

Lessons From The Past — Racism And Land: A Historical Perspective

Mitzi Nairn

'Now the Department of Lands and Survey, they want to take over this land because it's got original coastal forest and rare land snails - pupuharakeke - and reserve it with Government control. I would say on behalf of the Maori people that it has been reserved all these years without anyone's control. That place has so much mana in itself it looks after itself. Those things are still there because of our management. You take me on to that big block there that the Department runs, and you show me one rare snail, or one original coastal forest preserved by their management.'

Kuia of Aupouri tribe, Te Hapua.

Land Is Life

To tribal peoples, land and its natural resources are a unifying force, a spiritual strength, a vital element in all aspects of life - physical, cultural, spiritual, socioeconomic and political - an inalienable natural right, essential for survival. Therefore, to separate people from their land threatens not only their physical existence, but also their identity, and will eventually lead to their extinction.

Maori land has several cultural connotations for us. It provides us with a sense of identity, belonging and continuity. It is proof of our continued existence not only as a people, but as the tangata whenua of this country. It is proof of our tribal and kin group ties. It conceptualises turangawaewae. It is proof of our link with the ancestors of our past, and with the generations yet to come. It is an assurance that we shall forever exist as a people, for as long as the land shall last.

It is therefore necessary to look beyond the materialistic concepts of land of industrialised societies to understand fully the meaning of land for indigenous peoples. This emotional and spiritual relation of

People-Land-Life is so difficult to harmonise with Western ideology that it is perhaps the major obstacle to a fair appraisal of indigenous peoples' struggle for land, a struggle which is perhaps the most provocative element in their collective struggle for self-determination.

If we are true Maori, we must insist that Maori land ownership be viewed entirely differently from ownership as it is understood in British law. Our land interests are an inheritance from the past entrusted to the future in which we have no more than certain rights to enjoy the fruits of land in our own lifetimes, and a duty to convey those rights to succeeding generations.

Political power, improved living standards, higher wages - important as these things may be in an industrialised society - are not necessarily the primary goals of native peoples. Rather, the right to stay in their traditional territories, to govern themselves on the land which is part of their history, which they owned and revered long before colonisation, is truly their goal, a goal as important as life itself.

The law should reflect our communal and tribal past by enabling Maori land to support group and tribal projects where that is practicable, and the development of general group ownership where that is not unreasonable or unfair.... It requires only that alternative land management schemes be promoted to accommodate our circumstances... Occupation and use of our lands is the primary indication to us of ownership.'

Ownership today is established by titles, while the traditional right of occupation in the sense of 'living on' the land is often denied by Town Planning provisions and the exigencies of large forestry and stock farming schemes. This could be overcome with a revision of the powers of the Maori Land court, inclusion in forestry and farming schemes of provision for parts to be occupied by tribal owners, and new Town and Country Planning ordinances to allow for the establishment of homes around marae on an extended scale.

To live life is to live with nature. To appreciate life is to understand nature. To know eternal life is to have communed with nature and to know the gods of the forests, sea and air. We would protect certain bushlands for our own reasons, but we should not be penalised for leaving them as they are. We should not be rated or taxed on those lands that we have chosen not to exploit but to preserve in their natural state. They should not be taken from us for public use when the Pakeha has not preserved his. On the contrary, if we make them available for public use, we are entitled to proper *utu*, an annual payment, so that the *mana* of our ownership is upheld. Our land is neither waste-land nor surplus land. We have no words to describe such lands. We must

