicted as a single moment after which Pakeha held all the power, but as the start of an engagement in which the shape of the state had to be worked out, day by day, in the relationship between the two peoples. The forces that influenced the decision to accept government by Pakeha continued to work in Maori society thereafter. There was no fatal inevitability that the relationship should founder because of mutual cultural impenetrability; it had worked for pre-Treaty generations in which power was restrained by calculations of self-interest, and after 1840 the relationship between Maori and Pakeha continued to be disciplined by the operation of *utu*. *Utu* was the principle of balance in the affairs of men that governed the Maori system

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<sup>38</sup> McLean Maori Letters, MS32:689. Takere [Takerei] and Te Wetine [Te Wetini] to Governor and McLean, 26 December 1856.

<sup>39</sup> A literal translation of *mana motuhake* is 'separate authority', however 'authority' does not catch the force of *mana*; 'sovereignty' does.

of justice. *Utu* taken created a state of equilibrium in the world that allowed goodness to flourish, and made growth (*tupu*) possible. Land was given to outsiders under the principle of *utu*, for example, to allies in the expectation that they would then act to strengthen the defence of the group, or to make a return for past misdeeds or past help, or to mark a significant event.<sup>40</sup> *Utu* also worked on an intensely personal level; an extreme example to modern eyes is when women rejected by their lover or husband regain pride by the *utu* of dressing themselves finely and throwing themselves off cliffs to their deaths.<sup>41</sup> The pre-contact idea of balance was in tension with the imported notion of peace; the first was achieved and maintained by a constant process of adjustment, while the second was an end-point, the authoritarian, no-compromise opposite of balance. Despite the Maori desire for peace that was a strong motivator of the acceptance of political change, the drive to restore the balance of *utu* remained after 1840. Its persistence goes a long way towards explaining the atmosphere of clamour and dispute in the early colonial period, because the striving for balance produced an instability that always risked conflict. It is necessary, however, to introduce the consideration of *utu* in post-Treaty history without too narrow an association with revenge. When Maori recorded their history, they recorded genealogy, origin and migration stories and, in particular, the fighting by which groups maintained their identity through time. As a result of this emphasis in both tribal histories and the support it receives in European stereotypes of savagery, the understanding of *utu* is dominated in the literature by its translation as ‘revenge’. However, while *utu* encompassed revenge, its larger meaning was as a concept of justice. Maori strove to execute justice in all political relationships, including relationships with Pakeha. For example, Himiona Tuhikaka wrote to McLean asking for *utu* (compensation) because he had to spend a night away from home, sleeping with his dogs.<sup>42</sup> *Utu* would restore Tuhikaka's sense of being equal with the world; his reasoning was as logical and imperative to him as the *take* that prompted the heroic traditional histories of war. *Utu* also defined value. Maori struggled for a balance of value in

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<sup>40</sup> Raymond Firth, *Economics of the New Zealand Maori*. Wellington: Government Printer, 1959, pp.412-417.

<sup>41</sup> See for example the story of Te Ao-huruhuru in Margaret Orbell, *Traditional Maori stories*, Auckland, Reed, 1991, pp.155-158. *Utu* can explain Maori behaviour which sometimes seems – from this distance – perverse or self-destructive, such as when individuals perform an action which is designed to bring down trouble on their tribe, as in the case of Te Teira's attempt to sell the Waitara block.

<sup>42</sup> McLean Maori Letters, MS32:683b. Himiona Tuhikaka to McLean, 12 September 1859.

relationships, expressed, for example, in the *ohaki* or dying exhortation of an elder to his family to repay this gift or revenge that loss after his death. It was also expressed in the operation of *muru*, in which the standing of wrongdoers within the group was restored by the punishment of ritual plunder. Most importantly, considerations of the balance of value were attached to chiefs' views of their standing in the world, that is, of their honour (*mana*). It is essential to recollect that *mana* was not externally represented in, for example, land ownership, but was a quality of the person. This explains why chiefs frequently seemed more concerned about *utu*, the return or payment for land, than the fact of sale. They very actively pursued *utu*; *mana* could not be pursued, but it was always at stake. The connection between *utu* and *mana* is the explanation of why Maori seemed to Pakeha so prickly about insults, and, initially, so casual about land.

*Utu* fitted roughly into the inchoate justice system of the colony as an aspect of the cash economy. Money was used as *utu*, or fines, for offences within the community. Paora and Rawiri wrote to Hone Ropiha about a fine of fifty pounds imposed for an unnamed offence, and payable in instalments over two years.<sup>43</sup> As a point of comparison, the annual civil service salary for the Patea ferryman in 1850 was six pounds, and the wages of Assessors averaged eight pounds per annum, although these were presumably part time positions. Fines imposed in Maori courts were typically very large in comparison to payments for land. They must be seen within the framework of Maori conceptions of value. Viewed in this way, the size of the fines reflects the central importance of *utu* to Maori conceptions of an ordered society. They show an interaction between custom and change that adds to the evidence that Maori culture was sufficiently flexible to cope with the new state structure. When chiefs said they accepted British sovereignty in order to westernise or modernise their way of life, to prevent warfare, and to govern Pakeha, they were pursuing new definitions of the *kaha* (mobilised power) that was traditionally ordered by *utu* and expressed in the person of leaders of society as *mana*. However, conceptions of the traditional institutions of power were changing rapidly. Maori hoped that British government, and/or Christian peace, would gain them

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<sup>43</sup> McLean Maori Letters, MS32:702k. Paora and Rawiri to Hone Ropiha, 3 January 1859. (Copy in Halse's hand).

meaningful powers equivalent to those possessed by the British, and land was the *utu* Maori exchanged for the *kaha* of modernity.

The principle of *utu* has significant implications for the question of why Maori sold land, and equally significantly, why they rarely repudiated a sale.<sup>44</sup> If they thought that the price in goods (or, by the 1850s, money) the Pakeha offered for land was sufficient, then this principle was expressed. Maori notions of worth kept changing throughout the nineteenth century, and were always liable to be affected by tribal politics and lack of scruple on the part of government agents, as, for example, when land was sold too cheap under pressure of another claimant's willingness to sell, but at any given point, Maori perceptions of *utu* secured sale.<sup>45</sup> Raymond Firth properly treats the transfer of ownership of land in a discussion of the operation of *utu*; in light of current theory, it is significant that he does not deal with it in his chapter on gifting. The language which described the transfer was not important; one might find the verbs *tuku* (transfer), *hoatu* (give over) or *riro* (acquired) used in such stories, or none of them. What was crucially important was that the words represented the story of a voluntary transfer of authority in which the requirements of *utu* were fulfilled, such as when Te Atiawa exchanged land for food and canoes for their return to Taranaki in 1848. In a pre-contact example, Ngati Kahungunu gained Rangitane land in exchange for a specified number of canoes. When Ngati Kahungunu produced the canoes, the Rangitane chief Te Rerewa, who was intending to migrate to the South Island, took the Ngati Kahungunu people to a hill top and pointed out the names of the land for which the canoes were payment. This was the crucial act which confirmed the transfer,<sup>46</sup> memory of which formed part of the history (i.e. identity) of the land and the people. The history of any gift of land was an expression of *utu*, or the justice central to the ordering of society. The

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<sup>44</sup> Attempts by some Ngati Kahungunu (and others) in the 1850s to return payments to the government in order to resume ownership of sold land were influenced by King Movement arguments about sovereignty, and were inevitably rejected by the government.

<sup>45</sup> It is important to state that in discussing the pre-1860s era of land transfer the culture of the Land Court should not intrude. In the court era the domestic arrangements of *hapu* took on a new significance, as people were obliged to scramble for a stake in what had become a limited resource with a price tag. Any former case of transfer became a basis of claim to ownership, as did any former action that created a relationship with a particular place. This reflects 'change', or more bluntly the violence done to traditional culture by the introduction of a foreign system of land ownership, and not the traditional situation itself. In the courts, the unity of former Maori society was chopped into 'individually owned' pieces that were meaningless in the terms of the older society.

<sup>46</sup> S. Percy Smith 'Wars of the northern tribes against the southern tribes of New Zealand in the nineteenth century', *Journal of the Polynesian Society* viii, 1899, No.31. p.160.

fact that the authority by which gifted land was held originally belonged to another kin-group did not imply a less secure tenure: it was simply one way land might come to be legitimately held.

While it is difficult now to see how anything could have had more importance than land in the relationship between Maori and Pakeha, for a short time in the early colonial period this was not true. The value of land was subordinate to that of things that appeared more immediately supportive of an increased status, or ‘power’. For Maori of this period power was more important than continued ownership of land, even though land was the basis of their negotiation with Pakeha. A letter of the Wanganui chiefs to Governor Fitzroy in 1844 distills a political motivation for engagement with the state that was the result of two generations of interaction with the European:

Our regard for you is great tho we have not yet seen you. This letter is to convey our love to you. As also our wish that you will come here that we may see you, and that you could see us. The former Governor who came to this island and is dead; we have not seen him nor has he seen us. We are most anxious that you would shortly come to us that our hearts may rejoice, and that you may speak with us and that we may speak unto you, as you are the light of this island of New Zealand. The Queen is the light of all the islands in the world.<sup>47</sup> Will you come to enlighten our hearts, to make peace between us and the Europeans, as they continue to have ill will towards us. These are words of love from the chiefs to the Governor.<sup>48</sup>

The letter advances three reasons why Maori, whether or not they had signed the Treaty, accepted the Governor and his officials as figures of legitimate executive power. The reasons are closely interwoven, and are the basic premises of a position which was held in all tribal areas where evidence has survived:

- (1) So that Maori might make their way in the western world
- (2) To promote an end to warfare
- (3) To govern Pakeha

The letter was written by a group of land sale negotiators, but mentions nothing about land. This silence about land speaks loudly about Maori expectations of their participation in the

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<sup>47</sup> By ‘islands’ Maori meant ‘countries’. Associating the Queen, and modernity in general with ‘light’ is not necessarily an echo of the Bible, where Jesus is called ‘the light of the world’. Maori associated light with success and straight dealing; conversely, when a Maori described himself or herself as ‘dark’ (*pouri*) this might have been simply ‘sad’, but often meant disaffected and poised for action.

<sup>48</sup> McLean Maori Letters, MS32:668. Wanganui Chiefs to Governor FitzRoy, 12 September 1844. Original translation only has survived; punctuation slightly amended.

colonial state. On the other hand, the letter echoes the pre-Treaty reasons Maori had for engaging with the British. In 1840, at the dawn of the age of land sale, land did not have an absolute value, but one that was relative to other values created by the foreign presence. Maori already knew the value Pakeha attached to land - by 1840 there was already a well established private trade in it. Land was a part of the commodity trading economy. It had not yet become, in Maori eyes, the basis of political relationships,<sup>49</sup> which continued to be based on *utu* as the central prop of the traditional value system. For Maori, *utu* was the foundation of mediating between Maori and Pakeha. Maori would sell land if the requirements of *utu* were met, and *utu* was, in addition, frequently the actual word used by Maori for 'sell'. Before the politicisation of land sales, meeting the requirements of *utu* normally meant people considering they were getting an equitable return. The lack of such a perception generated hundreds of letters to McLean and the governor, complaining that a balance had not been fairly kept. In 1848, for example, Hoera was still seeking payment for Nga Motu, which was paid out in 1844. The principle of fair exchange was obscured by the English translation of *utu* as 'payment', but Hoera's use of the verb *wakahokia* (return) emphasises the exchange aspect of a sale which fulfilled the requirements of a Maori conception of justice: 'Give me [*whakahokia mai*] the payments for the ceding [*aweheanga*] of my land [*oneone*]'.<sup>50</sup>

*Utu* did not exist only at the level of individual rights in land sales. It functioned as an overarching principle of justice in land negotiations between the British and the tribe. At this level, the ideological challenge to traditional behaviour was starkest. The search for *utu* was closely supported by the recourse to war in traditional society, but the culture of land sales was, in its most essential respect, not traditional. Instead, it was tied to the aspiration for modernity that, in turn, was contingent upon an imported culture of the peaceful resolution of conflicts. The new Maori desire to avoid fighting was concomitant with a trust in Pakeha to deliver *utu* in land sales. In this sense, justice was the currency of peace in the Maori/Pakeha state, and lack of it produced the willingness to fight in 1860. Contemporary Maori analyses of the war show that what was violated in 1860 were the concept of a

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<sup>49</sup> One unlooked for result of the pursuit of modernity was that making land a commodity destabilised relationships within the group. Whereas the struggle for territory had formerly cemented group solidarity, the mode of land sale developed in the 1840s potentially made close relatives rivals. In this way, the purposes of the colonial state combined with the aspiration of Maori for modernity to undermine the traditional basis of the unity of the group.

<sup>50</sup> McLean Maori Letters, MA32:672a. Hoera to McLean, 27 February/3 March 1848.

citizenship based on the equality between Maori and Pakeha mediated by a peaceable *utu*, or justice. Thus was the amazing vitality and enormous potential of the pre-1860 Maori engagement with the state lost.

Trade, or commerce, continued on its pre-Treaty path of developing a civil society in which the power relations were fluid. Maori with something to trade had bargaining power, but also a need to make connections and agree on rules that fostered participation in the state. The ordinary transaction of business between citizens was the object of much correspondence between Maori and Pakeha. Tamati Hone, who was letting out grazing, told McLean:

Son, you must decide about your cow. It has been here two Decembers and now has two calves. How about letting me have one of the calves in return for the feed? Whether or not that would suit you, write to me.<sup>51</sup>

The correspondence of Hoera, son of Rawiri and a farmer and government assessor at New Plymouth, stands in for the raft of correspondence generated by the pasturage of stock, which was a common cause of conflict between neighbours because of inadequate fences. Hoera's reflection on past practices is an implicit plea to McLean to recognise the extent of the changes Maori had made to live in the new society:

Friend, do not let this become a cause of war between us but let us all live peaceably. Our former custom was that when someone's pig ate some other man's taro or kumara it was killed; this became a reason to fight and the man who owned the pigs would be killed.<sup>52</sup>

Hoera did not ask to run his business on culturally distinct terms, nor did he expect the government to provide his economic support; he simply wanted fair dealing from his Pakeha fellow citizens:

I would like to be paid for my wheat immediately. If not, I will catch some of the cows as payment for my produce - the potatoes, wheat, fences and the land too, and for Captain King's antics. Although you Pakeha may well get angry with me, I am not the one at fault: it is you Pakeha yourselves who are in the wrong if you put cows on my land. I am much aggrieved by this wrongdoing. My heart is troubled. What am I going to do for food? Will you supply me in years to come?

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<sup>51</sup> McLean Maori Letters, MS32:673f. Tamati Hone to McLean, 25 November 1850.

<sup>52</sup> McLean Maori Letters, MS32:669b. Hoera to McLean, 16 October 1845.

The old lady has spoken to me. She told me she would pay me in one month. Well, I weighed up that month and her bill was not small. I told her my bill to her was fair. Well, it is my opinion that we are heading for trouble. The cows had best go back to your land in town. Friend, I say that Captain King should pay me 12 pounds for my wheat. You talk to him.<sup>53</sup>

In his economic life Hoera saw himself as a citizen rather than in terms of his ethnicity. He wanted to employ Pakeha labour:

I am writing to say that I want this Pakeha to come and work for me. I will pay him, the pay being a board house. Tell him Dickie Barrett's wheat is at Moturoa. But I have to tell you that I want his cart as payment for my wood for the fence I told you about.<sup>54</sup>

In 1848 Hoera wrote to the governor to say that his price for leasing out land for cattle grazing was 50 pounds per annum.<sup>55</sup> A settler offered him four pounds, which he turned down.<sup>56</sup> Hoera's correspondence suggests that to see the acquisition of worldly goods simply as 'traditional' competitiveness is unduly restrictive. Maori wanted imported or traded goods in order to build an economic future in a changed world.

An understanding of relationships of value between goods and money had developed in the years between 1839, when the first west coast deal was signed, and 1844, when it was resolved into the cession of the Fitzroy Block at New Plymouth. Maori negotiating payments for this land assessed quantity in terms of money, but preferred actual payment in goods. This was logical in a place where stores were few and supplies uncertain, and should not be construed as naiveté. Poharama Te Whiti said:

After [the people had determined the boundaries and extent of the land] you arranged payments to the value of 300 pounds. However we Maori people say we do not want money, but double-barrelled shot guns, cows, blankets and so forth.<sup>57</sup>

The inclusion of cows in the want-list signified an intention to use the land. As time went on, the list of acceptable payments refined into cows, horses and money. In 1848 Hoera

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<sup>53</sup> *Ibid.*

<sup>54</sup> McLean Maori Letters, MS32:670b. Hoera to McLean, 5 October 1845.

<sup>55</sup> As a point of comparison, assessors were paid between 10 and 50 pounds per annum. Maori were often accused of excessive charging for their produce, yet they accepted low prices for their land. This may suggest that they accepted to some extent the argument that the real price for their land was the development that would follow Pakeha settlement.

<sup>56</sup> McLean Maori Letters, MS32:672a. Hoera to Gov, 7 March 1848.

<sup>57</sup> McLean Maori Letters, MS32:668a. Poharama, Wiremu Kawaho, Eruera Te Puke, Hoani Kopeha, Piripi Hapimana, Wiremu Taua, Wiremu Kingi to Governor, 14 March 1844.



told the governor that he wanted payment for land in horses.<sup>58</sup> Matohi Parai informed his father and younger brothers that payment should be ‘in cattle and money, nothing else.’<sup>59</sup> In the 1850s payment for land solely in money became the norm; it had taken less than a decade for a cash economy to develop from one of barter. Maori needed cash to support a way of life that was rapidly modernising in small things as well as big ones. In 1849, for example, Aperahama Tamaipura, at Waitotara, wrote to complain that a Pakeha had charged him sixpence to deliver him a letter from McLean.<sup>60</sup> The burgeoning Maori need for cash returns consideration to the question of land sales. If trade continued to draw Maori into the orbit of Pakeha power and culture, the exercise of citizenship required cash, and the main commodity Maori had to trade for it was land. This was the working out in practice of the uneasy compact of Article Two of the Treaty, which confirmed Maori ownership of the soil in the same breath that it instructed them how to sell it.

Letters about the economic life of post-Treaty society in Taranaki show the beginnings of a viable bi-racial state. In the role of colonists, Maori developed the country, and also exercised a citizenship based on an assumption of equality. The society that was emerging demonstrates that it was not inevitable that power could not be shared between the two peoples, or that a way of life based on two parent cultures could not have developed. Any account of land selling must take account of the fact that land sales did not necessarily make Maori of this period feel colonised; it made them feel like citizens. Maori economic engagement significantly contributed to the creation of the human geography of the infant state, whether in the development of farms or in the adoption of European standards of living. Maori were engaged in building themselves a future as citizens. In less than a decade they had stepped out of an economy based on barter to one based on monetary values. As money became the dominant medium of exchange, increasing sophistication about wealth was expressed in dissatisfaction with prices paid for land. This was, initially, a question of justice rather than of racial politics, but was developing in some quarters into an unwillingness to sell at all. The failure by the

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<sup>58</sup> McLean Maori Letters, MS32:672a. Hoera to Gov, 7 Mar 1848, Ngamotu. After about 1848 Taranaki sale deeds cease listing goods, which suggests that payment for land was required in money alone. Individuals continue to provide exceptions. Panapa is such an exception. He asks for a cask of tobacco, a sack of potatoes and a horse as payment for land.

<sup>59</sup> McLean Maori Letters, MS32:672a. Matohi Parai to ‘younger brothers and fathers’, 23 March 1848. Original translation only has survived.

<sup>60</sup> McLean Maori Letters, MS32:673c. Aperahama Tamaipura to McLean, 18 December 1849, Waitotara.

state to act fairly, combined with Maori fear of a landless and powerless future, produced the pre-conditions for the politicisation of Maori opinion, and for the death of the early bi-racial partnership.

The infrastructure of government was undeveloped, but there was some employment for Maori as its servants. The representatives of government whom Maori saw on a regular basis were Maori, and therefore the state looked much more Maori in the provinces than it did in Auckland or Wellington. Piri Kawau, Governor Grey's interpreter, was a member of Te Atiawa tribe, and other Maori worked as mail carriers, ferrymen,<sup>61</sup> policemen,<sup>62</sup> assessors (similar to Justices of the Peace), interpreters, guides and porters. Maori on the payroll thought that they served a state where the law was, in principle, the same for everyone. Hori Taumata expressed his satisfaction at a salary increase, and said how he worked to 'suppress evil' amongst both Maori and Pakeha.<sup>63</sup> At Mokau, Tumu and Tawhao took up a collection among their relations to compensate a Pakeha whose goods had been stolen.<sup>64</sup> Engagement with the state meant that Hoera was sure that the law had to make sense in Maori terms. In 1853 he wrote at length to McLean protesting against both his pigs being shot when only one of them was caught worrying sheep. Maori were also clear about their contribution to the state; their service meant that the state owed them a reciprocal obligation. Hoera said in respect of a dispute about his boundary with a Pakeha:

But treat me properly. You ought to treat me well, because I have been loyal to you from your first arrival at Nga Motu - I have been loyal to you from then onwards.<sup>65</sup>

Hoera's career shows clearly the beginnings of a Maori middle class in the first decade of the colony. The talents of men like Hoera were lost to the country and to Maoridom by the war, which cut off any further development of civic partnership. Subsequently, power was overtly racial.

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<sup>61</sup> McLean Maori Letters, MS32:675b. Poaha Tama-a-kina to McLean, [24] February 1851, Patea. Poaha was a ferryman.

<sup>62</sup> McLean Maori Letters, MS32:674b. Tamati Waka to McLean, 16 May 1850, Ngamotu. Tamati was a policeman and seems to have seen the job as siding with Pakeha. The letter is about what evil the Puketapu people had done by murdering William Bell.

<sup>63</sup> McLean Maori Letters, MS32:676c. Hori Taumata to McLean, 28 May 1852.

<sup>64</sup> McLean Maori Letters, 32:676b. Tumu and Tawhao to the 'Assessors of New Plymouth', 8 March 1852.

<sup>65</sup> McLean Maori Letters, MS32:672a. Hoera to Governor, 13 March 1848.

The authority of goods continued to drive engagement with the west after 1840. It is significant that when Hone Heke withdrew his support for the governor in 1844, he thought of replacing his British trade partners with Americans. Maori who were accustomed to imported goods no longer wanted to live without them; they needed to continue to engage with foreigners. The most traditional aspect of the economic relationship between Maori and the government was the operation of the gifting that created and fulfilled obligation. Chiefs gave governors symbols of power, such as cloaks and traditional weapons, while governors offered gifts for services rendered. They also recognised powerful chiefs, sometimes in hopes of encouraging offers of land. The Governor's gifts were in the new currency of power that was beginning to change the look of the Maori world. Chiefs did not want the "material possessions of the Pakeha" in the abstract; they wished to appear like powerful Pakeha in their dress and living arrangements. In 1848 Wiremu Kingi Matakatea of Ngati Ruanui asked for wood and glass to build a plank house.<sup>66</sup> By the 1840s there was a tradition that chiefs would wear articles of imported ceremonial clothing in order to make a display of power. European garments were in general use by 1850 for meetings with Pakeha. Rawiri Waihua hinted to McLean that he could not attend a hearing if he only had the everyday garb of a blanket to wear<sup>67</sup>. Military coats were often requested, though they were given only to the most powerful chiefs.<sup>68</sup> Requests from Maori for goods were made at various levels of sophistication:

I want you to give me a blanket. Friend, act on my letter according to what I say. You are a Pakeha gentleman, but what I think is that you won't do it. Well anyway, friend, will you give me some tobacco - let me have ten.<sup>69</sup>

Further up the scale were rationalisations of self-interest, as in this request for a mill:

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<sup>66</sup> McLean Maori Letters, MS32:672e. Wiremu Matakatea to McLean, 17 November 1848.

<sup>67</sup> McLean Maori Letters, MS32:674e. Rawiri to McLean, 7 October 1850.

<sup>68</sup> Military dress was from the beginning associated by Maori with status and power. When Hongi and Ruatara attending Samuel Marsden's inaugural sermon in 1814 they both wore full military dress uniforms. When the Ngai Tahu chief, Tuhawaiki, visited Port Jackson in his own schooner in 1840, Governor Gipps gave him some military uniforms. Tuhawaiki himself had the 'full dress staff uniform of a British aide-de-camp, with gold laced trousers and a cocked hat and plume.' Tuhawaiki wore the uniform when he signed the Treaty of Waitangi. Thomas Bunbury, *Reminiscences of a Veteran*, Vol.3, London, Charles J. Skeet, pp.105-6.

<sup>69</sup> McLean Maori Letters, MS32:670b. [ ] to McLean, 12 December 1846.

Friends, here we are with our children producing wheat for food. We do not have a mill to grind it, and this is the main thing I am writing to the two of you about. You all said that we should cultivate wheat, and later on we got a letter saying that the lands overseas were short of food, and that wheat was the only thing that would save them. Because of this we thought it would be a good thing if we grew wheat as sustenance for the body. Food is to life as clothes are to the body.<sup>70</sup>

Maori continued to think about protection from foreign powers for the next twenty years after the Treaty, and in particular it became a theme of writing in support of the government. An unsigned manuscript in the McLean Maori Letters said:

Do not say that we have no enemy to take our land and to kill us apart from Waikato. No, no. If the British did not come here to guard us some other people would take our land - such as the French or the Russians or some other untrustworthy and warlike people - people who simply take the land. Those people are still envious now, envious of our country and of the British. That is why I say let many British come, let there be unlimited British to guard us in case those rascals approach, in case those enemies come and take all our land and kill everyone. For the Pakeha come with kindly ways, the ways of their ministers whom they sent on before them. The culture of the inferior nations, by contrast, is an excluding one. The scheming nations simply take the land; the British buy it properly from the owner of the soil. The scheming nations take land without paying for it; the British give a fair price for the land. The scheming nations take land by force; the British will not take it if it is reserved from sale by the owner. The scheming nations kill men; the British save them. The scheming nations come for their own benefit, but the British come to benefit us. The scheming nations come to defeat us, scatter us, destroy us. [But the Pakeha] want to improve us, to unite us so we can live together in mutual harmony, of one heart in one society.

That is why I say let there be thousands upon thousands of British to guard us; let our land quickly be covered so that should a scheming nation appear, the British will be ensconced as a stone fortress for us. Now we get payment for our potatoes, wheat, corn and pork since the Pakeha came with his money and his goods to civilise us.<sup>71</sup>

The fear of non-British foreigners remained a plank of Maori political opinion until 1860, when many realised with bitterness that the enemy was within the gates, and that the war Maori were summoned to fight was against their British and Maori fellow citizens:

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<sup>70</sup> McLean Maori Letters, MS32:671b. Hori Kingi Te Pakeke to McLean, 10 July 1847.

<sup>71</sup> McLean Maori Letters, MS32:702m [n.d.]. The piece was possibly designed for publication in *Te Karere Maori* as a rebuttal to King Movement arguments. The mention of Waikato as an enemy suggests that this is a Taranaki piece of writing. It is, however, just possible that the piece was written by a Pakeha posing as Maori.

It was said that that Treaty [of Waitangi] was to protect Maori from foreign invasion. But those evil nations never came to attack us; it came from amongst you, the nation who made that Treaty. Sir, you are the ones who have broken your many promises.<sup>72</sup>

The government set up a 'Maori Protectorate' in the sense of a Department of State headed by a Chief Protector with a staff of sub-Protectors whose job was to explain the state to Maori. The Chief Protector told Taranaki Maori that they were getting the services of both government agent and missionary in this post. The alliance between church and state was reinforced when the letter was followed by the arrival of Governor Fitzroy and Bishop Selwyn. Fitzroy rejected Spain's award of land to the settlers, and confined them to 3,500 acres, (the Fitzroy block) for which 300 pounds worth of goods were paid. The cession of the block raised issues of ownership. Hoera, Paratene and Manahi listed the people who were living at Kaputi (modern Kapiti) to show their opposition to the purchase of the interests of the named absentees - Matiaha, Pekerangi, Waiti, Haputa, Parone, Maka, Riria, Tahuri and Te Haroa. The writers say that the land of absentees cannot be paid for until those absentees agree to sell: in other words, they view land as being owned by individuals who must be individually consulted and, if they agree to sell, individually paid. The writers respond to the alliance of church and state posited by Pakeha by adducing a biblical example of behaviour with regard to land. The 'law' that Maori understood to be operating in society under the Treaty was contained in the Bible:

Now even if you Pakeha keep trying to buy the land of the people who are not there, I will never agree to sell it. When you and Clarke spoke to us before, you said this: the portions of Matiaha and his sister Iwikahu would be left out. We are not willing to sell them. Each of them will bring their pieces to be paid for.

Now, about people who will not agree. If I were to sell other people's pieces I would do wrong. I fear to be like Ananais and Sappaira. For God punished their theft of the payments for the land before they were laid at the feet of this good man Peter.<sup>73</sup>

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<sup>72</sup> Renata Tamakihikurangi to the Superintendent of Napier, February 1861, p. 8. Ko te korero me te pukapuka a Renata Tamakihikurangi, no te Pa Whakairo; ki a te Kaiwhakahaere Tikanga O nga Pakeha ki Ahuriri; Wellington, 1861.

<sup>73</sup> McLean Maori Letters, MS32:668. Hoera, Paratene, Manahi to McLean, 28 September 1844. In Acts 5:1-10 the two sold land and instead of bringing the whole price to the apostolic community, kept back a portion. Because by doing so they had tempted the Spirit of the Lord, they were struck dead.

The idea that it would not be proper for them to sell other people's rights might simply mean that everyone must be paid, but it seems more likely that the writers thought that there was room for individual manoeuvre within an area of land owned by a kin group. Maori perceived Christianity as a law for right behaviour, as *tapu* was formerly. When Hoera told McLean that it would be theft of absentees' money to pay him in their absence, his opinion illustrates a Maori sense of right, but he gave a New Testament analogy to make the point.

In conclusion, the issue of Maori citizenship has been obscured by too exclusive a focus on land rather than people. In the 1840 - 1860 period Maori constructed a model of citizenship based on participation in the political and economic life of the colony.<sup>74</sup> The flavour of this period was heroic. Maori gazed steadily at the onrushing wave of westernisation, and believed that they could ride it. They had relinquished the values of their own political organisation in favour of entry to a western society. While there were many Maori groups as yet lightly touched by colonial government in the period after 1840, Taranaki had been deeply penetrated as the result of the New Zealand Company deals. The evidence shows a society being restructured in ways that look the more hopeless, in hindsight, for the very reasonableness of Maori interpretation of the Treaty. If Maori aspired to live in a British way, the aspiration of the Pakeha colony was also to be British - though for very different reasons. Unlike seventeenth and eighteenth century British colonists, Victorian migrants to New Zealand had experienced no threat to their religious liberty, no revolutionary politics and no involuntary exile to push them towards the embrace of idealism or the rejection of existing class relationships. Victorian colonists expected to replicate, or sought to improve upon, much the sort of society they came from.

Maori were not dealing with an abstract 'westernisation', or principles of culture. The British were here in person, and the state that they administered took on an ever more colonial shape. Eventually it acquired the confidence to withdraw from negotiation with Maori. Maori room to manoeuvre decreased, as settler confidence increased. Finding their ability to affect the workings of the colonial government eroding, some Maori

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<sup>74</sup> After the war Maori who were still talking to the government reconstructed their view of citizenship to fit within the words of the *written* Treaty of Waitangi - that is, the Pakeha version. This indicates the fact that after the war power in New Zealand was 'uniracial'. Maori who had turned away repudiated any construction of the Treaty. This throws the earlier vivid engagement of Maori with the state into strong relief.

searched for other models of nationhood that culminated in the organisation of the King Movement. The developing strength of the colony made it increasingly likely that assertions of Maori independence of action would be met with the exercise of state power rather than with negotiation, and so it proved in the Waitara purchase that precipitated war in 1860.

