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# 'Race' and the Politics of Land Loss: Colonising Discourses for Patuheuheu and Ngāti Haka

## ***Introduction***

This article argues that the racial discourses of the nineteenth century had an adverse impact on the ways in which Māori were treated and indeed, informed and justified colonial methods for separating Māori from their land. As a consequence of Pākeha representations of Māori as Other, Patuheuheu and Ngāti Haka - two closely related clans from the Tūhoe tribe - were subjected to oppressive practices which made it easy for Pākeha to unjustly procure land to the detriment of Patuheuheu and Ngāti Haka identity and wellbeing. This article examines Māori, Patuheuheu and Ngāti Haka land loss using multiple and interdisciplinary theoretical lenses, and posits that these losses were caused, in part, by Pākeha racism.

Historically, white cultures have been associated with intellectual development, refinement, knowledge, established institutions, law and order, and civilised refinement (Hall, 1997). In contrast, black cultures have been constructed and polarised as Other by their colonisers: represented as reactive, emotional, deviant (Hall, 1997), and as the opposite of the civilised ideal (Said, 1978). The perceived differences between the races were substantiated by biological ideas which argued that there were real genetic differences between people of different skin colours. Since Māori were subjected to racism by the colonising and hegemonic imposition of Western values and norms, problematising the notion of race in the Aotearoa New Zealand context is important. This article will argue that

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racial discourses formed the basis for representations, caricatures and stereotypes which significantly weakened the position of Māori. In this way, structural impediments were created which were motivated by desires for the increase of Pākeha political and economic power, which justified the aggressive colonial land taking activities of the nineteenth century.

In the nineteenth century a Pākeha Native Land Court interpreter named Harry Burt, befriended the community of Te Houhi, one of the traditional home-sites of Patuheuheu and Ngāti Haka. The tragic consequence of that friendship, was that Patuheuheu and Ngāti Haka lost their land through Burt's manipulation of the Land Court system, which deliberately disadvantaged Māori, and was used by Pākeha, like Burt, to engage in illegal and deceitful land purchases (Binney, 2001a, 2002, 2009a; Boast, 2003, cited in Brookfield, 2004; Boast, 2008; Pouwhare, 2004; Ranui, 2004). The Land Court operated on the basis of a number of assumptions about Māori, and since colonial contact, Māori have been constructed by the British as racially, culturally and intellectually inferior and Other. Miles (1989) states that the Other has been represented as a biologically different race whose inferiority was fixed and unchanging. Therefore, ideas which represented Māori as racially inferior and too inherently lazy to own land, were justified by a whole genealogy of racial thought which informed colonial thinking, and therefore had an effect on the way in which Māori were treated in social, political and economic terms, in the nineteenth century and beyond.

### **An Exploration of Race**

Throughout the seventeenth to nineteenth centuries the widening European gaze, which used ideological justifications for colonial exploitation, pervaded and invaded foreign lands (Spoonley, 1995). Accordingly, European countries such as

England, Spain and France engaged modes of colonial expansion and extended their military operations in conquest (Johnston, 1998). During that colonial expansion, the colonisers brought with them their belief systems which were imposed on those whom they colonised. In that respect, Aotearoa New Zealand was no different from India, Australia and every other country colonised by the British (or other European countries). The British introduced their class system, their biases and views about gender positions, and their ideas about race and difference.

Categories of race were fabricated at the pinnacle of European empire, to set up divisions between the colonised and their colonisers (Ponzanesi, 2001), in order to systematise and organise people into classifications of difference (Dalal, 2002; Johnston, 2010; Rustin, 1991; Wolfenstein, 1993), which were powerfully reinforced through social and scientific scholarship (Ponzanesi, 2001). According to Christine Bolt (1971) cultural features such as language, and biological traits such as physicality, were used to form the basis of racial classifications, meaning that race moved beyond the biological and became dangerously mixed with the cultural. Thus, the inconsistencies and differences in language, art, history, genetics, rhythm, musicology, athleticism, perceived intelligence, culture, and aesthetics across societies, informed hierarchical taxonomies which ordered people into grades and types (Gates, 1986). These structures, seen as the natural biological order of the world and therefore sanctioned by God (Gates, 1986), represented the races in essentialising ways. According to Tait (1999):

...representations of black bodies remain inscribed with the fantasies and anxieties of our racist histories... biology it has been assumed accounts not only for physical variations like skin colour, but also qualities like intelligence, behaviour and ability... there remains vestiges of its assumptions – for example, a warrior instinct 'in the blood' of Maori men, or sporting or

muscular ability among blacks due to 'natural rhythm'  
(p. 207).

Although racial differences are not truly genuine social categories (Daniels, 2008), they have been uncritically and hegemonically accepted as such (Hokowhitu, 2001), while the power of race is embedded in the way that certain racial signifiers govern the distribution of economic and social goods (Farr, 2009). So culturally, socially, politically and economically, race is a problematic and arbitrary social term derived from pseudo-scientific classificatory systems, established to support the positional superiority of European societies above others, allowing Europeans to understand human difference in self-privileging ways (Bolt, 1971; Farr, 2009; Jaimes, 1995; Johnston, 2010; Spoonley, 1995; Root, 1992). It is this position around race that gives us some clues as to how Harry Burt was able to gain control over Patuheuheu and Ngāti Haka lands using the Land Court system, which was designed to take land from Māori and privilege Pākeha.

The word 'race' materialised within an intellectual context which accepted the Bible as a fundamental and authoritative text on human affairs, and first emerged around 1508 in a poem by William Dunbar called 'The Dance of the Sevin [*sic*] Deidly [*sic*] Sins' (Banton, 1998). Biblical narratives formed the central tenets on which the Judeo-Christian world was based, and so human beings were considered to be the literal monogenetic progeny of Adam and Eve (Banton, 1998; Goldenberg, 2003; Wall, 1995). But even with supposed common ancestry, not all of Eve and Adam's descendants would be considered equal.

Racial difference in the bible was embodied in the story of Cain, the son of Adam, who was punished by God with a distinguishing mark after killing his brother Abel (Genesis, 4: 1-15); and also Ham and his descendants, cursed to be "servant[s] of servants" (Genesis, 9: 25) by Noah, Ham's father (Banton, 1998; Goldenberg, 2003; Haynes, 2002; Melamed,

2003; Shavit, 2001; Whitford, 2009). Medieval Judeo-Christian theology defended and circulated racial classifications through interpretations of the Genesis account, based theoretically on the Abrahamic tradition in the Babylonian Talmud, which asserts that human ancestry descended from Noah's sons Japheth, Shem and Ham (Goldenberg, 2003; Haynes, 2002; Wall, 1995; Whitford, 2009). Goldenberg (2003) affirms that "Noah's sons represented three pigmentations of humanity: Ham, the dark races; Shem, the ruddy races (Akkadian *sāmu* 'red'), and Japhet[h] (Heb. *yaphet*) the white races..." (p. 146). The Hebrew word 'yapheh', similar to the word Yaphet (Japheth), means 'beautiful' leading some scholars to believe that "...the most beautiful pigmentation is white" (Goldenberg, 2003, p. 146). Conversely, the name Ham means dark, black, hot or brown (Goldenberg, 2003), and so it was believed that "Ham was called Ham because he was black..." (Priest, 1843, p. 46).