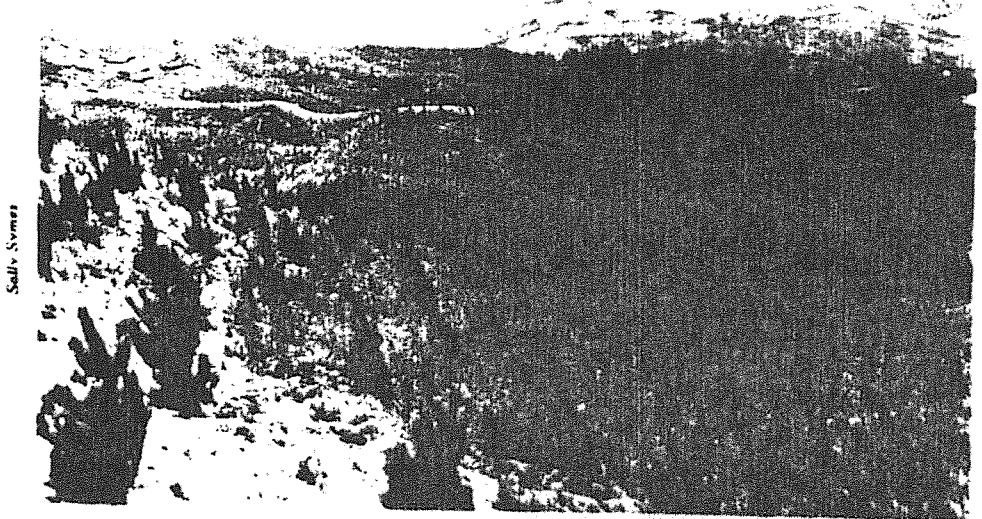
continue to investigate those lands that were taken as waste-lands, surplus lands, or scenic reserves. They are just as much a part of us as our homes.

Land is not just a primary source of natural resources, but a vital element in the balance of nature. If one of the elements is altered or removed, the balance is disrupted, and all the inhabitants will suffer. One piece of land cannot simply be exchanged for another. The tribe places a very special value on each particular piece of land, which cannot be compensated by money or other land. This fact is only imperfectly understood by industrialised societies, for whom land is a commodity and thus subject to commercial transactions.

The seafoods and wildlife that contributed to our traditional diet and the habitats in which they thrive should be protected. Certain traditional fishing grounds and shell fish beds should be reserved for our use. Above all, our traditional power to control the exploitation of seafoods, plants and wildlife by our own people should be restored.

The importance of our crafts of pingao, kiekie, flax, native feathers, native bark and native timber will not be properly recognised or understood until tribal authorities have power to control the retention, protection and use of them. The rahui of the Maori should be recognised in legislation.

Land has a different meaning for tribal peoples from that which it has for the capitalist world, which appropriates land to fulfil its own interests and views it as a commodity and a means for the accumulation of capital. Operating in a colonised situation, tribal peoples have struggled to hold on to their own values, but frequently have been forced to compromise, or led into confused responses. As the NZMC said, 'We have talked of land development when we should have talked of the development of our people through the land resource.' The clash of values has characterised colonial situations, and led to the institutionalisation of racist oppression. In the next



Pine planting in the Far North. Forestry companies change the landscape. Access roads may unknowingly violate sacred Maori sites.

section, I will briefly illustrate this statement through reference to NZ colonial history.

Colonisation

In his Instructions to Captain Hobson, 14 August 1839, the Secretary of State for War and Colonies, Lord Normanby, refers to the Maori as 'a numerous and inoffensive people, whose title to the soil and to the Sovereignty of New Zealand is indisputable, and has been solemnly recognised by the British Government.'

But in practice, colonisation was a process which overrode that indisputable title, and denied that recognised Sovereignty. Colonisation depends on ethnocentric, monocultural arrogance - it takes a special sort of arrogance to believe that the rest of the world is there for Europe to exploit.

The Europeans who set out to carve up the 'new' world ('new' to them, but not to its indigenous peoples) were buoyed up by total confidence in their own supremacy. They believed that the rest of the world was rightfully theirs to divide up, and that the people who lived there, who were not white, Christian and 'civilised', were nonentities.

The Europeans believed that the new countries existed, and were

providentially 'discovered', to provide solutions to problems at home. Discharged soldiers and other unemployed could be absorbed into armies for conquest and border maintenance, or sent as settlers. The clamorous landless could be sent away, relieving unwelcome pressure for the reform of land tenure. Food and raw materials - timber and minerals - could be imported to feed, clothe and employ people at home.