## CHAPTER TEN

**Ngati Kahungunu's practice of modernity**

**The name of this Island in olden times was *Te Ao Maori kai-tangata* (the man-eating Maori world.) Desist from that work. Lay aside, O friends, your King; rather let us look up to the clouds; let our King dwell there.<sup>1</sup>**

The pattern of resistance to white encroachment among native Americans of the central plains was one of gathering force, as isolated small-scale incidents grew into total war, involving all the tribes. In the early 1860s it looked as if New Zealand was repeating this pattern: there had been outbreaks of fighting between certain tribes and the government in the 1840s, while the involvement of the pan-tribal (in aspiration) King Movement in the Waitara fighting in 1860 raised the possibility of a general war. That this failed to happen was because the tribes north of Auckland and those on the eastern side of the North Island did not rise; from the point of view of the government, the majority remained loyal or neutral. In the case of the east coast tribe of Ngati Kahungunu, whose territory stretched from Hawke's Bay to Wellington, attitudes to the war would better be described as based on the exercise of citizenship. Ngati Kahungunu were not blindly loyal to Pakeha, neither were the majority moved by the arguments of Maori nationalism. They were, instead, believers in modernity. This made them anti-war, because they saw fighting as a return to barbarism, expressed as the 'man-eating Maori world' of the opening quotation. It is the aim of this chapter to show how a commitment to civility was expressed in Ngati Kahungunu lives. Maori 'life' in a Crown colony in the 1840-1866 is a subject that has attracted little scholarly attention, yet it forms the context of any study of both land sale (which occurred among Ngati Kahungunu on a scale that makes it difficult to keep the

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<sup>1</sup> *AJHR* 1863, E4/8, No.5, Enclosures 1,2,p.44, Te Mokena to all Waikato councils, 24 March 1862.



judgements of hindsight at bay) and attitudes to government. It is the premise of the chapter that a changing sense of being formed the ‘positive’ context of Ngati Kahungunu decision-making, by which I mean the perception that they exercised choices over their lives. That is not to say that a negative context consisting of information not available to Ngati Kahungunu, but which entered all the government’s calculations, did not exist; for example, the scale of Pakeha immigration, the impact on land use of a pastoral economy and how an English system of government supported such an economy. Pressure would be brought to bear to make Maori conform to the logic and laws of both. It was, as well, difficult for Maori to separate ‘the government’ from ‘the settlers’, as all carried the authority of modernity, and this continuously drew Ngati Kahungunu further into the ambit of the state. For example, because they thought in collective terms, Maori expected Pakeha to have a certain geographic location; they talk about the establishment of Pakeha *kainga* or *taone* (settlements or towns). However, the settlers did not behave as expected. Instead of staying in their towns they dispersed throughout Ngati Kahungunu territory, spreading the presence and authority of the government with them at an unexpected rate. However, the negative context of changes over which Ngati Kahungunu could exert little control is not the subject of this chapter, which offers reflections on meaning arising through attention to incident and detail in contemporary Maori sources of information about Ngati Kahungunu life. The chapter is a study of change, but keeping within the positive context of Ngati Kahungunu decision-making, change is in the sense of the expansion of choices, rather than the accumulation of losses.

### **The Christian basis of Maori citizenship**

At no time since contact with Europeans did Maori make decisions in the vacuum of what they did not know: in their perception, their world was brimming with information, including through a pre-existing effective communications network. When Captain Cook reached the Bay of Islands from the East Coast, for example, news of his exploits had preceded him. Subsequently, in different ways both the geographical reach of musket raiding and the era of general peace of the early colonial period increased inter-tribal contacts. The most identifiable new conduit of information was the Maori Christian teachers, mostly schooled in the missions, who were found in the most remote *kainga* in the 1830s. The general release of slaves in

1840, which is significant evidence of a Maori desire to participate in the new state, included many whose access to mission-training during captivity made them a new knowledge elite. The content of the information they and Maori missionaries disseminated consisted of the great novelty of the day – the Pakeha and all their ways. It is therefore not feasible to think that the trade in land would not have been discussed among Maori. Indeed, the volume of existing private land transactions was immediately recognised by the government in 1840 in the setting up of Old Land Claims Commissions.<sup>2</sup> Land sales therefore began among Ngati Kahungunu against a background of experience elsewhere.<sup>3</sup> In the foreground, however, was urgent aspiration. Maori knew that if they wanted modernity interaction with Pakeha needed to be local, and that this required the transfer of land to the government. Land sale is therefore embedded in any discussion of colonial Maori life. Yet, there is a sense in which Maori were not precisely focused on land, because the concept of landlessness had not yet entered their consciousness. Any Maori member of the group had access to land for subsistence, and as a result it is not the consequences of loss but the maintenance of here-and-now personal rights that appears most frequently in the Maori sources.<sup>4</sup> Ngati Kahungunu letters to the government about land are fractiously concerned with rights.<sup>5</sup> The land is glimpsed through the politics of citizenship, and perceptions were subject to change. Authority over land was being experimentally conceived in ways that conformed with the civil organisation of society. Inchoate tribal authorities called *komiti* (committees) were formed, with powers to act for the majority in land dealings. In 1844 Donald McLean wrote to the missionary William Colenso about his negotiations for the Ahuriri block.<sup>6</sup> His ‘big korero [talk]’ with Kahungunu had, he said, resulted in the enlargement of the boundaries of the proposed purchase, which he attributed to Colenso’s ‘good advice’

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<sup>2</sup> The situation was more dramatically (if somewhat disingenuously) put by the northern chief Rewa, who said at the Treaty debate that his land sales had reduced him to being ‘only a name’.

<sup>3</sup> Deals had also been made with Pakeha for land in Wellington, where some Ngati Kahungunu people were living, therefore

<sup>4</sup> The examination of rights within the tribe requires a study of tribal history, especially *whakapapa* that is beyond the scope of this study.

<sup>5</sup> The other reason would have been the time-honoured inter-group jealousies, both potential and pre-existing. This is a very important aspect of the context of land sales. There are hints of the relationships between group in the sources, examined in the present study, but the matter requires the full attention of a specific study.

<sup>6</sup> McLean Maori Letters MSP32:221. McLean to Colenso, 2 January 1844. The missionary William Colenso was a friend of McLean’s, but he must also be considered in some respects his colleague, because of the work he did in support of the purchase of Ngati Kahungunu land, and because McLean worked Colenso’s missionary interests into his official negotiations.

to the chief Moananui and to the ‘land komitis’. The fact that these political gatherings were called ‘committees’ is a pointer to change. These *komiti* were not the *hui* of the past because they were places where knowledge of the Pakeha world granted status; they were a precursor of the modern Maori political forum. *Komiti* opened an avenue to power for men from a wider spectrum of society than the old chiefly system tolerated. Conceptually, they were opposed to the culture of hereditary personal power. In 1844 Colenso advised both chief and land committees. This is a glimpse of a struggle that was forming between chiefly authority and that derived from competence in the modern world. The *komiti* also show that Maori were beginning to exploit the political power that rewarded those who organised authority in a more European way. In 1859 Colenso advised McLean that Maori Christian teachers were too politicised by their knowledge of the Bible, and too likely to assume a leadership role, to be permitted to attend *runanga*<sup>78</sup> (political meetings), which were, of course, attended by chiefs. Colenso’s advice looks back to the history of the land committees, and forward to the leadership of Christian Maori in the King and Hauhau movements. His comments add to the evidence that Christian teaching was potentially politically powerful in the hands of Maori adepts. Christian leaders might or might not be well-born, but birth was not central to their exercise of authority. While such leaders did not constitute a direct challenge to the chiefs, they pointed up that the sphere in which chiefs were powerful was now much more circumscribed, while the need for leadership expanded with the expansion of the colony.

While the status ex-slaves and mission workers of humble birth gained through their roles as technocrats in the colonial world is routinely noted in histories of the period, the conversion of slaves lingers on within the narrow frame of mission apologetics, and its effects within Maori society are little analysed. Yet the peripatetic Maori information-spreader is an important gauge of political change. In the 1840s Christian Maori travelled widely – sometimes among their former enemies – to spread the message that government was instituted by God for the proper ordering of human society, and that peace, protected by law, was its basis. That such teachers

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<sup>7</sup> The land committees provide a nineteenth-century example of what is usually thought of as a recent development, namely the indigenisation of language in order to project a sense of autonomy among a minority. (*Komiti* (from ‘committee’) was a mission-inspired addition to Maori language that expressed awareness of new forms of organisation. By the mid-1850s, in areas where Maori were protesting against the government *komiti* was replaced by the indigenous word *runanga* (deliberative meeting), yet they continued the sense of a new way of conducting politics introduced by *komiti* in the 1840s.)

<sup>8</sup> McLean Maori Letters MSP32:221. McLean to [Colenso], 27 August 1859.

travelled (with few exceptions) without harm in a society in which people without standing were formerly ignored and strangers often killed is proof that this message was believed and acted upon by Maori independently of Pakeha. This phenomenon is a signal of the trust Maori placed in the colonial polity, and provides proof of the validation of the Treaty of Waitangi *within Maoridom*. The proper place of the Treaty in colonial Maori society is as a symbol of trust in change. If the Treaty was change by fiat, this mode of change was possible because Maori brought the habit of belief to the evaluation of new ideas. The Treaty legitimated civility. In the same way, the Bible was another fiat that delegitimised tribal war. Subsequently, through the spread of Christian, or Bible, teaching, including in communities untouched by Pakeha settlement, Maori began voluntarily to act as citizens in the 1840s. They behaved as if the British government was real, in the sense of ushering in, protecting and policing a new civil culture, simply by *belief*.

Maori Christians, often those attached to missions, both as patrons or workers, were influential in part because their literacy made them masters of the content of the belief in modernity – not, it should be noted, simply the content of religion. Although not confined to them, Christians commonly saw land sale as part of the new civil culture, whose source was believed to be God. In 1862 Te Hahi [‘The Church’] Kemara [Campbell] Hawea (the names are a testament to modernity) used the term *whakakawenatia e taua* (which you and I have covenanted), to describe sold land.<sup>9</sup> In the Bible, God makes covenants with his chosen ones. A land covenant was therefore a compact which created a bond of kinship between Maori and Pakeha that expressed faith in a shared future. Around 1860 Christian Maori began to speak of the Treaty of Waitangi as a covenant, perhaps in order to strengthen the anti-war message. Christianity, and its Maori purveyors, offered Maori a conceptual language for entering a common culture. At the same time, paradoxically, the Christianity that Maori believed in secularised Maori society, because God was the arbiter and support of earthly power. This dispensed with, or replaced, the *tapu*, or religious power, of chiefs, which never recovered from the flight of religious authority to heaven. However, if the power of chiefs was structurally diminished by Christianity, which most Maori professed by the 1850s, the Christian teachers, as a group, did not grow to replace them. This was partly because they tended to become enclosed in their small sphere of power, with their

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<sup>9</sup> McLean Maori Letters MSP32:686c. Te Hahi Kemara Hawea to McLean, 13 February 1862.

attention turned away from the realisation that land-owning would be the basis of consequence in the new society. In the McLean Maori Letters land sometimes seems almost a matter of indifference to people whose status derived from a place within the hierarchy of the church. In 1848 a *monita* (mission helper) who signed himself ‘Andrew John Rongotua’ – the use of English indicates pride in his status as a member of a Pakeha institution – wrote to Colenso to tell him important news:

Wairarapa has been given to Governor. However it is not yet completely settled. A part which probably is settled is this, that there is no place remaining outside the boundary from Turakina through to Te Kotukutuku, Wareama and Kawakawa.<sup>10</sup>

Rongotua then informed Colenso that ‘I do not have much to say to you because I am angry with you.’ This was because the Evening Prayer books for the Europeans had arrived, but not the ones in Maori for him to deliver. Rongotua knew that the sale mattered to Colenso, but his own difficulties were more present to him because his standing in the community depended on his role as a teacher, and not on the ownership of land.<sup>11</sup> When nationalism arrived in the form of the King Movement, Christianity would be central to its ideas of Maori sovereignty. However, land holding would be conceived politically, not spiritually, as part of the right to independence. Loss had not, as yet, achieved its modern formidability as the shaper of the relationship to land.

The existence of a Kahungunu land committee in 1844 reinforces the view that land sales, whatever their other deficiencies, were made advisedly by Maori, in the sense that they were the result of deliberation. ‘Deliberation’, however, should not imply sedateness in the proceedings, or that the deliberations of *komiti* outweighed the independent influence of chiefs. Colenso had suggested that some Wairarapa land which he was interested in buying be included in discussions of purchase, but McLean thought better of it: ‘I did not pursue the matter of the Wairarapa land you spoke of . . . not wishing to be Inquisitive on a subject on which they are so jealous.’<sup>12</sup> By ‘jealousy’ McLean meant that Maori were typically alert to anything which worked against their perceived property rights, whether actions of the government or local

<sup>10</sup> McLean Maori Letters MSP32:221. Rongotua to Colenso, 5 December 1848.

<sup>11</sup> The decision Ngati Kahungunu made in the early 1860s to individualise their landholdings marked the end of the old system. If, as seems likely, the idea of landlessness was not yet fully formed in Maori consciousness, this underlines the over-extended trust of Maori, and particularly Christian Maori, thinking in the 1840s and early 1850s. Andrew John Rongotua’s absorption in the present was not peculiar to him;

<sup>12</sup> *Ibid.*

dissent, created by internal politics. While the ‘jealousy’ noted by Colenso arose out of the logic of the market, the problem for chiefs was that decisions to sell land were intersected by older ideas about *mana*, which looked in an entirely different direction. A land sale could feel to chiefs like a grand gesture, giving satisfactions comparable to the staging of a great feast. When the Heretaunga sale was completed, Hoani Waikato of Te Aute and Waka Rewharewha wrote a triumphal letter to broadcast the news:

To Rangitikei, Wanganui, Taranaki and everywhere; to chiefs, young people, elders male and female; to children, the church, Maori, Pakeha: Heretaunga has been taken by McLean! It does not remain to the Maori. The part the Maori was holding is all gone!<sup>13</sup>

A similar pride is apparent in Renata Tamakihikurangi’s 1860 opinion on land sale:

...There was never a piece of land sold hereabouts sold by a common man to the Pakeha; they were all sold by the chiefs – the tribe consented and the land passed (*ka riro te whenua*) to the Pakeha. Te Moananui, Tareha, Te Hapuku, Puhara, Tawhara, Hineipaketia, Hineirangiia, and various other chiefs, sold our lands to the Queen.<sup>14</sup>

While it now seems difficult to enter a world in which land sale was a source of pride, willingness to sell was not necessarily a capitulation to pressure, nor was it the result of cultural misunderstanding about the nature of transactions; there is ample evidence that it was a choice. Hoani Waikato told McLean in 1857 that he would not agree to Moturoa being sold; it was to remain as a *kainga moku*, (a place for me), as had been *karangatia*, (publicly stated).<sup>15</sup> Yet, in the same letter, Hoani was negotiating payment for other land, which suggests that when people felt in control, they would sell some areas and not others. Rawiri Piharau told McLean in 1859, *kei au te ritenga mo nga wahi e hokoa ana e puritia ana*.<sup>16</sup> This is a phrase which is found so frequently in the correspondence that it seems to encapsulate Ngati Kahungunu’s position: ‘I will decide the places to be the sold and those to be retained.’ Decisions to sell were not made on solely economic grounds, but depended on approval of the way Maori were being governed. Because land purchase was the major activity of government, this meant, in effect, on whether land sales were

<sup>13</sup> McLean Maori Letters MSP32:675a. Hoani Waikato and Waka Rewharewha, 29 January 1851. This kind of letter seems not to be written by ‘major’ chiefs, but, perhaps, by people who take personal pride in their connections with the Pakeha world.

<sup>14</sup> Tamakihikurangi 1861, p.13s.

<sup>15</sup> McLean Maori Letters MSP32:681b. Hoani Waikato to McLean, 9 July 1857.

<sup>16</sup> McLean Maori Letters MSP32:683a. Rawiri Piharau to McLean, 30 April 1859.

acceptably conducted. Most Ngati Kahungunu were not polarised into firm pro- or anti-land sale camps in the 1850s, when the rise of the King Movement offered political choice. While they agreed with many of the views of the Waikato King Movement, their land was not locked under the *mana* of the king, and land continued to be offered for sale by some Ngati Kahungunu throughout the war years. Ngati Kahungunu letters often have the measured tone of people who are clear about what they are doing, as for example, when Hori Niania wrote about the normal business of concluding a sale:

Now, I want you to know that I agree to what was said regarding the areas discussed with you by the people on the coastal side - I mean, Te Hapuku and I agree to it. You, however, will let me know your decision about the surveying of those places in order that Te Hapuku and I can proceed there.<sup>17</sup>

Niania had such confidence in the processes of land sale that, having finished with that subject, he went on to discuss an unrelated matter involving a local breach of the law. Land selling bears the weight of one hundred and fifty years of consequences, and it is hard to step back far enough from the history to understand what Ngati Kahungunu hoped to achieve by selling land. It may well be argued that Ngati Kahungunu did not make their decisions with sufficient prescience, but, at the time, selling land was their choice.

The evidence of Ngati Kahungunu's practice of citizenship that can be recovered from the documents is mostly the story of chiefs. This does not seem to skew the picture, however, as chiefs' views of the benefits of development were similar to those (discussed earlier) of men associated with Christian missions. The following quotes suggest the chiefs' desire for development. Paora Torotoro wrote:

Friend, Governor, give us a word so we'll know when it is that Pakeha will come and settle on our land. We keep waiting, but nothing at all happens. So write to me what you mean to do. Friend, Governor, when are you coming to see us and our land? Please write me everything. Friend, Governor, that's the fourth of my letters to you, and you haven't replied.<sup>18</sup>

Karaitiana said, in a letter about land sale:

It will be right when you come here, that is you and Governor, the father of upright deeds. I persist in upholding your ways, Governor, and those of the queen and God. When these things are raised by us, at last we can be called

<sup>17</sup> McLean Maori Letters MSP32:676b. Hori Niania to McLean, 20 February 1852.

<sup>18</sup> McLean Maori Letters MSP32:676d. Paora Torotoro to Governor, 12 July 1852.

men. You [Pakeha] brought the ways of England to New Zealand; they prevail. A song:

Here I am plaiting a rope  
 To pull in Kurahaupo  
 And make my net appear.  
 They'll be caught in it at Rangitikei,  
 It will close at Wangaehu.  
 The pole bar is beyond Raukawa  
 To outwit the fish at Rangiriria.

Mc[Lean], Sir, hurry up and bring us the money. Let there be many Pakeha soon! To the governor – Sir, arrange a doctor for us. There is a lot of sickness here every month, and therefore we and the Pakeha say if there were a hospital here, some would not die. Another thing is a magistrate. Both Maori and Pakeha have a lot of difficulties. Let there be two such men just like you for here.<sup>19</sup>

The return Karaitiana expected from land sale was knowledge:

I am sincerely grateful to you [McLean] and Governor and to all the magistrates laying down the system of government for us to learn.<sup>20</sup>

The government was represented to Ngati Kahungunu by travelling officials, with whom face-to-face relationships were forged.<sup>21</sup> The Treaty of Waitangi was virtually never discussed by Maori in letters about land, and this seems likely also to have been the case in meetings with officials. Nevertheless, the Treaty plays a powerful, silent, role in the Maori relationship with the government, because Maori power mostly existed in their status as landowners. The significance of the Treaty is that its confirmation of Maori proprietorship of the land set in place the most important boundary of the civil exercise of state power. It created Maori political clout within the official culture of government. Officials were bound to negotiate with Maori, through correspondence and in person.

On the face of it, this situation should have endorsed the power of chiefs; it certainly seems to have given rise to a kind of hubris among chiefs (not only within

<sup>19</sup> McLean Maori Letters MS P32:675h. Karaitiana Takamoana to McLean, 15 Sept 1851.

<sup>20</sup> McLean Maori Letters MSP32:676a. Karaitiana to McLean, 18 January 1852. See also, e.g. Te Manihera to McLean, McLean Maori Letters MSP32:676c, 27 May 1852.

<sup>21</sup> Government was the first Maori experience of authority which was located elsewhere than the local community. Its distance from most Maori communities – first in Auckland and later in Wellington – would have important implications for the future. Maori attention was channelled towards the centre, that is, towards the governor (representing the distant queen) and his officials. An official culture in which Maori were supplicants to a central authority was being developed, although without conscious design, and this authority would become increasingly remote. However, this is to look forward to the post-war years.



Ngati Kahungunu) who grasped the possibilities of their leverage on the government. In 1852 Hori Niania offered Wairarapa land for sale. He reminded McLean and the governor that the Wairarapa land sold by Potangaroa also belonged to the people of Heretaunga, through whose support the sale had been effected. Niania suggested that, with his help, 'in like manner. . . the Wairarapa may be bought'. Naming a price of thousands, he confidently predicted the passing of the whole Wairarapa to the Crown:

If you agree to this there is but little doubt that we may accomplish the Wairarapa in the same way as the floods sweep obstacles to the sea.<sup>22</sup>

Positions such as this are troubling for those privileged with hindsight. The grandstanding and lack of foresight have created a negative cast to historical assessments of land-selling chiefs, because of the difficulty of associating their actions with the prudent exercise of power. This underlies interpretations of transactions which deny that they amounted to alienation, or cast the protagonists as mavericks or victims. There are no strong reasons, however, for thinking that such views as quoted above were unusual, or that 'the people' had different views from those of chiefs (or, for that matter, Christian teachers) about sale. Most letters to the government signify a desire to participate in the prosperity that land sales appeared to promise. The fact that so many people otherwise unknown to history ask for payment for land may suggest that everyone hoped to benefit from the market. What people may have said to their chiefs about modes of procedure, in particular, the distribution of payments, is largely hidden, although this was often a cause of friction that chiefs had little means to resolve other than conformity to the democratic rules of group ownership imposed by government land policy. The hubris of individual chiefs, therefore, did not amount to power. The fact that Maori wrote to the government to air their concerns about how land sales were managed within the tribe, and in hopes of redress, is an important pointer to Ngati Kahungunu's exercise of citizenship on the one hand, and to its antagonism to the authority of chiefs on the other. Such letters show that from the beginning of the sales era Ngati Kahungunu people accepted that the government governed *Maori*, that its authority was independent of the chiefs, and represented a higher court.<sup>23</sup>

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<sup>22</sup> McLean Maori Letters MSP32:225. Hori Niania to McLean and Governor, 24 July 1852.

<sup>23</sup> The ambivalent legacy of land sellers has arisen partly because time has obliterated the memory of how independently chiefs traditionally used to behave, and partly because it is difficult to find a secure framework for the analysis of Maori action in an era of rapid cultural transition. Old ideas jostled against new. There was a perception amongst Maori that the chiefs had lost authority, but no clear idea

Te Hapuku is the Ngati Kahungunu chief against whom the charge of hubris is most obviously made. He signed letters as ‘Te Hapuku, the great fish of the ocean’,<sup>24</sup> even drawing a picture. In July 1853, flushed with the success of land dealings, Te Hapuku thanked the governor for the plough he had sent him as a gift, but asked for the traces and shafts and oxen to draw it, mentioning his sad situation of having only three horses, poor at that. He said his requests were an opportunity for the governor to express the close alliance between two great men, or literally, for the governor to fully demonstrate his goodwill towards Te Hapuku (*kia wakapaua mai e koe to aroha ki au*).<sup>25</sup> He addressed the governor as ‘the great governor’, and signed himself as the ‘great chief of Ahuriri and Heretaunga’. He was still selling land, despite both the wrath of some of his relations and his own King Movement sympathies, in 1862,<sup>26</sup> and again in 1867, and probably in between.<sup>27</sup> Te Hapuku’s style invites a conclusion that he loved the power that was briefly his within the culture of the Pakeha - even that he had found in modernity a gratification of the will to power to rival the fading joys of war.<sup>28</sup> In the early 1850s Te Hapuku sent his son to live ‘by your [McLean’s] side’ in Wellington. This echoed the practice of chiefs sending their sons to live with missionaries a generation earlier, and the purpose was the same – to learn how to live as a modern person.<sup>29</sup> Te Hapuku was himself exploring what it meant to live under the authority of the government – at least for other people. In 1852 he wrote to tell McLean that he opposed the actions of Te Ropiha, who was trying to wield a separate authority within his own *hapu* from that of government appointed magistrates.<sup>30</sup> Te Hapuku thought that Pakeha controlled the institutions of government; what he controlled was the decision to sell or

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that the government had gained it. The relationship between Maori and the government was in the first stage of development. Despite the energy with which Maori pursued it, government was neither trusted nor understood.

<sup>24</sup> McLean Maori Letters MS P32:688a. Te Hapuku to McLean, 14 February 1864.

<sup>25</sup> McLean Maori Letters MS P32:677a. Te Hapuku to Governor, 3 July 1853.

<sup>26</sup> McLean Maori Letters MS P32:686g. Te Hapuku to McLean, 14 May 1862.

<sup>27</sup> Yet he was sufficiently a King Movement sympathiser to travel to Waikato, and his protestations to McLean that he was maligned by those who said he was anti-government sound hollow. (He blamed Karaitiana and Waikato for spreading false rumours about his politics: McLean Maori Letters MSP32:688a. Te Hapuku to McLean, 14 Feb 1864. Te Hapuku’s politics are an interesting subject, but as they are not central to this study, the subject has not been pursued here.

<sup>28</sup> It is significant that Te Hapuku was the chief whom other Ngati Kahungunu most closely identified with the authority and power of the government. Many wrote to McLean and Te Hapuku, or to the governor and Te Hapuku, as if the interests of the two were identical. See, e.g. McLean Maori Letters MS P32:667c. Mata Kotakitaki, Mere Tuhi and Moni to McLean, 16 November 1853; also Ngaira to McLean, 21 November 1853.

<sup>29</sup> McLean Maori Letters MS P32:676b. Te Hapuku, Te Kuini, Puhara and Te Haurangi to McLean, 20 March 1852.

<sup>30</sup> McLean Maori Letters MS P32:676b. Hori Niania and Te Hapuku to McLean, 25 April 1852.

retain land. This neatly expresses the original meaning of the Treaty of Waitangi, and suggests that Maori had a similar understanding of its words to that of the British. The critical importance of this understanding for the future, however, was that every land sale diminished the quota of Maori power. Te Hapuku considered that he was gaining the power of the rich and varied European world, but his King Movement sympathies suggest that he also realised the link between land ownership and authority. It seems that he gambled on having enough land for his new lifestyle, and that he did not see himself as responsible for that of his followers. Cultural modernity was what McLean, as representative of the modern world, deliberately offered. It was also what Te Hapuku asked for, when he and his relations Te Kuini, Haurangi and Puhara sold land:

We have now considered your letter, or rather your proposal. Yes! We are extremely pleased with your proposal for us – or, rather, for me - about that deal (*mahi*), as indeed it was I who initiated your coming to Heretaunga that I might see your ways, European ways.<sup>31</sup>

This long letter, which echoes the sentiments of other Ngati Kahungunu writers, covers various matters in the confident tone indicated by the quotation. Te Hapuku eagerly faced a westernised future, and had a sweeping vision of Maori society transformed through the agency of land sale:

Yes, it is very fitting that the root and branches of the tree lie together; one stroke of the axe, and it falls branches and all. McLean, Sir, I agree with your word that I should come and see the land offered to you (*te kainga i hoatu ki a koe*), and hear the good will (*te painga o te whakaaro*) of the people of that area, Rangiwhakaoma. . .

The consciousness of the choice he was making is underlined in comments about Wairarapa Maori who were raising obstacles to the spread of Pakeha settlement. As McLean's draft translation of Te Hapuku's words put it:

Another subject that annoys me is our talk about the Europeans of Wairarapa. Let them be sent this way from there, that the natives there may experience poverty and that you may have the leaves and branches of our tree and that we may live in a state of light and peace.<sup>32</sup>

This passage is important for understanding Te Hapuku's reasons for selling the land and for showing that, underneath his ornamented literary style, Te Hapuku's position was not very different from that of other Ngati Kahungunu chiefs. Perhaps from an

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<sup>31</sup> *Ibid.*

<sup>32</sup> McLean Maori Letters MS P32:676s. Te Hapuku, Te Kuini, Peihara, Te Haurangi to McLean, 20 March 1852.

unconscious store of imagery of human origins as the children of Tane, Te Hapuku also pictured the Maori world as a tree, which he offered to the Pakeha, ‘root leaf and branch.’ This extraordinary letter does not stand simply as the greedy dream of a despot, but as the vision of a man who grasped the big picture, who saw that Pakeha represented a whole new world of being. Te Hapuku represents an extreme – not, it must be stressed, of ‘loyalism’, with which land selling is too facilely associated, but of the type of highly idiosyncratic chief described in the earliest literature of western encounter and recorded Maori tradition. He was, by 1860, an anomaly, a chief who was eager for the future, but who grasped it in almost purely traditional terms of personal aggrandisement. He lived in a ‘traditional’ way, for example keeping an armed taua about his (nevertheless European-style) house like a mafia prince’s bodyguard, and, in 1862, outraging other Ngati Kahungunu by sending them to take a woman he fancied by force.<sup>33</sup> Yet, in 1862, and moving towards the King movement, Te Hapuku was already a ship-owner,<sup>34</sup> and his racing stable included a horse called ‘Hurricane’ that he had professionally trained in Auckland.<sup>35</sup>

Te Hapuku equated turning away from land sales with condemning the people to a life of poverty – poverty not only in the means of subsistence, but of possibilities for living. The notion of poverty came easily to mind for most Maori comparing the British way of life with their own. In Te Hapuku’s musing on the difference between the past and present, he styled cultural modernisation as ‘a state of light and peace’.<sup>36</sup> This was a standard Maori projection of the Pakeha world. Iraia called it TE AO MARAMA in capital letters, when he asked to receive the newspaper *Te Karere Maori* in which the ways of the ‘world of light’ were written.<sup>37</sup> In Maori stories about the foundation of the world, *te ao marama* was the world that finally emerged from the void and the night, a world made fit for human life. In both Iraia’s and Te Hapuku’s letters, Maori and European ways of life were similarly contrasted; westernisation represented to Maori a new human world. A ‘state of light and peace’ was, for Te Hapuku, one in which, for example, he accepted McLean’s suggestion that he become a sheep farmer. This was an example of the possibilities that modernisation presented.

<sup>33</sup> McLean Maori Letters, McLean Maori Letters MSP32:686i. [Statement by] Heremaia Tamaihotua, 6 November 1862.

<sup>34</sup> McLean Maori Letters MS P32:686l. Te Hapuku to McLean, 20 August 1862.

<sup>35</sup> McLean Maori Letters MS P32:685f. Te Hapuku to McLean, 31 October 1861.

<sup>36</sup> This term was apparently current, as other writers also use it.

<sup>37</sup> McLean Maori Letters MS P32:676d. Iraia to Governor and McLean, 9 August 1852.

Te Hapuku illustrates the complexity of Maori political thinking in a changing culture. He gave his opinion that Nga Puhi, who signed the Treaty was signed at Waitangi, had become the slaves of the British,<sup>38</sup> presumably because they were defeated in their war with imperial troops in 1845. In Te Hapuku's view they had failed to maintain the independence of action that he, the chief who had precipitated the last 'war' fought solely between Maori in 1857, continued to demonstrate. Yet Te Hapuku was among the chiefs who signed the Declaration of independence (after the event), and the Treaty of Waitangi, and he was a major land seller. His presence at the Kohimarama conference of 1860 – a hui designed to confirm support for the government – nevertheless said nothing, in his view, about loyalty to the government. Instead, it displayed the independence that confirmed his status as a chief. Te Hapuku's behaviour shows the inadequacy of the political categories – loyalists, neutrals or nationalists – into which Maori are usually separated. The reason Te Hapuku thought that his independence was not compromised by the Treaty of Waitangi or by his participation in land selling is plausibly unlocked by the context of trade in goods and ideas that formed the history of Maori engagement with Pakeha. For a people who were only becoming literate in 1840, signing the Treaty was little different from accepting other kinds of new technology. The Treaty, and land selling, were desirable because they were assumed to offer Maori a greater grasp on modernity; it was, like them, another acquisition. The question of whether, in particular, they fully understood the function of the Treaty was not a Maori question. Function could be learned, as the history of earlier imports had shown. Few Maori signed the Treaty without misgivings, but Ngati Kahungunu had the same strong political and economic motives for wanting to treat with the Pakeha as other tribes.<sup>39</sup> Te Hapuku would have wanted the protection from gun-raiders that civil government promised, comparable wealth with other chiefs, and knowledge. He remained outside the Christian fold and was a political neutral during the 1860s wars, but he bought modernity in the form of selling land. In this he stands for the Ngati Kahungunu

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<sup>38</sup> Orange 1987, p.81.

<sup>39</sup> The fact that it was Nga Puhi who gave Ngati Kahungunu their first lesson in westernisation points to a major reference point for the attempt to reconstruct the nature of the colonial Maori society, to whose creation the musket wars made a major contribution. It is not possible to divide nineteenth century Maori experience into neat and separate 'Maori' and 'Pakeha' cultural or political categories. In a study of the colonial period, the assumption that Maori who opposed the government in the 1860s were upholders of tradition, while loyalists were lackeys of the conqueror is far too simple. All Maori were in the process of becoming westernised; they differed only in their view of how the process should be handled.

majority, for whom land became a commodity. Te Hapuku was a difficult ally for a government whose land buying agenda made a lot of temporary pride-swallowing inevitable. His vision was too individualised to be encapsulated in conformity to some government conception of Maori citizenship; the sin of hubris was certainly his, and he, and Ngati Kahungunu, would soon suffer for it. Te Hapuku is treated by historians with reserve, out of a desire to avoid the appearance of supporting land sale. There is a grandeur of scale to Ngati Kahungunu nineteenth century history. They had a huge landed estate, the acreage of the land they sold was enormous, and Ngati Kahungunu chiefs such as Te Hapuku (and Renata Tamakihikurangi, in different ways) were memorable personalities on the national stage. Te Hapuku's consequence among Pakeha stemmed from his willingness to sell the land; he wielded no other 'power'. Te Hapuku was extraordinary, but his career, in the end, illustrates the dependency of an independently-minded chief.