In line with this view, Japheth's descendants (Caucasians) were considered morally, physically and intellectually superior, while Shem's darker skinned offspring, which included Polynesians and American Indians, were regarded as 'second best' (Wall, 1995). Ham's lineage were believed to be the lowest form of primitive savage, considered barely human or not human at all, and included Africans, Melanesians and Australian Aboriginals (Wall, 1995). The perceived ascendancy of Japhetic descent is supported in Genesis 9:27: "God shall enlarge Japheth, and he shall dwell in the tents of Shem; and Canaan shall be his servant" (Daly, 2004; Delany, 1879; Banton, 1998; Boyes, 2006; Bush, 1984; Bush & Mauss, 1984; Haynes, 2002; Mauss, 1984; Melamed, 2003; Goldenberg, 2003; Shavit, 2001; D. Smith, 2003; D. Smith, 2009; Wall, 1995; Whitford, 2009; Yamauchi, 2004).

Late eighteenth and early nineteenth century racial ideas, some of which were based on great chain of being theories, also warranted colonisation and European domination (Bynum, 1975; Gould, 1981, 1996; Giddens, 2009;

Hokowhitu, 2001, 2003; Jahoda, 1999; Johnston, 1998; Lovejoy, 1964; Miles, 1989, 2003; Schrempp, 1992). The Judeo-Christian God was positioned at the top of the great chain framework, and single celled organisms at the bottom, with all other domains of life situated in between the two poles (Gould, 1981, 1996; Johnston, 1998; Lovejoy, 1964). The realm of humankind was subjected to further gradation in ways which propagated white supremacy, locating 'inferior races' in relation to the ostensible superiority of the white race (Gould, 1981, 1996; Hall, 1997; Johnston, 1998). A poignant example of this is found in a statement from Smellie (1790) referring to black people as lower humans: "Man, in his lowest condition is evidently linked, both in the form of his body and the capacity of his mind, to the large and small orang-outang" (cited in Bynum, 1975, p. 5).

According to 'white views of Indigenous peoples' - from the subtitle of Gidley's (1992) book *Representing others: white views of Indigenous peoples* - blackness was considered a negative and undesirable trait all over the world. Comments made by Pembroke and Kingsley as they travelled the Pacific, confirm the nineteenth century belief in the scourge of blackness. They stated that the people of Rarotonga "...are still charming, but their mouths and noses are altering [and their] ...face[s] are] generally... growing coarser, and one begins to sniff the negro taint from far-distant Papua" (Pembroke & Kingsley, 1872, cited in Tamplin, 1992, p. 81). Pembroke and Kingsley's comparative description of Māori further maintains ideas of racial hierarchicisation:

The Maori, moreover in spite of his Christianity, seems to possess all the vices of both the western and eastern Polynesians without any of the virtues, except their bravery. He is as idle, immoral, and useless as a Tahitian, without his perfect manners, unselfish generosity and general kindliness. As snobbish, untruthful and avaricious as a Tongan, without his constructive and inventive power, he is a savage to the

backbone, liking fighting better than any other occupation, and living a much better life when he is fighting than at any other time (Pembroke & Kingsley, 1872, cited in Tamplin, 1992, p. 81).

Carolus Linnaeus (1707-1778) proposed in 1758 that there were four human classifications; this theory was reworked by Johann Friedrich Blumenbach (1752-1840) to include a fifth human 'type' by 1795 (D. Smith, 2009). Following on from these theorists, Joseph Arthur Comte de Gobineau (1816-1882) posited that there were only three races: Caucasian (white), Negroid (black), and Mongoloid (yellow) (Giddens, 2009; Gould, 1995). Gobineau (1853) claimed that the white race was inherently superior in terms of intelligence, morality and will power, and proposed that yellows and blacks were eternally destined to prostrate themselves at the "feet of the lowest of the whites" (p. 39).

According to Fanon (1986) the whole purpose of racial hierarchies and theories was to "...prove that the Negro [amongst other 'coloured' races] is a stage in the slow evolution of monkey into man" (Fanon, 1986, p. 17), and to construct a sense of white superiority to subdue non-white races (Root, 1992). However some, like Nicholas Hudson (1996) believe that colonial ideology was not based purely on race, but also on the perceived superiority of Western civilisation. Either way, the main factor in colonisation processes is the assumed supremacy of one group over another and the assertion of power and control, and indeed in the Pacific just like in other parts of the world, racial discourse justified colonisation and the taking of Māori/Indigenous lands to civilise and supposedly develop humankind (Boyes, 2006).

The publication of Charles Darwin's (1809-1882) *The Origin of Species* (1859) and *Descent of Man* (1872) changed the way that racialised discourse was rationalised; these influential texts ushered in a new paradigm of scientific racism embodied within theories of Social Darwinism (Wall, 1995). Darwin's ideas emphasised differences between so called

civilised and savage peoples (Hokowhitu, 2009), which were supported by the science of the day, and although his theories accentuated the incongruities between the scientific expositions of human genesis and development, and conventional Christian dogma, rather than dispelling dominant racial discourses, Darwinian ideas actually strengthened them (Wall, 1995).

### **From Racial Theories to Racial Practices**

Racialised discourse is inseparably connected to the development of rationalist, capitalist, patriarchal and colonial ideologies, and has been used to substantiate and fortify hegemonic relationships between dominant and subordinate groups of people throughout time (Ponzanesi, 2001; Wall, 1995, 1997). Accordingly, conceptualisations of race provided the hegemonic power for the control of the Other and subsequently normalised the economic, political, spatial, and cultural inequalities which exist amongst racialised troupes (Wall, 1995, 1997). It was principally through modes of 'cultural imperialism' that the racialised demarcation of the cultural landscape took place, while the utilisation of the stereotype, as a crucial discursive strategy, reinforced conceptual and cultural tyranny over the Other (Wall, 1995, 1997).

Stereotyping arises in contexts where there are blatant power inequalities, and represents people by using "... 'simple, vivid, memorable, easily grasped and widely recognized' characteristics about a person, [which] *reduce* everything about the person to those traits, *exaggerate* and *simplify* them, and *fix* them without change or development to eternity" (Hall, 1997, p. 258). Moreover, referring to Michel Foucault's power/knowledge analysis, Hall (1997) alleges that stereotyping categorises people in relation to a norm which then, according to Brown (1965), necessitates the ethnocentric application of the values of one culture onto another. In this



way, stereotyping creates dichotomous relationships between 'us' and 'them', within which Jacques Derrida (1972) observes, exists a "violent hierarchy" (p. 41) where one group has dominion over the other.

Stereotypical imag(in)ings of Māori have contributed to essentialising discourses which positioned Māori as the racialised Other through elusive representations in the media. It is within this context, Wall (1995, 1997) advises, that the stereotype as a 'key mechanism' transmits and replicates racialised discourse. The reproductive power of the stereotype subjects the Other to ideological domination through objectification and categorisation into taxonomies of racial difference (Bhabha, 1983, 1994; Hall, 1992a, 1992b, 1997; Hokowhitu, 2001, 2003, 2004). Here, the power of the stereotype to maintain racialised discourse comes from its ambiguity and ambivalence, resulting in the transpiration of incongruous representations of the Other, which vacillate between mimicry and menace (Bhabha, 1994).

A poignant example of stereotyping is the way in which the so called 'East' is represented by the 'West'. Edward Said (1978) declares that the West is seen as "rational, peaceful, liberal, logical, [and] capable of holding real values" while the Other or East/Orient, in this case, is "none of these things" (p. 49; Kennedy, 2000). Here, Said (1978) is referring to Orientalism: the construction and production of the East/Orient by the West through representations worked in to art, history and language, thereby hegemonically entrenching the West as the author/ity of the Orient (Bolaffi, Bracalenti, Braham, & Gindro, 2003; Hall, 1992a, 1992b, 1997). Although Said's argument has been criticized, in particular for over essentialising the notions of East and West (Hoeveler & Cass, 2006), and for misusing the very word 'Orientalism' (Prakash, 1995), it is still a useful means with which to reveal the realities of representation of the Other (Hoeveler & Cass, 2006). In this article, Orientalism serves as a theoretical platform to analyse the ways in which the Other was

constructed, simplified and homogenised through representations (Scott, 2008), and indeed as Prakash (1995) notes, Orientalism empowered postcolonial criticisms to analyse Western constructions of Other societies, which serves the nature and purpose of this article.