It is contended that, in an unreclaimed country, in which there are none but erratic natives, incapable of occupying the whole, they cannot be allowed exclusively to appropriate to themselves more land than they have occasion for, or more than they are able to settle and cultivate. It is urged that their unsettled habitation in those immense regions cannot be accounted a true and legal possession; and that the people of Europe, too closely pent up at home, are lawfully entitled to take possession of the waste, and settle it in colonies. (Vattel, cited by Richmond, Parliamentary Debates 1862)

Empire

Britain was an experienced colonial power, with a sophisticated colonial apparatus to carry out well-developed policies. London was the centre, and professional military and

administrative personnel were moved around the Empire.

For example, Governor George Grey worked for the Colonial Office first in the West Indies; then in South Australia, where he wrote a report on aborigines which greatly enhanced his status with the Colonial Office. Therefore he was their logical choice for New Zealand - he was 'good with natives'. After his first term in New Zealand he was transferred to Cape Province, South Africa. When Governor Gore-Brown disastrously mismanaged Waitara, Grey was recalled to New Zealand.

As a military example, take General Cameron, who was transferred to New Zealand to lead the army into the Waikato land war. He came direct from India, where he had been involved in the suppression of the 'Indian Mutiny', and the pacification of notable Indian trouble spots.

In the administration of Empire, it was standard procedure to undermine the basis of social order, land tenure, language and communication. The whole colonisation process was based on notions of white supremacy, to which virtually all the settlers subscribed.

The New Zealand Settlers

The Settlers can roughly be divided into two sorts, bigots and paternalists. Bigots had a simple agenda: co-operate or perish, preferably perish. Paternalists had a more fluffy agenda, but the simple underlying message was: integrate. Both groups shared white supremacist, Eurocentric assumptions:

European people	Maori people
Christian	heathen
civilised	savages
advanced	primitive
complex	simple

Bigots believed that these inferior beings should, like other animals, be controlled for the benefit of Europeans. Consider A.S. Atkinson speaking in 1863: 'I find one lies in wait to shoot Maoris without any approach to an angry feeling - it is sort of scientific duty.' Paternalists

believed that they were the grown-ups and the natives were the children, who could be raised up and civilised, given Christianity and education.

The belief in the superiority of themselves, their culture and their institutions led the settlers easily to the conclusion that they would be the ones to shape the institutional society that all were to participate in. Their ideas of land ownership, family life, education, justice, government and so forth would become the practice here. The idea that Maori people should share in such decisions was unacceptable: there was no recognition that they had anything to offer or the skills to take their share in government and the development of institutions. Pakehas decided, and Maori people had the limited choice of response: to accept or to react. Maori efforts to reject decisions were put down by force, so reaction rather than rejection was the only alternative to acceptance. This Maori experience of choicelessness remained constant, whether the Pakehas in control were those imbued with paternalistic responsibility or those working from a basis of simple, overt racist greed.

The Treaty of Waitangi

The Treaty was part of the colonial process. No doubt there were mixed motives and intentions, but it demonstrably bought time till the population balance changed (2,000 Pakeha, 200,000 Maori at the time of the Treaty) and until militarisation was achieved - bringing in an army and raising a militia. Whatever the intentions, the proof of the pudding is in the eating: the tree is known by its fruits: and racism is identified in outcomes. Hobson represented the paternalists. The Colonial Office prior to the Treaty was dominated by people like Lord Normanby and Lord John Russell. This is a note by Russell, interpolated in the 1839 Directions to Hobson.

... you will look rather to the permanent welfare of the tribes now to be connected with us, than their supposed claim to the maintenance of their own laws and customs. The Queen's sovereignty must be vindicated and the benefits of a rule

extending its protection to the whole community must be made known by the practical exercise of its authority."

The essence of paternalism is that the grown-ups know best and make decisions affecting the children, regardless of what the children think they want. Yet it is very clear that it was precisely the claim to 'the maintenance of their own laws and customs' which convinced many of the chiefs to sign.