While declining chiefly authority seems clear in the growing Maori investment in the government, it is not a subject that chiefs' letters address. They were also engaged in the processes of modernisation; specifically, as the following letter from Hori Niania and Te Hapuku shows, in an effort to live as citizens; this meant living outside the imperatives of warrior *utu* and the prerogatives of rank, and inside the *tikanga* of state over which the government, rather than chiefs, presided. This letter will be extensively quoted because of the insight it offers of the political life surrounding land sale; it shows the exercise of citizenship and the reliance that chiefs already place on the government. The first indication of change is the proof that Maori look to government officials for third-party mediation in land disputes:

We have arrived at Mataikona to arrange the places your friend Wiremu Potangaroa discussed with you. When we got to Porangahau Te Ropiha was angry with Te Hapuku, Puahara and me and also Te Hei for coming to settle places for you. He said what we are doing is wrong, and that when you come here he will call for us to be investigated.<sup>40</sup> We told him that would not be right.

Maori are drawn into the economy by working alongside Pakeha as surveyors:

Now, you know that of the area cut off for you, Waimata is the boundary of that side. The end of this side is out at [the lands of] Ahanga. Puketai itself is the inland end, Te Wiremu's place at Mataikona being the actual boundary right through to Kurauea here just beyond Wareama, with Puketai again the inland boundary. Now, understand that I did not make the survey. By the time

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<sup>40</sup> That is, brought before a court.

we got there, Te Perihe [a Pakeha, possibly Bruce or Bryce] had begun work. He was off in the plain for three weeks, therefore I was unable to do the work you told me to do, but perhaps there will be other work that I will be able to do.

Niania or Te Hapuku struggle not to take the law into their own hands over a stolen horse:

Now, friend, have you heard about Charles [Tare] stealing my horse? I am extremely upset about my horse being stolen by that man. As soon as my letter to you arrived, Te Perihe lost it! That is, on his return from Heretaunga he lost it. I gave it to him, but when Hanara's [a Pakeha] [letters] reached you, mine was lost. I tell you, you can decide about my horse, but if it was up to me, he should take it and sell it. That would be good. He just keeps insisting that he should keep that horse, however when you arrive you will hear the situation.

They support the government as the sole source of law in the community:

Now this is another thing that Te Ropiha told us, that he has stopped supporting you Pakeha. We said he is wrong, that he is utterly wrong. But he says he can't be wrong, because he has become the magistrate for his village. Te Hapuku said it is not right for you to set yourself up as a magistrate, because the authority for that position comes from the Pakeha.

They reveal a dependency on McLean as the validation of their authority:

Now here is something for you to hear. Do not take any notice of the letters you get from the people of Wairarapa about the areas Te Wiremu discussed with you. But as for you, you must come to the naming of the payments for the land of your friend Te Wiremu. We do not accept Te Pirehe and the others, but you yourself, so that the payments will be right and the boundaries can be extended here to Wareama, the river boundary.

Within twenty years of the Treaty, many people found it difficult to imagine any other mode of political organisation that the one that can be glimpsed in the above letter.

This is the context in which Renata Tamakihikurangi scornfully rejected the idea that the war in Taranaki was about sovereignty; if that were the case, he said, every Maori in the country would be in arms against the government. Renata thought that the dispute was about land policy.<sup>41</sup> This view receives strong support in the Maori correspondence, which records the voice of citizens.<sup>42</sup>

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<sup>41</sup> Renata 1861, *op cit.*

<sup>42</sup> See e.g. *AJHR* E No.1E 1863, Tareha, Te Moananui, Renata Kawepo, Karaitiana Takamoana, Noa Huke, Paora Totoro, Te Matenga Te Hokimate, Te Harawira Tatere, Morena, Paraone Hakihaki, Rota Porehua, Te Harawira Takao, Wiremu Te Rewarewa, Te Wirihana Ponomai, Heare Te Apaturi, Noa Kuhupuku, Te Waaka Hiao, Te Hira Te Ota, tohutohu, Te Teira Te Paea, Paora Rerepu, Te Haka, Porokoru Mapu and 'us all, 170 of the men, Maori chiefs of this place, Napier' to the Queen of England 3 April 1861, Pawhakaio.

If land was a commodity, the political awareness that grew out of the experience of the market could change land sellers into land holders, as in the case of those who sympathised with the King Movement. Land sale did not, however, re-trench older views about land, however widely continuity with the pre-colonial situation is assumed today. Whereas pre-contact Maori attachment was to a personal history in a particular place, the growth of nationalism in the 1850s allowed a conceptualisation of a wider attachment to country, *Niu Tireni*, (New Zealand) to emerge, even for Maori who did not join the King Movement.<sup>43</sup> The modern, political view of land would not outlast the 1860s for most Maori, because the Pakeha's ethnic conception of military victory effectively excluded Maori from power. The Native Land Court would narrow Maori perceptions of land from the ownership of a political stake in the colony to the struggle for recognition of a stake in the land itself. Nevertheless, in the period under study, a combination of economic pragmatism and the re-conceptualisation of land as 'country' was quietly erasing the attitudes to land of the past. For example, in 1851 a piece of land was reserved from the Mohaka sale because it was a *wahi tapu* (sacred place), in this case the burial place of ancestors. In 1859 the reserve was sold: selling was the only way the owners would be compensated for the free use a neighbouring settler was making of a piece of ground that was now surrounded by a fenced Pakeha farm.<sup>44</sup> The cultural unity between people and their land was severely assaulted by such actions as the sale of *wahi tapu*, which denotes the retreat of the old world from the landscape; henceforth the sacredness of such places would largely exist in the minds of the people, which would, in turn, regenerate an apprehension of the sacred based on the emotional response to loss, which the present inherits. If, in the 1850s and 1860s, pragmatism could engender the sale of *wahi tapu*, the protections of 'pragmatism' were uncertain. Land sale could breed more land sale as often as it bred the political nationalism that was accompanied by land holding.

Cultural change generated by land sale was pervasive. By the later 1850s, Ngati Kahungunu chiefs had become dependent on sale to fund their lifestyle – even

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<sup>43</sup> The Maori name for New Zealand was *Niu Tireni*. *Aotearoa* seems to have come into use in the King Movement in the 1850s, but is rare in the period of this study. However, see *AJHR* 1865, E4 No.28,p.30, 'Wi Tako's report of speeches relative to the introduction of Hau Hau fanaticism into Wairarapa, 25 May 1865: *'no te mea he atua poka iho I waenganui o Aotearoa.'*

<sup>44</sup> The motive for the re-think signals a general fading of the old world rather than a specific change in religious outlook; the Maori owners had originally allowed Pakeha stock to graze on the reserve while it remained unfenced. This was stated in writing.



at its most traditional. The chiefs who fought Te Hapuku in 1857 financed their operation on credit, advanced on the security of the land they were in the process of selling.<sup>45</sup> Less spectacularly, but equally requiring the means of purchase, lifestyle changes became ‘needs.’ Te Moananui sent a shopping list for ships’ biscuit, sugar and other goods which added up to the then considerable sum of fifteen pounds sterling.<sup>46</sup> How were the groceries to be paid for? As a factor steering Maori towards land sale, new perceived economic needs were possibly as important as political change.

Almost every one of the large volume of Ngati Kahungunu letters in the 1850s and 1860s gives evidence of the development of a new kind of society as a Crown Colony. Day by day, Ngati Kahungunu accepted the reasonable exercise of authority by the government, which in the provinces consisted mainly of officers of the courts and, above all, land agents; Paora Te Iriware described McLean, who represented the government to Maori, as *he tangata whakatakoto tikanga ki nga tangata ki nga wenua* (one who lays down policy for men and land.)<sup>47</sup> People did not think of ‘government’ as an abstraction, but as a system with benefits. Karaitiana Te Wakaroto wrote to say he had lost all his *taonga* ‘possessions’ in a fire, and hoped that the ‘law concerning the poor’ will see him right.<sup>48</sup> Others asked to learn how to look after stock.<sup>49</sup> Elders asked officials’ advice on how to deal with community crime; some requested the government newspaper, *Te Karere Maori*, to be sent to them on subscription, so that they could learn more about the Pakeha *tikanga* (or way of life).<sup>50</sup> Some asked for Pakeha to live amongst them, for the same reason.<sup>51</sup> Thomas Grace, a missionary who was keen to encourage Maori development, said in 1852 that the ‘motto’ of Christian Maori was ‘ploughs, sheep and ships’, which they saw as the way to belong in the

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<sup>45</sup> McLean Maori Letters MS P32:686h. Tareha Te Moananui and Paora Kaiwhata to McLean, 23 August 1862.

<sup>46</sup> McLean Maori Letters MS P32:681b Te Moananui to McLean, 20 July 1857.

<sup>47</sup> McLean Maori Letters MS P32:681b. Paora Te Iriware to McLean, 21 July 1857. Te Harawira called the governor the ‘elder of Maori and Pakeha’: McLean Maori Letters MS P32:676c. Te Harawira to the governor, 25 August 1852. Apirana Te Whenuariri called McLean ‘the governor of Napier’. McLean Maori Letters MS P32:685f: Te Whenuariri to McLean, 18 October 1861, Wairoa.

<sup>48</sup> McLean Maori Letters MS P32:686c. Karaitiana Te Wakaroto to McLean, 14 February 1862.

<sup>49</sup> McLean Maori Letters MS P32:676c. Te Manihera to McLean, 27 May 1852.

<sup>50</sup> See, e.g. McLean Maori Letters MS P32:676c. Iraia to governor, 9 August 1852. Iraia calls the newspaper *te ao marama* ‘the world of light’.

<sup>51</sup> See, e.g. McLean Maori Letters MS P32:677a Hemi Te Ora to *te tino kawana o Nui Tiranga* [sic], ‘the supreme governor of New Zealand’, 4 July 1853.

modern world.<sup>52</sup> Iraia asked, in 1852, for a copy of Robinson Crusoe, then newly translated into Maori.<sup>53</sup> Puhara asked for a Pakeha doctor to attend to his ‘sick young people;’<sup>54</sup> quantities of crude medicines such as cod liver oil were dispensed, on Maori request, by officials such as Donald McLean. Hare Nepia Hapuku asked McLean to pick up his watch *kai te watimeke e takoto ana* (lying at the watchmakers’).<sup>55</sup> Te Hapuku, a chief seemingly enclosed in former ways in spite of his land selling, was running racehorses by 1861,<sup>56</sup> while Renata Te Rangiatahua, who declared that the people of Omahu were ‘performing the works of peace’, ran a race day from which he raised ninety pounds to fund a court sitting.<sup>57</sup> Paora Kaiwhata expressed the changes to Ngati Kahungunu life when he pictured himself as an economic warrior. Now, he said, his weapons were his produce.<sup>58</sup>

The dialogue between the government and Maori was surprisingly bureaucratised. Kahungunu chiefs were sent ‘list[s] of tenders accepted and rejected’ from the government office when the mail runs were advertised,<sup>59</sup> and received prior notice of proposed government spending for which Maori would be contracted, such as the ‘laying off [of] a bridle track between Mohaka and Te Wairoa. . .as soon as the severest of the winter is over’.<sup>60</sup> Maori were keen to talk to the government, because, as Renata Tamakihikurangi said, this helped to avoid the misunderstandings which arose out of their inexperience.<sup>61</sup> They treated McLean as a business mentor. Manihera Te Rangitakiwaho told him that a Pakeha to whom he owed money for building his mill, was taking him to court, but that he was resisting the Pakeha’s attempts to gain the lease of the mill.<sup>62</sup> Grievances about land were put before the Pakeha magistrates, as when Morena Hawea complained to the provincial council that he had received no rent for ten years from John Nairn, and furthermore, had been told to pay rent himself for pasturing his horses on the Queen’s land.<sup>63</sup> Like most correspondents, he got a crisp reply by return post, in what seems a model of

<sup>52</sup> W.H. Oliver and J. M. Thomson, *Challenge and response; a study of the development of the East coast region*, Gisborne: East Coast Development Research Association, 1971 p.56.

<sup>53</sup> McLean Maori Letters MS P32:676c. Ihaia to Kemp, 19 June 1852.

<sup>54</sup> McLean Maori Letters MS P32:681b. Puhara to McLean, 18 July 1857.

<sup>55</sup> McLean Maori Letters MS P32:686i. Hare Nepia Hapuku, 12 November 1862.

<sup>56</sup> McLean Maori Letters MS P32:685f. Te Hapuku to McLean, 31 October 1861.

<sup>57</sup> McLean Maori Letters MS P32: 688e. Renata Te Rangiatahua to McLean, 21 October 1864.

<sup>58</sup> AGGHB4/13. Paora Kaiwhata to Capt. Carter, 4 July 1861.

<sup>59</sup> *AJHR* 1863 E 21, No.1, p.1. Edward Catchpool to the Postmaster-General, 23 January 1863.

<sup>60</sup> AGGHB4/13. Superintendent to Toha, 26 July 1861.

<sup>61</sup> AGGHB4/13. Renata Tamakihikurangi to Capt. Carter, 3 July 1861.

<sup>62</sup> McLean Maori Letters MSP32:681a. Manihera Te Rangitakiawaho to McLean, 8 May 1857.

<sup>63</sup> AGGHB4/13. Morena Haw[e]a to magistrates, 15 April 1861.

bureaucratic efficiency: his and similar complaints will be brought before the next General Assembly.<sup>64</sup> The ordinary language of communication was plain and businesslike; it gives a sense that the role and authority of the government was well accepted. The frequent and courteous communications between Maori and officialdom show an often race-blind bureaucratic culture in which Maori were treated as citizens. Maori responded in kind, for example greeting the provincial superintendent straightforwardly as ‘the administrator of affairs for both Maori and Pakeha.’<sup>65</sup> Nevertheless, the acceptance of government by Pakeha was a highly conscious change for Maori, who were aware of participating in a system which was not home-grown. Wiremu Kingi Tutepakihirangi included a *haka* in his letter to underline his perception of change. The *haka* began *tenei au kai te hoe i aku waka e rua* (Here am I paddling my two canoes),<sup>66</sup> that is, the Maori and Pakeha strands of his life. Toha ruminated on the difference in Maori and Pakeha conceptions of authority. He said that whereas chiefs remained chiefs, in the Pakeha world the positions of authority were fixed but the incumbents changed. He welcomed the new provincial superintendent with the resigned comment:

Greetings to you living at your place, according to our agreement. Last year someone else was the superintendent; this year it is you. Ah well, I have something to say to you...<sup>67</sup>

Maori sought the economic opportunities opened by development projects such as the improvement of the roading infrastructure in an area where travelling overland was arduous and risky. Toha lobbied for the establishment of a ferry service on the Waihua river for the convenience of people living on either side.<sup>68</sup> The ferry was a monument to raised expectations, as formerly canoes were thought adequate to the task. ‘Give me a *taonga* [i.e. the ferry] to save me’ said Paora Rerepu dramatically, ‘lest your Maori and your Pakeha people perish in the water.’<sup>69</sup> There were, however, no naïve expectations that the government alone would accomplish modernisation. Instead, there was a sense of partnership between the centre and local enterprise. When Toha promoted the ferry he assured the government that ‘I do not wish to lay

<sup>64</sup> AGGHB4/13. [n.d. Unsigned note, page numbered [5]].

<sup>65</sup> AGGHB4/13. Eparaima for Nopera Te Mahue to the Superintendent of Napier, 10 July 1861.

<sup>66</sup> McLean Maori Letters MSP32:677c. Wiremu Kingi Tutepakihirangi to McLean, 17 November 1853.

<sup>67</sup> *Ibid.*

<sup>68</sup> AGGHB4/13. Toha to Superintendent, 22 April 1861 (Hamlin tr.)

<sup>69</sup> AGGHB4/13. Paora Rerepu to McLean, 18 June 1861.

the whole cost on you,' and added that he was happy with either a Maori or a Pakeha ferryman.<sup>70</sup> Inter-ethnic relationships show no patterns of Maori subservience. John Snodgrass, whaler, gave up the trade in 1854 because he could no longer attract Ngati Kahungunu crew, who had found that they could make more money growing crops on their land.<sup>71</sup> Kahungunu chiefs had their share of annoyances, and were active in pursuit of their interests. Te Hapuku and his kinsmen<sup>72</sup> asked for regulation of the prices offered by Pakeha traders for Maori produce:

...we don't feel like growing food, because of the low return of three shillings a bushel. . .they're stealing the profit of our wheat, pork, potatoes, flax, in fact all our food production.<sup>73</sup>

Karaitiana and Te Moananui objected to sheep belonging to Pakeha and Te Hapuku grazing on land in disputed ownership. They asked the government to intervene, failing which they give notice of their intention to kill the sheep.<sup>74</sup> Disputes over land generated a continuous and vigorous debate about both ownership and money. Te Ropiha, for example, wrote out the boundaries of the land he and his family intended to keep *mo o matou uri i muri i a matou, mo a matou kararehe ano hoki* (for our descendants after us and for our stock), adding that the Pakeha were desperate to get the trees.<sup>75</sup> Some Maori at least understood the value of money. Individuals kept accounts, adding up and pursuing rents owed to them by European ex-squatters for the period before their land was actually sold. Land was beginning to be looked at with new eyes, and judged by calculations of its capabilities for wheat production.<sup>76</sup> In 1861 Renata Tamakihikurangi reported to the Superintendent of Napier that 'at Omarunui there will be 1600 bushels sown for seed; throughout Heretaunga all are busy sowing wheat'.<sup>77</sup> The Colonial Secretary, William Fox, observed in 1861 that Nikora Wakaunua had a European-style house with glass windows and a veranda. Individual Ngati Kahungunu might be wealthier than Pakeha, and in a financial

<sup>70</sup> In a reply dated 14 May 1861, the Superintendent nominated a Pakeha.

<sup>71</sup> Waitangi Tribunal. 'The Mohaka River Report' 1992, (Wai 119), p.50.

<sup>72</sup> McLean Maori Letters MSP 32:676d. Puhara, Te Haurangi, Te Wiri, Hori, Te Paraone, Te Pakeke, Tareha and Karaitiana to Governor and McLean, 13 September 1852.

<sup>73</sup> McLean Maori Letters MSP 32:676d. Te Hapuku, Puhara, Te Haurangi, Te Wiri, Hori, Te Paraone, Te Pakeke, Tareha and Karaitiana to Governor and McLean, 13 September 1852.

<sup>74</sup> AGGHB4/13. Urupeni Puhara, Karaitiana, Moananui, Tareha, Hipene Te Whiri, Hakaraia, Te Paratene, Hupata, Te Paraone, Te Harauira, Paurini, Mangaonuku to Governor [sic] Tamati, 23 May 1861.

<sup>75</sup> McLean Maori Letters MSP32:681b. Apiata and Te Ropiha to McLean, 27 July 1857.

<sup>76</sup> AGGHB4/13. Paora Kaiwhata to Capt. Carter, 4 July 1861. Good land is called *whenua rangatira*.

<sup>77</sup> AGGHB4/13. Renata Tamakihikurangi to Capt. Carter, 3 July 1861.

position to offer work to settlers. When Renata Tamakihukurangi wanted a wooden European-style house – after his mill was finished – the builders he engaged were, logically, Pakeha experienced in the trade.<sup>78</sup> The economic picture was everywhere one of confidence and rapid development. Surveying the scene, Renata said, with obvious satisfaction, ‘When the Maori inhabitants do these great and valuable things, it proves it is a place of note.’ This comment reveals a pride in modernity which begins to suggest what Ngati Kahungunu stood to lose if they were drawn into war, and forms the context of their neutrality.

If the war in Taranaki focused Maori attention on their political relationship with the government, that attention was not, as the single-focus modern lens often assumed, consumed by the loss of land. The war was about the land policy of the Governor, and conceptually it remained within the boundaries of citizenship. Maori wanted better government, not its overthrow. The almost universal Maori perception was that the Waitara purchase was improperly conducted, that is, outside an agreed formulation of law, and therefore Maori debate about the Waitara fighting was centred on the citizens’ issue of governance, which was for Maori attached to the wider context of civilisation. The seriousness of the issue, however, can be obscured in the sources by the surfaces of formal expressions of support for British authority around 1860.<sup>79</sup> There are quantities of Maori writing displaying adulation of the governor and queen, but it would be mistaken to view this as an unsophisticated ‘loyalism’. The praise genre of Maori writing was reserved for symbolic contexts, and its language is elaborate and formulaic. Paora Rerepu praised the governor as ‘a mother to us’. While this falls uneasily on the modern ear,<sup>80</sup> such writing also provides insights into the intellectual content of Maori citizenship. Rerepu said his ‘mother’ warmed him with ‘food, clothes and other things’, therefore:

I will sleep within the civilisation of the Queen. I am with you, with God,  
Queen and the governments former and to come.

The depiction of peace and prosperity in a female image and in the metaphor of sleep strongly underlines Rerepu’s rejection of war. By praising British authority for bringing peace, he is hoping to hold them to the ‘covenant’ of universal peace under

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<sup>78</sup> AGGHB4/13. Renata Tamakihukurangi to Capt Carter, 3 July 1861.

<sup>79</sup> The best known examples are speeches at the Kohimarama Conference of 1860.

<sup>80</sup> AGGHB4/13. Paora Rerepu to governor, 2 June 1861, Mohaka. Rerepu signed himself off as ‘*rangatira*’. He saw no conflict between the role of chief and loyalty to the Crown.

law which Maori assumed the Treaty of Waitangi to mean. Ngati Kahungunu's analysis of the war was much like that of the King Movement, however most Ngati Kahungunu did not 'join' the King Movement, either by placing their land under the king's *mana* or by fighting in the Waikato in 1863, and there and other places subsequently. Neither did the majority of Ngati Kahungunu subsequently *pooti* (commit themselves in worship) with the Hauhau, or take up arms against what the Hauhau deemed to be the 'enemies of God.' For most Ngati Kahungunu, there were no simple alternatives. They had entered on a grand project to modernise their society, based on a belief that economic and social modernity were only possible of achievement within the national framework of government and law introduced by the Treaty. This stance was not substantially altered by the war. Ngati Kahungunu were conscious of the idea of citizenship in a modern territorial state - *tenei motu o Nuitireni*, (this country of New Zealand),<sup>81</sup> and aware of being part of a bi-ethnic community that stretched all the way to England. They spoke of McLean as one who conducted the business of 'our government' (*to taua kawanatanga*)<sup>82</sup>. The 'people' they said they belonged to included *o taua Pakeha e noho mai na i Poneke i Ingarangi*, (yours and my Pakeha living in Wellington and England).<sup>83</sup> These views suggest that Ngati Kahungunu felt the proper functioning of the colony was a matter in which they had a vital vested interest. As an explanation of the political stance of the majority of the tribe in the 1860s, the 'pursuit of modernity' lacks both the exoticism which the present wishes to find in tribal societies, and the glamour of native revolt against colonial masters. If, on the other hand, it is viewed as a native attempt to create a state in which ethnicity was not a bar to equality, Ngati Kahungunu's modernity seems little short of astonishing.

Ngati Kahungunu's modernity was not only economic but political, the tribe being the most articulate representatives of the misunderstood neutral, or *kupapa*, position in the war. The Ngati Kahungunu chief who best represents mainstream Ngati Kahungunu views was Renata [Leonard, a baptismal name] Tamakihikurangi (also known by his later name of Kawepo). Renata said in 1860 that Ngati Kahungunu

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<sup>81</sup> McLean Maori Letters MS P32:675f. Te Harawira to Governor, 16 July 1851. The transposition of the *u* and *i* in the spelling of *Niu Tireni* was common. Hemi te Ora of Whakatu had possibly not heard of this transliteration, and called 'New Zealand' *Nui-te-rangi*. McLean Maori Letters MSP32:677c. Hemi Te Ora to McLean, 5 December 1853.

<sup>82</sup> McLean Maori Letters MS P32:681a. Te Manihera Te Rangitakaiwaho to McLean, 8 May 1857.

<sup>83</sup> McLean Maori Letters MS P32:676s. Te Hapuku, Te Kuini, Puhara and Te Haurangi to McLean, 20 March 1852.

sold land to the government as *he tohu aroha*, that is, a sign of political support for the new world. These words, which were repeated by other Ngati Kahungunu (including Te Hapuku), are a key to understanding the tribe's land dealings. Ngati Kahungunu pursued modernity through the partnership with the Pakeha that (lit.) 'a token of love' signifies. Because they believed in the partnership, they were willing to contribute to the development of the state. Ngati Kahungunu fulfilled their side of the bargain by selling land. Renata's political views were aired at a tribal *hui* held in Napier in 1860 to discuss the war in Taranaki. Renata was convinced that British government was the means to modernity for Maori. He agreed with the structure of governance of the colony, but believed that government must reflect an underlying morality. As Governor Gore Browne had gone to war in defence of a self-serving reading of Maori property rights, he had failed as a moral exemplar, therefore Renata wanted him recalled in favour of 'a governor who will feed me with digestible food – with councils, courts of justice, love and good deeds.' The mark of a moral, or civilised, society was one standard of behaviour for all, therefore Renata was equally contemptuous of Maori belligerence. This was borne in on his Maori audience in a way no words could equal, because, as he spoke, he brandished a *patu paraoa* sent by Ngati Raukawa as a *tiwha* - an invitation – to Ngati Kahungunu join together to make war on the Pakeha settlement of Wellington: *Ko taku patu na Ngati Raukawa hei patu mo Poneke, naku i whakakahore*.<sup>84</sup> Renata's support for peace was clear in this dramatic action, but equally clear was the parallel message to that government of his independent power of decision over allegiance, or 'loyalty'. Renata was saying that it was quite possible to form a Maori alliance to fight the Pakeha, but he chose not to. This was the heart of Ngati Kahungunu's neutralism.

Renata's loyalty was to the rule of law, established symbolically by the Treaty of Waitangi as the foundation of the modern state, and of the security of Maori as its citizens. His objection to Gore Browne's change in land sale policy was that it constituted a violation of the rule of law. His 1860 speech was deliberately pan-Maori in order to include the King Movement in his sense of unity with all tribes.<sup>85</sup> Nevertheless, in his view tribal unity existed within the state. The rule of an agreed national law was the basis not only of Maori political unity, but of the mutual

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<sup>84</sup> Tamakihikurangi, 1861, p. 7s.

<sup>85</sup> Renata stated that if the King Movement had found that Wiremu Kingi was in the wrong over Waitara, he would have been made to give up the land. Tamakihikurangi, 1861, p. 11s.

citizenship of Maori and Pakeha. His rejection of the Governor's purchase of Waitara was not based on a separatist stance but on a political *tikanga* (culture) developed with the consent of Maori citizens. There is no suggestion whatsoever in his elegant, if angry, argument that Ngati Kahungunu had understood past land transactions in terms which were exclusively the intellectual property of one side or the other (as the '*tuku whenua*' thesis would have it). Renata's objection to the government's handling of Waitara was the objection of a citizen, based on the conviction that it broke the law. He asked for an investigation of the Waitara affair not in terms of tribal culture, but of the law of the state. Speaking of Waikato's attempts to prevent the spread of fighting in 1860, Renata, repeating the king's proverb in plain speech, asked the governor: 'Can you not see how justly your enemies have been acting, whilst you still persist in the war?'<sup>86</sup>

While the Kahungunu chiefs sympathised with the King Movement's stance in support of Wiremu Kingi, the reasons they did so were not necessarily King Movement reasons, but an expression of their own political position. Ngati Kahungunu thought that Kingi's actions in asserting his authority over Waitara were more closely aligned with English justice, under which they lived, those of the governor.<sup>87</sup> It is crucially important to note that Renata asked for Gore Browne's replacement, not for an alternative system of government.<sup>88</sup> Ngati Kahungunu's stance was straightforwardly political.<sup>89</sup> They were prepared to overlook Gore Browne's mistakes and support the return of Grey, provided his policies were transparent and just.<sup>90</sup> This is further evidence that Ngati Kahungunu took the existence of the modern political community of the Treaty state for granted, even when they strongly disagreed with its operation. For most, it was simply the framework of life - that is, their 'culture'. It was this majority who in 1865 would think of the Hauhau as a step back in time.<sup>91</sup> In

<sup>86</sup> Tamakihikurangi, 1861, p.12s.

<sup>87</sup> In Maori terms 'ownership of land' could mean, according to context, either the 'right' of any member of the group to gain sustenance from the tribal territory, or, in the case of chiefs, the 'right' to exercise political authority over the group thus actually or potentially engaged. Article One of the Treaty of Waitangi transferred the right to govern to the Queen's representatives, but Article Two affirmed Maori ownership of the New Zealand soil. The separation of political authority and land ownership in the Treaty allowed the King Movement to reconstitute tribal sovereignty on land not sold to the government.

<sup>88</sup> Tamakihikurangi, 1861, pp.11-12s. McLean had encouraged at least some Ngati Kahungunu to attend this assembly.

<sup>89</sup> This contrasts with King Movement thinking, which was tending in this period to ever greater ideological enclosure.

<sup>90</sup> *AJHR* 1861 E No. 13, Encl. to No.1, Notes by the Col.Sec., p.10.

<sup>91</sup> The Hauhau themselves believed that they were bringing in the future.



the minds of the majority, the alternative to the universal culture of modernity was what they now thought of as a dark tribal past. This is the underlying reason why Ngati Kahungunu did not give up their alliance with the government.

It is hard to convey the depth of the Maori sense of the war as betrayal of the trust they had invested in government. Renata did not think that the dispute in Taranaki was unique or serious enough to justify the governor's throwing out the peace *te tikanga Pakeha* (civilisation) was believed to stand for. Between 1840 and 1860 there had been, in traditional terms, many justifications for war which Maori had refrained from acting upon, precisely because they had embraced this *tikanga*. They expected the Pakeha to show the same discipline. In November 1860 Renata Tamakihikurangi made a public speech about the deteriorating political situation in which he said:

The governor]continues to prolong the war between himself and Wiremu Kingi. He continues to collect troops from this country and that country, even from England, to exterminate these people of ours.'<sup>92</sup>

Therefore, he continued, Maori were considering going to Taranaki to fight. Renata sketched the pan-Maori solidarity which was emerging both as a mirror of Pakeha unity, and as a remembrance and extension of the idea of tribal alliance against enemies, which had been suppressed first by the peculiarities of the musket wars and subsequently by the acceptance of a modern system of government. Renata asked the superintendent to remember that it was the Pakeha who had taught Maori that disputes could be settled by appeal to law, rather than fighting. His talk was about how the governor and queen had presented themselves as protectors, but had failed to live up to it. Renata, Ngati Kahungunu's most stringent political thinker, was unusual for Maori of the times in that he actually talked in terms of the Treaty, which had been revived by the government in the late 1850s to remind Maori of their obligations as citizens. Like most, he believed that the Treaty had been breached (*kua he ano te Tiriti i Waitangi*)<sup>93</sup> by Governor Gore Browne's actions in Taranaki. As a result, the Ngati Kahungunu chiefs' combined welcome to his replacement, Sir George Grey, presented some home truths:

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<sup>92</sup> Tamakihikurangi 1861, p.5. Tamakihikurangi to Supt of Napier, 7 Nov 1860.

<sup>93</sup> Tamakihikurangi, 1861, p.181.

Come and set right the wrongs of our land, which were exacerbated by the actions of the last Governor. Sir, it was not the case that we were equally culpable – no: the Governor alone was to blame.<sup>94</sup>

The language used by Renata in his analysis of government policy contrasts markedly with the ceremonial submissiveness of Paora Rerepu's address, quoted earlier. Both chiefs were, however, loyal to the Treaty state, and if Rerepu's praise-speech is the formal surface of Ngati Kahungunu citizenship, Renata's views are the content. The styles of the two chiefs represent the past and the present, at the very point of change. During the 1860s the old praise-language of formal address to the governor as the proxy of the queen and God disappeared. War, and the threat of war, vastly accelerated the political education of Maori, with the result that Maori and Pakeha began to occupy the same political space. Pakeha lost the cloak of protection that their status as the bearers of modernity had conferred. Everyone was capable of being a representative of the modern, and the mystery of foreign culture fled. Pakeha came to be judged solely on what they did, rather than, as formerly, on what they represented. It is at this time that the 'Treaty state' became a modern political reality to Maori.

While the Kahungunu chiefs saw wrongs on both sides in the Waitara affair, they analysed the governor's mishandling of Waitara as a failure of government. The chiefs made clear that a just governor would not be opposed, and that they did not support 'evil intentions towards the Europeans'.<sup>95</sup> Most importantly for a discussion of Ngati Kahungunu citizenship, they reaffirmed their allegiance to the 'Treaty state'. They cautioned against paying attention to the lies (*korero parau*) of extremists of both races who were saying Maori sought to repudiate the sovereignty (*rangatiratanga*) of the Crown. In what might be the first Maori statement of the principle of partnership, the chiefs said that the sovereignty of the Crown was embodied in a government based on laws agreed in consultation (*e runangatia*) between the two peoples.<sup>96</sup> They also made clear that the authority of the queen had wider implications for Maori than the straightforwardly political: it was the

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<sup>94</sup> *AJHR* 1861 E-No.13, p.12. Karaitiana Takamoana, Tareha, Renata Tamakihikurangi, Noa Huke and Wirehana Toatoa to Governor, 19 August 1861.

<sup>95</sup> ..'na te Maori tonu ano ana kino I hoatu ki te Pakeha'. *AJHR* 1861 E 11, No.2, p.2. Renata Tamakihikurangi, Karaitiana Takamoana and Te Wiremu Toatoa to Featherstone, 7 September 1863.