The West as an idea functions conceptually as well as geographically, and is a historical, rather than a geographical construct, which operates in multiple ways; it provides ideological criteria with which to measure difference, and orders the world in relation to Western standards, making sense of the world by characterising and arranging societies into divergent categories (Hall, 1992a, 1992b, 1997). In its conceptual capacity, the West generates and transmits structures of thought and knowledge in motion, using, as a system of representation, sets of images and statements, which form the basis for perceptions about Other cultures, peoples and societies in contrast to the West (Hall, 1992a, 1992b, 1997). Smith (1999) referring to Hall (1992a) explains that:

...the concept of the West functions in ways which (1) allow 'us' to characterize and *classify* societies into categories, (2) condense complex images of other societies through a system of representation, (3) provide a standard *model of comparison*, and (4) provide *criteria of evaluation* against which other societies can be ranked (p. 42-43).

Stuart Hall (1992a, 1992b, 1997) maintains that the notion of the West was not merely a mirror image of the recognised and traditional Western society, but was fundamental to the very formation of it. He insists that the distinctiveness of the West was in part shaped by Europe's encounters and self-comparison with the Other, and that it was within the context of these interactions that the West was shaped. Overtime and without consideration of their internal differences, Western European nations started to see

themselves as a homogenous, cohesive assemblage that had one significant thing in common: their difference from the rest of the world (Hall, 1992a).

Foucault (1980) and Hall (1997) emphasise that power is productive. Hall (1997) contends that power generates new objects of knowledge, like the Orient; new forms of knowledge, such as Orientalism; and it influences new practices, like colonisation. Accordingly, there emerged a corpus of knowledge and scholarship about the Orient, created by the West for the West, and in relation to the West. Likewise, Said (1978) upholds that there arose a new object of knowledge produced by the West: "...a complex Orient suitable for study in the academy, for display in the museum, for reconstruction in the colonial office, for theoretical illustration in anthropological, biological, linguistic, racial and historical theses about mankind..." (p. 7-8).

The production of knowledge about the Orient can be understood through what Foucault terms discourse: "...a group of statements which provide a language for talking about - a way of representing the knowledge about - a particular topic at a particular historical moment" (Hall, 1992a, p.291), which subsequently 'colours' our reading(s) of the world and informs our behaviour. The Western authorship and manipulation of Oriental knowledge is, according to Hall (1997), further congruent with Foucault's 'power/knowledge' in that "a *discourse* produces, through different practices of *representation* (scholarship, exhibition, literature, painting, etc.), a form of *racialized knowledge of the Other* (Orientalism) deeply implicated in the operations of power (imperialism)" (p. 260).

Nonetheless, discourse does not operate in isolation, as Lidchi's (1997) Foucauldian analysis proclaims. Rather, discourses transpire in discursive formations which "refers to the systematic operation of *several* discourses... constituting a 'body of knowledge', which work together to construct a specific object/topic of analysis in a particular way, and to

limit other ways in which that object/topic may be constituted" (Lidchi, 1997, p. 191). So from this we can see that discourses not only shape the way we see an object/topic, such as the Other, but they also inhibit our minds in such a way that our view of an object/topic remains subject to dominant perceptions. Orientalism, as advocated by Said (1978), is a potent example of the power of discourse, especially in terms of how it vindicated Western authority over the East (Macey, 2000) and continues to fabricate and promulgate inauthentic views of the Eastern-Oriental Other.

Stuart Hall (1997) notes that Said's definition of power relates closely to both Michel Foucault and Antonio Gramsci's ideas around hegemony: the ability or power of the ruling culture to induce the subordinate culture in a way that "appears natural and inevitable" (Hall, 1997, p. 259). Through the power of representation, the Other was positioned as inferior to the West, which occurred in the minds of both the Western observers, and the Other, impacting on the way that the Others came to see themselves (Hall, 1994). Frantz Fanon (1986) sums things up when he states that:

Every colonized people – in other words, every people in whose soul an inferiority complex has been created by the death and burial of its local cultural originality – finds itself face to face with the language of the civilising nation... The colonized is elevated above his jungle status in proportion to his adoption of the mother country's cultural standards. He becomes whiter as he renounces his blackness, his jungle (p. 18).

In the Aotearoa New Zealand context Māori were classified as inferior to Pākeha, within a hierarchical racial framework legitimated by both the Judeo-Christian narratives, and adaptations of Darwin's biological determinism (Wall, 1995, 1997). According to Brendan Hokowhitu (2001):

The construction of race in the European sense was less about cultural differences and more about differences in power. Biological differences only served to justify and confirm the natural power structure in colonialism. Colonisation would have been impossible to justify without discourses of power, race and the right to rule (p. 21).

Congruously, Anne Salmond (1985) argues that historical perceptions of Māori were influenced by evolutionist theories as well as political and economic interests. She states that from:

...the first meeting of Maoris and Europeans, Europeans took the virtue of the imperial enterprise for granted. Aotearoa was on the wild edges of the world, to be 'discovered', named, and tamed by scientific exploration, evangelism, and colonization from the imperial centre (Salmond, 1985, p. 255).

Thus, nineteenth century colonial ideas were inundated with a sense of imperial normalisation (Hokowhitu, 2004), meaning that the colonialists saw themselves as normal and therefore superior, giving them the license to oppress the native Other (Hokowhitu, 2004; Pihama, 2001; Smith, 1999).

Nineteenth century attitudes show that relationships between Māori and Pākeha were a matter of perceived Māori inferiority and Pākeha superiority (Mutu, 2000). The "...racial superiority of Europeans was assumed and the right of colonists to supplant indigenes was justified in the name of progress" (Mulvaney, 1985, cited in Paraha, 1992, p. 8). The settlers believed that their worldview was superior to native perspectives, resulting in the reconstruction of the landscape to suit emerging and evolving colonial-settler identities (Pihama, 1993, 1994, 2001; Smith, 1999). A statement from J. L. Nicholas in 1814 embodies early nineteenth century notions of Māori inferiority:

Though the savage does possess all the passions of Nature, pure and unadulterated, and though he may in many instances feel stronger and more acutely than the man of civilised habit, still is he inferior to him in every other respect: the former is the slave to the impulse of his will, the latter has learned to restrain his desires; the former stands enveloped in the dark clouds of ignorance, the latter goes forth in the bright sunshine of knowledge... (cited in Salmond, 1985, p. 255).

While two famous statements from Newman (1881) and Featherstone (1881), given when Māori were thought to be a 'dying race', also demonstrate later nineteenth century attitudes:

Taking all things into consideration, the disappearance of the race is scarcely subject for much regret. They are dying out in a quick, easy way, and are being supplanted by a superior race (Newman, 1881, cited in Buck, 1924, p. 362).

The Maoris are dying out, and nothing can save them. Our plain duty, as good, compassionate colonists, is to smooth down their dying pillow. The history will have nothing to reproach us with (Featherstone, 1881, cited in Buck, 1924, p. 362).