Now a look at Hobson's performance after the Treaty was signed is in order. The Letters Patent, which defined his role as Governor, required him to set up two councils:

an Executive Council, with whom he would discuss decisions and policies on the ongoing running of the Colony and a Legislative Council, to discuss ordinances, laws and regulations.

For both of these councils, Hobson had absolute discretionary power, to appoint whoever he chose. He appointed no Maori people at all. This is a clear indication of where he stood on the issue of power sharing.

It may be argued that at that early stage the colony was a small, separate institution, which Hobson was to govern without reference to the rest of the country, which remained in Maori hands. This is not borne out by the May 21st 1840 proclamation of New Zealand as a possession of the British Crown, nor by subsequent events in which the Crown, nominally both chief protector and sole alienator of Maori land rights, consistently performed the latter task at the expense of the former.

We come to 1852, when a constitution gave the settlers 'responsible government' and the Provincial Councils and General Assembly were set up. Franchise and eligibility to stand for election were based on property, particularly land ownership. Most Maori people were excluded because only individualised title to land was recognised. If there had been any intention to include, to share power, it would simply have been a matter

of finding a legal formula for representation based on land held in common - not a particularly difficult legal task.

It is at this point, the 1852 Constitution, that the Treaty disappears! The Treaty was between the English Crown and the Maori tribes, and it was not 'patriated', that is, there was no provision to make it binding upon the Settlers and pass it into local legislation. It became, as Dr Ranginui Walker has described it, simply a moral document with which Maori people might attempt to move the conscience of the Pakeha.

The Treaty was certainly not honoured in a history of land alienation and cultural suppression. New Zealand history is full of racist Pakeha responses to Maori aspirations and initiatives. Symbolic actions like land occupations were met with massive police and military turnouts.

There are many well known examples of land confiscation, and the forced breakup of peaceful Maori communities. The story of Parihaka and the prophet Te Whiti is well known. "Another early land occupation occurred at Hakataramea where Ngaitahu people established a Kainga on the Benmore run to highlight lack of justice to them, but were forcibly removed in 1877 in the midst of winter. A later breakup of a peaceful Maori community was that of the Tuhoe people at Maungapohatu under the prophet Rua Kenana. "A more recent example is that of Takaparauha (Bastion Point)."

To movements like Kotahitanga, Kingitanga, or Ratana - all set up to represent Maori interests - the Pakeha response is a mixture of ignorance, suspicion, fear and joking; with occasional patronage when a minister of the Crown breezes in and makes a few pompous noises.

I am not just talking about the past. The deceptions and indifference still go on. The first news some Maori owners get that their land is the subject of an offer for sale is a payment cheque in the mail! And injustices with their

origins in the previous century are still crying out for redress. The Otakou 'tenths' for the Ngaitahu tribe are a typical case. One of the conditions of purchase set by the Crown for the New Zealand Company transactions was the reserve of one tenth of the urban, suburban and rural land purchased, for the tribe selling. In the case of the Otago peninsula, the Crown actually took over the transaction from the New Zealand Company. But the Ngaitahu tribe have petitioned parliament for 140 years for compensation - in money or in land - for the 36,000 acres promised in that transaction. As recently as 1980 a Parliamentary Select Committee agreed (and it was the fourth time) that the claim is entirely just. What has been done by the Pakeha-dominated legislature to meet the claim? Nothing. This can be read about in more detail in *The Landpack* and in *Ngaitahu Maori Trust Board Petitions and Submissions*.

Attacks on Land

Under settler rule, attacks on Maori culture, and the drive for individual land title, the principal means towards land alienation, were unremitting. For the Maori, communal land tenure still provided security for the individual and a firm basis for the strongly conservationist character of Maori land use. Maori people had rapidly grasped the advantages of European technology and were quick to adopt new farming methods and crops, adapting them to their communal economic system and producing impressive results. Wheat and corn were grown, mills built to convert them to flour - there were 18 mills in the Waikato area alone by 1853. Ships were bought or built to convey the produce both within New Zealand and to Australia. In 1858 fifty-three Maori-owned vessels of fourteen tons and upward were registered in Auckland.