<sup>96</sup> The speeches are an unconscious echo of 1840.

foundation and necessary condition of modernity, which was the commodity Maori most wanted from the Pakeha.<sup>97</sup>

Outrage does not seem too strong a description of Ngati Kahungunu's sense that the principle of the peaceful community ruled by law had been violated in Taranaki. King Potatau's saying: 'Formerly my god was Uenuku the man-eater. Now my god is the great God of heaven' was a warrior's perception of the radical change in Maori culture. In the 1860s such sayings were integral to the conduct of a highly sophisticated politics. Te Wherowhero's words had enormous force, because they were uttered by one of the last of the famous traditional fighters. His message, repeated all over the island, was the laying down of peace as the proper foundation of modern Maori society. In 1861, in his analysis of the Taranaki war, Renata Tamakihikurangi quoted Te Wherowhero (then recently deceased) to underline the widespread Maori perception of broken trust:

When I accepted your God, I thought we (*matou*, i.e. Maori and Pakeha) would judge wrongs (*he*) big and small. When it came to this wrong [Waitara], I was the only one left to worship the Governor's God, while he went off to pick up my god, Uenuku the Cannibal, that I had left behind me.

And now, there he is, the Governor, the foundation of Jehovah, risen up and taken Uenuku-kai-tangata to Taranaki, as his god for the extermination of the people!<sup>98</sup>

Renata was outraged that the governor, symbol of the new *ao marama* (enlightened world), was following the false and savage gods of war. Maori had believed in a civilisation conceived as the peaceable kingdom and assumed to arise from an inner, inviolable, religious truth. In 1860 Pakeha stopped being, in the broad sense, the people of God to Maori, because their actions mocked what had become a deeply internalised Maori belief. This opened the way to new formulations of religion in which Pakeha were recast as the enemy of god.

In summary, the Taranaki war of 1860 broke through the psychological barrier of peace erected against the past, and made war with the government politically

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<sup>97</sup> The chiefs speak with the privilege and gravity of rank. Because they fear war, they speak in unity, and from the heart (*kotahi rawa ake ta matou kupu na roto rawa i o matou manawa*). They also, however, speak without trust, and for this reason extend their thoughts beyond the governor to the queen. Appeals by Maori to Queen Victoria after the 1860s misjudged political reality, whatever the satisfactions for the travellers themselves. In 1861, however, the constitutional change which made the monarchy (in Bagehot's phrase) the dignified and not the effective form of government was still in process. The appeal to the Queen, as head, or parent (*matua*) of her Maori family, was a valid political strategy.

<sup>98</sup> Tamakihikurangi 1861, p.21.

conceivable for Maori who were Christianised and modern in their thinking. As well, the war greatly accelerated the independence and confidence of Maori political thinking. As we have seen, the response was mainly concentrated on questions of justice. Ngati Kahungunu had a certain amount of space to address such theoretical concerns, because the fighting was not on their territory. They had no *take*, or compelling traditional reason, to participate, neither were they sufficiently convinced by the King Movement's nationalist politics to participate on a premise of ethnic unity. Instead, the chiefs thought about implications of the war for the relationship between Maori and the government. They knew that the tribal dispute which had led to catastrophe in Taranaki was capable of being played out in any part of Maoridom. All tribes had their counterparts of Wiremu Kingi and Te Teira, whose struggle expressed a truth that lay close to the surface of Maori society, that power was determined in conflict.<sup>99</sup>

This chapter has brought forward evidence that history is distorted by too strong a focus on the minority of Ngati Kahungunu who abandoned their loyalty to the Crown. Dissatisfaction with the government did not usually lead to repudiation of its authority. The huge volume of evidence of Ngati Kahungunu participation in a modern economy and system of government must suggest a re-evaluation of Maori citizenship. The view that all Maori initiatives were simply another string to the bow of 'traditional' inter-group competition is too narrow to explain the breadth and depth of change. Mid-nineteenth-century Ngati Kahungunu were pursuing the arrow of time, and *mana* had begun to be defined in the entirely new terms of the achievement of modernity: an economy based on farming, development of the provincial infrastructure, and the leasing and sale of land. Political stability, and a civic society based on participation in a functioning court system and the establishment of strong lines of communication with local and central government, in part through an efficient mail system, were valued by Maori. The *mana* of citizenship in a modern state was not simply expanded opportunities for economic gain, or personal aggrandisement. If the opportunities presented by modernisation were perceived in a 'traditional' way, these would most certainly have led to tribal fighting. Rather, the *mana* of citizenship

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<sup>99</sup> Renata Tamakihikurangi said that 'the cause of the war was a small matter'. He meant that disputes over land ownership were common that if the Governor was prepared to go to war over it he must have some larger, hidden agenda. Tamakihikurangi, 1861 p.181. Heremaia explained in 1862 how a *kupu kino* was likely to provoke a fight. See McLean Maori Letters MSP32:686i, Statement by Heremaia Tamaihotua, 6 November 1862.

expressed a whole new way of being. Its intellectual framework was *te tikanga Pakeha*, (the Pakeha way life). This phrase was often translated at the time as ‘civilisation’. The translation was apt, if it meant to the translators what it meant to Maori, which was the idea of a universal society. As presented to Maori, civilisation was based on the rule of law, whose authority stemmed from God. Because the ‘state’ was part of God’s will, it was, at least ideally, not only a universal but a compulsory society, in the sense that it expressed a view of the world that admitted no alternatives.<sup>100</sup> How seriously Ngati Kahungunu took that world is apparent in all their dealings with the government, particularly in the 1860s, when their practice of citizenship was well established. The strength of Ngati Kahungunu society was that its chosen ideal self, or identity, was civil and Christian. Missionaries had worked to supplant an honour-based conception of ‘order’ with the ‘peace’ of their own ideal culture. Maori, on their side, were searching for a way out of the iron laws of tradition, particularly as it related to a warfare, which firearms had made too deadly. The two sides converged, and ‘order’ was radically re-conceived in terms of the peaceable community. For Maori, this was the cornerstone not only of economic and political modernity, but, by 1860, of an internalised ideal self-perception. This was most intransigently expressed by the former model of a warrior chief, Te Wherowhero (King Potatau), in his last role – constructed by other younger men – as an Old Testament-style king. When he wanted to make the strongest possible contrast between the pagan past and the peaceable kingdom of the godly present, the king, like Renata, also chose Uenuku Kaitangata, the ‘man-eater’, to represent the culture Maori had left behind. It is difficult now to grasp the force of that saying in the 1860s. Not only was the King stressing the end of warrior culture, but he used an anthropophagic image which had come to define a dark past; cannibalism was a metaphor for the distance Maori perceived themselves to have travelled from it. Potatau’s proverb was repeated around the country by a people who were hardly a generation away from pagan warriorhood, and for whom ‘the great God of heaven’ was first and foremost a god of universal peace. Citizenship meant belonging to the peaceful community, bounded by the rule of law and supported by the religion which law expressed. The

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<sup>100</sup> In thinking about the shape of Ngati Kahungunu society, I have found R.W. Southern’s work on the church in the middle ages helpful for understanding a political community which has religion at its heart. See Southern, Richard, *Western society and the church in the middle ages*. Harmondsworth, Penguin Books, 1970. Maori society was also a compulsory society before the arrival of western culture, and this manner of thinking would have worked in favour of the new order.

'rule of law' is a phrase which trips lightly off the tongue, but for Maori this was the crucial hinge of modernity. In the former acephalous society, kinship ties alone generated the trust which allowed people to co-operate for their mutual benefit. Trust had not formerly extended beyond the local, closely-related community. Belief in the universal rule of law allowed Maori to trust the foreigners who now exercised political authority over them.

## CHAPTER ELEVEN

**Ngati Kahungunu and the war**

**Tenei au ka urunga ki runga ki taku moenga/ Here am I lying on my bed.  
- Proverb for one who takes a neutral political position**

**There are no chiefs in New Zealand now. Pehi is less than a common man;  
altogether beneath my feet. I, and my god, will act as we think fit.<sup>1</sup>  
Matene Rangitauria, Hauhau prophet and soldier**

This is the second chapter which allows Ngati Kahungunu people to speak about their experience of citizenship in a British colony, with the addition in this case of the powerful Maori voices that were speaking to Ngati Kahungunu. Where Chapter ten concentrated on the building of a modern civil society, Chapter eleven studies the challenge to that society posed by the war that began in Taranaki in 1860, spread to Waikato in 1863 and came to the East Coast in 1865 via the Bay of Plenty. The war produced a new crisis of modernity, because Maori political choices were no longer evolutionary; in areas of fighting, sudden and specific decisions had to be made for or against British rule. Chiefs faced political choices comparable in magnitude to those involved in decisions to support British government and Pakeha settlement in 1840. The difference was that decisions were not speculative, as they had been for tribes who had yet to experience government. In the 1860s Maori could choose to support a Pakeha government prepared to fight Maori, or they could fight under the political banner of nationalism. The majority, however, chose a third way, which was to remain neutral, but within their citizenship of the state. Neutrality was a state of unengagement that expressed the opposition to war on which modernity was built; it

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<sup>1</sup> *GBPP* 1865 – 68, [Private] Sub-Enclosure to Encl. No 2, statement of Koroneho Te Karipa, May 19 1864. (Te Karipa was wounded at Moutoa.)

upheld everything Maori had learned from foreigners about civilisation. Yet, at the same time, it represented a withdrawal into the alliances of kinship. Neutrality undermined the original sense of citizenship based on *kotahitanga* (unity with Pakeha), and, vis-à-vis the government's enemies, the King Movement, it reinvigorated the tribal particularity based on the long memories of the past, which Maori had rejected when they turned away from armed solutions to political problems. Neutrality was a choice for modernity. It was, however, contingent, and the irony is that the contingency lay in the politics of the past, and in the operation of *mana*. When members of other tribes arrived in a territory and began making claims to authority within it, and when, furthermore, these interlopers drew their enemies after them, local chiefs were under severe pressure to act; a step aside from leadership in such circumstances was a relinquishment of 'being' in the only sphere in which *rangatiratanga* was left to them: as the leader of the group vis-à-vis other Maori.

The anti-war position of neutrality could be described as the small-scale version of sovereignty that obtained in the pre-colonial past; then, Maori did not think nationally, but defended themselves against neighbouring tribes. In the anti-war camp the position was simple: chiefs wanted to keep the fighting out of their *rohe* (territory), because it threatened their modern way of life. This had ousted the irrational laws of *tapu*, and was based instead in a rationality based on the advantages of civil living. Yet it was belief, in the form of revolutionist biblical religion, that forced the chiefs back into the defence of tribal sovereignty through fighting. The unexpected challenge of an alternative, fundamentalist universe based on Bible teaching overturned the progressivist thesis of Maori development. The Hauhau doctrine offered Maori western justifications for returning to war: that they were fighting to usher in God's peace. This chapter traces, through the presentation of Maori documents, how a tribe which had embraced civil society, and who had thought it worthwhile in the 1840s and early 1850s to sell huge tracts of land in order to create it, descended into war. The chapter offers proofs of Ngati Kahungunu's modernity, because the majority were not tempted by an ideological pitch that combined supernatural deliverance with political nationalism. Equally, it shows that anti-war chiefs were prepared to fight when their sovereignty was threatened. The particular interest in the Ngati Kahungunu case is that it was not threatened by the government, but by Maori. The aim of this chapter is bleak: to illustrate the process of the destruction of the premises of Maori citizenship, through an examination of Maori



writing that deals with the experience of Hawke's Bay chiefs from 1863, when the government stationed troops in their territory, to 1866, when they fought.

If the Taranaki war began in 1860 over the justice of land law, once it spread to Waikato it was no longer fought over land policy, but over the issue of sovereignty, which had crystallised in the King Movement as the Maori right to govern on land in Maori ownership. The King Movement wanted modernity on independent terms, and felt morally and intellectually competent to challenge the government's refusal to see sovereignty in the terms they, and indeed most Maori saw it, namely, as bounded by land ownership. This position on sovereignty was, it must be stressed, not 'traditional', but the sum of the experience of colonisation, through which Maori had learned that *land ownership* was, to the British, the basis of power; the war would play this out. For the King Movement, the question that justified armed struggle against the Pakeha was whether Maori territory, defined by them as land not sold to the Crown, was under Maori authority. On this basis the King Movement vigorously campaigned for the support of the tribes, including Ngati Kahungunu. The political situation was further complicated by the fact that after 1864, Maori could also choose the parody of modernity offered by ultra-belief, whose supporters also proselytised amongst Ngati Kahungunu. The Hauhau movement preached that believers in the revelation granted to Te Ua Haumene in 1862 were the children of God. They would be saved for a new creation containing all the riches of the Pakeha, while the unrighteous would perish by the sword of divine wrath. For the Hauhau, the war was not centred on political independence as it was for the King Movement, although most Hauhau were politically nationalist, but on a much more sweeping millennial message of renewal of the Maori world. At the same time, this message was intensely personal. The question for believers was whether *individuals* were under the authority of an evil world, or were redeemed by obedience to God's will, as revealed through his prophets. The Hauhau's theocratic vision of Maori society valued peace, as had the orthodox Christian prescription, and attempted to rule the community by codes of law similar to those produced by the King Movement.<sup>23</sup> The Hauhau's ultimate peace, however, was the triumphant righteousness that would follow the cleansing sword of

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<sup>2</sup> The longing for peace, however, has been misinterpreted in the literature, and in the Waitangi Tribunal, as producing a quiescent faith, which has made it difficult to explain the violent events associated with the faith.

<sup>3</sup> Paul Clark, '*Hauhau*': *the Pai Marire search for Maori identity*. Auckland: Auckland University Press, 1975; also L.F. Head, 'The Gospel of Te Ua', *Journal of the Polynesian Society*, 101, 1992, pp.7-44.

force, exercised by the agents of God; what Hauhau believers differed on was whether those agents were angels or humans. This crucial theological question, which Te Ua's split reality could do nothing to answer, would ensure that anxiety levels in areas where the Hauhau proselytised were always high. The threat of fighting accompanied the spread of the militant faith, even if the threat was sometimes in the minds of non-believers rather than a particular Hauhau group. Nevertheless, all the Hauhau were a force for disorder, because they encouraged the authority of individual religious experience, and, as the opening quotation illustrates, denied that they were subject to temporal authority.

The possibility of catastrophe for civil society seemed much closer for Ngati Kahungunu in 1863, when the government stationed troops at Napier and armed the settlers, turning carpenters and farmers into soldiers. The erection of barracks by Pakeha was the equivalent in Maori minds to the erection of a fighting pa; the action was a prelude to war in the vocabulary of both peoples.<sup>4</sup> At Patangata, in August 1863, Paraone Hakihaki had received a letter from McLean, apparently exhorting him to peaceable conduct. Hakihaki replied on behalf of himself and his *runanga* (council of adult men). Group replies to letters had become almost standard by the 1860s, where once a chief's name would have sufficed. The appeal to strength in numbers reflects the decline of *mana*: now that its spiritual supports were gone, chiefs had merely the strength of a man. Paraone's reply was hostile, because to Maori the stationing of soldiers at Napier was an act of aggression:

You say Maori and Pakeha should love each other so that they won't fight and that there won't be barracks around our land. Friend, I am thinking about the Pakeha coming here with their guns. And I am very dark. A *haka*:

Here comes McLean and his double-barrelled guns  
For what? For terrorising the side of right.  
I am frightened, shaking in my skin!<sup>5</sup>

The hostility of the letter may seem veiled now, but would have been clear to Maori at the time. In situations where one was anxious to avoid conflict, cultural etiquette required a style of expression whose surface of unconcern was in inverse proportion to the importance of the matter in hand. When, as in this case, an elaborately diplomatic etiquette was replaced by a statement of one's own 'thinking', when the

<sup>4</sup> The war in Waikato in 1863 was occasioned by the building by the Pakeha of a 'court-house' at Te Kohekohe. See, e.g., *AJHR* 1865, E1, No.32, encl., p.14, Wi Te Wheoro to Halse, 11 March, 1863.

<sup>5</sup> McLean Maori Letters, MSP32:687d. Paraone Hakihaki to McLean, 13 August 1863.

emotion backing it was described as *pouri* ('dark' in the sense of a state of brooding before action is resolved upon) and when a sarcastic *haka* was presented, the writers had shifted into challenge mode, and threatened action.

Ngati Kahungunu felt embattled. Renata Kawepo (formerly Tamakihikurangi) and Wirihana Toatoa understood the threat that the barracks posed to the maintenance of peace. Writing to McLean from Pawhakaroi, they said:

Wi Te Weu came to us for us to agree that they should fight the Pakeha, the reason being that they are just the same as us, who are learning how to use weapons – just the same. We said, it is exactly the same here, we are practising, but we are not crazy...<sup>6</sup>

Renata wrote to the government to disprove the rumour that the Ngati Maniapoto fighter and chief Rewi Maniapoto intended to murder the governor. He argued that Maori aggression was a myth; the aggression that Maori saw was coming from the Pakeha side.<sup>7</sup> The names of the Ngati Kahungunu chiefs who combined to protest against the government show the scale of their united response to the threat to peace: Tareha, Te Moananui, Renata Kawepo, Karaitiana Takamoana, Noa Huke, Paora Totoro, Te Matenga Te Hokimate, Te Harawira Tatere, Morena, Paraone Hakihaki, Rota Porehua, Harawira Takao, Wiremu Te Rewarewa, Te Wirihana Ponomai, Henare Te Apatari, Noa Kuhupuku, Te Waaka Hiao, Te Hira Te Ota, Tohutohu, Te Teira Te Paea, Paora Rerepu, Te Haka, Porokoru Mapu. The political commentary in the letters written by these chiefs has startlingly modern resonances. They point out the differences between the governor's policy and what his agents actually do; they ask for an official enquiry; they demand he *kupu tuturu*, a word they could trust, instead of a mere surface, 'with no depth or authority' (*kaore hoki he mananga*).<sup>8</sup>

Kahungunu were not only suspicious of the government, they were also under pressure from the nationalist side. The resumption of fighting in the western provinces in 1863 marked the end of the King Movement's hopes for the peaceful co-existence of

<sup>6</sup> McLean Maori Letters MSP32:687d. Te Wirihana Toatoa, Renata Kawepo to McLean, 24 August 1863. See also *Te Waka Maori o Ahuriri* No.5, Vol.1, 8 August 1863.

<sup>7</sup> *AJHR* 1863, E No.11, No.3, pp3-4. Renata Tamakihikurangi, Karaitiana Takamoana and Te Wirihana Toatoa to Featherstone, 19 October 1863. Nevertheless, as far as the sources available for this study show, most of the chiefs who signed this series of letters did not join the Hauhau in fighting against the government, although all of them would have had Hauhau relatives and the opportunity to hear the message.

<sup>8</sup> *AJHR* 1861 E No. 1E, No.2, 3 April 1861. Tareha, te Moananui, Renata Kawepo, Karaitiana Takamoana, Noa Huke, Paora Totoro, Te Matenga Te Hokimate, Te Harawira Takao, Wiremu Te Rewarewa, Te Wirihana Ponomai, Henare Te Apatari, Noa Kuhupuku, Te Waaka Hiao, Te Hira Te Ota, Tohutohu, Te Teira Te Paea, Paora Rerepu, Te Haka, Porokoru Mapu, from us all, 170 of the men and Maori chiefs of this place, Napier, to the Queen of England.

government and king. In July, troops began to clear Waikato Maori from south Auckland villages, and at the first military engagement Waikato were defeated. Government troops crossed the king's northern boundary at Mangatawhiri, which the King Movement was committed to fight to preserve. Porokoru sent the news to the Ngati Kahungunu chiefs Renata, Karaitiana, Paora 'and everyone':

The sun has set at Te Ia. Waikato have all been thrown down at Te Ia. The first reason is the fort at the prison; the second is the pa of Ihaka and Mohi, which has now been surrounded. These things are the reason. Friends, the word is: go on the blade of the weapon.

Another is the word of Tuta Potatau.<sup>9</sup> He has sent a letter to Porokoru and Rewi saying it is taken.[I] am hurrying to the defences. I, Waikato, have been discomfited at Te Ia.<sup>10</sup>

This was a plea for Maori solidarity. King Tawhiao wrote to Ngati Kahungunu:

Watch out for yourselves lest you be overcome; do not be like the chiefs of Waikato whom the governor has done for, because this is what will happen to the people of this land. Some will be punished; some caught and gaoled. The people over there should be aware of what the governor is doing – the people of Heretaunga, Wairarapa and Otaki who are living in ignorance...

Tawhiao's letter then describes Waikato's *take* (justification) for war, which was the government soldiers' breach of the *aukati*, or boundary of defended territory, or 'the fence' of the land:

On the ninth of July the governor's letter came to the people of Manukau telling them to proceed to Waikato, to the far side of Mangatawhiri. They went, leaving their own lands [*pihi*].

Tenth of July, the soldiers arrived at Pokeno and Tuakau. Their possessions were torched. Some of the people were driven off those places. Twelfth of July, they [soldiers] crossed to this side of Mangatawhiri. Thirteenth of July, Waikato then went to Te Koheroa. Seventeenth of July was the battle. Seventeenth of July, they fought on the road; these took place on the same day. Twenty-second of July, they fought at Te Kirikiri, where the pa was destroyed.

Pay heed. This is the fence of this island, that will not be allowed to be breached. If it is broken, all the goods in the house will be taken. The flood will not be suffered to roll in.

<sup>9</sup> i.e. King Matutaera Potatau.

<sup>10</sup> McLean Maori Letters, MSP:687c. Porokoru and his family to Noa Huke, Karaitiana, Paora Kaiwhata, Tareha and Rena[ta], July 6 1863. The same day Porokoru sent an even stronger letter to Paora Toki along the same lines: McLean Maori Letters, MSP:687c. Porokoru and his family to Paora Toki, 6 July 1863.

Sirs, the governor has not just made his decision; it began when I went to Hauraki. Although he only went to Taranaki, his thoughts were always on Waikato.<sup>11</sup>

This spare account of the odds Waikato were facing from a government bent on the destruction of the King Movement provides a glimpse of the pressures on Ngati Kahungunu chiefs to stand with the nationalist side. King Tawhiao was not simply conveying information, but speaking as a chief, and following a proper traditional procedure for seeking support in war.<sup>12</sup> The request proclaims an end to ambiguity in the Maori relationship with the government; it is the enemy.

The King Movement thought nationally, and sought a national Maori force to oppose a common foe. The question the king posed was whether the path to modernity lay in British rule or in the assertion of independence. This was a challenge to Ngati Kahungunu's perceptions of the citizenship of Maori. In 1861, Renata's anatomy of citizenship was coupled with a swaggering assertion of his power of action,<sup>13</sup> but in 1863 political allegiance was no longer a theatre of display; it was, instead, a choice with palpable consequences. Ngati Kahungunu were being asked to choose between two versions of New Zealand society, where choice no longer had the protections of the rule of law (producing and policing peace), which had been the fulcrum of modernity. Now, supporting either the King Movement or the government were equally choices for war, as these two were engaged in it. Ngati Kahungunu's path was also complicated by the difference between the present war and those of the Maori past. Ngati Kahungunu had no recent traditional *take* (just cause) to stand with Waikato – only the *take* of all Maori, if they agreed with the King Movement's view that land not sold was under Maori rule, against the government. Therefore Ngati Kahungunu were being asked by Waikato to accept the premises of a Maori nation, in which tribal differences were relinquished in favour of ethnic

<sup>11</sup> *AJHR* 1863, E No.11, p1. Matutaera Potatau to Noa, Karaitiana, Renata, Paora and Tareha and everybody, 21 August 1863. Three months earlier, however, Tawhiao had gone to Kihikihi where he repeated Potatau's injunction: 'The faith, love and law are in my control. The mean of the word of love is love to both Pakeha and Maori travelling around our areas. The second word is, there is one way for men and one way for the land. . . man strips the flax, but I grasp the root.' AGGHB 4/13. Porokoru and his nephew to Paora Toki, Tamati and your respective *runanga*, 19 May 1863.

<sup>12</sup> The crisp style of the letter contrasts strongly with Tawhiao's spiritual, almost ecstatic, mode of expression after mid-1864. It is possible that this letter was written in his name, possibly by Wiremu Tamihana, as there is evidence that Tawhiao did not find his own voice until he was baptised by Te Ua Haumene in 1864. In cautious response to the letter, the Ngati Kahungunu chiefs sent Hone Kaweka to Waikato to get firsthand news of war.

<sup>13</sup> Tamakihikurangi, Renata. *Renata's speech and letter to the Superintendent of Hawke's Bay on the Taranaki question; in the original Maori, with an English translation*. Wellington, The New Zealand Spectator, 1861.

solidarity. The alternative choice was the version of political modernity contained in the Treaty of Waitangi, which was non-ethnic citizenship of the state. This choice, however, was for a notion that had failed in practice, by virtue of the injustice of the government's treatment of Taranaki that precipitated the war.

Most of Ngati Kahungunu were not prepared to submerge their identity in a pan-Maori nation in 1863, and Waikato's letter did not impel them to rise.<sup>14</sup> Neither did the majority feel like fighting with the government, and so they took the position of military neutrality, which was compatible with the principles of citizenship (if not with the practice of the recalled Governor, Thomas Gore Brown). The evidence of Ngati Kahungunu's continuing commitment to citizenship is that the majority of chiefs replied not to Waikato, but the government. In September 1863 Renata Tamakihikurangi, Karaitiana Takamoana and Wirihana Toatoa argued that the Pakeha had begun the war with Waikato, and had bungled the situation in Waitara. While even-handedly acknowledging Maori acts of aggression at Tataraimaka, they re-stated their view that if the governor had acted justly, there would have been no war: crucially, that Maori had no *take* against the Europeans independent of the government's action at Waitara. This comment is certainly critical of the government, but loyal to the Maori vision of citizenship:

Friend, concentrate on putting down the evils of our mutual country [*to tatou motu*]. [This is] from your supporters who are working in the same cause as you to draw the people over to peace.<sup>15</sup>

Some Ngati Kahungunu, however, had already gone to Waikato to fight, and talk of war was in the air. In October an inter-tribal *runanga* was held in Turanga (Gisborne) to oppose joining Waikato in fighting the government. The meeting discussed '1, peace, 2, war', and 'the smashing of our canoe', by which was meant the unity among Maori forged by common allegiance to Christianity, or, the canoe of modernity. The *runanga* published a message to the Ngati Kahungunu people:

The name of your first canoe was Takitimu; Kahungunu was the man aboard it. Let every *hapu* living on your mutual canoe consider your canoe thwart: if it is smashed, lash it.

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<sup>14</sup> The anti-government camp became defined, as it had not been earlier, by a willingness to entertain the possibility of fighting. This was a crucial crossroads, as the Ngati Kahungunu who went to Waikato to fight would become the core of the Hauhau faction in 1865.

<sup>15</sup> *AJHR* 1863, E No.11, p.2. Renata Tamakihikurangi, Karaitiana Takamoana and Wirihana Toatoa to Featherstone, 7 September 1863.

Chiefs, the subject of this *runanga* is the smashing of our canoe. The thwarts of our canoe which are broken are Waiapu and Te Wairoa, who have gone to make war (*kua riro atu ki te hapai patu*); of Waiapu, fifty have gone, and in Te Wairoa, the desire to make war has arrived.<sup>16</sup>

In this speech unity is attached to religion rather than support of the government. Most Maori put distance between themselves and the government during the war; Christian belief enabled them to create such a space. Orthodox Christianity gave breadth to Maori politics during the war years by allowing a grasp on modernity to survive independently of the actions of government.

As the political temperature increased, the ‘noise’ of Ngati Kahungunu talk, in 1863 and 1864 is deafening. Letters flew around as the pressure to fight increased; nevertheless, positions were still amenable to influence. Paora Hapi, an Assessor (local magistrate) living in Taupo ‘under the *mana* of God and Queen Victoria’ (but, interestingly, not the Governor) reported in July 1863 that Rewi Maniapoto had come to fetch the Taupo people who lived on Ngati Kahungunu’s western borders to ‘go and fight at Tataraimaka’ [in Taranaki]. Hapi and others held a *hui* where ‘we went to preach the word of God and the way for soul and body’, after which the King Movement supporters agreed to *noho*, ‘stay put’.<sup>17</sup> At Petane the talk in July was also of fighting, but this *pa*, sympathetic to the King Movement, contemplated the major extension of the war into Ngati Kahungunu territory:

Go, my letter, to all councils under the authority of our Maori king. Make haste! Attack Ahuriri! Make haste! If you are not willing, go to Tataraimaka. Make haste!<sup>18</sup>

In October the king’s supporters put out the rumour that the King Movement leader Wiremu Tamihana had come to Petane. Hori Te Aroatua said that it was not true, but that it was designed to encourage Ngati Kahungunu to fight ‘like Waikato’.<sup>19</sup> The following March Niania wrote to McLean to say that Poihipi ‘came to get us to go to Waikato’, ‘but only Hone Moananui agreed.’<sup>20</sup> Toha also wrote to discuss a letter urging

<sup>16</sup> *Te Waka Maori o Ahuriri* Vol.1, No.10, 1863, p.3. Raharuhi Rukupo, Paratene Turangi, Tamihana Ruatapu, Te Wiremu Kiriahi, Hetekia Te Hamaiwaho, Paraone Hinaki, Rupene Tangaroaarauika and Pehimana Taihuka to [the Editor].

<sup>17</sup> McLean Maori Letters, MSP:687c. Paora Hapi, ‘permanent Assessor’, to McLean, 28 July 1863.

<sup>18</sup> McLean Maori Letters, MSP:687c. The Assembly to Te Hura, Te Hou and all the councils under the shelter of the king, 7 July 1863. See also, e.g. Hori Niania to McLean, 9 Hepetema 1863, Waipukurau. Being under the king’s authority is described as: *i raro o te mana o to tatou kingi Maori*.

<sup>19</sup> McLean Maori Letters, MSP:687e. Hori Te Aroatua to Locke, 15 October 1863.

<sup>20</sup> McLean Maori Letters, MSP:687e. Hori Niania to McLean, 10 March 1864.

Ngati Kahungunu to go to Waikato.<sup>21</sup> Ngati Kahungunu were in communication with many parts of the North Island, including Opotiki, which is significant in view of the future role of this settlement in bringing war to the east coast. In August 1863 Te Ika Rangi, Te Teira and Te Waka Hoehoe of Opotiki wrote to Petera ‘and all the people’ to say ‘Our place is bad (*kino*), both Maori and Pakeha’ – that is, political trouble rules – after which they sang a song of foreboding, and a lament for separated friends.<sup>22</sup> The pressures on Ngati Kahungunu included their knowledge that tribes in areas contiguous with theirs supported the nationalist side, which made the spread of fighting beyond Taranaki and Waikato a greater likelihood.

Ngati Kahungunu lived in an atmosphere of anxious rumour and reports of acts of war by the Pakeha outside the war zones:

One thing they say is that the Maori people of Wellington have been imprisoned in four forts of the soldiers. They are surrounded by soldiers but they are staying on; they have not been attacked by the Pakeha. Kerei Tanguru has come from Taupo; he says the same. He has a letter from Otaki, Rangitikei and Waikanae about the soldiers’ fort which makes those people afraid.

Coping with such rumour, Maori nevertheless were called on to reassure the Pakeha. 1864 opened with Nikora Wakaunua telling McLean that there is ‘nothing new’ from Waikato, ‘Maori and Pakeha are living quietly,’<sup>23</sup> and offering land for sale. In April Hohepa Te Taura also wrote to back up his son’s view:

. . .the story you have had that Waikato had come to Tarawera was false: Tukuru has the right story – he has come to Tarawera to look into that story and has seen its falsity.<sup>24</sup>

While there might not have been ‘anything new’ from Waikato, however, there soon would be when the Hauhau arrived in 1865. The remainder of this chapter considers the contemporary impact of the Hauhau in Heretaunga and Ahuriri until the fight at Omarunui on 12 October 1866.<sup>25</sup> The Hauhau were a threat to the political order of

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<sup>21</sup> McLean Maori Letters, MSP:686b. Wairoa Toha to McLean, 23 March 1864. The letter used the reported deaths of 3000 soldiers as an inducement. Highly exaggerated accounts of casualties were a particularly common theme in such letters. This indicates that casualty numbers had significance to the Maori fighter’s mind that had roots in the heroic mentality of the past. This, and the many other indications that the Maori attitude to fighting was culturally enclosed suggest that a new study of Maori warfare would be an extremely useful addition to the literature.

<sup>22</sup> McLean Maori Letters, MSP:687d. Taera te Paea and the *runanga* to Potiki, Peteru and the whole people, 26 August 1863.

<sup>23</sup> McLean Maori Letters, MSP:688a. Nikora Te Wakaunua to McLean, 18 January 1864.

<sup>24</sup> McLean Maori Letters, MSP:688b. Hohepa Te Tauru to McLean, 24 April [18]64.

<sup>25</sup> The concentration on this subject should not obscure the fact that the Hauhau presence did not entirely define Ngati Kahungunu experience in 1865 and 1866. The ‘chatter’ of civil life continued:



Ngati Kahungunu society, and therefore the chiefs began to look for alliance to the government forces that they had resisted being stationed among them. The casualty of the Hauhau arrival was Ngati Kahungunu's neutrality. From mid 1865 it is proper to call Ngati Kahungunu by the term *kawanatanga*, government men, or loyalists.