### **Discourses of the 'Māori Other'**

Western representations of the corporeal Other were used to justify colonial activities: "the dominant discourse presented a tale of pioneering hardship, underscored by the self-predicating "white man's burden" - to conquer the world, civilise it and then to provide enlightened leadership into the twentieth century" (Hokowhitu, 2003, p. 28). So, it was believed that Māori people needed colonisation and industry (Mutu, 2000; Petrie, 1998, 2006; Simon, 1990; Smith, 1999) for their "spiritual and economic salvation" (Petrie, 1998, p. 9). The white man's burden was to cleanse, assimilate and civilise

the Other (Hall, 1997; Hokowhitu, 2003, 2004; McClintock, 1995; Petrie, 1998, 2006; Simon, 1991), but the burden was 'his' alone, for ostensibly, only white men had the strength and resilience, the intelligence and the aptitude to carry out the humanistic task of en-lightening the dark corners of the globe (Hokowhitu, 2004). According to Linda Smith (1997):

As Maori, we have been defined in terms of our difference to our colonisers. ...the way Other has been historically structured has denied us our own ways of defining and relating to differences. In creating a 'new' nation, the colonisers placed great emphasis on how different they were from (and much 'better' than) the native inhabitants. The emphasis [was] placed on the constructed dualisms of savage and civilised, heathen and Christian, immoral and moral (p. 33).

Since Māori, like other colonised peoples, lacked the features of 'proper civilisation' such as Christianity, law, government, farming and European work ethic, the settlers saw Māori as uncivilised and savage (Mutu, 2000; Petrie, 1998, 2006; Weaver, 2009). Brendan Hokowhitu (2001) examines the discourse around the Māori Other and argues that discourse around the Māori Other oscillates around the binary signifiers of savage and civilised. He states that the colonisers:

...demanded historical representations of the Others living in pre-philosophical dream-worlds. Historians, philosophers, biologists and anthropologists subsequently built a universal or global picture of the primitive Other. The breadth of consistent representations gave reliability, the scope of peoples covered gave generalisability, and the divinity of objective science gave validity (Hokowhitu, 2001, p. 24).

In Hokowhitu's analysis, the Māori Other is explored within six themes, Māori as: animalistic, barbaric,

physical/unintelligent, mythical, bewildered, and noble. These themes are common throughout the literature, as a statement from Anne Salmond (1985), regarding populist theories of nineteenth century New Zealand shows:

...‘savages’ and ‘barbarians’ were held to be like children, like ancestors (ancient Britons, Israelites, or Aryans in the Maori case), or like beasts to be tamed, exterminated, documented, or educated, according to the political philosophy of the writer. In all theories they were lesser beings, whose destiny could only be decided by ‘civilised men’ (p. 256).

Here, the six categories of Māori as Other, explained by Hokowhitu (2001, 2003, 2004), is used here to organise the literature as a means to identify how these views provided the rationale used and developed by the colonists, to part Māori from their land.

### **Māori as ‘Animal’ Other**

In the nineteenth century Māori were perceived and represented as being animal-like, violent and savage (Hokowhitu, 2001, 2003, 2004), particularly during New Zealand’s civil war (Belich, 1988). The view that Māori were seen as animal-like is consistent with Smith’s (1999) argument that Māori (as Indigenous people) were seen as being less than fully human:

The European powers had by the nineteenth century already established systems of rule and forms of social relations which governed interaction with the Indigenous peoples being colonized. These relations were gendered, hierarchical and supported by rules, some explicit and others masked or hidden. The principle of ‘humanity’ was one way in which the implicit or hidden rules could be shaped. To consider Indigenous peoples as not fully human, or not human at all,



enabled distance to be maintained and justified various policies of either extermination or domestication (p. 26). These views were also reflected in colonial literature which constructed a sexualised, animalesque, mythic, pre-historic image of the Māori savage (Hokowhitu, 2001, 2003, 2004; McNaughton, 2004; Nicole, 2001; Wall, 1995, 1997). Talia McNaughton (2004) states that:

This characterisation of the savage in New Zealand was depicted in colonial literature, and the children's literature of the time, cementing the image of a wild, beast-like people, far removed from the mother country. This fictional depiction of Māori occurred in order to reinforce the colonisation process (p.18-9).

The various arguments which demonstrate that Māori were perceived as animal-like and lower on the evolutionary ladder not only justified colonialism, but desensitised the settlers to colonial violence (Hokowhitu, 2001). Māori were seen as "half human, half beast" (Giddens, 1993, cited in Hokowhitu, 2001, p. 44), physically agile "... as readily as monkeys" (Wade, 1977, p. 157), primate-like in that "[n]othing can remind one more forcibly of the monkey who has seen the world, than a Maori thus relating the news" (Wakefield, 1845, cited in Best, 1925, p. 120), and that the haka, a traditional 'dance of a noble people' (Karetu, 1993), looked as though it was performed by "mad-monkeys" (Maning, 1956, cited in Hokowhitu, 2001, p. 44). Polack (1840) notes, in relation to haka, that "The tongues of the performers were thrust out of their mouths, with an extension that rivalled the well-known chameleon" (p. 88).

### **Māori as Savage-Barbarian Other**

Decontextualised accounts of Māori and Pākeha interactions substantiated the alleged barbarism and inferiority of Māori (Hokowhitu,

2001). Within the coloniser/colonised binary, the savage Other was "...an allegorical figure that represents what the civilised Self is not" (Hokowhitu, 2003, p. 21), a dark-skinned brute "encumbered by his inability to evolve, ruled by his passions, physical, immoral, and sinful" (Hokowhitu, 2004, p. 265). Fanon (1963) illustrates the coloniser's depiction of the 'native' in this way:

...the settler paints the native as a sort of quintessence of evil... The native is declared insensible to ethics; he represents not only the absence of values, but also the negation of values... he is the enemy of values... in this sense he is the absolute evil... the corrosive element... the deforming element... the depository of maleficent powers... (p.41).

This is congruent with Smith's (1999) statement in relation to Christianity, that Māori were seen as 'fallen souls' in need of salvation from their heathenistic, savage and barbaric ways:

For the missionaries there was a huge and exciting minefield of lost and fallen souls who needed rescuing. The savagery, abhorrence and 'despicability' of the natives challenged their very vocabulary... The more horrendous and evil the people, the stronger the imperative was to carry out God's work (p. 78-9).

A statement from Donald McLean (1861) shows some of the terms used in the nineteenth century to describe the savage Māori Other, while an excerpt from *The Wellington Independent* (1868) embodies the intensity of colonial domination:

The offensive terms "bloody Maori", "black nigger", "treacherous savage" are frequently applied to them;

and, though uniformly kind and hospitable to all strangers, they are themselves often treated with cold indifference, and sometimes with contempt, when they visit the English towns (cited in Mutu, 2000).

We must smite, and spare not... they are determined to fight, and we, in self protection must treat them as a species of savage beasts which must be exterminated to render the colonisation of New Zealand possible (*The Wellington Independent*, July 21, 1868, cited in Rusden, 2000 [1888], p. 108).

Within the Christianising context of nineteenth century Aotearoa New Zealand, the haka was particularly damning as accounts of its ferocity were interpreted through the white gaze. As such, the haka was seen as “demonical”, “distorted”, and “diabolical [in] appearance” (Polack, 1840, p. 86-87), while the facial expressions were “confined to such epithets as ‘grotesque, ‘savage’, and ‘indecent’” (Karetu, 1993, p. 29). Regarding the haka, accounts from Edgar (1786) and Earle (1909) are significant:

The War dance... consists of a variety of violent motions and hideous contortions of the limbs, there is something in them so uncommonly savage and terrible, their eyes appear to be starting from their head, their tongue hanging down to their chin (Edgar, 1786, cited in Hokowhitu, 2001, p. 46).