The Settlers, in contrast, came from a society in which land was wealth, prestige and influence. Those who had title to land could do with it as they wished, and it succeeded to their heirs. Many came to this country in the expectation of acquiring land, to 'make their fortune'. With that background and

in that mood, they were unprepared to accept that the apparently unoccupied acres which constituted important sources of food and timber for the Maori were as 'owned' as any English estate. Nor were they prepared to give any recognition to Maori communal title, differing as it did so greatly from their notions of propriety. As far as they were concerned, land held in Maori title was land wasted.

The colonists do desire and very earnestly, to get possession for colonising purposes, of those large tracts of fertile land which lie waste and unimproved in the hands of the natives, over which they even prohibit our making roads or running a steamer on the rivers by which they are watered."

There was heavy pressure on McLean's Land Purchase Department to buy land. Easy and fertile land already under cultivation, such as the Waikato, looked very desirable to the greedy eyes of farmers and speculators alike. But the purchase of Maori land held under communal title was a slow and complicated affair, specially as Maori owners became increasingly reluctant to sell. Many attempts were made to declare uncultivated Maori land to be waste, and therefore Crown property already, and the tone of the discussion was overtly racist. For example, vast tracts of the South Island were 'purchased', while the 'native reserves' were calculated on the basis of so many acres per native, in the language of farm stocking rates. It was inconceivable that Maori owners could legitimately possess large tracts, and only cultivation was suggested as the basis for ownership - yet where, apart from the later big stations of the East Coast, were larger areas of land passed to single Pakeha ownership, notably uncultivated, than in the South Island?

Attempts were made to survey Maori land wholesale and convert it from communal to the much more readily saleable individual title of possession. These were vetoed by British Governments. But if the lands could not be purchased, they would be gained some other way.

The Undermining of Maori Society: The Attack On Language

Maori culture, including attitudes to land, resources and economic processes was a barrier to European progress. The Maori language provided the cement for the People-Land-Life world view of the Maori. It was a key means of keeping their world view - and their land - intact. Maori education and language was antagonistic to the change sought by the Pakeha. So as Dr Bruce Biggs put it, in the end total war was declared on the Maori language.

The first mission schools taught entirely in the Maori language, and literacy was soon high among the Maori population. Then English was introduced as a foreign language. The Native Schools Act of 1858 made government grants available to schools teaching the English language and an English curriculum. Another act in 1867 carried the attack even further: it established English as the sole medium of instruction.



Pakeha perception of Maori people.

The debates of the Bill reveal the attitudes and intentions of the settler government very clearly. In moving the second reading, J.C. Richmond stated that:

...for a people in the position of the Maori race it was a first condition of their progress to put them in the way of learning the language of the inhabitants and Government of the Colony. ¹⁶

Later in the debate, H. Carleton, a former Inspector of Native Schools stated that:

... things had now come to that pass that it was necessary either to exterminate the Natives or to civilize them. They could not go on fighting them any longer. Honorable members were now no doubt well up in the financial question, and all would, he was sure, agree that another serious war would not only cripple the Colony but would actually break its back. The idea of exterminating the Natives could not for a moment be dreamed of in that House, and there was,

therefore, no alternative but to vote for the measure then before the House...

They could never civilize them through the medium of a language that was imperfect as a medium of thought. If they attempted it, failure was inevitable; and civilization could only be eventually carried out by means of a perfect language. ¹⁶

While genocide of the Maori people though hoped for, was not to be publicly countenanced, cultural genocide was. As the Inspector of Native Schools, Mr Pope, reported in 1888:

The work of teaching the Maoris to speak, write and understand English is in importance second only to that of making them acquainted with European customs and ways of thinking, and so fitting them for becoming orderly and law-abiding citizens. Indeed, it might be maintained that the first-named of these operations is the more important, seeing that the knowledge of English ways can hardly be obtained by Natives unacquainted with the language. ¹⁷

Wars and Laws

Hand-in-hand with the attack via language and civilisation went the remorseless quest for land. Powerful men like Whittaker (sometime Premier, and Attorney General in the Domett Ministry, solicitor for the Bank of New Zealand, and partner in the firm of Whittaker and Russell, the largest land agency in the Colony) and Thomas Russell (land agency speculator, part owner of the Bank of New Zealand and Minister of War in the Domett Government) were looking for an excuse to dispossess stubborn Maori owners who refused to sell.