When the Hauhau arrived in their district,<sup>26</sup> there were already strong links between Ngati Kahungunu and the Hauhau or Pai Marire faith. A Wairarapa convert, Karaitiana (Christian) Te Korou, acted as scribe for Te Ua Haumene, the founder of the Hauhau, his name appearing in that capacity on Te Ua's gospel, Ua Rongopai, while another Ngati Kahungunu convert, Tikawenga, was sent out by Te Ua to baptise his relatives. Ngati Kahungunu were well aware of the fighting between the Hauhau and government elsewhere, particularly on the East Coast, increasing the perception of their militancy that coloured all contemporary evaluations of the Hauhau.<sup>27 28</sup> After Hauhau zealots killed the missionary, the Rev. C. S. Volkner, in Opotiki in March 1865, the Heretaunga chiefs took a public stance on the murder. In a letter addressed to Maori and Pakeha and published in the *Hawke's Bay Herald*, they said *katahi ano hoki te tinana o te kohuru rawa ka kitea ki Nui Tireni* (this is indeed the first time such a reprehensible murder has been seen in New Zealand). While the chiefs said what the Pakeha thought – that the Hauhau were 'working downwards again to the deeds of the darkest times,' and hastened to reassure the Pakeha that it was the work

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offers of land for sale, the traffic in the courts, the relationship with officials and shopkeepers continued to characterise the Heretaunga scene. A civil life also continued inter-tribally amongst King Movement Maori, the sources offering glimpses of the Maori attempt at parallel government. For example, an Opotiki *runanga* asked the Tangoio people to arrest their area's leading chief (*te tino rangatira*) for adultery. The Tangoio people did not feel enough confidence in the supremacy of law over rank to do so, and passed the task back to the Opotiki people; McLean Maori Letters, MSP:687e. [Unsigned] to [illeg.?Pokinoa], 2 October 1865. The man in question had ten wives.

<sup>26</sup> The complexities of Ngati Kahungunu's relationship with officials are continually hinted at by the Maori sources. The question of whether there was government pressure on Ngati Kahungunu to act against the Hauhau cannot be answered without further study. The Maori sources show that McLean and others were slow to arm Ngati Kahungunu, and niggardly when they did; this does not suggest an official eagerness to fight, in spite of the Napier settlers' calls for action. When Ngati Kahungunu finally made a decision to fight, at Omarunui, the settlers were the beneficiaries of the Hauhau defeat. Ngati Kahungunu did not, however, fight in the settlers' defence, but for their own reasons. The response of the Napier settlers to the Hauhau presence was 'hyped' in the newspapers, played down by the civil authorities, and almost ignored in the Maori sources. The silence suggests that what settlers in Napier (as opposed to officials) thought were irrelevant to the Heretaunga chiefs.

<sup>27</sup> Ngati Kahungunu were well-informed about events to the north. For example, when Rutene Koroua wrote to Leonard Williams from Waitotara about the fighting in Ngati Porou between Hauhau and *te taha Kawana*, the government side he mentioned that his information came from Ngati Kahungunu. MS0190, p.18,[ATL]. Rutene Koroua to Mr Leonard, 18 June 1865.

<sup>28</sup> At any given time the Hauhau were not necessarily warlike, but equally, not necessarily peaceable; their belief system could justify either. Similarly, the *kawanatanga* Maori were not wholly defined by allegiance to the Crown, or even more pointedly, by the culture of nineteenth century English militarism.

of a minority, their use of the term *kohuru* (murder) boded ill, because a *kohuru* was an act that required *utu*, that is, a balancing response.<sup>29</sup> Maori therefore expected retaliation from Pakeha for Volkner's death. In April, Tamihana Ruatapu, Hirini Te Kani, Hetekia Te Hamaiwaho, Henare Ruru and the former mission associate Te [sic] Anaru Matete wrote to McLean and 'his friends' (i.e. the government or even the Pakeha) to try to exert control over a situation which they considered serious. Their focus on the potential threat of retaliation from government troops makes even the appellation in the letter an indication that Maori and Pakeha were separating into sides where one's 'friends' were fighting companions.

The government, while continuing to prosecute the war, did not take specific military revenge for Volkner's death. In war, the terms of their former culture were to an extent reflexively revived by Maori, which meant that such revenge was necessary. The government's failure to do so, and the subsequent flight of the Williams mission family from Turanga under Hauhau military threat, had an unintended (but nevertheless foreseeable) effect among Maori who opposed war: it was interpreted as a message that Pakeha did not stand with them. This began to define the culture of the war. Maori coalesced as Maori, rather than as loyalists or nationalists, and tried to keep the control of the Hauhau problem in the hands of a tribal coalition (including Ngati Kahungunu):

[The] reason we came to Napier: Turanga's sin was the arrival of the Hauhau, that is, of the murderers of Mr Volkner, in Turanga. Hirini Te Kani was angry: [he said] they are not to 'post'.<sup>30</sup> Te Itanga[sic]-a-Mahaki took no notice; they 'posted'. They were given hospitality by Rongowhakaata. Evil things were said about the Bishop of Waiapu, and then he knew this was dangerous for him. The Pakeha therefore left out of fear.

There are two reasons we are unhappy – the 'posting' and the leaving of our elder and the Pakeha. These are the sins for which we are angry with the Hauhau. We argued for the Hauhau to go back to Opotiki and Taranaki. They did not hurry leaving. When the runanga of Te Atiawa, Ngati Raukawa and Ngati Kahungunu arrive we will seek support for expelling the Hauhau.

The Taranaki Hauhau and some of Te Itanga-a-Mahaki – fifty or sixty – have gone back. The Hauhau of Turanga itself have stayed put. As for these ones, we are urging them to abandon the Hauhau, however Horomona Tutaki, the chief of the Hauhau, rejected our views. He told us that he would carry on

<sup>29</sup> *Hawke's Bay Herald*, 25 March 1865, p.2.

<sup>30</sup> The text uses *pooti*, from the English word 'post' to describe the services the Hauhau held at newspoles, the approximately 60ft high masts at which priests conducted rituals, adepts spoke in tongues and prophesied and participant experienced God.

after us. Our views are that the bishop should come back to his own home; if the Rongowhakaata chiefs were to hold on, he was not to stay. Here we are waiting for him to return.

One thing is that there is a story that the soldiers are coming up to Turanga from Napier and Auckland. We have our own statement about these rumours: the soldiers are not to come to Turanga. Let us talk to our Hauhau friends amongst whom we live.<sup>31</sup>

The Hauhau arrived in Ngati Kahungunu territory at Te Wairoa on 18 April 1865, apparently from Waikato by way of the Taupo trail. They were preceded by a reputation for violence, and arrived armed. The party was a mixed group from Te Whakaki, Nuhaka, Turanga, Te Reinga, Maangaruhe, Te Urewera, Taupo, Waikato and Taranaki who claimed not to recognise tribal authority, but were subject to the leadership of their prophets.<sup>32</sup> Ngati Kahungunu members of the party included Te Waru, who had fought for the King Movement at Orakau; he was one of a group of soldiers whose presence reinforced the identification of the Hauhau with fighting. Te Waru was the son of a recently deceased government supporter; his case is an illustration of the individualisation of identity that saw close family members choose different sides in the war. The party was led by a prophet who had taken the Hauhau name Ponipata, ‘Buonaparte’, to reflect opposition to the British. The Hauhau were met as a potential military threat, to the extent that the party of one hundred and twenty men who attended the first meeting with them represented local Ngati Kahungunu ‘in force’. Speaking for the loyalists, Hamana Taiapa<sup>33</sup> greeted his *tipuna hakoro* (grandfather) ‘Paora Korori of Whakaki as elder of the Hauhau party.’<sup>34</sup> As was conventional at ‘diplomatic’ meetings, Hamana traversed the background of the current situation, which he interpreted as the history of Maori modernity, in order to establish whether the party deserved political support. It is a typical Maori

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<sup>31</sup> *Te Waka Maori o Ahuriri* Vol.II, No. 47, 1 April 1865. Karaitiana, Wi Tako, Renata Tamakihikurangi, Matene te Whiwhi, Henare Matua, Wi Parata, Karanama Te Hoia, Henare Tomoana, Wirihihana Toatoa and all, 20 March 1865. In this passage ‘posting’ means participating in ceremonies around the flagstaves at which Hauhau services took place. These flagpoles were significant objects of power, because they were the site of communication with the God of prophecy. Upstanding posts were, more generally, *tohu* (marks) of power that offered a challenge to all who ignored them. In 1863, a post in the Mangatawhiri stream represented the power of the King Movement. The crossing of the stream by government troops precipitated the war. See, e.g., *AJHR* 1865, E1 No.46, p.21, Ihaka and Mohi to the Governor, 23 March 1863.

<sup>32</sup> The effect on the authority of local Hauhau chiefs is a subject that would repay attention.

<sup>33</sup> Hamana was substituting for his father, as the report took care to note. This may suggest that the father was too opposed to the Hauhau to wish to meet them as anything else but enemies, as withdrawal was the standard way to display strong opposition.

<sup>34</sup> The text calls him the *kaikaranga*, which is interesting in view of the fact that ‘callers’ are now almost always female.

observation of the period that the opposite of modernity was ignorance. Hamana said ‘Formerly you and I lived in ignorance’, then Waikato and Nga Puhī learned from the Pakeha how to use guns, Christianity arrived, then land selling, then the king, following which there was a return to fighting, with the result that:

Their lands – that is, Waikato’s and Taranaki’s - have been confiscated by the Pakeha. . . Let me tell you, tomorrow not one tiny bit of your lands will remain to you, the Pakeha and I will have taken it all.

Hamana’s counter-threat to the Hauhau allied Ngati Kahungunu with the Pakeha. Unfazed, the Hauhau said they had come to ask Ngati Kahungunu people to come over to the King Movement; in other words, both sides boasted allegiances that immeasurably strengthened them. The particular object of the Hauhau’s attention was Pitiera Kopu, the grandson of a recently deceased chief, and a strong supporter of the government. Pitiera countered with a fiery address to the prophet Ponipata that immediately established that Hauhau acts of war were founded in religion not politics. Pitiera said that prophecies of death were made at ‘the pole’, which meant the mast where Hauhau worshipped:

You came here, and went to the pole, and said there: ‘The word of Raharuhi for the white faces (*kanohi ma*) to be shot and cut off has come. [Raharuhi’s word] came to me, and I was afraid. I said, ‘Give me a gun’ – this one I’m holding – I’ll be a soldier’.

Afterwards I heard of the murder of Volkner; then I was much afraid. I said, if you come here I will ask the Pakeha to let me fight you. If you won’t fight, then I say go back down the road you came on. If you cross this river, that is my boundary. If you persist, I will quietly send you away from here, from Mohaka outwards. That is the end of your place of safety – as for Ahuriri, that is death for you.<sup>35</sup>

Te Watene, of Waikato, ignored Pitiera’s threat, and replied:

Son, Kopu, why I came was for you to return ashore. I am not willing that you should turn to that side, but I entreat you to come back ashore.

Te Watene added ‘lest you perish in the water.’ The water was a metaphor for the Pakeha side, whom the Hauhau believed would, like all the unrighteous, perish when the wrath of God was at last unleashed. Paora Kaituna, who used Hauhau imagery that the editor of *Te Waka* refused to print, echoed Te Watene’s words: ‘His talk was as if mad – who can write it down!’ This ‘mad talk’ would almost certainly have been the

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<sup>35</sup> *Te Waka Maori o Ahuriri* Vol.II, No.50, 6 May 1865, p.5.

Hauhau vision of supernatural victory, which Pakeha, for obvious reasons, did not want advertised.<sup>36</sup> Ponipata repeated the King's call for Pitiera Kopu to 'come ashore'. He also said that 'the war must be returned to Taranaki and Waikato', adding a cryptic poem which conveyed that the future (which the 'darkening sky' image reveals as threatening), was in the hands of God:

I gaze at the darkening sky;  
I have no plans at all.

Viewed through the eyes of faith, the Hauhau's mission to save their relations from a terrible fate was caring and courageous. The power in the Hauhau call, pitched at individuals by their own relations, survives in the record of the meeting. Paora Korori, of the Hauhau party, also made a plea to his *tama mokopuna* (grandson), Pitiera Kopu:

Call me! Call me! Here, my grandson, here I come. This is the escort from Waikato. Whether plain or hill, I walk it, I climb it.

Your word is right from beginning to end. Now, let me say to you, that there is only one error in your speaking, when you say we are separated by your being for the governor and I for the king. I hear that for the first time. But as for what your friend says, explaining his boundaries from Pawhakauro to Matahiwi – his [Kopu's] support for the government is known there. As for you, it was after the death of Henare, your grandfather, that you joined the government side. By joining, you made Te Wairoa flee out to sea; that is, you sold it to the Pakeha.<sup>37</sup>

The Hauhau political message was powerful and persuasive, but the appeal was pre-eminently in its offer of intense religious experience, which threatened to be ungovernable. Non-believers called Hauhau belief and worship *te mahi porangi* (the work of madness).<sup>38</sup> Porangi means 'mad' in the sense of exhibiting disturbed behaviour, but those on the inside of the faith experienced it as communion with the spirit of God. Another aspect of the power of the message is that it 'changed lives'. Whereas King Movement sympathy did not stop people being in a normal relationship

<sup>36</sup> It is unfortunate that the Pakeha-controlled press routinely suppressed the religious message of the Hauhau, as this obscures the essentially religious nature of the Hauhau faith.

<sup>37</sup> Paora Korori's message is that the basis of allegiance is ethnicity. The imagery is part of the standard discourse of sovereignty, and does not mean here that Paora was talking about the issue of land sales.

<sup>38</sup> E.g. McLean Maori Letters, MSP:689a. Te Watene Moeke to McLean, 22 February 1865. He said 'the people of Nuhaka, that is the people of Matenga Tukuareaho and his people, do not accept the *mahi porangi*

with the government and other Maori, being Hauhau meant withdrawal from dialogue with the government, the disruption of normal economic activities and the overthrow of tribal etiquette. For those outside the circle of belief, Hauhau doctrine was unsettling because it claimed the authority of the God of the modern world for the destruction of that world. The Hauhau predicted a terrible and bloody future for those who did not believe, but non-believers evaluated the Hauhau in terms of their actions. Ponipata's party, which seems representative of the king's position in early 1865, had a limited purpose to garner converts, and was not itself warlike. While their message might have been spiritually inflammatory, as long as it was not acted out, it did not break the bonds of Christian peace. However, for the zealot, truth arises in action, and the Hauhau commitment to peace was continually threatened by the need to act. The problem for non-Hauhau was that the messages from the faith were always mixed. While there is no reason to think that this Hauhau party came to fight, in the ordinary sense, it is certain that they came believing in the victory to come.<sup>39</sup> For Ngati Kahungunu, whose strongest position was the desire to keep war from their territory, it was hard to accept assurances from armed men who had already committed acts of war that Heretaunga was to be a *pooti o riri kore* (post of no-war). The situation was not hopeless, because the Hauhau faith was not without order. The king and Te Ua Haumene had tried to contain the war by designating Taranaki and Waikato as legitimate war zones, which provided an outlet for militant members of the faith. Ngati Kahungunu converts Paerau Te Rangi, Hapurona and Hamiora wrote to Tareha in May 1865 to advise of their departure for the war:

This is our word for you to hear. We are going to Taranaki, according to the rule of our work. However as for you, stick to your work, deal well with our property – that is, that place.

We have heard your statement that you continue to support both Maori and Pakeha. Friend, your thought is good; hold to it. Leave us, your people, to pursue the parts of the island being overflowed (*whakaparia*) by your friend the governor. As for the places lying peacefully, that is as it is. As for your side, that is left to you.

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<sup>39</sup> At a subsequent meeting, Harihona, a Waikato member of the Hauhau party, alleged that the Hauhau party were not under the control of the king: '. . . it was not Matutaera who told them to take the pooti to Heretaunga to convert the people to their faith, for they did it without authority. They are not teachers: the teachers were left behind, they were not sent.' The Pakeha editor of *Te Waka Maori* wished to convey to the almost exclusively Maori readership that the King Movement leadership was the source of the politics of dissent in Ngati Kahungunu territory. Therefore when Harihona gave a contrary opinion, he was rudely reported in the third person, and his speech truncated by the comment 'we did not listen to the whole of his speech'.

That is all. Live in absolute goodness.  
 The end.  
*Rire, rire, hau!*<sup>40</sup>

Hauhau converts were not drawn from the fringes of the community, as is often the case with sects, but included chiefs. Te Hapuku, who was briefly attracted by the Hauhau doctrine, thought aspects of their rites were much like that of the mission churches they grew out of, although his own dalliance with the faith was thought by his relations to have political rather than religious motivation.<sup>41</sup> In the end, Te Hapuku remained aloof from the Hauhau, even if ambivalence might be suggested by reports of heavy drinking at his and Tareha's *pa*.<sup>42</sup> Neutrality was probably the preferred option of a majority of Ngati Kahungunu, but neutrality became harder to sustain as the choice ceased to be a philosophical one. As a revolutionist Hauhauism began to take root among Ngati Kahungunu's northern neighbours, sides began to form up. Tamihana Ruatapu was, according to Paratene Pototi, the only Turanga chief whose followers were *whakakotahi ki te kawana* (one with the government),<sup>43</sup> and the rumour continued that the Hauhau intended to crush the Pakeha. Tamihana, Rutene Ahunuku, Hape Kiniha and Wi Haronga wrote :

The great talk of the Hauhau now is that soon they will raise the whole land (*motu*) which means that they will vanquish the Pakeha. Their object is to frighten us, the Queen's Maori, into joining them.

What they say is as follows: 'hurry and join us, because the day is coming when I will raise the blade of my weapon. I will spare neither relation, child, father or elder brother, all will be crushed.

These are the reasons for their current confidence: one is their complete defeat of Te Mokena and his men in the Waiapu fighting. They say that te Ua has 'fallen in' the soldiers so that they will all turn to him, and thus there will be no strength in the fighting.

Another of the reasons is the death of Volkner, the minister who was murdered (*kohurutia*) at Opotiki. Thus far it has not been avenged. They say that death has been abandoned, and that no revenge will be sought. We have a proverb

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<sup>40</sup> McLean Maori Letters MSP:689E. Paerau Te Rangi, Hapurona and Hamiora to Tareha, 26 May 1865, Ahikereru. The phrase *rire, rire, Hau* that ended Hauhau prayers defies translation.

<sup>41</sup> The speaker is Karaitiana. *Te Waka Maori o Ahuriri* Vol.II, No. 50, 6 May 1865.

<sup>42</sup> McLean Maori Letters, MSP:689h. Renata Te Pukututu to McLean, 9 August 1865.

<sup>43</sup> McLean Maori Letters, MS 32:689h. Paratene Pototi, Te Waka Puakanga and Petera Te Honotapu to McLean, 6 August 1865.

for that: *waiho ra i kona takoto ai; he tira kaumatua. . .* (Leave it lying there; it is a party of old men. . .)<sup>44</sup>

For Tamihana and other non-Hauhau Maori, the Hauhau had committed murder and extended the war to the East Coast region. The newcomers' 'post of peace' had a violent history, and could not be trusted. The contradictions in the faith dictated the response from non-believers. In April 1865 the chief Kipa (ironically, later a convert) wrote an opinion of the Hauhau that is typical of the view from outside the charmed circle of belief. Kipa was scathing about the people he called *porangi* (deranged), especially when they failed tests of faith that faith itself had led them to devise. Yet the end of his letter shows how contempt for the excesses of Hauhauism could mask the niggling possibility that its prophecies expressed 'truth'. Kipa's letter shows fear of attraction to what he condemns:

This is an additional message for you to hear. Governor Grey has arrived and has made a ruling about the mad god, that it should cease, and is not to be taken to Pakeha areas. The *runanga* has agreed, as have the villages where people are uncommitted. The ruling is settled that the mad ones are not to approach Pakeha settlements, or those of Pakeha sympathisers, including Maori who have not gone mad.

This is the current news. Seventy Ngati Awa mad people have been killed by Te Arawa. The Ngati Maniapoto mad people who have been killed include the chief Raureti Paiaka, who was deserted by his mad followers.

The ways of the mad are always like that. For instance, the mad people carried Te Ruruku-o-te-rangi out to sea; they went off strongly on the trip out from shore, and when he got far out to sea he was left behind for death by the mad people, who returned to places not known to us.

These mad people are exactly the same now. Tomorrow you will be deserted by the mad people on account of their gods - I mean, this is some advice to you both, Petera: let your father's mad people fly off to heaven, lest you come to the day of grief and cross over to them. The [Hauhau] priests will desert you, but this is a word that will save you.<sup>45</sup>

Following the meeting with the Hauhau, Ngati Kahungunu held a *hui* to 'seek a way of dealing with the Hauhau in Heretaunga and the surrounding district.' This *hui*, which was followed by other, similar, gatherings,<sup>46</sup> is significant because it was the first organised reaction to the advent of the Hauhau on Ngati Kahungunu territory.

<sup>44</sup> McLean Maori Letters, MSP:689h. Tamihana Ruatapu, Rutene Ahunuku, Hape Kiniha and Wi Haronga to the Governor, 5 August 1865.

<sup>45</sup> MS2995 [ATL]. Kipa to Petera and Nga Horo, 15 April 1865.

<sup>46</sup> See e.g. *Te Waka Maori o Ahuriri*, Vol. II, No. 51, 20 May 1865, pp.1-5.



The meeting was on a scale which suggests how the threat of war meant that chiefs were again political leaders; as explained earlier, the recitation of their names is the best indicator, in Maori terms, of the *mana* of the occasion. Karaitiana and Renata Kawepo were the presiding chiefs, and the *hapu* present were Te Whatuiapiti (represented by Paraone Hakihaki),<sup>47</sup> Ngati Manawakawa (Hoani Waikato and Te Waka Rewharewha), Ngati Poporo (Harawira Takua), Ngati Matetukukai (Rionihia, son of Karauria), Te Werokoukou-o-Waikato (Te Warana, Karamoa and others), Ngati Parakiore (Heta Tiki), Ngai Tahu (Hemi Te Uranga), Ngati Mutuahi-o-Tamaki (Te Hirawanu), Ngati Matepu ('those who are not Hauhau, the Hauhau ones stayed away'), Ngati Kurukuru of Waimarama (Te Harawira Tatere and Te Teira Tiakitai), Ngati Te Upokoiri (Renata Kawepo, Noa Huke, Wiremu Te Ota), Ngati Hinepare (Paora Torotoro), Ngati Hore (Karaitiana), Ngati Hineuru (Kipa and Kingita); the recorder added that 'there were some other *hapu* whom I did not know.' Such a representative gathering makes a strong statement of the unity of the Ngati Kahungunu *hapu*; it also underlines how serious a threat they thought the Hauhau posed to peace. The Hauhau were clearly distinguished in non-Hauhau minds from the King Movement. Henare Matua of Porangahau set out his view of recent political history, in which he stated an orthodox Ngati Kahungunu view that the King Movement, in its original conception, had the moral authority of modernity (i.e. civilization), an authority Matua extended to the whole colony:

Before the time of Potatau, King of Waikato, the people of this land supported [the idea of] a king. Then the word was set up: uphold the faith, charity, law and unity; these four words became a proper law through which peace is flourishing in this land. The authority of this word applied to the whole people – whether Maori or Pakeha.

This view was unlikely to have been shared by many Pakeha, but it is an important statement of the central Ngati Kahungunu position that *pai* (goodness), in all its aspects, stemmed from peace.

Although Ngati Kahungunu believed the government was at fault in Taranaki in 1860, this was past history in 1865. A clue as to why Ngati Kahungunu called themselves *kupapa* (neutrals) is that they blamed Waikato for the war in the Waikato. This was because the King Movement had fought on the issue of sovereignty, which

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<sup>47</sup> The names in brackets represented the leading figures from each *hapu*. *Te Waka Maori o Ahuriri*, Vol. II, No.50, 6 May 1865, p.1.

Ngati Kahungunu considered to have been decided in 1840.<sup>48</sup> According to Renata Pukututu: *ko Heretaunga te waka i ora, ko Waikato te waka i mate* ('Heretaunga is the canoe of life, Waikato is the canoe of death').<sup>49</sup> Renata showed towards the King Movement the kind of contempt reserved for vanquished enemies, yet the hostility of Ngati Kahungunu to Waikato had a strong contemporary cause: it stemmed from the fact that it was King Movement supporters of their own tribe who had introduced the culture of war into their communities, threatening the peaceful, prosperous culture of modernity:

. . .some bad-hearted men got up and went to Waikato – when they came back, it was Maui! [i.e. they had a King Movement flag of that name] They arrived and raised it aloft so that the Pakeha would retaliate and the peace of this land be destroyed.

. . .and when he [Paora Toki] returned he lied that he had defeated the Pakeha at Hairini. Then he wrote his proclamation to Te Wairoa, Te Mahia, and Turanga saying that the Pakeha were defeated (*ka mate te Pakeha*), with the idea that his falsehoods would gain men to give him standing with Waikato.

Then the evil men set out and went off to Waikato; when they returned, the Hauhau came with them. We decreed that Te Hau must remain in Waikato for the war.<sup>50</sup>

Renata Kawepo, the judicious political thinker of the early 1860s, had nothing but hostility to the Hauhau, once they had arrived on his patch. He called the Hauhaus' record of violence *he ito takitaki rawa* (a blood feud that will be fully avenged).<sup>51</sup> While both he and Henare Matua stressed the bond between the Pakeha and Ngati Kahungunu, they did not relinquish control of decisions about dealing with the Hauhau. Matua said:

When the Pakeha heard about that evil work, the skin crept with the magnitude of the evil of that god. Then the Pakeha said, 'Well, men of Heretaunga, what's your opinion about Te Hau?'

We replied: 'That mad creed must be returned to Waikato or Taranaki, so that they can serve their god properly.' The Pakeha agreed. . .We say to you, the Hauhau living in Heretaunga, give up your worship, resume our unity. Don't

<sup>48</sup> Although *kupapa* is used today to denote a loyalist, this translation is wrong in respect to the East Coast in the 1860s, where *kupapa* denoted a separate category of the politically uncommitted.

<sup>49</sup> *Te Waka Maori o Ahuriri*, Vol.II, No.51, 20 May 1865, p.5. Renata Pukututu, 24 April 1865.

<sup>50</sup> Te Hau was the spirit of God and source of Hauhau prophecy. Renata uses the term in a way that suggests that in non-believers' minds Te Hau was becoming a god in its own right. Views such as this may be the origin of the view, still often advanced by scholars, that the Hauhau worshipped new gods, where in fact Hauhau orthodoxy was monotheistic and Bible-bound.

<sup>51</sup> *Te Waka Maori o Ahuriri*, Vol.II, No.50, 6 May 1865, p.5.

persist in your work. You should send your Hauhau guests back to their homes. The Pakeha are very ill-disposed now – we are restraining them. That is why we say firmly to you, give up your worship.’

The arrival of the Hauhau was about the worst thing that could have happened to chiefs already unhappy with the stationing of troops on their territory, because it gave the military a stronger justification for being there. Yet, in the face of this pressure, the chiefs’ anti-war stance was an expression of sovereignty. In response to the Hauhau’s consistent plea to Ngati Kahungunu to ‘come ashore’ the chiefs had one consistent message, which was for the Hauhau to ‘go home’.<sup>52</sup> It is significant, however, that although Ngati Kahungunu wanted the Hauhau to leave the district, at the same time, such was their fear of the consequences if the government became involved that their plea to the Hauhau to disperse was matched by a determination that Ngati Kahungunu, rather than the army should deal with them. As the Hauhau continued to preach against their enemies, the Pakeha, the local chiefs also began to make a further choice, which was whether to fight against their own, or leave the Hauhau to measures of civil punishment instituted by the government. Some approved the plan to confiscate Hauhau land, Mokena advising McLean not to let the Hauhau off lightly (*kaua e tino whakamamatua tenei whiu mo tenei hara nui*).<sup>53</sup> Nevertheless there was a pronounced disinclination among Ngati Kahungunu to treat the Hauhau people harshly. For example, in 1866 Karaitiana, the chief who had thundered ‘I will not leave this *niu* [Hauhau worship pole] standing on my land’,<sup>54</sup> would ask McLean to allow him to look after some women prisoners captured in previous fighting to the north, calling it a ‘thought that comes from my heart.’<sup>55</sup> Henare Matua’s letter treats the Hauhau with shrewd gamble that time will wear out their enthusiasm. He continued:

... the Pakeha said that that flag should be taken away, thrown down. Then we said, ‘No; leave it for the wind to blow it away.’

When Whitmore heard that Paora [i.e. Paora Toki] had come back from Waikato, he took his sword, raised it aloft and commanded his men to fall in. They formed up and went to catch Paora, completely surrounding Titiokura with soldiers.

<sup>52</sup> See, e.g. *hui* at Pakowhai, 21 April 1865. Te Waka Maori Vol.II No.50, 6 May 1865.

<sup>53</sup> McLean Maori Letters, MSP:689j. Mokena to McLean, 1 September 1865.

<sup>54</sup> McLean Maori Letters, MSP:689j. Karaitiana to McLean, 6 September 1865.

<sup>55</sup> McLean Maori Letters, MSP:690f. Karaitiana to McLean, 15 September 1866.

Then we said to [Colonel Whitmore], ‘Sir, leave it to us to deal with Paora; we’ll speak firmly to him.’

Whitmore agreed, ‘Good.’ Then he said to us, ‘In that case, the soldiers’ barracks should be built at Te Waipuna.’

We replied, ‘No. They should return to Pekapeka.’

Then that brave replied, ‘Well, Titiokura through to Napier is your responsibility when those evil men travel through it, but Waipuna must be given to me.’

We told him again, ‘Leave [the barracks] at Pekapeka; that other place should be left open. ‘ Then the Pakeha agreed.

At this point King Tawhiao, who had been baptised by Te Ua Haumene in Taranaki the previous year, was hopeful of exerting political authority over the Hauhau. He issued a statement in October 1865 in support of the local Ngati Hineuru prophet Panapa, who was his choice for leader of the Heretaunga Hauhau. This statement was called a *ture* (law) by the King, and contained an implied criticism of Hauhau militancy:

This is a law for Panapa: this is the man for Heretaunga; this man now lives in the Post of Peace.<sup>56</sup> He has sole authority; you must stop making difficulties for him.

From Tawhiao to Matiru Patara, Jew, Post of Peace, prophet.<sup>57</sup>

‘Post of peace’ or not, Heretaunga was never free of rumours of war. The longer nothing happened, the more people seemed to become locked into intransigent positions. Karore, chief of Te Whakaki, said that he would not forsake his Hauhau faith because *ko te Atua totika tenei* (this is the true God).<sup>58</sup> Paora Toki<sup>59</sup> wrote from Petane to tell McLean:

There is no new way. The only way (*tikanga*) was completely settled in the lives of David, Adam and Tiller-of-Earth.

<sup>56</sup> i.e., an area outside the war zones designated by the King Movement and Te Ua Haumene.

<sup>57</sup> MS2995 [ATL]. Tawhiao to Matiru Patara, 19 October 1865. ‘Matiru’ appears to be a Hauhau name with spiritual connotations, presently defying translation, but similar in kind to those later adopted by followers of Te Kooti and Rua Kenana.

<sup>58</sup> McLean Maori Letters, MSP:6891. Paora Te Apatu to McLean, 19 September 1865.

<sup>59</sup> Paora Toki may have taken the name ‘Atu[a]tahi’, ‘One God’.

Although I am mad, leave me to my madness that will hang me. Whatever happens, the dead men I kill will make no farewell speeches.<sup>60</sup>

In September Paora Toki was reported as saying that the Hauhau intended to fight when Cooper arrived from Auckland. After he delivered this threat he was observed to begin his Hauhau prayers at the pole. As long as Toki was a 'good' Hauhau, as his observances suggest was the case, the decision to fight nevertheless awaited a sign from God.<sup>61</sup> Throughout 1865 the Heretaunga chiefs maintained a steady position. They were angry that the Hauhau were there, because it threatened the peace. Hauhau acts of civil disobedience tried their patience, but although the situation was inherently volatile Hauhau teaching made action dependent on the will of God, expressed through his prophets. As long as local prophets were trusted by the people and disciplined by faith, the situation worked against precipitate action.

The Hawke's Bay Hauhau – a mixture of locals and prophets and soldiers from elsewhere – would wait on God, but waiting took its toll. The life of a Hauhau convert in the Heretaunga and Ahuriri districts was typically unsteady. Huge gardens were planted, but their purpose was to keep soldiers in a state of war-readiness. Because many converts were attracted by the hope of action, inactivity meant that converts would typically lose heart and take the oath of submission, then rekindled faith would renew the will to oppose the government. The tensions of inaction were expressed in raids on the settlers' stock, in looking for leaders who would actually lead, and in a dangerous restlessness. The Hauhau were a force for local disorder, and the Heretaunga chiefs wanted the out-of-district members of the party to go home. Unhappy about the presence of both armed government troops and armed Hauhau on their territory, they were on occasions aggressive in speech, and thinking of arming themselves. This situation might have dragged on inconclusively. In the absence of God's clear direction, if the Hauhau had not been challenged to surrender by the government forces surrounding their *pa* at Omarunui on 12 October 1866, they might never have fought at all.