...they soon work themselves up to a pitch of frenzy; the distortions of their face and body are truly dreadful, and fill the mind with horror (Earle, 1909, cited in Hokowhitu, 2001, p. 46).

### **Māori as Physical-Unintelligent Other**

Following on from the guttural utterances and distorted gyrations of the haka, was the essentialising perception that Māori were physical and therefore unintelligent. Here physicality was linked to the intellect in a way which

discredited Māori intelligence and knowledge; this was used as a mode of oppression to construct Māori as intellectually inferior (Hokowhitu, 2001). Darwinian and other evolutionary theories, circuitously yet significantly contributed to the skewed recordings and consequent Othering discourses of nineteenth century Aotearoa New Zealand (Hokowhitu, 2001; Simon, 1990; Wall, 1995, 1997). Anne Salmond (1985) notes that intellectual evolutionism was/is "...a potent colonial ideology in Aotearoa, ratifying political inequalities and disclaiming Maori knowledge by a complete epistemological prejudgement" (p. 257). She argues that evolutionary ideology became increasingly brutal as the thirst for land intensified. At the time of the Land Wars, the following 1861 statement from the House of Representatives illustrates the discursive violence towards Māori:

The [Māori] Race, it is said, is irredeemably savage. It is moribund. All that is wise, or safe to attempt, is to pacify or amuse them until they die out, - until the inscrutable physical law amongst them shall relieve the country from the incubus of a barbarous population, or... render it practicable to reduce them to the condition for which nature has intended them, of hewers of wood and drawers of water (AJHR 1861 EI: 4-5, cited in Salmond, 1985, p. 257).

Furthermore, a statement from Arthur S. Thomson (1859) asserts that: "The New Zealanders [Māori] hold the head as extremely sacred, but they do not suppose it contains the sole intellectual organ; as joy, fear, and sorrow, spring, according to their notions, from the stomach and bowels" (p. 81). Herein, and in his statement to follow, Thomson, using a Western medical critique, addresses and concretizes Māori intelligence at the level of the body:

It was ascertained by weighing the quantity of millet seeds skulls contained and by measurements with tapes and compasses, that New Zealanders [Māori] heads are smaller than the heads of Englishmen, consequently the New Zealanders are inferior to the

English in mental capacity.... This analysis shows that the New Zealanders have the minds of children (p. 81-4).

### **Māori as Mythical Other**

Implicated in the idea that Māori were unintelligent, is the colonial belief that Māori knowledge was inferior and mythical (Hokowhitu, 2001; Johnston, 1998, 2010). The positioning of Māori knowledge as myth, fable and ancient tradition, locates it in the pre-civilised past (Hokowhitu, 2001; Smith, 1999) as “primitive, pagan and inferior” (Raerino, 1999, p. 27). Constructed as not fully human, Māori were seen as incapable of creating history, and so Māori knowledge and culture was deemed to be prehistoric (Smith, 1999). This is consistent with Hokowhitu’s (2001) assertion that nineteenth century and early twentieth century writers such as Dieffenbach, Best, and Anderson hypocritically labelled Māori as uncultured because of the perception that Māori knowledge was composed of stories and myth, regardless of their own cultures’ employment of narratives to illustrate European worldviews. Consider, for example, the biblical creation story, or King Arthur and the Holy Grail.

### **Māori as Bewildered-Child-Like Other**

Europeans saw Māori behaviour as contradictory and therefore confused, bewildered, and child-like, meaning that Māori were in need of humanistic civilising and Christianising for their own good (Hokowhitu, 2001). It was of course necessary to represent Māori as immature to justify colonisation and to demonstrate that Māori, like their Polynesian cousins were “...only big, grown-up children” (Hall & Osborne, 1901, cited in Tamplin, 1992, p. 70). Consistently, Buick (1914) states that Māori “...is in a state of pupilage, and must be treated as we treat children” (cited in Salmond, 1985, p. 256). The idea of Māori immaturity was supported by

writers who claimed that Māori lived in a fairy tale world (Schwimmer, 1966), and that Māori, like children, lacked substance and intellectual depth (Hokowhitu, 2001).

### **Māori as Romanticised 'Noble' Other**

Linda Smith (1999) claims that the romanticisation of the South Pacific originated with Rousseau, who posited that the Indigenous inhabitants therein were 'noble savages' in that their links to the natural world demonstrated their 'innocence and purity', qualities he believed were lost to the West. Notwithstanding the dominant discourse of the savage Other, some like Rousseau, believed that the Indigenous Pacific possessed moral superiority on account of their natural attributes and connections (Hokowhitu, 2001). The "corruption and decay" of the 'developed' world stood in stark contrast to the seemingly care-free Pacific islands (Smith, 1999, p. 49). Indeed, Māori were seen as 'better blacks' than others for they were supposedly easier to civilise and Europeanise than others (Belich, 2001).

Scattered throughout nineteenth century literature and embedded within the impression of a care-free Pacific, is the construction of the idle savage which represented Māori, Pacific and other Indigenous peoples as lazy due to the absence of European pursuits, industries and past-times (Petrie, 1998, 2006). Colonial beliefs about work and progress contributed to ideas of racial difference, which informed Pākeha perceptions and representations of Māori as lazy (Petrie, 1998, 2006).

### **Race and Land Loss**

Ideological power over the Other, and material exploitation of Aotearoa New Zealand, was vindicated by racial representations and stereotypes (Wall, 1995, 1997) which proposed that Māori were intellectually and culturally inferior,

and therefore undeserving of their land (Mutu, 2000; MacDonald, 1990, cited in Mutu, 2000). This confirms Dalal's (2002) assertion that the construction of the Indigenous Other defended and facilitated the process of colonisation. Paul Spoonley (1996) maintains that the very act of colonisation was a historical process which racialised Māori as individually, collectively and culturally inferior, legitimating colonial acts of cultural suppression, and (un)lawful land acquisition. According to Simon (1990):

...Pakeha dominance was secured during the first fifty years of colonization by a combination of processes largely rationalized through the ideologies of 'race' and sanctioned by British law. These included the large-scale alienation of Maori land, the establishing of the capitalist mode of production and an immigration policy that favoured only British and other West Europeans. This situation, however, was not arrived at without considerable resistance and struggle on the part of the Maori (p. 1).

Pākeha oppressed Māori and claimed, re-named and inscribed their colonial identity onto the landscape to make it theirs. Western constructs were superimposed over Māori ways of knowing to subjugate, colonise and ultimately to alienate Māori from their land - the source of Māori identity, historically, socially, politically and geographically (Mutu, 2000; Pihama, 1993, 1994; Smith, 1999). A statement from MacDonald (1990) reveals the level of ideological Eurocentrism and cultural superiority which underpinned Pākeha views of Māori in colonial history:

For much of New Zealand's colonial and post-colonial history the Pakeha cherished an image of Maori as a genial buffoon, an improvident fellow who deserved to lose his land and who was unlikely to make good use of it if he got it back again. This caricature suited the European New Zealander... (p. 7).

Albert Memmi (1990) states that “[n]othing could better justify the colonizer’s privileged position than his industry, and nothing could better justify the colonized’s destitution than his indolence” (p. 145). This was undoubtedly the case in Aotearoa New Zealand, where the dominant ideas around Māori and land in the nineteenth century, centred on the perception that Māori were intrinsically lazy (Petrie, 1998, 2006). But while Māori certainly were not idle, their communal work ethic - based on pre-industrial work patterns such as hunting, fishing and agriculture, called ‘task orientation’ by Thompson (1967) - was considered uncivilised and immoral by some, like Samuel Marsden for example, who believed that Māori needed to be taught about industry (Petrie, 1998, 2006). Hence, it was believed that Māori merely squatted on their land and wasted its potential. But what the coloniser saw as wasteland, had always been attributed with abundance and sustenance by Indigenous peoples (Friedberg, 2000). Hazel Petrie (1998) states that:

One of the most damaging aspects of the ‘lazy Maori’ stereotype has been its role in the alienation of Maori land. In this connection, it was modified to incorporate not only laziness and improvidence, but procrastination and the obstruction of ‘progress’ (p. 30).