In the end, a pretext was found, and General Cameron's forces, 10,000 British regulars and 5,000 Colonials (mainly recruited from the goldfields with promises of 50 acres of land) crossed the Mangatawhiri river in July 1863. Almost immediately, Parliament was called together for the passing of a series of Acts: notably the Suppression of Rebellion Act and the New Zealand Land Settlement Act. This provided

Auckland Institute & Museum, Auckland



Kauri logs at Tairua around the turn of the century.

that the Governor, on the advice of his Ministers, might 'establish at pleasure settlements upon any land belonging to natives within any district within which such land was situated that was in the possession of a tribe, section or considerable number of natives who the governor was satisfied had engaged in rebellion.' This law simply provided that all communal owners would be punished for the actions of disaffected individuals. The intention was to confiscate the land of all Maori people in arms, and the logical process was to engage as many as possible in armed resistance. As the army advanced, burning crops and homes, it created 'rebels'. During the Waikato war, two offers of surrender were refused by Cameron, instructed by the Government. The provocative invasions continued to Tauranga, Taranaki and Maniapoto hinterlands.

The resulting confiscations, which fell within the compass of the law, were extensive. Almost three million acres were taken initially, in Waikato, Taranaki and Bay of Plenty. In 1865, further legislation established the Maori Land Court. Its first work was to examine the confiscated land, to return any which belonged to 'loyal Maoris'. About half the land was returned, but whereas it had been communally

owned when it was taken, it was returned in the form of individual titles. This was exactly what the Settlers had wanted. Henceforth, in the Land Court, they had a mechanism for the alienation of Maori land through individuation of title.

Settler Values

By the turn of the century, Settler values had won out in all but the marae settings. Even where white settler interests were not explicitly held to be paramount and they usually were - decisions and laws which were made, and practices which were established, tended towards their advantage. For example, the long hoped-for individual Maori titles brought a sting in their tail from the Settler point of view - the spectre of sufficient enfranchised Maori voters to control some electorates: hence the hasty introduction of four Maori seats! Another example of legislated discrimination was the Advances to Settlers Act of 1894 which excluded Maori farmers from development finance.

Radical difference of values is nowhere more clearly illustrated than in the different attitudes to forests and timber trees. According to Maori practice, upheld by myth and ritual, each tree was as much a child of Tane as each person, with a

right to existence and an indwelling essential nature. Therefore, if human beings wished to make use of a tree, an agreement must be reached with the spiritual world, and the felling and working of the timber must proceed with care.

In the 1880s there were over 40 mills in the province of Auckland, in a trade dominated by a few very large companies. 'One of their chief industries is at present destructive.... The kauri pine takes 800 years to grow. They are cutting it down and selling it as fast as axe and saw can work.' (J.A. Froude, *Oceana*, 1886). The mills were concentrated on the West Coast (Hokianga and Kaipara Harbours), in the North East (Mongonui-Whangaroa) and the Coromandel Peninsula. In 1880 most of these companies were bought up and merged into the vast Kauri Timber Company, which accounted for virtually all the logging in the province thereafter. The Kauri industry was extremely wasteful. Each of the upwards of 3,000 dams used enough kauri in their construction to build three three-bedroom houses, and more was needed for the catching booms at journey's end. Losses on the way were high, as logs which jammed or grounded were often abandoned, and falls and rapids broke up many more.