In 1866, any war with the Hauhau was anachronistic. Te Ua Haumene's capture in early 1866 left the way clear for the king to assert leadership, and in April he made a ringing call to all the eastern districts to rally to the faith, which he said he

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<sup>60</sup> McLean Maori Letters, MSP: 6891. Atutahi Paora Toki to McLean, 15 September 1865. 'Mad' (*porangi*) was a common description of the Hauhau by outsiders.

<sup>61</sup> McLean Maori Letters, MSP:6891. Te Teira Te Paea to McLean, 21 September 1865.

had purged of Hauhau error.<sup>62</sup> Tawhiao's proclamation went out in the dual names of God and himself as king, and has the rhapsodic tone of intensely experienced faith:

Although the tribes have gone over to the Governor, I too have friends in every part of the land. Perhaps one thousand remain ashore; if not a thousand, five hundred, if not fifty, twelve will be well; God almighty is our refuge. Friends, be watchful. The plans have changed. Peace will never be made. It rests with God to arrange things now.<sup>63</sup>

The king's proclamation was another in a long line of attempts to gain the support of eastern Maori for a Maori nation, but the distance Tawhiao had travelled from Wiremu Tamihana's original conception of the King Movement was substantial. Wi Tamihana, who had died in December 1865, isolated and tragically obsessed with clearing his name, had envisioned a godly, civil, self-governing nation, co-existing with a settler state. Te Ua, by contrast, had attempted to deal with the reality of Pakeha aggression by creating parallel worlds of godliness and action, so that he could preach both peace (based on the teachings of Jesus) and war (based on prophecy, in particular the *Revelation of St. John*). Tawhiao's new conception of 'kingdom' in 1866 was deeply influenced by Hauhau doctrine, and infused, as Wi Tamihana's had not been, with a deep expectation of deliverance, or victory.<sup>64</sup> Politically, Tawhiao restated in his proclamation a fundamental basis of opposition to the Pakeha, with whom no peace could be made, yet he was committed to waiting on God for the fighting which was decreed by God to come. Anaru Matete, an influential east coast Christian teacher, was visiting Tawhiao in early 1866 and may have been connected with the issuing of the proclamation. The visit marked a turning point for Anaru, who made a public stand for the king. In May he advertised his faith to the government supporters Renata Kawepo, Noa and Paora Kaiwhata:

Friends, greetings. I have come to the king. The reason for my journey was to seek righteousness and salvation: I have found righteousness and salvation!

The proclamation of the Lord and his blessed one showing forth love to the Queen's Maori; the message is:

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<sup>62</sup> The Governor had paraded Te Ua Haumene, around the disaffected districts, but the independent Maori church had survived the loss of its founding prophet. A ceremony in Taranaki at Christmas 1865 had consecrated new leaders Tohu Kakahi, Te Whiti (later Te Whiti-o-rongomai) and Taikomako to spiritual service, and twelve disciples were also solemnly blessed.

<sup>63</sup> MS0190:18. [ATL]. The Lord and Tawhiao to [all East Coast tribes] 15 April 1866.

<sup>64</sup> The king had travelled less far from the synergy achieved in 1864 with Te Ua Haumene, but the latter had recanted after his capture, and would live in the governor's mansion in Auckland, attending his levees for the colonial gentry, unaware that when he returned home to die, his followers would have deserted him.

O people, return to shore.  
 O people, return to shore.  
 That is all the offering of love to you.

Friends, do not despise the message. Believe the message of the Lord, and return to shore. The land is saved. The kingship has been made permanent; it has been blessed by Almighty God. This is the king of glory and salvation.

Do not look upon the distress of the land, of Waikato and other places, which are all fallen, and the distress of the Hauhau. God has the plan. I say that I tell you no lies. The land is saved. This word is true: the land is saved, all saved!

My friends, come back ashore. Tell the people to return ashore. This side of the island is lying on the shore: dry land, dry people.<sup>65</sup>

Ngati Kahungunu Hauhau were infused with the kind of faith shown in these quotations. They were expecting God to act, and believed that the only reason that the Maori side had not yet come into the fullness of God's plan for the land of Canaan was human error in carrying it out. When he returned from Waikato, Anaru Matete reflected on those errors, explaining to his relation Renata Titore that, referring to the killing of Volkner, it was *te hapa i he i mate ai tatou* (the Passover which went wrong through which we were defeated). This significant letter underlines Te Ua's acceptance of fighting in the cause of right, but shows that the Hauhau militants Kereopa and Patara had placed themselves outside the discipline of the faith. 'Maraea' is an image of the peace that was established as the foundation of the King Movement in the time of King Potatau. According to Anaru, Kereopa and Patara destroyed the *tapu* of peace when they killed Volkner:

Te Ua threw a challenge to Tawhiao, that he should be king and the leader for the sword. The second is at Patara's Post, which made Hirini king; this was a challenge to Tawhiao. The third is Kereopa's drinking the unconsecrated blood of "Maraea's" chastisement – blood which was consecrated during the kingship of Potatau, which consecration was blessed by God. When that Post arrived at Waiapu, then that punishment went wrong. Thus the fault of this side was the second challenge.

For this is so: God is with Tawhiao. As for the twelve from Taranaki, not a hair from their heads will fall to the ground: God has revealed himself in the flesh to his twelve – to Tohu, to Te Whiti, to Taikomako. This is not the work

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<sup>65</sup> MS0190 [ATL], p.18. Anaru Matete to Karaitiana, Renata Kawepo, Noa and Paora Kaiwhata, 17 May 1866.

of Rura and Riki: theirs is ended, theirs and the priests of the Wind Post – finished. For this is God himself, not the Hauhau message.<sup>66</sup>

Friends, be watchful. Peace will not be made. When I was in Waikato the governor's peace terms were put forward; I was right there. That peace was not accepted, because the war is God's. God reveals his strength and his godliness is upon the tribes of the destitute, and his strength, so that it may be fully understood by the kingdoms of the strangers, and by the great kings.

As for the time when Governor's peace arrived, when George [Grey] and Te Ua returned they stopped at Kawhia. I heard a whisper there. Friends, all the tribes give us much support – tremendous support; chiefs, the young - now [the message] is being respected (*whakarangatira*) by all the tribes. Friends, persuade the people to return ashore. This love is of God. . .

Friends, know God. The land is in the hands of Tawhiao, of the Twelve, of all the Posts; it is being held; it will not be taken.<sup>67</sup>

The faith of the Maori nation had been purged of its more idiosyncratic aspects, (including, judging by the orthodoxy of Anaru's language, Te Ua's belief in the miraculous acquisition of English language).<sup>68</sup> This reform, plus the stiffening of Anaru Matete's new prominence, may suggest why a feature of 1866 was that staunch loyalists changed sides.<sup>69</sup> Most radically for the teachings of the Hauhau church, the militant archangels Riki (Michael) and Rura (Gabriel), under whose flags Kereopa and Patara had marched to Turanga, were now rejected. As Te Ua believed he had cleansed the mission church in 1862, his own church was now reformed. The struts of militancy in the pursuit of the millennium were kicked away, and replaced by a new spiritual certainty, which, it seems, from comments by rank-and-file Hauhau, was connected to a vision that was the secret knowledge of the spiritual leaders of the King Movement.<sup>70</sup> The most important development in the nationalist movement in

<sup>66</sup> This is in fact a significant change to the Hauhau doctrine preached by Te Ua Haumene, for whom Rura and Riki (the Archangels Gabriel and Michael) were the instruments of God's will, and the 'Wind Post' was the source of the prophecy God gave to his chosen prophets.

<sup>67</sup> MS2995 [ATL]. Anaru Matete to Renata Titore, 7 June 1866.

<sup>68</sup> The reforms did not apparently alter the distinctive Hauhau worship at the Newspole, which continued to be observed in the Ngati Kahungunu district.

<sup>69</sup> Nikora Whakaunua's change in allegiance must have allowed him to express thoughts that his support for the government had formerly required him to suppress. For example, it allowed him to suggest that the culprits in the long-running sheep-rustling saga were 'Whitmore's men'; McLean Maori Letters, MSP:690c. Nikora Te Whakaunua to McLean, 9 May 1866. There are parallels in the careers and outlook of Nikora and Anaru, and Matete's cooler politics and more orthodox religion may have given Nikora the justification for joining the side most of his relations apparently already supported.

<sup>70</sup> What effect the new dispensation had on the faithful is a matter of speculation. Perhaps a limited parallel might be drawn with the villagers of rural fifteenth century England, whose life was made meaningful by ancient magic woven through the practices of the church, and whose whole world view



1866 was the new confidence that ‘something’ was going to happen. The authority of the king and the newly appointed Hauhau leaders rested on the hidden plan, therefore 1866 was a year weighted with expectations. These expectations disciplined the Hauhau, whereas the non-Hauhau were feeling the strain of the other side’s certainties, and becoming more militant.

It is certain that the Heretaunga chiefs to whom it was addressed read the position as set out by Anaru Matete quite differently. For them the sub-text of unspecified action to come weighed more heavily than the call for Maori unity, and they interpreted the new King Movement confidence as a renewal of commitment to the fight. The history of the Hauhau, to anyone who was not Hauhau, was that they brought trouble in their train. In Heretaunga the Hauhau looked and acted like a troop of soldiers, and the Heretaunga chiefs were entitled to distrust their purpose. Anaru’s letter therefore contributed to an answering display of commitment from the *kawanatanga* (loyalists), who paraded their force through the streets of Napier. The crucial failure of communication in the relationship between the two sides is a paradox: the *kawanatanga* were responding to the underlying threat of spiritual militancy in the Hauhau message, whereas the Hauhau were trying to relate on the political surface of the nationalist movement, which had dictated that Heretaunga was a ‘post of peace’. While they waited for God to implement his plan, the law of the ‘post of peace’ restrained Hauhau behaviour, as avoidance of error was the condition of future success. In mid-1866 the Hauhau showed a clear desire to avoid fighting with their Ngati Kahungunu relations. Panapa and Te Rangihiroa wrote to Te Moananui and Te Hapuku, in response to the sabre-rattling of the government chiefs:

I have nothing new to say; what I say to you now is what I said before. We do not want fighting between us [Maori]. Do not let men’s sins onto our marae, is case we sin like them. Thus we write to you that you might not extinguish your goodwill, for we said that Heretaunga is to be where your goodwill lies.

If anyone wants to fight, let him go to Taranaki; we will see [what happens] there in December. However, as for here, it is not good to keep urinating on one’s [own] house.<sup>71</sup>

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was choked to death when ‘church magic’ was swept away by the reforms. If the faith of former believers in Riki and Rura was shaken by the fall of their gods, this may have created the conditions for a decision to ‘come in’, that is, to submit to the government.

<sup>71</sup> McLean Maori Letters, MSP:690d. Panapa to Te Moananui and Te Hapuku, 29 June 1866. The political temperature had also been raised by the presence of the fighting force led by Ihaka Whaanga and Pitiera Kopu.

Do not entertain anyone's plan to make trouble in our community. Send that man back to piss on his own marae; leave our community to lie in peace. We do not want to fight; leave our community to lie in peace. For it is yours and Tareha's strength which keeps the peace within Heretaunga. If someone desires to fight, direct him to Taranaki, where we shall see.<sup>72</sup>

Listening again to the sub-text, the Heretaunga chiefs did not hear the prophet Panapa's reaffirmation of peace and plea for unity; they heard instead the hint of a plan to fight in Taranaki. This is not a simple indication of peaceable Hauhau versus militant *kawanatanga*. As Christians, the chiefs would have been unsettled by the claim of a godly source of the new message, because they had put their own spiritual welfare on the line by their decision to reject the claims of the Maori national church. The concerns of the chiefs were those of a local authority. The numbers of non-Ngati Kahungunu Hauhau were growing, and Heretaunga was getting too much attention from the national leaders of the anti-government side for them not to feel some degree of personal challenge to their authority.<sup>73</sup> On 21 July 1866 Karauria Tama-i-whakakitea-te-rangi, at Pawhakairo, and his *matua* (seniors) Te Moana and Karaitiana, swore in a 'Heretaunga militia' consisting of men from Ngati Te Upokoiri, Ngati Hinemanu, Ngati Hinepare and Ngati Hori. Karauria gave the following justification for the arming of his relations:

Te Rangihiroa's and Paora Toki's Hauhau north of Tarawera have all gone to Taikomako's *hui* at Te Whaiti, where the talk was of separating off a 'twelve' for Te Wairoa and a 'twelve' for here to destroy me and my Pakeha.<sup>74</sup>

A footing of war-readiness was dictated by prudence as much as militarism, and in fact Ngati Kahungunu continued to live alongside their Hauhau relations and in dialogue with their chiefs. This does not suggest that either side contemplated imminent war, however Karauria's sense of threat makes him use the pre-treaty terms 'my Pakeha', which either means that he was on a war-footing or that he was looking for alliance with the government.

<sup>72</sup> McLean Maori Letters, MSP:690d. Te Rangihiroa and Panapa to McLean, 29 June 1866.

<sup>73</sup> There is no evidence that Ngati Kahungunu chiefs were mainly worried about their own Hauhau relations: Paora Toki might be 'turbulent', but he was a known quantity. Too much attention has also been paid to the ambivalent political history of Ngati Hineuru as the 'cause' of the opposing allegiances of them and the coastal chiefs. It would be purely speculative to give these an appearance of inevitability in 1865-1866. Nothing was inevitable by this time, as the membership of the King Movement itself bears witness: tribes who had been recent enemies joined to form the movement, and the membership was similarly a radical break with the politics of the past.

<sup>74</sup> McLean Maori Letters, MSP:690e. Karauria Tamaiwhakakiteaterangi to McLean, 30 July 1866, Pawhakairo.

During July 1866 the Hauhau were recruiting with a new activity and excitement that is possibly traceable to the *hui* at Te Whaiti. Panapa, who was at Wananga, which he described in Hauhau terms as ‘a part of Canaan’, had been told by Manuera at Taupiri to *hapai i te pooti* ‘raise the post’, or make converts.<sup>75</sup> Manuera told Panapa to do likewise in the Taupo and Urewera districts bordering Ngati Kahungunu territory, and also to send them sheep grazed by Pakeha on rented lands for food, in order to signal readiness for a showdown. Rumours flew. The missionary Samuel Williams heard that Anaru Matete and a force of non-local Hauhau were waiting for a sign from God to launch an attack on Hawkes’ Bay;<sup>76</sup> if Williams had heard it, the Ngati Kahungunu chiefs were also certain to have done so. The Heretaunga chiefs responded by stepping up their preparedness for war. Donald McLean also began to take more interest in the situation, but when he arranged to talk with them his letter prompted an incredible reply: the Hauhau were ‘coming in’ (surrendering). Te Rangihiroa and Panapa said:

We have received your letter, and that word of yours in which you say we should abandon our lawless faith is good. Now we are coming out with our women and children and indeed our guns and everything; we are all coming into your presence.

This is our word. Put many boats on this side of the river to carry us, and send your soldiers to that side of the river to lead us before you, at the Ahuriri court house, where we will abandon this foolish faith and also kiss your Bible.<sup>77</sup>

Submission was an exercise in humiliation. It involved swearing allegiance to the enemy, enduring the public mockery of the Queen’s Maori, and the huge psychological loss of failed belief. People also knew that the punishment for rebellion was the confiscation of land, which their religion had assured them was ‘saved’. A postscript to their letter shows that an extra humiliation in submission was vis-à-vis their own: ‘Don’t send our letter to the Maoris, lest they turn up there to take us captive. Let it be just you, the Pakeha, who do it.’

The local Hauhau prophet and the local senior chief, whose positions were under some threat from the new configuration of nationalism of 1866, signed the letter. Te Rangihiroa was observed locally to be losing ground, and Panapa, who had

<sup>75</sup> AGG HB2/1. Manuera to Panapa, 21 August 1866.

<sup>76</sup> Samuel Williams to his father, 29 Aug 1866; quoted in J.Battersby *The one day war : the battle of Omarunui, 1866* Auckland, Reed, 2000, ch. 7, p.7.

<sup>77</sup> McLean Maori Letters, MSP:690e. Te Rangihiroa and Panapa and all the people to McLean, 30 August 1866.

led the Ngati Hineuru Hauhau for nearly two years, was possibly overshadowed by the new generation of national Hauhau leaders, in particular Anaru Matete. Panapa's letters suggest that he had consistently tried to keep the peace in the cause of faith. It is reasonable to surmise that he and Te Rangihiroa felt threatened by the arming of the *kawanatanga*, unsure of the new hope of victory, unwilling to face fighting to secure it, undermined by changes made to a faith asserted to be revealed from God, and tired from a long campaign of opposition which had produced no results. If this list describes something of the thinking of these two old men, submission might seem a way of facing up to the inevitable.

Panapa's and Te Rangihiroa's letter shows that what they thought submission required was giving up their god. This warns against analyses that place the politics of land loss, or, equally, the principle of peace above faith as the motivating force of Hauhau action. However, because the Hauhau were believers, deciding to come in must have felt like having been abandoned by God. Voluntary submission was such a psychological defeat that it had to be accomplished in the heat of the decision, but McLean was not in Napier, and the window of opportunity so briefly open, closed again. In light of the deaths that would occur at Omarunui and Petane, including those of Panapa and Te Rangihiroa, it was a tragedy for these brave, defeated believers that chance ruled their fate. McLean had been consistently unflappable about any Hauhau 'threat' in Heretaunga, and would not return there until October.<sup>78</sup> By that time the contemplation of submission had been replaced by the decision to live or die for their beliefs.

In September Ngati Hineuru marched to Petane.<sup>79</sup> They travelled with military discipline, and when they arrived they acted like a fighting force, 'keeping up all military ceremony'.<sup>80</sup> At Petane they began to provoke a response. Petty depredations on the local pigs and fowls can be explained by the shortage of food, but the pulling down of William Colenso's old church suggests more.<sup>81</sup> The militant Hauhau message had often been expressed in attacks on missionaries and their property. The selling of the timber of the church has echoes of, for example, the auction of Grace's property and the burning of the church at Waerenga-a-hika. In September King

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<sup>78</sup> Col. Whitmore, himself suffering from Hauhau raids on his stock, criticised McLean for his Wellington detachment in September 1866. Battersby 1998, chapter 7, p.11.

<sup>79</sup> Battersby 1998, chapter 7, p.12.

<sup>80</sup> Whitmore to Mclean 18 Sept 1866, quoted in Battersby 1998, chapter 7, p.12.

<sup>81</sup> Battersby 1998, chapter 7, p.13.

Tawhiao was still claiming authority over ‘Canaan’ as its ‘shepherd’, and leader of the ‘twelve’. He wrote to Anaru Matete in that month to give him control over the eastern area:

You are a supreme chief for all these things; you are dedicated to the Posts. This is a message to you that we are living in perfect peace. As yet we see no reason for you to act.<sup>82</sup>

If the king saw no reason, the fact was that the numbers of armed nationalists near Napier continued to grow. Ominously, the increase was in people from outside Heretaunga, including Ngati Kahungunu from Wairarapa, and non-Ngati Kahungunu from Waikato, Taupo and Turanga.<sup>83</sup> It was entirely unlikely that these people turned up by chance, and inevitable that the presence of a substantial body of armed non-Ngati Kahungunu men would be construed as hostile: *pa* building and drilling, as at Te Pohue, were signs of war readiness, not of preparing to submit.

The Hauhau appear to have been on a see-saw, as their leaders continued to consult about the plan, and in between, saw their chances of winning a battle with the loyalists and their Pakeha allies as unconvincing. A double track of thinking is reflected in the fact that when they marched down to Petane in mid-September, it was possibly part of an attempt, at least by the local members of the Hauhau, to avoid war. This seems the most convincing explanation of the fact that their chiefs, Paora Toki, Kingita and Kipa, and their prophet, Panapa, stayed with their loyalist relations, and of the further fact that the non-Hauhau chief, Tareha, had asked the government to feed the Hauhau on Ngati Kahungunu’s behalf.<sup>84</sup> However, when Panapa was asked to demonstrate the Hauhaus’ peaceable intentions by coming alone to discuss the defusing of confrontation, his decision to surround himself with a body of Hauhau was probably a turning point in the road to war. Their extraordinary declaration that they were ‘all Panapas’ did not represent fear of venturing into a *kawanatanga* stronghold – Panapa had recently been a guest in just such a situation. It was a statement of group solidarity, and edged with defiance.

The atmosphere of defiance seems to have quickly strengthened. By the time the Hauhau arrived at Omarunui on the fourth or fifth of October, they looked sufficiently threatening for its chief, Paora Kaiwhata, and his people to leave. McLean

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<sup>82</sup> MS2995 [ATL]. The Shepherd and the Twelve of Canaan to Anaru Matete, 11 September 1866.

<sup>83</sup> Richard Moorsom, ‘Supplementary report on aspects of Raupatu in the Mohaka-Waikare district.’ Waitangi Tribunal, 1999, p.58.

<sup>84</sup> Moorsom 1999, p.65.

understood that the Hauhau had not come to give up their god, that is, to submit, and he was suspicious about the absence of Te Rangihiroa.<sup>85</sup> Other Hauhau chiefs too, were conspicuously absent, and the people who were there did not look or behave like ‘visitors’. While a show of defiance was not necessarily incompatible with an intention to seek peace, it is equally likely that the repetition of the protestation that they were coming to see McLean was, by now, disingenuous.<sup>86</sup> McLean asked the Hauhau ‘whether this expedition of yours was intended for evil or good’. In a series of letters on the subject, he did not get a clear answer.<sup>87</sup> Karaitiana, among other chiefs, went to hear the talk; it included a discussion of their correspondence with McLean that turned on the contrast between ‘good’ and ‘evil’. Karaitiana was not reassured, and wrote to ask McLean for a shotgun. Other chiefs were doing likewise. Puhara asked for a gun on 2 October, adding *kia [a]roha mai ki au*. This was a way of saying ‘please’, but it also implied: ‘stand with me, your ally’.<sup>88</sup> Karaitiana was frustrated by McLean’s lack of action. He wrote again to him, in a letter that should be read as a strong call for action:

... you know the answers of the Hauhau to your two letters, which [answers] state that both you and the chiefs of Heretaunga know what that word of the Hauhau means.

We know that their [Hauhau] God is a man-eating God and that they are come to fight. Make up your mind to act.<sup>89</sup>

This was another turning point. The Ngati Kahungunu chiefs had been dealing with the Hauhau on their soil since early 1865, and in spite of what traditionally would have been seen as repeated acts of provocation; they had not fought, but simply endured. That they now saw a fight as inevitable, that their passivity turned to a will to act, was a new development. In the terms of traditional warfare, the Hauhau messages were a challenge to fight, however the ‘double track’ of the Hauhau mind meant that they could interpret events either spiritually or actually; they could utter threats and still not intend to fight. The Heretaunga chiefs could not similarly slip from one reality to another, and interpreted cryptic messages from the Hauhau

<sup>85</sup> McLean Maori Letters, MSP:690f. [McLean] to Panapa and all, 5 October 1866.

<sup>86</sup> McLean Maori Letters, MSP:690f. ‘All of us’ to McLean, 5 October 1866.

<sup>87</sup> Battersby 1998, chapter 7, p.15.

<sup>88</sup> McLean Maori Letters, MSP:690f. Puhara to McLean, 2 October 1866. The reason that Ngati Kahungunu Hauhau always wanted to deal with McLean rather than any other official was that McLean was in most senses a chief. He was able to act completely within a Maori idiom, which is what makes the pre-Omarunui correspondence between him and the Hauhau so riveting.

<sup>89</sup> AGG HB2/1. Karaitiana to McLean, 6 October 1866.

according to the only setting experience gave them – which was that of war. From this point the Ngati Kahungunu *kawanatanga* chiefs were probably committed, and the focus turns to their communications with McLean.

The Hauhau's message to McLean on 8 October read:

Good is certainly one thing, and evil certainly another (He taonga tonu te pai, he taonga tonu te kino). That word answers your enquiry. However it is our belief that we are not to be judged by you and the chiefs, because we are still travelling the path from which you have entirely turned back.<sup>90</sup>

That is, the sides of good and evil are utterly distinct. The Hauhau were the side of good, and continued in the favour of God. The ex-neutral Ngati Kahungunu had turned back to evil. In a society in which both the history and future intentions of the group were located in speech, sayings and styles of speaking displayed a clear intent to hearers. This was a statement of no-compromise, of the withdrawal from dialogue and of a challenge laid down, which McLean and the Ngati Kahungunu chiefs would have perfectly understood. The letters were steps in a diplomatic dance. Finally McLean and the Hauhau were alone on the floor, and whirling towards an end in which both Maori sides were losers. For the Hauhau, a set-piece battle would be a test of everything their faith had promised them, and which had justified the long, hungry years of defiance. For the Heretaunga chiefs, a battle would seal the failure of the struggle to keep their territory peaceful, in pursuit of the civil vision of modernity on which they had staked their future. The situation was now out of control of them all, and in the hands of the traditional culture of war. Now, a battle would only be averted if the courage of one side failed. It is no wonder that the interpreter F E Hamlin found Ngati Hineuru Hauhau 'in a sulky and evilly disposed' frame of mind on 9 October. This was surely due to their apprehension of a fight. They said, defensively, their 'future conduct whether for good or evil would depend on the directions their. . .god might give them.'<sup>91</sup> This made a brave show but suggests their vulnerability. Whether or not the 'secret' spiritually-backed plan of the nationalist leadership included an attack on Napier, it would certainly not have been for Ngati Kahungunu to fight their relations at a makeshift *pa* at Omarunui. There, the Hauhau were not invigorated by the excitement of grand plans for the future, but a limited, concrete present reality in which their prospects were uncertain. They were also in the hands of the prophet, who

<sup>90</sup> AGG HB2/1.[unsigned] to McLean, 8 October 1866.

<sup>91</sup> Moorsom 1999, p.80.

would have been under mounting pressure to manifest the power on which belief was staked. The Hauhaus' letter was produced by the leaders who had claimed the most for the faith, and who consequently had the most to lose by backing down when that faith came to the test. Ihaka said shortly after the battle:

We the tribe went with Panapa and Kipa under their direction but with fears for the result. All that was imparted to us was that it might be good or evil. Panapa encouraged us by saying that his God had delivered Napier into his hands.<sup>92</sup>

This is a chilling statement, because it puts the people into the power of leaders claiming a special access to God, as happens so often in religious cults. Given that the Hauhau were outnumbered, poorly armed, underfed and in a weak defensive situation, belief was once again the prelude to tragedy. When called upon to submit by the enemy facing the *pa* on the morning of 12 October, the Hauhau delayed. There are many possible reasons the Hauhau kept the government waiting: it may have been for some tactical reason, or a show of independence, or because the people were at their prayers, or waiting for a sign, or because in the absence of such a sign, the option to surrender was still available. When no help came, they might as well acquit themselves like the men that a thousand years of culture had honoured. When the letter about good and evil (or the Hauhau and the unrighteous, or Ngati Hineuru and Ngati Kahungunu) was shown to the *kawanatanga* Maori, they recognised it as an intention to fight. They gathered at Pawhakauro, and fixed the day and the place.<sup>93</sup> They wrote their intentions to McLean, adding, with a perfect example of Maori etiquette when dealing with 'other tribes', that the Pakeha could join the fight 'if they wish'. Everything was done publicly and deliberately, according to *tikanga*. From this point on, the initiative was no longer in the hands of the Hauhau, but of the government and its Ngati Kahungunu allies.

The battle at Omarunui was a short affair, won by the government side. Renata Kawepo did not fight again. He had not fought for the government, but in defence of the *mana* whose gaze was inward, and fixed, as in the past, on the destruction of a challenge from other Maori. Yet this was a throwback to a past that the vast majority of Maori had no wish to re-enter. In a sense the battle of Omarunui was the greatest proof that intellectually, Ngati Kahungunu had indeed re-formed their sense of being,

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<sup>92</sup> Moorsom 1999, p.79.

<sup>93</sup> AGG HB2/1. Chiefs and the government *runanga* of Heretaunga to McLean, 9 October 1866.



because it failed to start a cycle of revenge fighting; the past was not revived. Yet the government offered no reward for loyalty; they took it for granted on the strength of the Treaty of Waitangi. While this attests to the authority of the ritual document in British culture, it also shows how excluded Maori were from the power that lay behind it.

The threat of war had revived the need for the kind of leadership chiefs had exercised when tribal sovereignty ruled and fighting was the major mode of inter-tribal politics. The decisions that chiefs made in the 1860s may seem to point to a resurgence of their authority – and it is important, in view of the assumption of the current historiography that land dominated Maori thinking, to note that the subject of this chapter has not been land, but the politics of chiefs. However, in the larger picture, the war did not resurrect the political fortunes of chiefs, because the choices available to them were draconian. A decision for peace, when militant Hauhau invaded a chief's territory, was an abrogation of traditional authority, because it allowed the Hauhau to claim victory for their creed. A decision for war, on the other hand, was made at cost. Maori had reconstituted their society on the premise that peace was the condition of civilisation, and had moreover trusted the British to guide them into this state. Since they fought in Taranaki, however, the British had showed Maori 'the way back to their teeth' – that is, to war.<sup>94</sup> In the 1860s, anti-war Maori had to make decisions outside the sense of being, or identity, developed since 1840. In all, the choices available to Ngati Kahungunu chiefs in the 1860s do not represent a victory for their authority, when the authority they wanted was within the Maori vision of the Treaty of Waitangi. If there was *mana* in Ngati Kahungunu's stand for peace, under the war-time terms of tribal sovereignty *mana* in these terms was impossible of achievement with the arrival in their territory of militant Hauhau who did not recognise *mana*.

War damaged Ngati Kahungunu's sense of citizenship and shrank its politics to the local and tribal, signalling the end of the *kotahitanga*, political modernity through unity with the British, as it was conceived in the 1840s. In the 1860s, neither government nor modernity were rejected by Ngati Kahungunu, but the ethos changed. Before the war, Maori thought nationally by virtue of believing in universal civilisation, and expected the government to defend their legitimate interests by virtue

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<sup>94</sup> Law was a clear alternative to 'custom'. When a chief argued that the killing of settlers was a justifiable act of war, Hamiora Ngaropi replied: 'If you can justify such acts then I say such conduct is the road back to your teeth... If you can justify murder by reference to Maori law, you can justify cannibalism on the same ground.'

of Maori citizenship of the state. The belief that citizenship meant equal participation was crushed in the war, and would not recover for a very long time. Government and the modernisation associated with it would continue to affect Maori, but it would now proceed without their participation; it was imposed; this created the inequality that shaped New Zealand society for the next century. The war brought to an end the independent, willing exercise of Maori citizenship. As if this were not a sufficiently bleak result, there is a further conclusion to be added. In the war the government was able to cope with Maori military threat, but most of all, it was powerful enough to continue to govern, whether or not Maori thought it was just in its treatment of its Maori citizens (or in modern terms, lived up to the Treaty of Waitangi). It is in this sense that the war represents the conquest of all Maori which is the watershed posited above.

## CHAPTER TWELVE

## A singular conclusion: Wiremu Kingi and the politics of allegiance

Hereafter a great nation will occupy these Islands, and. . .they will look back upon the works of those men who assisted in founding their country; and when the children in those times ask their parents who were the men who founded so great a country, they will answer... our ancestors. Yes, those things were done, not by our European ancestors alone, but... also by our ancestors who were the original native inhabitants of these Islands, and then they will tell them many names, and amongst them those of my friends.<sup>1</sup>

Who says people will not live on money? People will live on money. It was by money we were saved from Taonui's intention of destroying Waitara. You say the people will live by greenstone. No! I got money from the Europeans. I gave it to Taonui, and that was great to save the neck of men, and neck of land.<sup>2</sup>

In the first of the above quotations, the most influential of the governors, Sir George Grey, paints the picture of racially amalgamated New Zealand, or *kotahitanga*, that was first articulated in Hobson's *he iwi tahi tatou* (we are one people). In the second, Te Teira, a Te Atiawa land seller, praises the power of the new economy, which allows enemies to be bought off with the proceeds of the sale of land. This chapter is about a chief who took neither of these views. It examines the connections between land and authority in colonial Maori society in the early career of the Te Atiawa chief Wiremu Kingi Te Rangitake, as he negotiated with the government a return to the land of his fathers - at Waitara, in north Taranaki. What follows is not a tribal history, nor is it concerned with the post-Treaty struggle for power within Te Atiawa; this continued an immemorial tradition. My main aim is to gain a sense of the authority chiefs felt

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<sup>1</sup> Governor Grey's reply to the farewell address of Ngati Toa, Ngati Raukawa and Atiawa chiefs at Otaki, 1853. Ko nga korearo o te huihuinga o nga iwi Maori o runga o Kapiti ki te Kawana Kerei (Sir George Grey)... i huihui ki Otaki I te 21 o nga ra o Hepetema 1853). *Farewell address of the native tribes in the southern province of New Zealand to His Excellency Sir George Grey...delivered at Otaki, 21st September 1853. With the Governor's reply*, Wellington : R. Stokes, 1853, p.16.

<sup>2</sup> Donald McLean, 'Journal', Vol.2, 1848, quoting the land-seller Ihaia.

themselves to possess by virtue of their citizenship of the state, and to gauge Maori political awareness that the government was a powerful force for either good or evil. These considerations combine the political and philosophical interests of this thesis.