Essentialising characteristics commonly attributed to nomadic peoples by Victorian ethnologists, and also to London’s poor in Henry Mayhew’s (1812-1887) mid nineteenth century study, which polarised the ‘civilised’ and ‘uncivilised’ of London as ‘races’ (Mayhew, [1861]1968), were also allocated to Māori: “a repugnance to regular and continuous labour; a want of providence; a love of gambling and ‘stupefying substances’ such as alcohol; cruelty and warlike tendencies; libidinous behaviour and an absence of chastity among women” (Petrie, 1998, p. 9). Conversely, Harold Miller (1966) notes that “The [Māori] people were industrious, engaged for



nine or ten months of each year in digging and planting and weaving and building..." (p. xii), which counters, somewhat, the allegation of inherent laziness.

The Land Court system would facilitate Pākehā desires to rid the 'lazy' Māori people of their 'wasted' land. A member of parliament commented in 1885:

I believe we could not find a more ingenious method of destroying the whole Maori race than by these Courts. The Natives come from the villages of the interior, and have to hang about for months in our centres of population .... They are brought into contact with the lowest classes of society, and are exposed to temptation and the result is a great number contract diseases and die .... Some little time ago I was taking a ride through the interior and I was perfectly astonished at hearing that a subject of conversation at each hapu I visited was the number of natives dying in consequence of attendance at the Native Land Court at Wanganui (NZPD 1885, volume 52, p. 515, cited in *The Pouakani Report*, 1993, Waitangi Tribunal online).

And an 1870 parliamentary comment from Henry Sewell highlights the purpose behind the Native Lands Act:

The object of the Native Lands Act [1865] was twofold: to bring the great bulk of the lands of the Northern Island which belonged to the natives ... within the reach of colonisation. The other great object was, the detribalisation of the natives - to destroy if it were possible, the principle of communism which ran through the whole of their institutions, upon which the social system was based, and which stood as a barrier in the way of all attempts to amalgamate the Native race into our own social and political system. It was hoped that by the individualisation of titles to land, giving them the same individual ownership which we ourselves possessed, their social status would become assimilated to our own (NZPD, 1870, volume 9, p. 361, cited in *The Pouakani Report*, 1993, Waitangi Tribunal online).

### **Historical Context: Setting the Scene for the Displacement and Relocation of Patuheuheu and Ngāti Haka**

Māori connections to land are pivotal to Māori identity. However, the state interrupted these connections by claiming a pre-emptive right to supposedly un-utilised lands using the Treaty of Waitangi (Cheater & Hopa, 1997; Orange, 1987; Walker, 1990). The state launched an assault on Māori who refused to sell their land and by 1900 the relatively new state had acquired, legally and otherwise, over ninety percent of the country for the state and its settler populace (Cheater & Hopa, 1997; Walker, 1990). According to Angela Ballara (1996):

...[T]he Crown became a vigorous and monopolistic purchaser, buying land in ways that caused division in Maori society. At first open meetings had discussed land purchases, but from the late 1840s land was often bought secretly by government officials or without proper enquiry into its ownership, from Maori individuals or groups who did not represent all the owners. Before colonisation these sellers would not have had the right to gift land, let alone alienate it (p. 4).

Ever since the land wars of 1845-1872, issues around confiscated lands became a site of political discontent (Belich, 1986). Within Pākeha and Māori communities in the 1880s and 1890s, debates around the control, distribution and use of land were paramount (Brooking, 1996). This was demonstrated by the sheer volume of land legislation passed, the large spaces available in newspapers dedicated to land issues, and the arguments over land recorded in parliament (Brooking, 1996). Pākeha greed is blamed by some as the principal motivator for land grabbing manoeuvres (see Awatere, 1984; Walker, 1990), but in other accounts the settlers came to Aotearoa New Zealand, in part, to escape the effects of the urban and industrial revolution; most were

desperate to own land, which in itself increased the chances for upward social mobility (Brooking, 1985, 1996; Erikson, 1972; Fairburn, 1979, 1989), while life in cities was considered by the settlers to be inferior to life in the countryside (Brooking, 1996).

Settlers wanted land for self-improvement, a more organic way of life, and to separate themselves from the clutches of landlords, clergy, and bailiffs (Brooking, 1996; Erikson, 1972; Fairburn, 1989). The settlers envisioned a better society, and believed in reshaping the land to provide for this 'improvement' (Brooking, 1996). The colonial Government employed legislation, based on nineteenth century English law and notions of capitalist patriarchy, to serve Pākeha interests (Kelsey, 1984; Wiri, 2001) and replace Māori law with Pākeha law (Sykes, 2006; Woodward, 2008). The land court was set up to take Māori land, and was a destructive vehicle used for Pākeha land acquisition, which further reconceptualised notions of whenua, introduced the idea of ownership, sought the individualisation of land titles, and disseminated Western ideas of individualism: that is, the commodification of land, and the construction of human beings as autonomous, enterprising economic agents in a so called free market (Graham, 1990, 2003; Kawharu, 1977; Macpherson, 1962, cited in Graham, 2003; Mutu, 2000; Smith, 1999; Walker, 1990; Woodward, 2008).

### **Patuheuheu and Ngāti Haka Land Loss**

As with other Māori in the nineteenth century, Patuheuheu and Ngāti Haka were subjected to the dominant discourses of racism which justified Pākeha getting hold of land using whatever methods necessary. Patuheuheu and Ngāti Haka were imprisoned for two years, and then after their release, their land at Te Houhi, located in affluent modern-day Galatea, was acquired by fraud. Eviction from their homes followed. These events are a sore point for Patuheuheu and

Ngāti Haka and continue to give the people the impetus to move towards restitution. The following gives an overview of these events.

### **Capture and Imprisonment for Patuheuheu and Ngāti Haka**

In the nineteenth century, Patuheuheu and Ngāti Haka principally occupied the Te Houhi, Waiohau and Horomanga areas (Binney, 2009a). In 1870, because of their association with Te Kooti - a nineteenth century Māori leader, prophet and revolutionary whom the government wanted to get rid of - Patuheuheu and Ngāti Haka were deemed by the government to be rebels, and were consequently captured and removed from their homes in the Horomanga and Waiohau valleys (Binney, 2001a, 2002, 2003; Paul, 1995; Pouwhare, 2004). According to Linda Smith (1999) “[s]ome Indigenous peoples (‘not [seen as] human’), were hunted and killed like vermin, others ([seen as] ‘partially human’), were rounded up and put in reserves like creatures to be broken in, branded and put to work” (p. 26). Likewise, Patuheuheu and Ngāti Haka were ‘rounded up’ and relocated to the government reserve of Te Putere on the Bay of Plenty coast (Binney, 2001a, 2002, 2003; Paul, 1995; Pouwhare, 2004) which Binney (2003) describes as being akin to a concentration camp:

I used the term ‘concentration’ camp because people were ‘concentrated’ there. ...George Preece... stated [in September 1870]...that, ‘The prisoners now at Te Putere are badly off for food.’ In 1872, he noted that their crops had failed every year since 1870. He also stated that the land was...very poor...

