

*Buying the Land, Selling the Land: Governments and Māori Land in the North Island 1865-1921*

by Richard Boast. Victoria University Press and Victoria University of Wellington Law Review, Wellington, 2008; xxi, 485 pp.  
ISBN 9780864735614

*Māori and the State: Crown-Māori relations in New Zealand/Aotearoa, 1950-2000*

by Richard S. Hill. Victoria University Press, Wellington, 2009  
xii, 364 pp. ISBN 9780864736116

Reviewed by Keith Sorrenson

Since its creation in 1975 and more especially since it was granted retrospective jurisdiction to 1840 ten years later, the Waitangi Tribunal has been the prime engine of historical research in New Zealand. A host of young graduates and a considerable number of established historians have been employed in preparing claimant, Crown and Tribunal reports, most of them of high quality. The reports have provided the bread and butter for the Tribunal's own monumental reports. Unfortunately, few have been published separately, or been used for published essays or books. The two books under review are a welcome contribution to that published literature. Richard Hill and Richard Boast have authored a number of able Tribunal research reports and have otherwise contributed to the Tribunal process: Hill as Director of the Treaty of Waitangi Research Unit at Victoria University's Stout Research Centre and, more recently, as a Tribunal member; Boast as a claimant counsel as well as historian. Both are concerned with the role of the Crown in dealing with Maori and their land, though neither attempts, as the Tribunal is required to do, to arraign the Crown for breaches of the principles of the Treaty.

When he published his examination of Crown-Maori relations to 1950 in 2004, Richard Hill promised a companion volume to bring the story up to date. Five years later, he has amply fulfilled that promise. The second volume retains the central theme of the first: of a struggle without end between the Crown to assert and retain its sovereignty and Maori who have tried to retain an autonomy (or rangatiratanga) that they considered had been guaranteed by the Treaty. However Hill does recognize that since 1950 the intensity of the struggle has lessened as the Crown's determination to impose assimilation on Maori was gradually replaced by 'integration' and finally an acceptance of biculturalism. All along, however, the Crown has retained an underlying sovereignty that limits the full expression of Maori autonomy.

When I reviewed Hill's first volume for another journal in 2005, I noted that he had used 'presentist' notions relating to current interpretations of the

Treaty of Waitangi, to give new meanings to the past. He has continued to do this in his second volume, notably by pushing his usage of rangatiratanga back into a period when, in my view, it was not being so used.

Until the 1970s critics who alleged that the Crown had failed to uphold the Treaty invariably referred to the English text and particularly the second article which guaranteed Maori possession of their lands and other properties. 'Te tino rangatiratanga o o ratou wenua . . .' was interpreted as 'the full exclusive and undisturbed possession of their Lands . . .' Over the years, the Crown was frequently criticized for having failed to fully protect that undisturbed possession of Maori land. It was not until the publication of Ruth Ross's stunning essay, 'Te Tiriti o Waitangi: Texts and Translations', in the *New Zealand Journal of History* in 1972 that the importance of the somewhat different Maori text was revealed. Three years later, when the Crown passed the Treaty of Waitangi Act to establish the Waitangi Tribunal, that act printed the two texts of the Treaty and required the Tribunal to apply them in deciding whether acts or omissions of the Crown had breached the principles of the Treaty. Thereafter, in the Tribunal's many reports and findings and in public discourse in general, the meaning of te tino rangatiratanga has been endlessly expanded: from 'possession' of their lands to include chiefly, tribal and general Maori authority (or autonomy); and not just over land but all manner of things. Hill has used rangatiratanga in these various senses, quoting with approval (p.7) the Waitangi Tribunal's comment that it is 'eminently adaptable to time and circumstance.' I have no quarrel with this, in so far as he was describing Crown-Maori relations after 1975, but it is anachronistic to apply it beforehand when other terms were in use and different meanings applied to such relations. For instance, Hill is critical (pp.91-2) of the 1960 Hunn Report for failing to reflect Maori 'oft expressed aspirations for Crown recognition of rangatiratanga.' But he fails to document those 'oft expressions'. I note that *A Maori View of the Hunn Report*, a cogent criticism published by the Maori Synod of the Presbyterian Church, which Hill does discuss, does not use rangatiratanga at all, though it frequently used Maoritanga and stressed the need to allow Maori to retain their turangawaewae. Likewise, when I wrote a 1967 textbook that Hill mentions (p.99), I did not use rangatiratanga either.