If every government official was a diplomatic agent whose job it was to steer Maori towards acceptance of British rule, diplomacy was equally the pre-occupation of the chiefs. However, the terms on which chiefs negotiated were new: they were the terms of the state. In these terms the owners of land coveted by Europeans were in possession of a bargaining chip. If this gave with one hand, it took away with the other. When Maori dutifully marked out their 'pieces' of land in a sale, they were drawn into a British scheme of property rights, in which the size of the land dictated the standing of its seller. Sellers departed from a Maori context of authority, where size of cultivations had no bearing on standing within the group. The structure of the state excluded recognition of chiefly *mana* except as a diplomatic courtesy; it was not recognised by the government as the basis of property rights. The ownership of land in terms of *take* was now *mana*. Chiefs, therefore, needed to balance the power of the government against the new 'Maori' authority of land ownership that had been created by that government, and both of these factors against their own desire - and political need - to pursue modernity.<sup>3</sup>

In all national histories there are a few individuals whose actions shape events, and a few whose experience contributes to understanding the history of a whole people; Wiremu Kingi belongs in both categories.<sup>4</sup> His refusal to accept the sale of Waitara occasioned the war in 1860 that established the enduring colonial relationship between Maori and Pakeha, which was that of conquest. The cause of the war was a clash of views about political legitimacy. The government held political sovereignty under Article One of the Treaty of Waitangi, and claimed the right to determine the terms of Maori land ownership on that basis. Kingi turned this view on its head. He held the 'sovereignty of ownership' that was confirmed in Article Two, and which was also the immemorial position of chiefs; he, therefore, had the right to choose whether or not to sell land. Through his defence of this authority, Kingi stands for all Maori whose assertion of

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<sup>3</sup> While the Treaty of Waitangi is not the focus of this chapter, examination of the background of the case of Waitara steers the treaty back into history, and away from the speculative linguistic critique that has dominated recent analysis.

<sup>4</sup> Wiremu Kingi (William King) Whiti, formerly Te Rangitake, occasionally Rere, variously signed himself with all or some of these names, and added another in the 1860s. (Members who signed themselves 'Whiti' included Erueti, Eruera and Poharama.) Maori identity was various and layered, and people altered their names to reflect changes in their lives. The reason for pausing over this is to draw an analogy with land tenure, which was similarly layered and contextual, but was steered implacably towards fixity and single-strand simplicity through the experience of land sales. Fixity and simplicity reduced the ability to negotiate solutions through the accumulation of deferences and courtesies through multiple pathways of history and relationship that could be drawn on in present politics.

rights assumed by them to be protected by the Queen held up the expansion of the colony, and permanently changed its character. The cross currents generated by Maori narrative and Pakeha counter-narrative would bring both peoples to the crisis of war. This chapter, however, is not focussed on the war, by which time the inequalities of political power produces the suffocation of inevitable outcomes. It concentrates instead on Kingi's experience as a land seller and a British ally - these positions were always connected – because it is here that the exercise of citizenship appears most clearly, and offers the best illumination of change, both accomplished and to come, in Maori society. Kingi's case is typical, in the sense that he was partly motivated for alliance with the British by the politics of the past: he wanted to return to the home from which he had been displaced in the inter-tribal conflicts of the 1820s. His case is also typically complex, because since the 1820s Waitara had acquired an additional character in another world: it was coveted by speculators, colonists and, after 1840, the government, for the white settlement of Taranaki. A focus on the 1840s may seem a singular way of concluding a study which covers a wider period, but there are good reasons for this approach. Wiremu Kingi's chieftainship is emblematic of the duality of Maori approaches to British ideas of the state and citizenship – of the fear and acceptance that jostled for space in Maori minds, as they sought to domesticate political and social change.<sup>5</sup> While this duality was a feature of the entire span of this study, the 1840s, unlike subsequent decades, did not yet overtly undermine the chiefs' importance to the government. More importantly, if chiefs were already living outside the securities of former culture – where *mana* was requisite to, and expressed in, power, and *tapu* was its encompassing defence – change still seemed a matter of choice in this decade, and citizenship was still the hope of the future. Although from a historical point of view Kingi's experience was unique, from the perspective of the burgeoning Maori civic culture he was typical in his attempt to assert authority as a chief within the new polity. In this Kingi stands as a model for other chiefs in the decade that best displays the original Maori meanings of the Treaty of Waitangi. This thesis has hoped to restore the Treaty to its proper place in Maori history, and it seems fitting to end with this subject. By following Wiremu Kingi's attempt to live under British government, this chapter offers a glimpse of what might have been, had the Treaty been the kind of compact its language purports to enact.

The chapter also casts a wider net. It will pause to note the points at which modern New Zealand culture, including its Maori side, has supplanted the meanings of a

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<sup>5</sup> See *He kinaki*, p.iv.

time when Maori were still politically powerful. This is an attempt to break down the tendency to regard our present culture as also our history, and reinforces the premise of this thesis that we inherit a victors' version of the past. The chapter will also pause to consider incidents illustrating the changes arising from either the operation of government or the internal re-structuring of culture, both of which form the context of Kingi's experience; collectively, these changes would sweep away Maori power. Such pauses are not digressions, but are an attempt to create differentiated space for a critical decade in Maori experience, and to stop it from being co-opted into a uniform colonial century. This thesis has argued that there is a significant gap between the early colonial reality of Maori land tenure and the modern view of it; that the difference lies in the excision of chiefs from the frame; and finally, that this has been hidden by a literature that serenely and mistakenly assumes that present conceptions are 'traditional.' The examination of Wiremu Kingi's experience serves here to embed these arguments in the personal idiom of Maori politics, as evidenced in the Maori documentary history of the 1840s.

The act of signing the Treaty said nothing about how chiefs subsequently understood their position in the new state. The documentary Treaty – insofar as it was considered by anyone in the earliest years of the colony – was the visible sign of engagement in a political relationship with Pakeha. However, while their consent to the Treaty created the New Zealand state, Maori understanding was parallel to rather than entwined with that of the British. Maori understood 'ceding sovereignty' as acknowledging the power of the people with whom they had cast their lot. That said, 'allegiance to the Crown' remained a contingent political choice. This focused on both tribal politics and on the performance of the Governor and his officials (and their echoes in the behaviour of private Pakeha citizens), but the existence of a Governor did not alter the chiefs' perception of their autonomy; they could choose to be a governor's ally, to be neutral or to fight him as they saw fit. A viable model of the early colonial state, therefore, has to match a situation in which Maori possessed a plurality of political choice.

The McLean Maori Letters offer strong evidence that the relationship between Maori and the state was far from a case of the manipulation from afar of the innocent tribesman; on the contrary, the exercise of political choice was part of the real lives of the people. An example is provided by the fighting – or 'skirmishing' as it was usually termed by the British – between Maori and the government subsequent to 1840: this

does not suggest either a compliant or a disengaged people. Hone Heke in 1845 acted out his repudiation of government by foreigners by cutting down the flagstaff which had symbolised his acceptance of British sovereignty.<sup>6</sup> Because chiefs were powerful, Heke's action brought a military response, in a campaign against him by a mixed Maori/British force.<sup>7</sup> However, the Governor's willingness to fight in the north in 1845, and also in the Hutt in 1846, probably did not unduly disturb Maori who were not immediately involved, because of the local boundaries of tribal sovereignty, and also because the Governor was simply behaving like a chief.<sup>8</sup> The fighting did, however, provide an opportunity to reassess political positions. Around much of the country, Nga Puhī aggression was a recent unavenged memory, and Maori with no reason to love their former enemy tended to support their new, and, it was hoped, powerful, ally. Taranaki Maori at Kawhia said:

We will not join that fellow [Heke] he can do what he wants, but we will not rush into Nga Puhī's mistake...We have seen the evil of Nga Puhī: our fathers and relations have been destroyed by them. Now the Pakeha - the Governor - will be our father.<sup>9</sup>

At New Plymouth, Panapa assured McLean that the locals would not join Heke: 'Because Hone Heke's course of action is wrong, the people will not be going. We - all the people of this place - say that evil man Hone Heke should die.'<sup>10</sup> In the Hutt, Te Rangihaeata wrote to Ngati Tuwharetoa, asking them to join the fight against the Pakeha.<sup>11</sup> Probably

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<sup>6</sup> See, (e.g.) Paul Moon, *Hone Heke : Nga Puhī warrior*. Auckland: David Ling Pub., 2001. Heke's war against the government in 1845 was about *mana*, and not land sale: Nga Puhī's land was already gone. Crucially, however, it was gone under *Maori* custom, which said that when *utu* had been accepted a transaction was just. This left Heke with *mana* as a grand but disembodied *casus belli*, and when *mana* was not served by fighting the British, Nga Puhī withdrew permanently from the national political arena.

<sup>7</sup> The appearance of the mixed force is significant: whether chiefs on the government side fought out of loyalty to the Governor or for reasons of tribal politics is beside the point; every choice to act with the Governor was a choice for citizenship in the new state.

<sup>8</sup> This points up the importance of Christianity as the source of radically new ideas about how society should conduct itself; in particular, without violence. Christianity was a 'third way' for both loyalists and nationalists, and must be studied independently of the progress of government.

<sup>9</sup> McLean Maori Letters, MSP32:669a. Te Roto, Te Pakaru, Te Kanawa, Pehi, Nga Motu, Wiremu Hopihana, Te Wunu, Waikaurau, Te Ropiha, Te Manihera, Paora, Taniora, Tare, [ ]aiture and Te Hiakai to Governor, 24 March 1845. By 'father' these chiefs mean an authority figure in a Christian mould, specifically one who lives in peace. Their avoidance of the term *rangatira* for the Governor is significant; it is evidence that the old-world form of chieftainship, which was associated with fighting, has already gained a negative aspect in the minds of those who, for whatever reason, do not wish to fight. The negative self-perception of the status of chief by chiefs themselves must have played a role in the decline of the institution. Some Pakeha, particularly those who had been in the country a long time, also avoided the term 'chief' because of their awareness of its connotations of power. For example, when James Busby addressed the chiefs in 1860, he called them the 'old men and fathers of the Maori nation'. *AJHR* 1861 E1 No.10, pp.55-56.

<sup>10</sup> McLean Maori Letters, MSP32:669a. Panapa to McLean, 29 April 1845.

<sup>11</sup> McLean Maori Letters, MSP32:670a. McLean to Richmond, 6 May 1846 [Draft]. Te Rangihaeata had made overtures to Taupo Maori to join him against the Pakeha.

because Tuwharetoa were no friends of the Taranaki tribes, Te Atiawa chiefs decided to support the Governor. Wi Tako Ngatata wrote to Te Mata telling him to stay strictly at home and not join the fighting. His comment that ‘107 Maori have joined the Europeans’ carries a significant message about the power of choice Maori believed they possessed.<sup>12</sup> In his letter, Te Rangihaeata offered a different but equally new choice: in one of the earliest statements of an ethnic proto-nationalism in New Zealand he suggested to Tuwharetoa that the tribes should ‘be of one mind as they were of one colour and unite against the Europeans’. However, in their reply to Te Rangihaeata, Nuitone and others, claiming to speak for ‘everyone’, weighed the Pakeha against Te Rauparaha and Hone Heke, and found the Maori side wanting:

You thought you could destroy the Pakeha. Well, you can swallow up the sea but you will not destroy the Pakeha. You and I cannot destroy the Pakeha - not all Maoridom. We think it will be the Maori who would be destroyed if they keep contending against the Pakeha. Hurry up and make peace, so that you and your children may prosper. There have been sufficient men for wrong, and they have died.<sup>13</sup>

These letters offer opinions that show, in Nuitone’s case, a sense of the inevitability of British power, and, in the Taranaki letter which calls the Governor a father rather than a chief, a hope that Maori can live on the inside of such power.

In 1846 Wiremu Kingi Te Rangitake was already a recognised player on the political stage. In response to an invitation to make the fighting into, in effect, a test of the Treaty of Waitangi, he chose not to challenge the might of the Pakeha:

Friend McLean, you tell Te Waitere Katatore and Parata they must make every effort to be kind to the Pakeha. It will come to pass that the Pakeha are the tribe who will destroy them, if anyone decides to fight the Pakeha.<sup>14</sup>

In the early 1840s Kingi was an ally of the government – or, in the English phrase of the time, a loyal chief. Kingi’s political views are accessible through his letters, which reveal him as a man who was alive to issues of power – walking the tightrope of fear of the power of Pakeha, but also wanting to participate in it. His letters of support for the Governor show the idiom of Maori acceptance of the Treaty as an alliance between Maori and the Queen, whose *mana* is expressed in just government:

Hear my view. My heart still remembers the Queen’s way. I have heard the letter from England - my younger brother Piri Kawau read it to me.<sup>15</sup> The thinking of

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<sup>12</sup> McLean Maori Letters, MSP32:670a. Wi Tako to McLean, 20 May 1846.

<sup>13</sup> MSP32:670b. Nuitone, Ngamotu, Te Waru and Te Kanawa to Te Rangihaeata, Te Wawarua and Te Tawiri, 28 Dec 1846.

<sup>14</sup> McLean Maori Letters MSP32:670a. Wiremu Kingi to McLean, 7 July 1846.



the Queen's representatives is good. Do not say I speak falsely. All the people are happy to hear the Queen's good principles [of government].<sup>16</sup>

Such a letter contrasts with the fakery of ceremonies (on the part of the British) and the pathos of hopeful Maori pseudo-signatures on a document, both of which characterise the Pakeha Treaty of Waitangi. As the Governor's military ally, Wiremu Kingi expected political reward. Therefore, when he wrote to tell McLean of his success against the government's enemies, he took the opportunity to raise the matter of his return to Taranaki:

We chased Te Rangihaeata up the mountain and we - the people of Waikanae and some men of Ngati Rangatera [sic] and Wanganui - caught him. We are in full sympathy with the Europeans and they, the people of Waikanae, with us.

McLean, greetings. Great is my love for you, although you do not write to me. Do not say we have a separate politics - no. There is one way, that of the Queen and the Governor.

Son McLean, greetings.<sup>17</sup> I am thinking fondly of my home at Waitara, the home of my grandparents and elders. Do not listen to what anyone says to you; promise not to listen to talk. Heretaunga is a place where Te Rangihaeata's war broke out: therefore think carefully, son McLean. All the people love their home at Waitara.

Te Rangihaeata's trouble must stop; but we think Te Rangihaeata will persist in fighting us. We fight with the Europeans against Te Rangihaeata. We have finished building our *pa*, a fighting *pa* for us against the people of Wanganui, Taupo, Rotorua, Ngati Maniapoto and Ngati Maru at Taria.<sup>18</sup>

Kingi sees himself as the junior partner of the Queen and the Governor, and his tone is often placatory. Nevertheless, by telling McLean how many tribes might mobilise with Te Rangihaeata, he is also making the worth of his support abundantly clear. This sets up a context for speaking about Waitara, and carries an underlying message that, like Te Rangihaeata, he also would fight if his authority over his land was threatened. The letter suggests that in Kingi's mind, for all his current support for the British, the Governor and the Pakeha were themselves a potential tribal enemy.<sup>19</sup>

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<sup>15</sup> Piri Kawau acted as a secretary to Governor Grey.

<sup>16</sup> McLean Maori Letters MSP32:670a. Wiremu Kingi Witi to McLean 10 January 1846. An annotation in English on this letter reads: 'Loyal and friendly native.'

<sup>17</sup> The repetition of greetings, like protestations of *aroha* ('love' in the sense of familial support) is typical of friendly letters, and illustrates the confidence of a literacy that imports the idioms of public speaking into letters. When 'love' ends between Maori and Pakeha, in letters the greetings stop. Note also the familial idiom of King's address to the young McLean, whom he calls 'son'. This shows the relationship Maori wanted with the Pakeha, one where authority was tempered by the usual markers of age, reputation and status.

<sup>18</sup> MSP32:670B. Wiremu Kingi Whiti to McLean, 9 December 1846.

<sup>19</sup> See letter presented in *He kinaki*, p.iii.

The vigour, but at the same time, the contingency of allegiance as shown by Kingi's letters directs attention to the exercise of citizenship by chiefs. They had created state power by assent to the Treaty, and now helped to maintain it through fighting on the government's side. These actions can, without strain, be construed as fulfilling the duties of citizenship. This is an area of Maori colonial life which has been obscured by an excessively concentrated gaze on land rather than people, yet the government's failure to capitalise on the authority chiefs were prepared to channel into the exercise of citizenship seems one of the missed opportunities of colonial politics. There was more to government than land purchase, nevertheless, the fact that 'financial duties' (i.e. negotiating for land and distributing payments) were the stated basis of officials' employment suggests how inherently vulnerable to conflict the relationship between Maori and the government was.<sup>20</sup>

The story of Wiremu Kingi's return to Waitara, which was accomplished in 1848, belongs to the sliver of time between the sway of the culture of the indigenous past and the triumph of the government's ability to define Maori culture (where it so chose, i.e. where it impinged on the development of the colony). Kingi's experience stands between the two essentially mono-cultural periods of New Zealand political history: the long pre-colonial era when Maori rules ruled, and the 'settlerdom' that grew out of victory as both fact and idea. 1840-1860 is a 'time in-between,' when culture rooted in the past was bending and shifting with the winds of change, and when chiefs raised to exercise authority under the old *tikanga* (cultural prescription) attempted to operate within the new one of British rule. Te Atiawa were a tribe surprised by history. They had left their land in north Taranaki in the 1820s at a time when many tribes were pushed out of their territories by the firepower of guns. They settled on the lower west coast of the North Island and in the upper South Island to escape the threat posed by stronger tribes to the north. Warrior strength could be rebuilt by such means, and trading opportunities with foreigners provided new hope of improved weaponry. However, the world turned before Te Atiawa could resurrect their fortunes, and they found themselves negotiating with a commercial colonisation venture, the New Zealand Company, and then with the government instituted by the Treaty of Waitangi. In 1839 the New Zealand Company purchased from Maori living in Queen Charlotte Sound all the land in New Zealand

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<sup>20</sup> See quotation that opens the Introduction.

between the 38<sup>th</sup> and 43<sup>rd</sup> parallels. Wiremu Kingi Whiti helped engineer the sale and was the first to sign the deed. The following year, Kingi also signed the Treaty of Waitangi.<sup>21</sup>

Because of its vast scale, the Te Atiawa land deal is considered a by-word for meaninglessness in terms of legitimate transfer of ownership. It has been explained as a bravura display of power – *mana* – so enclosed in ‘tradition’ that it cannot be taken to imply awareness that the land was being sold.<sup>22</sup> However, this position makes Maori the dupes of foreigners whose intentions they did not comprehend; 1839 is too late in the contact period for such innocence to seem credible. A view from inside Maori culture would suggest that Kingi’s actions were the outcome of political calculation. Supporting the Treaty of Waitangi signalled his disposition to engage with the British, but it is plausible to think that his land transactions were his real act of fealty, for the following reason. Signing a land deed affirmed Kingi’s agreement to the British entering territory in which he exercised *mana*, or political authority. However, allowing strangers to settle in one’s territory was a political risk not lightly undertaken. It is this that suggests that Kingi’s agreement to the sale of land was the expression of his acceptance of British sovereignty. Viewed as a calculated exercise of power, the sale expands in significance. Kingi was playing a risky diplomatic hand, because the goal of his alliance with the British was to return to his home in Waitara, but he was also attempting to ride the tiger, by involving the British in his politics.

Any mention of power raises the questions of obscured meaning that surround Maori words in common use in English when they are employed in historical explanations. The layered complexity of *mana*, which can still be experienced on some tribal marae (as only the most ‘traditional’ example), is ill-served by its modern de-politicisation:<sup>23</sup> if *mana* was ‘pursued’ in Maori society, it was always with calculation. The circumstance that seems to offer a reason for Kingi’s support for the British is that he had been displaced in the inter-tribal turbulence of the ‘musket wars’. It seems plausible that he reasoned that a British presence offered protection to his interests; this idea had been acted on by Maori as early as 1831, when a group of chiefs wrote to King William

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<sup>21</sup> Wiremu Kingi’s is the first name on deed selling land from the Marlborough Sounds to Taranaki. Sinclair 1974, p.111.

<sup>22</sup> Both Ward and Parsonson take this view. In the anatomy of Maori society, *Te Ao Hurihuri* (1975), Douglas Sinclair says ‘it is probable that the 31 muskets and supplies of gunpowder were the irresistible factor which clinched the transactions at Kapiti, Wellington, Wanganui, and later in Taranaki.’ (pp.115-139.) This is an example of the mistaken view that Maori horizons were enclosed in the former warrior culture. The explanation that Maori were enclosed in pre-contact thinking seems an attempt from the twentieth century to avoid accepting that Maori chose to sell land.

<sup>23</sup> That is, its depoliticisation in respect of Maori, through enclosure in culture. In English, by contrast, *mana* had become a New Zealand word for any palpable exercise of authority, including political authority.

seeking alliance. Kingi's reasoning can be plausibly reconstructed as follows: manifest British military power (Maori judged this from, for example, the size of British ships and guns) would logically be expended to protect British settlers. Therefore, selling land to allow settlers to live among the tribe improved the chances of a safe return to Waitara. Such reasoning did not require that there be British government, merely the presence of its military power. However, a British government would add political to military power, and require the state to undertake the protection of Maori as well as that of settlers. Furthermore, to Maori, civil peace was the mark of a modern society, and therefore government by the British would by its nature be a force for peace among the tribes. Therefore, Kingi may have reasoned, the Treaty of Waitangi should be signed.

The history of the 'Waitara Purchase' over which Maori and Pakeha fought in 1860 opens in 1839, when Wiremu Kingi told the missionary Augustus Hadfield that he intended to go home.<sup>24</sup> Kingi saw his goal as a matter of negotiation with the British, in which property was his lever on power: he was prepared to sell Wellington in order to regain Waitara. Kingi did not sell the land for new riches, but as a political strategy. (There is a striking contrast here with the situation of the long-settled north, where the trade in land began as an extension of the trade in goods by a people with a secure territory and a recent history of unprecedented success in war.)

Because the area of the original deal signed by Kingi and others was too huge to be legitimate even to the British, the New Zealand Company's agent purchased Taranaki again in 1841 from a few Maori living near Nga Motu (New Plymouth) who had remained behind when the majority vacated the area. This brought the interests of tribes to the north into play. Waikato advanced a claim to payment for Taranaki by 'right of conquest', and the government paid them out. *Take raupatu* (right of conquest) is a familiar component of Maori land tenure, according to which conquest followed by occupation provides a valid land claim. The difficulty for the received view of 'traditional land tenure' is that this is a test that Waikato fails, because they had fought in Taranaki without making a general shift into the territory. Waikato's conquest was not 'validated' as a claim to ownership by settlement, which was also why Wiremu Kingi's hopes of return to Waitara were politically feasible. Why, then, did the government pay Waikato out? The usual answer to that question – that it was politic for a weak government to pay

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<sup>24</sup> Keith Sinclair, *The origins of the Maori Wars*. Auckland: Oxford University Press, 1974, p.121. In 1860 Riwai Te Ahu stated that Wiremu Kingi 's father had declared that Waitara was not to be sold in 1840, and subsequently. *AJHR* 1860, E4, 'Evidence relating to the origin of native insurrection', p.4, Riwai Te Ahu to the Superintendent, 23 June 1860.

powerful claimants rather than to oppose them on a matter of principle –has validity from the point of view of the government. It is, however, an inadequate answer because it leaves the calculations of those same Maori deemed to be powerful out of the equation. The Maori side of the answer is that in the 1840s, land tenure cannot be simplified to fit the terms of modern ‘right of conquest’. Waikato did not fail any existing cultural test. Their right to land in Taranaki was by implication – that they had the strength to occupy it if they so wished. In the pre-colonial period this would have kept the Taranaki tribes under threat, because a right was no less real for being presently unexercised. Whatever the future may have held for Te Atiawa and Waikato without British colonisation, however, after 1840 both tribes were engaged in a political relationship with a government seen as a peace-keeper. Waikato’s *mana* was recognised in the payout, while Te Atiawa gained an implied official protection for the return home that bears out the view that this was Kingi’s strategy. This is evidence of a functioning politics, which is the crucial omission from the view of early colonial history that the present inherits. The contrast such a politics provides with the historical, prescriptive and fixed land rights in the modern code of ‘traditional’ land tenure is a reminder that the war of the 1860s provides a great divide in Maori history. After the war the government was able to define Maori culture, where culture impinged on the rule of law. The contingency of Maori land tenure which this thesis has highlighted was no longer required to be considered.

One of the most significant evidences of change in the perception of the relationship between Maori and land is the failure of the colonial state, and subsequently, the academic literature, to consider the rights-producing force of *tapu* in Maori land tenure, of which Waikato’s relationship with Taranaki provides an example.<sup>25</sup> As well as an overarching potentiality in Taranaki, Waikato also had specific rights to the places there where Waikato chiefs had fallen in battle. Such deaths rendered the spot *tapu*, and conferred a strong right of authority over the area (always supposing the strength to claim it). An incident concerning the *tapu* of burial sites in Waikato’s own territory reinforces the contrast between the living reality of Maori ideas about land and the lifelessness of their subsequent codification by Pakeha. In 1841 missionaries hoping to extend their influence built the Waikato chief Te Wherowhero (later King Potatau) an European style house, but unwittingly placed it over the unmarked graves of relations of Te Wherowhero’s northern enemies, whose burial had made that ground *tapu* to the

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<sup>25</sup> Since the 1980s, *tapu* has made a strong comeback in Maori thought in claims for the return of sacred sites, or *wahi tapu*. This subject is in a confused state, and would repay study.

enemy tribe. Te Wherowhero insisted on the house being shifted. A house on *tapu* ground was a political time bomb, available as a *takee* (legitimate reason) for the resumption of war, an opening for witchcraft or a claim to ownership, as required. Te Wherowhero was taking care not to create opportunities for offence. In acting to discharge his duty of care to his people, he provides an example of the exercise of chiefly authority.

The above example of the function of *tapu* in this incident offers support for the view taken in this thesis that modern ‘traditional Maori land tenure’ was constructed on the grave of former culture. The logic of the controlling force of *tapu* strongly suggests that a ‘*take tapu*’ (‘right of sacred law’) would feature in any such code; in fact, it does not exist. This is because the Pakeha who wrote the code considered *tapu* strictly as an artefact of the past. For Pakeha, the institution of British government superseded and, indeed, obliterated the mode of governance that *tapu* represented. It is probably unfeasible to think that Pakeha would simply accept Maori culture on its own terms, but their interpretations of it were a constant, insidious pressure on Maori control over their culture. There can be no greater implication for change in Maori society than that *tapu* was excised from power politics after 1840. By degrees, the sphere in which traditional culture held sway shrank, yet change produced a paradox. Unhindered by the disciplines imposed by function, *tapu* grew to giant size in the hands of anthropologists as the whole mind of Maori culture, at the same time as historians ignore its politics.<sup>26</sup>

While tradition is strongly evident in both Te Wherowhero’s practice of *tapu* and his successful claim to Taranaki land in 1841, it would be mistaken to think that this counters the premise of rapid, fundamental change in Maori society under British government, as Wiremu Kingi’s response to Waikato’s claim to his territory shows. Kingi, who lived at Waikanae, north of Wellington, repudiated Waikato’s claims to his Taranaki territory on the grounds that Waikato had not settled there. Nevertheless, neither was Kingi living on his former territory, and residing out of district was a vulnerable position from which to argue his case. Political weakness provided him with a reason for gambling on alliance with the government. It provides a plausible explanation for why Kingi signed the Treaty, sold land and aided the government in its war against Te Rangihaeata in 1845. Nevertheless, Kingi’s strategy for the return home also risked dangers inherent in the new politics of the colony. The government opposed Te Atiawa’s plan, because of the risk of a new outbreak of tribal fighting in Taranaki, and because

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<sup>26</sup> A parallel phenomenon is the growth of an ideal culture of ‘spirituality’ which fits uneasily with the growth of modern Maori capitalism.

they would lose an ally against Ngati Toa. It may seem ironic that although tribal fighting was being suppressed, with the strong encouragement of church and state, both Maori and Pakeha made a distinction between intra-Maori fighting and military service to the state. There was, however, an inherent danger in this position: if the Pakeha were now the only legitimate partner for Maori in war, they were also the only potential antagonist when politics turned sour, as proved to be the case in 1860.<sup>27</sup>

A government engaged in its own calculations of power was measuring Maori culture by foreign yardsticks. However inchoate the organisation of the state, it was a force for change among Maori. In 1842 a Waikato chief who proposed to occupy Waitara was warned off by Wiremu Kingi. The Chief Justice, Sir William Martin, supported Kingi's position on the grounds that conquest ought not to be recognised as a legitimate basis of land ownership.<sup>28</sup> Martin's position may have been enlightened, but it applied a new political morality to Maori culture: they had a past in which conquest was an acceptable expression of power, and a present in which it was not. This is an example of the break in Maori cultural time that occurred in the 1840s – where 'culture' means the whole organisation of society. Martin, like all the members of the British establishment, assumed that Maori systems of governance were abolished by the establishment of colonial government (in modern parlance, 'by the Treaty'); the assault on the political authority of chiefs could not be greater. Officials, moreover, acted as if this break were, in principle, complete in 1840; this explains why the early practice of government by land-purchase officials and magistrates had a confidence which looked to Maori like *mana*, or power. The point that the government was miniscule is often made, nevertheless its sway was greater than can be gauged by looking at surfaces. Justice Martin's view of the illegitimacy of conquest is a glimpse of a process that would place foreign judgements on Maori culture at the centre of land policy. Nevertheless, to return to the Waikato case in Taranaki, the balance was not yet tipped in favour of Christian civility in 1842, which is why, to avoid trouble, Governor Hobson paid Waikato out.

While the Governor bowed to expediency in the above case, this does not suggest an uncomplicated strength in traditional culture that forced his hand. Signs of Maori vulnerability – in the sense of their being drawn further into the net of British

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<sup>27</sup> In the 1860s the King Movement, which was a peaceable organisation based on principles of faith, law and love, would justify war against the government on a biblical principle of just war. See discussion in Head 2004.

<sup>28</sup> Martin argued against might as a reasonable *take* for legitimate land ownership and said that Wiremu Kingi cannot be expected to respect Potatau's right to any Taranaki land. William Martin, *The Taranaki Question*, Auckland: Melanesian Press, 1860, p.20.

power – lie in the authority Maori reposed in the literate apparatus of the state. In the written agreement extinguishing Waikato's *paanga* (rights), the chiefs agreed to 'let go and sell' Taranaki land from Tongaporutu in the north, to Waitotara in the south.<sup>29</sup> On the strength of this *land deed*, Waikato relinquished their claim. The words 'land deed' appear here in italics in order to draw attention to the importance of written documents as the instrument of the spread of state power, because of the authority Maori allowed the documents to possess. There is a deep message of Maori political vulnerability embedded in deeds of sale. It lies in finality. By signing the deed, which was the material representation of the *mana* of government, Waikato acknowledged that Maori culture had *no power to act on the future*. The political struggle between Waikato and Wiremu Kingi (and others) was over; advantages would not be pursued, territory would not be expanded, *mana* would neither increase nor fail through conquest. In this way, the colonial institution of land sale acted as a stop to culture.<sup>30</sup> Maori allowed land deeds to stand for the authority of the state, and for their acceptance of it. This shows the depth of the desire for political modernisation, of which documents, including the documentary the Treaty, are the artefact and symbol, but not the generator.<sup>31</sup>

The acceptance by Waikato that their interests in land could be paid out *forever* offers the chance to see into the Maori reasoning and psychology of land sales. Waikato's influence in Taranaki did not end with the sale: that was a deal with the Pakeha, whereas inter-tribal relationships were still governed by the old rules of deference to proven strength. In 1848, therefore, Wiremu Kingi would seek Waikato's approval for his return home. According to Te Teira, when the return to Taranaki had been completed, chiefs deliberated about where to place the women and children, 'lest they should be killed by Waikato'. Wiremu Tamihana told Waikato in 1861, that it was Potatau (Te Wherowhero)

<sup>29</sup> *AJHR* 1861, E1 No.2, p.15, 'Extract from deed of sale from Te Wherowhero to Queen, 31 January, 1842.'

<sup>30</sup> A corollary to this is that the ending of former modes of tribal relationship also created the space for a new basis of association, which saw Taranaki become a supporter of the Waikato King Movement in the 1850s.