Everyone agreed it was bad land, situated amongst sand dunes, and unsuitable for cultivation. It was a ‘concentration camp’ for people who were forced to live largely on government handouts of potatoes until they went home in 1872–73 (p. 2-3).

In 1872-73 Patuheuheu and Ngāti Haka were released and returned to their lands at Te Houhi which became their main kainga settlement (Arapere, 2002; Binney, 2001a, 2002, 2003, 2009a; Paul, 1995). The people established their home there, and by some accounts, this was also the site where the wharenuī, Tama-ki-Hikurangi, was built in 1904 (Binney, 1995, 2001; Neich, 1993). Te Houhi School was opened much earlier on 28 November 1893, with Mēhaka Tokopounamu as the first school chairman (Binney, 2002). With their homes, a wharenuī and a school in place, the community of Te Houhi would have seemed stable and secure, especially when compared to the awful conditions endured at Te Putere. However, the 1880s and 1890s would prove to be another time of sheer uncertainty for the people of Patuheuheu and Ngāti Haka. It would be a time when colonial maps demarcating the land would be redrawn yet again. A devastating act of fraud was on the horizon and Patuheuheu and Ngāti Haka's home and way of life was at definite risk once more. Harry Burt, a licensed Native Land Court interpreter and ostensible friend of the prophet Te Kooti orchestrated fraudulent land transactions in the mid-1880s that would ultimately lead to the displacement of Patuheuheu and Ngāti Haka from their land at Te Houhi (Binney, 1997, 2001, 2002; Boast, 2008).

### **Harry Burt the 'Thieving Ghost'**

Judith Binney (2001a) contends that Burt belonged to a "sub-culture": a visible group of early settled Pakeha men who lived with Maori women" (p. 162) and spoke the native language. Harry Burt, or 'Hare Paati' as he was also known, was a trickster who hid behind a cloak of colonial hybridity (Binney, 1997, 2001). Burt "claimed friendship and more – kinship – with Maori... He was a manipulator, who created a mood and experience of confidence and trust. He was a

swindler who outmanoeuvred a prophet” (Binney, 2001a, p. 148).

Binney’s (2001a) idea of colonial hybridity presents an interesting picture of the ways in which some Pākeha slotted into Māori communities and indeed, into Māori life. Although, in Harry Burt’s case this hybridity extended not only to living with the people and inhabiting their space, but also to fraudulently claiming whakapapa and whenua. Bentley (1999) claims that some Pākeha “penetrated Maori communities, adapted to tribal life and influenced their hosts” (p. 9). Harry Burt did all of these things to the utter detriment of Patuheuheu and Ngāti Haka. Binney’s notion of colonial hybridity is congruent with Robert Pouwhare’s (2004) conception of Harry Burt:

Even though he was a Pakeha his common name amongst us was Hare Paati. Many mistook his [*sic*] for Maori. He spoke fluent Maori, he was an interpreter for the Native Land Court. We heard he was a Maori from Ngati Raukawa, but one of his names was Hare Rauparaha and he also said he was from Ngati Toa.

He also took to wife the daughter of the Chief Wi Patene Tarahanga, but the old women knew it was calculated so he could inveigle himself into her heart and into her thighs, (that is the old peoples [*sic*] words) (p. 38).

Harry Burt is described as a ‘thieving ghost’; a fraudster who used the mind altering power of alcohol to cheat the people; and a deceitful liar who seduced two Ngāti Manawa owners with money and spirits to steal Patuheuheu and Ngāti Haka’s land (Pouwhare, 2004). These two men may also have had genealogical links to Patuheuheu and Ngāti Haka (R. Pouwhare, 2009, personal communication), but because of their acts were forced to leave Te Houhi in shame (Pouwhare, 1996).

The block of land on which Te Houhi was located was known in the Native Land Court in 1878 as Waiohau 1

(Arapere, 2002; Binney, 2001a, 2002; Paul, 1995). In January 1886, a committee of twelve Tūhoe men, joined by Te Kooti, met with Burt to negotiate; they asked him to accept 1,000 acres of land to satisfy his needs, but Waiohau 1 was illegally brought before the Court for partition by 'Hare Rauparaha', one of Burt's pseudonyms (Binney, 2001a, 2002, 2007a). Burt abused his position as an interpreter in the Native Land Court and invented a new identity by stealing whakapapa and prestige from the name of the famous Ngāti Toa chief, Te Rauparaha (Binney, 2001a, 2007a). The partition was to establish half of the block, 7,000 acres, as Waiohau 1B in the name of two Ngāti Manawa owners, Pani Te Hura (Peraniko Ahuriri) and Hira Te Mumuhu (Binney 2001a, 2002, 2007a). According to the Reverend Hieke Tupe, these Ngāti Manawa owners had been included in the 1878 title of Waiohau 1 "...through aroha" (Binney, 2001, p. 158; Binney, 2002; Paul, 1995). These men immediately sold the newly established Waiohau 1B to Harry Burt in the Court foyer witnessed by Judge H. T. Clarke (Binney, 2001a, 2002).

Burt's deceitful acts were examined in a judicial inquiry in 1889, recommended by Parliament, in response to a petition from Mēhaka Tokopounamu, a chief of Te Houhi (Binney, 2001a). The petition was put forward by Mēhaka Tokopounamu and 86 others in 1888 to the Native Minister (Binney, 2001a, 2002; Paul, 1995). The petition claimed that Harry Burt had fraudulently acquired ownership of Waiohau 1B by coercing people to sell their shares to him (Binney, 2001a, 2002; Paul, 1995). Burt's actions included taking the signatures of minors, acquiring shares from those who did not own them, purchasing without witnesses, purchasing the shares of deceased persons, getting people drunk and then getting them to sign over their shares, and finally by giving guns and gun powder (Paul, 1995).

On 13 August 1889, a year after Mēhaka Tokopounamu's petition was sent to the Native Affairs Committee, it was finally heard (Paul, 1995). The petition gives

information about the subdivision of the Waiohau block and then claims that:

1. The said land was divided while we were absent. Apportioning the part that the European had bought and the part that we were to receive.
2. There was no person there to conduct matters on our behalf in dealing with the said land, save but three natives who by mere chance appeared at the Court, who without any authority took upon themselves to conduct matters on our behalf while we were ignorant of the same.
3. There were 7000 acres set apart for Mr. Burt, although he only bought 40 persons shares, and the remainder were set apart for the whole tribe.
4. We the people who did not dispose of their shares and who have been living on the land for several years have lost all their land and places of abode and their fences and their cultivations (that is) they have all passed or been set aside for that European (Mēhaka Tokopounamu's petition, 1888, cited in Paul, 1995, p. 15).

The judicial inquiry found that the Native Land Court's partition order was based on proof given by Māori who were manipulated by Burt (Binney, 2001a; Paul, 1995). The inquiry was then referred to Judge Wilson who in 1889 after a lengthy investigation - including claims and counter-claims between Patuheuheu and Ngāti Haka, their leaders Wi Patene and Mēhaka Tokopounamu, Ngāti Manawa's leaders and Harry Burt - found that "Burt behaved fairly toward the natives in the matter of this purchase until they turned against him and placed themselves under the guidance of Te Kooti" (Paul, 1995, p. 29).