Nevertheless Hill gets back on track with his discussion of the 'Treaty-based Discourses' that flowed from the creation of the Waitangi Tribunal in 1875. 'Such an *explicit* focus on the word "rangatiratanga",' he said, 'was a new factor in Treaty and indigenous discourse in twentieth-century New Zealand' (p.173). I agree with that, though hardly with his final summation of various Treaty settlements, starting with Ngai Tahu's of 1991, that 'Most claims, in the final analysis, were about rangatiratanga whether they explicitly stated so or not' (p.260). It's always better to rely on what claimants say than

presume what they meant to say. Finally, I note that, although Hill is far more concerned with processes than personalities, he does seem uncertain how to characterize some who do appear, including the ‘relatively radical Ranginui Walker’ (p.193).

Boast’s *Buying the Land, Selling the Land* is a detailed analysis of the Crown’s purchase of Maori land in the North Island from 1869 to 1921. He describes the book (p.xv) as ‘something of a reaction to “the-Crown-has-been-very-naughty” school of New Zealand history.’ Boast does not identify the culprits, but I must say that, after a long association with the Waitangi Tribunal, I have not met many of them. At times Boast leans over backwards to be fair to the Crown which, despite its mystique, could be described for the period under consideration as the Pakeha colonists by another name.

Having briefly reviewed the previous Crown purchases, which included all of the South Island and large parts of the North Island, and the confiscations of the 1860s, Boast proceeds with a detailed analysis of the Crown purchases that followed when the Crown returned to the market in 1869. The general analysis is supplemented by detailed examination of purchases of specific blocks of Maori land, several of which have been the subject of Boast’s earlier research reports for Tribunal claims. Since Crown pre-emption had been abolished to allow private purchase of Maori land with the Native Lands Act in 1862, the Crown resumed purchase in 1869 in competition with private purchasers. That competition is a major concern of Boast’s study and he frequently demonstrates how Crown purchases were facilitated by the re-imposition of pre-emption over specific block of land, whole districts and even, for a time in the 1890s, the whole country.

Having narrated the main periods of Crown purchase, under successive governments, Boast examines a number of general themes relating to land, the economy, the environment, the Crown’s land purchase process (‘The potency of the Chequebook’), and why Maori either sold or resisted the sale of their land. These are valuable discussions, though the examination of motivation for selling is disappointing. When he finally asks himself (p.406) why so many owners of various blocks agreed to sell, Boast admits that he has no conclusive answer – because the files seldom contain such information. So he has to fall back to generalizations, including the obvious factors of poverty, poor health, unemployment, indebtedness – and the failure of successive governments to provide Maori with the kind of assistance provided for Pakeha farmers. He notes how the Native Land Court processes and expenses contributed to the loss of land and how government purchase officers exploited Maori indebtedness to further their purchases, though he fails to examine how litigation, sometimes encouraged by unscrupulous lawyers, contributed to Maori indebtedness. Indeed Boast lets fly at the critics of his profession (p.427): ‘The historiography of Maori land alienation

is,' he says, 'unfortunately bedevilled by a naïve and prejudicial stereotype of lawyers which appears to assume that all lawyers who had anything to do with Maori were crooked shysters. This is not only untrue; it fails to recognize that obtaining legal advice is simply a hallmark of growing commercial sophistication.' Once again, Boast does not identify the exponents of this historiography. I agree that not all lawyers involved in Maori land were crooked shysters and that, on the contrary, many of them contributed ably and sometimes without fee to defending Maori interests in land (as they still do); but not all of them by any means. Boast should examine the papers of Sir Walter Buller, for example. And he could have examined how and why some cases that began in the Native Land Court went through numerous appeals all the way to the Privy Council, at ruinous expense to the Maori litigants.

Though Boast's study and the research on which it is based is confined to Crown purchases of Maori land, the failure to examine complementary private purchases in detail – which, after all were the main objective of the Native Lands Acts of 1862 and 1865 – means that he fails to bring out the full impact of the assault on remaining Maori land in the period. Certainly, there was competition at times but this was overshadowed by the determination of Pakeha colonists to acquire Maori land by hook or by crook: privately, if possible, but by the Crown if necessary, as Boast would have seen had he read more of their debates in parliament and their press. The Pakeha demand to acquire Maori land for settlement was incessant and unforgiving.

But I need not end my discussion of Boast on a sour note. His study of the history of Crown purchases is infused with a fine legal appreciation of the statutory law behind them and what is probably the best examination of the Native Land Court and its judges that I have read.

Finally, I acknowledge that, for the most part, the two books are refreshingly objective. They will go a long way to restoring the reputation of historians in the 'Treaty industry' who are often presumed to be handmaidens of the claimants.

*Madness in the Family: Insanity and Institutions in the Australasian Colonial World, 1860-1914*

by Catharine Coleborne. Palgrave Macmillan, Basingstoke, Hampshire and New York, 2010; xv, 220pp. ISBN 9780230578074

Reviewed by Bronwyn Labrum

As Catharine Coleborne states in her Acknowledgements, she first thought of this project and the related publications, in Melbourne in 1997, and she has been able to bring it to fruition while a member of the History staff