The final years are the most closely documented. My source for this account of an event in about 1920 which can, I think, be taken as not atypical, is *Kaueranga Kauri* by Bruce W. Hayward. Sam Webb sent 100,000 superfeet of Kauri out of his logging dam over the 200 metre high Billygoat Falls. Only 10,000 superfeet came through intact; the remainder was smashed into splinters. Thus there was a 90% wastage rate on the first drive. So Webb converted his dam to a holding dam, and sent the accumulated logs down a chute, which reduced the loss to 50%, which was apparently an acceptable rate as the Billygoat dam was used by Webb for several years.

The settlers squandered the children of Tane without respect: one estimate suggests that over half of the kauri in the North was lost to fire while still standing, and with it

went thousands of other associated timber trees of noble age and stature. No wonder there was Maori resistance to Pakeha language and values. In fact, many Maori observers were by now only too well acquainted with European customs and ways of thinking, and were not enthusiastic to learn more. But while withdrawal and reluctant accommodation were the two most obvious options, the steady encroachment and entrenchment of Paketahanga continued.

The Heirs of the Settlers

There can be little disagreement that New Zealand society has institutionalised Pakeha culture as a consequence of our colonial history. What we Pakeha are more reluctant to recognise is that it is a culture with its roots in notions and assumptions of white superiority. Many do not accept that our society is racist, pointing to their own goodwill and positive attitudes. Yet their feelings are at odds with the evidence. Racism is expressed through cultural power and through institutions - social, political and economic arrangements, and is to be discovered by scrutiny and analysis of outcomes and results of the operation of those institutions. Such analysis falls outside the scope of this article, but has been done elsewhere, and I hope will be discussed in other articles in this magazine. The NZ Maori Council proposals for revised land legislation to be introduced to the House later this year will repay careful study. And we of the Pakeha-dominated conservation lobby need to be careful that we avoid perpetuating the racism of the Settlers in our attitudes to Maori land and Maori aspirations. Over the years, as the most convenient and fertile parcels of land passed into Pakeha hands, the Maori people retained mostly remote coastal and mountain areas. Maori land use, which was considered to be disuse, was used as another tool to assist land transfer. Now the unspoiled state of much Maori land makes it attractive to Pakeha eyes for different reasons. The presence of unique land formations, historical sites, and rare plants and animals on Maori land is used as an argument, not for the retention of that land in Maori title under the control of those who have

effectively guarded it for years, but as an argument for placing the land under Pakeha control, under Parks Boards, Wildlife, Forestry Divisions etc., for zoning it as recreational, and preventing the owners from developing it. This is a bone of contention, because, while as the NZMC says, sometimes the payment of an annual sum to the owners is a suitable *utu*, the principle of exchanging one piece of land for another is simply not acceptable because the tribal significance of land is entirely specific. Therefore, in situations where, for example, Maori owners are being urged not to develop a piece of land, they must retain ownership of that piece of land, whatever alternative areas they may be offered for alternative development.

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Bibliography

While I am happy to quote my sources where possible, many ideas have come to me from oral discussions, consultations and conversations, especially with Maori people I wish to acknowledge my indebtedness to many people whose names will never turn up in any bibliography.

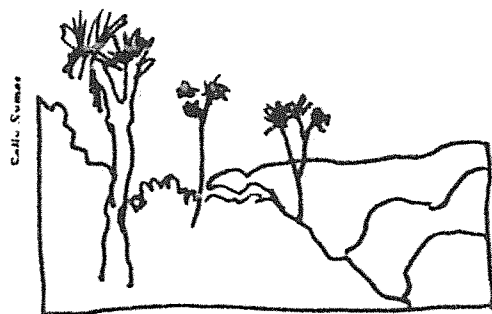
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11. See Scott, Dick, *Ask That Mountain*, Heinemann, 1975.
12. The Story of Rua's arrest is told in *Mihais* by Bunney Chaplen and Wallace.
13. The fate of Takaparauha is movingly told in the film *Day 507*, or in a brief account in *The Landpack*.
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One of the last remaining patches of Far Northern Coastal bush where *Pupuharakeke* (flax snail) lives.