<sup>31</sup> The fact that Maori allowed documents to stand for the power of the state raises again the question of why Maori literacy has been absent from analyses of colonial history. The absence is not mere forgetfulness. The power of written agreements with Maori in Maori society, with the ironic exception of the Treaty of Waitangi, has been systematically denied in recent readings of colonial history.; before that, it was simply ignored except as proof of the success of Christian missions. As discussed in Chapter one, a convention has developed, especially in the examination of claims before the Waitangi Tribunal, whereby all official nineteenth-century documents in Maori are treated with deep suspicion, but this represents a failure of historical logic. There is no evidence that Maori were unable to understand communications with the government written in Maori, whether by private reading, or by hearing them read out; indeed it would be astonishing if the native speakers of Maori were so challenged. In addition, an examination of political letters written by Maori and competent Pakeha such as Donald McLean show that they both used the same kind of language, which answers the charge that the Maori used by Pakeha would have been difficult for Maori to understand.



who had ‘fetched’ Te Atiawa back to Taranaki in 1848 – by writing them a letter.<sup>32</sup> This evidence indicates the legitimacy, in Maori political terms, of Taranaki’s re-occupation of the land, but also makes a statement of Waikato’s *mana*. The fact that Waikato did not settle in Waitara as conquerors forged a relationship of alliance between the two rather than one between victor and vanquished.<sup>33</sup> However, political tradition was challenged by the new, contrasting relationship with the state, wherein Maori authority was determined not by status within tribal society, but by the possession of land. Here was a source of Maori vulnerability, because in land deals the culture in which *mana* presided, and power in land – or tradition and modernity – pulled in different psychological directions. Maori in the 1840-1860 period dealt emotionally with land sale on pre-existing conceptual terms, by blotting sold land out of existence. Selling land was called ‘sending it out to sea.’ Floating in the sea, it was outside being, because land was the home of human normality and morality, while the sea was the realm of non-human beings and of human enemies. The sea was the opposite of the concrete reality of the land. It was a place of unfixity, expressed in countless poems in the image of a seaweed’s lack of either place or will. Maori poetry has echoes in attitudes to sold land: it ceased to belong within the boundary of human existence. Land *changed culture* when it was sold. As long as thinking remained that of the past, this did not provoke any crisis, because the land had been dealt with according to cultural prescription, by the arbiters of that culture. Wiremu Kingi, for example, could sell a lot of land, but in traditional terms that did not mean that he sold out on *mana*; it cannot be repeated too often that *mana* was not calculated in terms of land ownership, but existed independently of such a foreign idea. The idea that land could float off to sea without interruption of culture was, however, the position of a people for whom landlessness was barely conceivable, and it would rapidly change. What Maori learned about being governed by the British was that land ownership was the only source of indigenous authority in a colony where politics was compressed into the settlers’ greed for land. As a result, in the 1860s, land ceased to be said to be ‘sent out to sea’, with its implication of Maori agency, and, after the war, was often said to be *tango* (taken). It was on the way to being ‘lost’, as cultural change hardened into a sense of loss, and as inability to challenge the might of the colonial state became absolute.

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<sup>32</sup> *AJHR* 1861, E1B, No.18, p.13, Wi Tamihana Te Waharoa to McLean, [23 May] 1861.

<sup>33</sup> This explains why the two tribes were able to unite in the King Movement in the 1850s, when both faced a potential common enemy in the Pakeha; subsequently, Wiremu Kingi would hand the conduct of the war in Taranaki to the King Movement.

Wiremu Kingi's position on Waitara was simple: he intended to return there in peace, and therefore did not wish to sell the land. He said: 'We desire not to strive with the Europeans, but, at the same time, we do not wish to have our land settled by them.' Such reasonableness accords with the Treaty's promise of the protection of the Crown to Maori property rights, but the government was under pressure from settlers who were hemmed into New Plymouth and ringed by Maori who denied that the land to the north had been sold. The settlers' hopes for more land were raised when a commission set up to investigate pre-Treaty land claims awarded 60,000 acres to the New Zealand Company, but, as experienced observers predicted, trouble with local Maori followed. The 'trouble' is worth pausing over as an example of the changes that would overwhelm chiefly authority. A phenomenon of change in Maori society was a general release of slaves taken in tribal wars, including former chiefs and young people raised in the territory of their captors.<sup>34</sup> Ex-slaves returning to Taranaki had not been paid for any of the land that had been sold, and they vented their displeasure in the intimidation of settlers. In reply, about a thousand Pakeha took armed possession of land north of the Waitara River and waited for war, calculating that they could both win a fight and teach Maori a lesson in colonial reality. The stand-off was defused by the incoming Governor George Grey, who overturned the Commission's award. Grey's action shows that Maori land rights had some British protection at this point, whether from principle or expediency. However, the 'land rights' the government protected were not those of Maori custom. By the tenets of Maori culture, the actions of the former slaves in this incident were singular, because capture cost one's *tapu*, or connection with spiritual power, and this de-humanising deficiency could not psychologically be overcome. Slaves did not normally return to their own people, because their lives no longer had meaning. However, the Taranaki captives had been exposed to evangelical Christian teaching, which did not recognise the slave estate.<sup>35</sup> Under the protection of Christian conversion, emancipated slaves returning to Taranaki were able to proceed as if slavery had never been, hence their claim to be paid for Nga Motu.

Christianity and government worked together to bring change to Maori society. In incidents such as the stand-off with the settlers in Taranaki, the government was not dealing with accredited chiefs but responding to the people who were threatening the

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<sup>34</sup> The general manumission of slaves that seems to coincide with the signing of the Treaty of Waitangi is a subject that requires study, in order to discover if it was a sign of acceptance of British government.

<sup>35</sup> Te Ua Haumene was an ex-slave of Waikato who went on to found the Hauhau or Pai Marire movement in Taranaki in 1862.

settlers. From a Maori point of view, however, they were treated by the government as men of consequence, which confirmed that consequence no longer depended on the old rules. Any Maori, slave or not, now had some choice in how they were governed – by the *tikanga* of their own society, or by the rules of the government. The dramatic example of the ending of property in slaves had implications for the authority of chiefs. A government that did not recognise slavery conferred new freedoms on Maori, including the freedom of political equality. Older notions of authority that had disciplined Maori society in the past henceforth began to fail. As well, while the government knew who the chiefs were, it both instinctively and politically downplayed Maori distinctions of rank and power. Chiefs, in summary, were under pressure, both from within and without the cultural fence.

The clamorous incident of the Taranaki ex-slaves' protest contrasts with Wiremu Kingi's calm and simple position that Waitara was not for sale, however, the inherent danger of a simple position was that it left little room for negotiation. Kingi's position, moreover, was being reduced to the merely personal, because, as the slaves' case illustrates, the government dealt with Maori in an *ad hoc* way, instead of working through chiefs. Used to authority, Kingi still spoke in its voice. An example is a letter he sent to the Governor in 1844 protesting about settler pressure on Waitara, where he says he writes on behalf of 'all the men' at Waikanae and Warekauri [Chatham Islands] (where numbers of Taranaki people were also living); 'all the men' is a phrase that interprets the role of chief in respect of land as spokesman for the group.<sup>36</sup> The change that its modes of operation was bringing into Maori society was not, moreover, at first evident to the government. It initially agreed with the evident situation that chiefs had authority over the land, which explains its unwillingness to buy land without chiefly agreement. By the 1850s, however, its position had changed to a widespread denial of an overarching chiefly authority in respect of land.<sup>37</sup> This was expressed in the notion that Maori society was distinguished by an undifferentiated 'communism', as it was sometimes called. This produced one of the foundation positions of modern Maori land tenure, that the tribal estate was communally owned, a position that is valid only within the colonial thought world, and contrasts with the earlier situation that nothing was owned, but that the authority of chiefs had the force of ownership.

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<sup>36</sup> *AJHR* 1861, E1 No.10, p.19 Wiremu Kingi on behalf of others to Governor Fitzroy, 8 June 1844, (English translation only).

<sup>37</sup> As the opinions collected in the 1856 Enquiry attest.

There is hardly a recorded incident of how New Zealand was governed in the 1840s that does not point to a threat to the authority of chiefs. The government's judgement on Maori culture was, from the start, political, and therefore subject to a fluid sense of its potential threat to the settlers, or its level of affront to civilised values. In the matter of the formulation of a body of land law, the *tikanga* (cultural justifiability) of conquest as a base of Te Atiawa's land ownership had been acceptable at the initial purchase of Wellington and Taranaki lands in 1839/40. A few years later, one reason the Governor gave for opposing Wiremu Kingi's return to Taranaki was doubt that Te Atiawa were the real owners of the Waikanae land that they offered to sell. H.T. Kemp, Protector of Aborigines, advised the Governor that Ngati Awa's ownership of Waikanae was 'doubtful,' because it was based on conquest that lacked the patina of time. This statement constitutes an objection to Maori culture itself, because conquest followed by occupation was a strong proof of ownership, and was not dependent on time. Ending tribal warfare was necessary for the protection of settlers and was part of the civilising mission of government, and was, moreover, a change Maori wanted. Agreement on all sides guaranteed that tribal warfare would be repressed, but it equally ensured that the deep implications for Maori management of inter-group politics would be underrated or even ignored by the government (and, because it depends heavily on official sources, in the historiography). After 1840 Maori were supplied in print and speech with endless homilies on civil living, but were engaged almost alone in the task of restructuring their society in its favour. Relinquishing armed solutions to political problems was the price of modernity. For this, leadership was necessary, but the decline in warrior culture assailed the authority of the chiefs. In Kingi's case, although Te Atiawa had been established at Waikanae for only about two decades, time was no reason for him to consider his hold on the land was shaky, because rights of ownership did not depend on history but on an evident present situation. Te Atiawa had occupied the land without successful challenge from its former owners, and the tribe's right to it was accepted by the strongest force in the area, Ngati Toa, also recent migrants.<sup>38</sup> Kemp was wrong to doubt Te Atiawa's traditional right to sell Waikanae, as successful occupation conferred rights equivalent to English ownership. The short time frame required for the creation of land rights in pre-Treaty Maori society reflects the precariousness of authority in a society lacking third-party institutions. 'Traditional' land tenure means more geared to politics and more diverse in proofs of legitimacy than it would later become. Across the board, Maori

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<sup>38</sup> Ngati Toa fought and negotiated their way south from Kawhia to Kapiti under their chief Te Rauparaha.

cultural options closed down under British government. In respect of land tenure, they narrowed into history, for which the Maori word was ancestry. A new tradition was forming in which land ownership (as well as a sense of identity) largely depended on personal *wbakapapa*. Kemp's doubt about Te Atiawa's ownership is therefore a pointer to a future when rights would not be determined politically, but historically.

Both the coming and the older view of land rights can be glimpsed in the words of Tamihana Te Rauparaha, son of Te Rauparaha, in 1860. Tamihana based his right to land on no achievement of his own, but those of his famous father, because there were by then no interactions within Maori society that could alter cases except moves connected with land transactions with the Crown. Instead, Tamihana Te Rauparaha, an anglophile who nevertheless basked in the achievements of his fathers, reminisced about the simple nature of rights consequent on victory:

Kapiti...was taken. The chieftainship of that belongs to me. According to Maori custom, when a man prevails in a struggle he claims it (the land).<sup>39</sup>

The possession of allies reflected the *mana* of a chief such as Te Rauparaha, and in describing Ngati Toa's power Tamihana mentions Te Atiawa (the original occupants; they gave a portion of it to Ngati Raukawa, and formerly Ngati Awa) specifically as the owners of their Wellington lands:

...the land now belonging to Ngati Toa was taken by them from another portion to the Ngati Awa – to the tribes who were always kindling fires (or residing) on that land.<sup>40</sup>

This comment illuminates the nature of gift as a source of Maori land rights. According to Tamihana, Te Atiawa were 'given' the Wellington land because they were already living there. In Tamihana's view, living on it did not in itself confer ownership; the permission of a more powerful tribe in the area did. The gift was doubtless a political necessity on Ngati Toa's side, because they needed an ally or at least a neutral neighbour. As a result, by 1840 Te Atiawa were entrenched, to the point that they were regarded as the proper people to take *utu* (payment) for the land.

A passage in Kingi's 1844 letter to the Governor reinforces the evidence that Maori were fully engaged in a politics of land in the first decade of the colony. Kingi states that Waitara was not sold, because while some Nga Motu and Puketapu people took *utu* (payment) for it, he had not done so. This statement contains important

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<sup>39</sup> Tamihana Te Rauparaha speaking at the Kohimarama Conference, 24 July 1860; *Te Karere Maori*, No.14, July 31, 1860.

<sup>40</sup> *Ibid.*

evidence of Maori perceptions of sale, including that payment defined it.<sup>41</sup> Alongside this evidence of the rule that payment defined sale, Kingi's opinion contains a second truth of Maori attitudes: while payment had been accepted by others *with rights to the land*, without the assent of the chief (in this case, Kingi) there was no sale. These positions are worth pondering, because they show that the modern habit of viewing land rights as the whole of the traditional political structure of Maori society imposes on it a great contraction. Rights to the land, and authority to make decisions about its disposal were two different things. Buying land from those with verifiable rights might have convinced the government that a deal had been struck, but this was not the case where the chiefly approval that held the multi-stranded web of rights in proper political shape was not forthcoming. Kingi did not overreach himself when he put himself forward, on this traditional basis, as the chief of Te Atiawa, however the post-1840 scene was not, politically speaking, traditional. Civil government by the British offered few traditional ways for chiefs to maintain and demonstrate their authority. Instead, it offered the precarious 'power' of preferment based on willingness to sell land.

Te Atiawa wanted to go home to Taranaki, but the Governor was reluctant to lose a Wellington ally, and Kingi's continuous reinforcing of his intentions to the Governor suggests a certain insecurity about his ability to make his own decision to carry out his intentions. Donald McLean had a clear perception of Kingi's intentions. He observed in 1844 that the Waitara river had 'always been a favourite resort of the Natives. It is not probable that [they] will be inclined to dispose of any of their lands in this particular neighbourhood.'<sup>42</sup> 'O son,' Kingi had written to McLean in 1845, 'all the people of this place are longing for their home.' However, while Kingi's plans might be expressed in terms of sentiment, calculation lay behind it. Kingi was playing the politics of citizenship: he was gambling on the protections of the civil society he had signed up for in the Treaty of Waitangi as a means to effect his return. The lever of power Te Atiawa held was attached to the government's need for land, therefore they offered Waikanae (north of Wellington) for sale 'lest' they wrote, in a veiled affirmation of their resolve to keep Waitara, 'we have no place to sell to you Europeans'.<sup>43</sup> They were keen to

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<sup>41</sup> Sales were governed by the principle of *utu* (justice), which worked as a rule of exchange. This is why most post-sale strife arose among those who had missed out on payment.

<sup>42</sup> *AJHR* 1861, E1 No.17, Encl, p.26, Wiremu Kingi Whiti to Kemp, Richmond and Wakefield, 2 September 1845. (English translation only).

<sup>43</sup> *AJHR* 1861, E1 No.17, Encl, p.26, Heke to Kemp and Richmond 1845. (English translation only).

complete the sale ‘in order that when we leave our land shall have been paid for.’<sup>44</sup> These tidy-mined letters are the evidence of strategic thinking straddling the two cultures. Once they left the Wellington lands on which they had so recently settled, Te Atiawa’s claims to it would greatly weaken; eclipsed former owners would re-emerge to make their own sale arrangements with a government whose land purchase morality was merely expedient. Te Atiawa therefore organised to take the money before someone else did. At the same time, they honoured their alliance with the British by selling them the commodity they most wanted; it is clear in this letter that Te Atiawa thought that land sale was the *quid pro quo* of citizenship. On the surface, then, Te Atiawa’s preparations to return home were an example of a positive relationship with government in which both sides gained their object. Kingi wanted government approval for a return to Waitara because of his understanding of the politics of power, which needed to be exercised against both other Maori and the Governor. His letter is a foundation document of the history of the Waitara purchase. It shows Kingi as a political strategist who calculated his best interests in a world of power relationships which he grasped in a rational and modern way. Its existence is a warning against analyses of Waitara which lock the two sides into mutual incomprehensibility caused by an unbridgeable cultural gulf. Nevertheless, the letter raises the issue of whether Maori could trust the new world. In 1846 the Pakeha focus on Waitara as the test of their power had already begun, and Kingi had already set his course.

Kingi told the Governor that he was coming to Waitara ‘as a *mokai* [vassal] for you and Waikato’. This political deference shows not only that he was aware of the potential for conflict in his determination to go home, but also that he wished to avoid it. Kingi’s letter suggests that the continuing pressure of tribal politics was a strong motive for conciliating the governor. In the absence of most of its true owners, Waikato and their allies were making acts of ownership over Te Atiawa territory, including the speculative building of houses to sell to the settlers at Nga Motu; every unopposed act on Taranaki soil strengthened their claim. In addition, the impulse to war had not entirely receded. In 1847 Te Kanawa of Ngati Maniapoto disclosed a plan by Te Rauparaha to make an alliance with Waikato and attack all tribes between Wellington and New Plymouth:

Friend Te Waka, greetings. Hear my word: know that here is Te Rauparaha, talking hard to Waikato. Te Rauparaha is telling Waikato that all the tribes from

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<sup>44</sup> *AJHR* 1861, E1 No.17, Encl, p.26, Kate Takere and others to Richmond, [n.d. ?1845] (English translation only.)

Wellington through Wanganui to Nga Motu should be vanquished. However Potatau declined - but I have not heard the refusal. Ngati Paoa, Ngati Maru and his own tribe are keen, but the ones I have been after are his own people and those of Waikato.<sup>45</sup>

Kingi's deference to the government and Waikato suggest that the sovereignty of the Crown was not understood by Maori as creating a single vertical hierarchy of power. Tribes were not only still autonomous in relation to each other, but their autonomy was increasing, because the Treaty gave them some protection against the resumption of warfare. Tribes likewise retained autonomy of decision making in relation to the Crown; the fact that decisions to join the governor were freely chosen gives them great weight in any consideration of Maori claims on the state. The actions of Hone Heke, Te Rauparaha and Te Rangihaeata raised the possibility of national combination of the Maori majority against the government, and this made the support of Maori allies was necessary to the survival of the young colony.

In 1847 'the age of steam' arrived in New Plymouth when Governor Grey, accompanied by Wiremu Kingi, Te Puni and other Te Atiwa, arrived on the first steamship to visit the settlement. The spectacle of chiefs and Governor together lending their status to such a symbol of progress must have been a powerful reinforcement of the meaning of government to watching Maori, but not one that dazzled them. Grey's object was to soften attitudes to land sale, in which he failed. In an ill-tempered meeting Maori declared they would sell no more land.<sup>46</sup> Frustrated, Grey then made what amounted to a regression to pre-Treaty Maori *tikanga*, and threatened to recognise Waikato as the conquerors of the district. Grey threatened and cajoled. He proposed to build Kingi a village on the north bank of the Waitara river, to be laid out in the most up-to-date style, with streets of cottages, gardens, a church, school-house, minister's residence and small surrounding farms, but it came with a condition: consent to the purchase of the land between Waitara and the Mokau River. Kingi rejected the offer, telling the Governor that he would live in a *pa* built where and when he pleased. Grey, much annoyed, replied (via interpreter):

Tell him, that I say he is to remain at Waikanae, and that I will now place him under guard, and that if he dares to remove to Waitara without my permission I will send the war steamer after him and destroy all his canoes.<sup>47</sup>

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<sup>45</sup> McLean Maori Letters MSP32:671b. Te Kanawa to Te Waka, 30 September 1847.

<sup>46</sup> Wells 1967, p.140

<sup>47</sup> .Wells 1967, p.140.



The Governor's threat was a reminder that troops and armaments had already been used against Te Rangihaeata and Heke. This is the behaviour that explains the consistent wariness of Kingi's responses to the British, and the anxiety that is often evident in his letters. Perhaps the strongest message of such incidents, however, is that Maori such as Kingi were fully politically engaged in the politics of the colony.

In the 1840s the acquisition of Maori land dominated government activity. The nature of Maori land tenure can therefore be examined through the actions of officials who negotiated purchases, however this can easily give a misleading picture. A big effort was made to gain collective Maori agreement to sell, in order to ward off later disputes. Collective ownership does not necessarily misrepresent the nature of Maori land tenure, but neither does it encompass it. Maori gathered into collective mode when threatened from outside. In this mode only, land was seen as the common estate. In the 1840s government officials were not usually seen as a threat. Officials did not seek wide consent to sale because the land was held in common, but because there was an aggregation of individual owners whose rights were not extinguished until each was paid, in fulfilment of the law of *utu*. However, standing above the group of tribal rights-holders were chiefs who would consider the land not sold if they did not give their agreement to the deal, regardless of the extent of their *paanga* (rights) in particular blocks of land. The chiefs, however, were few amongst the many owners of the soil; if it was not policy to downplay their authority, it provided an incentive to read Maori land tenure in a way in which chiefs were *not sovereign*. The view of Maori land tenure that Pakeha developed, in which communalism reigned and no-one or everyone owned the land, provided it. Kingi's view is very different. He told the Europeans to stick to the land for which they had paid its 'true owners', because failure to do so would entrench 'a root of quarrel' between Maori and Pakeha. This observation about the consequences of the failure of state justice makes no suggestion of Maori failure to understand the nature of sale, but highlights the question which Pakeha placed at the centre of their investigation of Maori land tenure: did the power of decision about sale lie with chiefs, or was it vested in the individuals who cultivated the land, or hunted or gathered on it? The equal rights the British conferred on all Maori people pointed towards acceptance of the latter position, which emerged as a dominant doctrine in the 1850s. It raised communalism from an economic mode to a more general explanation of the structure of traditional Maori society. Nevertheless, it is not difficult to see how this either/or view developed out of a conjunction of strategies. Chiefs as politicians stressed the collectivity of

decision making in the cases they made to government, because in traditional terms this was a strong indication of their own authority. However, as we have seen, the British favoured structure over politics as the source of 'authority' in Maori society, and therefore read letters such as the following from Wiremu Kingi as evidence of collective ownership that bypassed the chiefs:

Friend, son, McLean, do not listen to what people say about Waitara. We have heard that Pehimana and Ihaia have approached you to agree that Warehūi should be for the Europeans. However you are well aware of what I said to you. The decision lies with the people of Waikanae and Arapawa - rather, the decision about this place, Waitara, lies with all the people.<sup>48</sup>

This thesis argues that the Maori meanings of land tenure cannot be found in codes compiled by Pakeha, but by paying attention to how Maori expressed themselves in words and actions. An incident in Grey's tense 1847 visit to New Plymouth illustrates this point. When a Pakeha stuck a stick into a path merely to show Grey (who was following) the track, Kingi's men considered it an act of possession, and pulled the track-marker out. The reason was that structures, however rudimentary, erected on land were a symbol of possession, or willingness to mount a challenge for it. If the stick had been left in the ground, in Maori eyes it would have proclaimed that the Governor had *mana* over the land. This vignette is a concise illustration that *mana* was the operative force in Maori notions of land ownership. Willingness to act is the test of ownership. This points up the error of standard, colonially-derived views which concentrate land rights narrowly on economic exploitation, or 'use-rights'. Applying *any* action whatsoever to land was potentially an act of ownership, and would be resisted by those who considered themselves the real owners. In the 1840s the government would have had a good idea of Maori land tenure if they had considered the politics: who was prepared to fight for it? In Kingi's case, he refused to settle on the north Bank of the Waitara, where the government wanted him, or to sell the south bank. He said that they would have to drag him by the hair to gaol before he gave up his land. This was a strong challenge to the government, because the rule that no-one touched the hair of a chief, whose head was intensely *tapu*, would have still been strongly present to Maori minds. If this weights Kingi's statement to the traditional, it is balanced by its inclusion of the modern image of gaol.<sup>49</sup> What Kingi is saying is prophetic: only force would separate him from his land. This is *mana*. Viewing the statement in the light of the change of government policy in

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<sup>48</sup> McLean Maori Letters, MSMSP32:669b. Wiremu Kingi Rere to McLean 10 July 1845.

<sup>49</sup> Sinclair 1974, p.122.

1859, which legitimised the purchase of land from individual owners of cultivations or food resources, it becomes clear that Kingi was not acting as an individual who could define his economic stake in the land, but as a leader, acting from a base in principle and prepared to fight. Kingi's use of the English image of the gaol to counterpoint his *mana* suggests that his use of language in general will offer insights into his thinking. The behaviour of British officials and missionaries was the template for civilised society offered to Maori, while the Bible provided the visible instruction with a morality and also with a language. The question of whether the offer of political modernity was accepted by Maori is frequently – even reflexively – answered in the negative in the mainstream historiography, but this view is open to challenge. Chiefs were concerned to restructure society without war, which meant erecting a barrier of new culture against the unfinished business of the past: they could hardly do so without the help of examples, which the British and the Bible provided. As he sought to re-establish Te Atiawa power in Taranaki, Wiremu Kingi used a language infused with Christian and British analogies that shows the smooth incorporation of imported ideas in his political thinking. In his 1844 letter to the Governor, Kingi's argument is that *now that all are Christian*, Waikato has no further business in Taranaki, because the mark of a Christian culture is civil peace: '...when we embraced Christianity, we learnt the rules of the Gospel, and to dwell in peace.' Kingi also tries to co-opt the Governor's sympathy by an appeal to his patriotism: 'Friend Governor, do you not love your land – England – the land of your fathers? As we also love our land at Waitara.'<sup>50</sup> This statement is among the first direct Maori expressions of the 'love' for the land on which modern Maori culture is founded. Such a love is not present in foundation mythology, and in its oblique appearances in ancient poetry it is directed elsewhere, as a sign of loss of a stable and familiar context. In the letter Kingi twice states his 'love' for Waitara. This straightforwardness seems to reflect a foreign mode of expression. Certainly, it became conventional to use biblical images in political letters to Pakeha, and 'love for the land' is reminiscent of Old Testament yearning for Zion. The orientation towards 'love' in this early letter is important as a pointer to change: the development of civil society under the Treaty allowed Maori ownership of land to exist in such reconceptualised terms. Before the institution of British rule, the chances of Kingi's returning to Waitara would be calculated in terms of the strength of Waikato; in 1844, by contrast, the protections of government enabled Waikato's rights in Taranaki to be *explained away*, in the following terms: Te Atiawa went

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<sup>50</sup> McLean Maori Letters MSP32:669b. Wiremu Kingi Rere to McLean 10 July 1845.

to Kapiti, leaving some people behind in Taranaki. Waikato then attacked and defeated an under-strength force. When the slaves were freed, they returned and reassumed their ancestral right to the land. That such a sanitised narrative of excuse *became* traditional history shows how land rights were intertwined with the British imperium.

Nevertheless, in the period between 1840 and the war in 1860, chiefs' main strategy was to negotiate with the British, as one would with an ally. In Kingi's letter to McLean quoted above, the passage ends with the words: 'Son, all the people here are determined about their land at Waitara. However, *kei a koe te wakaaro*.'<sup>51</sup> *Kei a koe te whakaaro* (lit: 'the thought, i.e. power of decision, is with you' but perhaps 'what do you think' in the sense of looking for the next move in the diplomatic dance) is an important, recurring phrase in Maori letters to government officials. It acknowledges the addressee's right of independent response. In this sense it acknowledges the authority of the government, without signalling a necessary agreement with its views. In stating the authority of the Te Atiawa absentees over Taranaki land, Wiremu Kingi shows how he thought the partnership between Maori and the government worked. The phrase which echoes through the McLean collection of letters, literally, 'the thought (i.e. in the sense of the power) is with you' is a statement which places alliance rather than the subjecthood which the British expected at the heart of Maori citizenship.

If Wiremu Kingi's return to the Waitara was negotiated with the government,<sup>52</sup> there was a parallel stream of formalities surrounding the migration that was Maori. There are two reasons that it is important to dwell on this particularly hidden side of Maori politics. The first is to show the spaciousness of a political culture that looked both ways, and that chose its forms, in order to counter the polarisation of popular readings. The cultural orderliness of the migration shows a society conducting its business on its own terms. The second is to underline the legitimacy of Wiremu Kingi's return to Waitara in Maori terms, because this helps explain why, when Governor Gore Browne engineered the sale that precipitated war in 1860, most loyalist Maori believed Wiremu Kingi was in the right. In April 1848, the reverse migration to Taranaki began. About 500 people set out for Taranaki in 5 boats and 44 canoes; others walked or rode their horses home in the last large scale Maori migration within New Zealand. The leaving was preceded by a public ceremony of farewell which included formal acknowledgement of the severing of an emotional tie to the land (the modern

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<sup>51</sup> McLean Maori Letters MSP32:669b. Wiremu Kingi Rere to McLean 10 July 1845.

<sup>52</sup> Wells 1967, p.180.

inseparability of land and identity was not yet evolved). Arrangements were made for the Wellington land still in their ownership, according to a later reminiscence:

When the exodus went off to Taranaki headed by William King my mother left at the same time, but I remained behind. When they were prepared to depart they stood up to give a lament for the land and in wishing the land goodbye they expressed their wish that it should belong to my mother and her descendants. My mother accompanied them to Taranaki and from there she returned to Waikanae...<sup>53</sup>

The above passage offers a glimpse of how reasonably Maori authority was exercised over the ownership of land within the kin-group: those who were going for good gifted it to those who were staying.

The formality of Kingi's leave-taking shows that while Maori society changed to cope with the Europeans, its internal arrangements were culturally intact. Everywhere the migration stopped, the people were greeted with the feasting that traditionally honoured a great chief, with a final feast confirming Kingi's status at Waitara. The ceremonial completeness of the migration offers the strongest evidence of Kingi's chiefly status. It is proof that the government's willingness to listen to any Taranaki Maori offering to sell land at Waitara was an assault on culture. Nevertheless, the ceremony surrounding the migration should not blind us into thinking that Kingi's world was enclosed in tradition. Economically and politically, he was modern. Settling on the south bank of the river, he made his money by charging a customs levy on all shipping at Port Waitara. He proceeded to act as if he had a role in the government of the country: when the Bell Block north of New Plymouth was purchased in 1848, he sent twelve men to help the Pakeha inspector of police to keep order.<sup>54</sup> Kingi thus attempted to attach *mana* to civil leadership, in partnership with the government, and under the rule of law.

In conclusion, the cultural orderliness of a migration conducted according to Maori *tikanga* contrasts with the chaos that would engulf Te Atiawa once they got home. There, the land could no longer be treated according to traditional *tikanga*, because it was no longer simply 'home', but a coveted piece of real estate in colonial New Zealand. Te Teira Manuka was a restless, independent, power-seeking character; it fits that as a member of the migration, he captained a boat rather than a canoe. As soon as he arrived home, he acted as scribe for a letter organising a land sale. This was the first of many assaults on Kingi's authority that prevented the role of chief being enclosed in the culture

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<sup>53</sup> Evidence of Wi Parata to the Commission of Inquiry into the Ngarara Block (Waikanae), November 1888:

<sup>54</sup> Sinclair 1974, p.122.

of the past. Change in political culture was everywhere apparent. On 4 April 1850 Tamati Hapurona [Pukerimu]), who was close to Kingi, wrote to dispute an offer to sell Waitara. Hapurona's letter confirms that Kingi was the leading chief: '*Kei a Wiremu Kingi te tikanga*' (Wiremu Kingi has the power of decision). However, Hapurona added a phrase that stresses collective authority: '*kei nga hunga katoa te tikanga e kore e pai ma te kotahi e korero te wenua ma te tokorua engari ma te tokomaha na*' (the decision lies with the whole group; it is not fitting that the land be negotiated one or two people, but by the many).<sup>55</sup> This letter balances on the tip of a mountain of change. The past measure of a chief was his ability to command a following in war from independent men, and to wield *mana* in civil matters. Where these conditions of authority were present, the chief appeared to act alone; hence the first statement, '*kei a Wiremu Kingi te tikanga*', which, in traditional terms, implies the consent of the people. However, Maori terms of authority over land were undermined, internally by the receding threat of tribal war and externally by a government that omitted chiefs from its political culture. Its recasting of authority in terms of land ownership, as determined by inheritance and use, made all the people land owners, whose consent had to be gained for a sale. Hapurona's letter recognises this change; it shows how the principle of collective ownership was being created. The following month, three more men, Rawiri Rauponga, Hopa Te Roro and Panapa Porutu offered to sell Waitara, perhaps to challenge Wiremu Kingi's authority.<sup>56</sup> That the would-be sellers present genealogy alone as proof of ownership is consistent with government policy rather than Maori practice, and shows the direction of the future. Genealogy narrowed land ownership to personal inheritance, as in British culture, and denied the culture of the group, symbolised by the chief. The 'authority' for the *take* of inheritance is not the chief, but the Governor.<sup>57</sup>

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<sup>55</sup> McLean Maori Letters MSP32:672b. 4 April Tamati Hapurona to McLean, 4 April 1850.

<sup>56</sup> McLean Maori Letters MSP32:674b. Rawiri Rauponga, Hopa Te Roro and Panapa Porutu to Governor Eyre, 17 May 1850. The letter is annotated with a note from McLean: 'I should wish to keep this letter as it has reference to claims to land at Waitara.'

<sup>57</sup> The offer caused strife, such as crop burning. Most significantly, Waikato, Te Atiawa's old adversaries were called on to take charge of protecting the land. This, as far as I am aware, is the first time in the post-Treaty period that this occurred. It is fair to say then, that Wiremu Kingi's relationship with Waikato is the precursor of the King Movement.

Maori knew this, but the freedoms and possibilities of the new world that land sale expressed were, for many, too compelling to deny. However, they were, at the same time, *appalling*. What gives Maori colonial history its razor edges is the fact that Maori were aware of their predicament. This thesis began with a letter showing that Maori judged the Pakeha. It ends with a Taranaki land-sellers' proclamation that shows that they also judged themselves:

O Old men, O old women, Listen!  
 O sons, listen!  
 What have I done?  
 O daughters, listen!  
 What have I done?  
 My friend McLean and I have consumed the bones of our ancestors,  
 Waitara.

That ends those words. Here are some more.

O sons, Listen!  
 O daughters, listen!  
 My friend McLean and I have consumed the bones of our ancestors.

McLean, you asked me to name my price to you: eight million.<sup>58</sup>

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<sup>58</sup> *AJHR* 1860, E4 Appendix 2 item 1, p.30, Ropoama to McLean, 10 April 1959.

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