### **Eviction from Te Houhi**



Patuheuheu and Ngāti Haka were absolutely impoverished by the onslaught of Court battles that were endured over the land. The people of Te Houhi had been marginalised and victimised by an oppressive Pākeha system which took away from them their land, their home, their identity, and their view of their sacred mountain, Hikurangi. Furthermore, even after the people had exhausted every resource to fund the ongoing legal battles, the Courts recognised that the people of Te Houhi had been severely wronged but were unwilling to help:

I regret the hardship to the defendants. That they have suffered a grievous wrong is, in my opinion, plain. It is doubly hard that this wrong should have resulted from a miscarriage, which certainly ought to have been avoided, in the very Court which was specially charged with the duty of protecting them in such matters. The plaintiff [Margaret Beale] is, of course, blameless in the matter (cited in Binney, 2001a, p. 151, [*Beale v Tihema Te Hau* at 891]).

These Court proceedings eventually led to Te Houhi falling into the hands of one Mr. James Grant (Binney, 2001a). The people had been advised in 1890 by their lawyer Mr. Howorth that maintaining peaceful and continued occupation of their land would be enough to ensure ownership (Binney, 2002). Patuheuheu and Ngāti Haka had "...made up their [mind]s not to be ejected [except] by force" (Pope, 1895, cited in Binney, 2002, p. 327). A letter printed in the *Hot Lakes Chronicle*, 11 November, 1905 states that:

...there is an amazing appeal to the white man's ignorance and cowardice. The settlers are fearful of results, when everybody who knows these Maories [*sic*] are aware that they are as law abiding and peaceable as any that exist.  
What kind of a country is [this] that we live in if such things as these can be done amongst us without an

immediate and effectual protest? Is it “God’s own” or the “Devil’s own”?

Those who travel as far as Galatea just now may see what they would not see anywhere else in the world, a solicitor with sheriff and bailiffs using physical force to gain possession of the land and dwellings of the whole settlement of families whose property has, by the public acknowledgement of the Judge of the Supreme Court, been stolen from them without any fault of theirs (cited in Wouden, 1980, p. 13-15).

In spite of Patuheuheu and Ngāti Haka’s protests, once Grant took official ownership of the land in February 1907, he made it difficult for the people to stay by destroying their cultivations; he eventually evicted the people in the winter of 1907 (Binney, 2001a, 2007a; Boast, 2002; Wylie, 1908, cited in Wouden, 1980). Richard Boast (2002) states that:

The mean-spirited and vindictive James Grant, a local landholder who was apparently driving the entire process, ensured that the eviction process was as complete and demeaning as possible, even preventing them from taking their school house and wharenuī from the land (p. 156).

As well as the school house, Patuheuheu and Ngāti Haka had to leave behind their beloved wharenuī, their church, and the sacred remains of their dead (Binney, 2001a). James Grant used the wharenuī as a hay barn and the school house as quarters for his farm workers (Binney, 2001a 2002). According to some narratives, the government purchased the wharenuī back from Grant for Patuheuheu and Ngāti Haka for £140 in 1908 (Binney, 2001a; Boast, 2002; Paul, 1995). While some local stories insist that Patuheuheu and Ngāti Haka had to pay Grant for the wharenuī themselves. Regardless of the variations in events, the people removed and relocated the wharenuī by wagon piece by piece, refusing all assistance, except for a £40 grant from the government to purchase much

needed food (Binney, 2001a). Again, local oral accounts present a slight deviation, in that some believe that the wharenuī was transported on the Rangitaiki river, perhaps, as well as by wagon. The wharenuī was re-opened at Waiohau on 28 July 1909 (Binney, 2001a; Paul, 1995).

The 1885 Land Transfer Act was particularly damaging to Patuheuhehu and Ngāti Haka regarding their Te Houhi land. After the land had been sold from underneath them, Patuheuhehu and Ngāti Haka pleaded with the government to overturn the new titles to Te Houhi in order for their land to be returned (Binney, 2001a). This request fell on deaf ears. Although the 1889 judicial inquiry by Judge Wilson clearly showed that the people of Patuheuhehu and Ngāti Haka had been wronged, the government refused to overturn the titles based on the 1885 Land Transfer Act which protected Pākehā not Māori. Furthermore, Binney (2001a) notes that unusually in British legal practice, the Land Transfer Act did not have a time allowance after the land 'changed hands' for the owners to dispute the transfer.

### **Conclusion**

It has been shown that race is both an inauthentic measurement of human difference, and a meaningful social category in terms of the perceived differences between the races. It is evident from the literature that racial discourses have informed racial practices with regards to the ideological and hegemonic construction of representations and stereotypes through which the Other was objectified and oppressed, in ways which privileged whiteness. This article has also demonstrated that in the Aotearoa New Zealand context, negative racial representation and stereotyping influenced Pākehā mainstream media and literature, forming Othering discourses about Māori (Jones, 1998; McNaughton, 2004; Petrie, 1998, 2006; Wall, 1995, 1997), meaning that Māori were subjected to structural barriers which inhibited

their development politically, socially and economically in the nineteenth century and beyond.

Ideas about race and difference were used by the colonisers to inform and justify oppressive frameworks and practices which made it easy for Pākeha to acquire land by legal or illegal means, while the Pākeha legal system made it difficult and in many cases impossible for Māori to fight back. Indeed, the application of racial discourse in the Aotearoa New Zealand setting, and the constructions of the Māori Other were used by Pākeha to create an image that Māori were inferior in every way and therefore did not deserve to own land. The way that the colonists were able to create these images is similar to the way that Said (1978) explains Orientalism. Drawing on the notion of Orientalism as a Western way of constructing and authoring of the Orient through language, history, writing, and art (Bolaffi, Bracalenti, Braham, & Gindro, 2003; Hall, 1992a, 1992b, 1997), the term 'Māorientalism' could be used here to denote the way in which the colonists did the same to Māori.

While referring to Said's work, Atareta Poananga (1994) contests that Orientalism ensured the West was perceived as superior by training Indigenous/Māori people to uphold Western worldviews within their own Indigenous worlds, thus maintaining the West's positional superiority. Pākeha representations of Māori operated to the benefit of the coloniser and to the detriment of Māori, given that Māori images and knowledge were destabilised and undermined by Pākeha for the purposes of colonisation (Johnston, 2001). Poananga (1994) further contextualises Orientalism into an Indigenous-Pacific milieu when she states that: "Not only did the West *construct* the non-western according to its own cultural dictates, it also *deconstructed and then reconstructed* the indigenous universe" (p. 2). She insists that Orientalism moved beyond the borders of the East, with the colonising gaze fixed firmly on the islands of the Pacific.

Patuheuheu and Ngāti Haka, like all Māori, were seen as inferior by Pākeha, which is demonstrated by the

underhanded ways in which their land was taken from them by Harry Burt, and by the way they were treated by James Grant who came to own the land where their homes were built. It is clear that the effects of colonisation have been far reaching for Māori which is evident in New Zealand's history. This article has demonstrated that the people of Te Houhi have been marginalised and victimised by an oppressive Pākeha system which took away their land while they continue to live in poverty to this day. This pattern of disadvantage is discernible from the signing of the Treaty of Waitangi in 1840, as Māori have been politically and culturally marginalised and constructed as Other (Bishop & Glynn, 1999; Bishop & Berryman; Hokowhitu, 2001, 2003, 2004; Johnston, 1998, 2010; Smith, 1999; Thomas & Nikora, 1996; Walker, 1990). Significantly, the actions of Harry Burt and the Crown were supported by views about race, embedded within the political and legal systems, which were set up by Pākeha and thus served Pākeha interests, satisfying settler demands for land (Simon, 1990). With regards to the signing of the Treaty of Waitangi and the consequent land loss that followed, Nopera Panakareao stated that "...the shadow of the land will go to him (the Governor) but the substance will remain with us" (cited in Thomas & Nikora, 1996), which relates to how Patuheuheu and Ngāti Haka still connect to the substance of the land they lost at Te Houhi.

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