

MISSIONARIES AND THE TREATY OF WAITANGI

(Revised text of a lecture given to the Wesley Historical Society (N.Z.) at New Plymouth, 5 November 1985, by J.M.R. Owens, Reader in History, Massey University. 'Missionaries' in this paper means Protestant missionaries, Anglican and Wesleyan. The separate and distinctive part played by Bishop Pampallier and the Roman Catholic missionaries is not considered here.)

Nowadays we are continually assured that 'the Treaty of Waitangi was a fraud'. Many church people are among those putting forward this view. Yet we know that missionaries and humanitarians were deeply involved in the whole concept of having a Treaty.

Missionaries had a crucial role in persuading the Maori people to sign the document. Missionaries and church people were often, though not always, involved in defending and publicising the Treaty. So, then, there is a problem: if the Treaty was a fraud, and if the missionaries were, over the years, so deeply involved, can it be that they were party to a plot to deceive the Maori?

The first difficulty investigating this problem is that the phrase 'the Treaty was a fraud' is a vague one. There seem to be three possible meanings.

The first relates to the idea that there is a 'myth of Waitangi'. This 'myth' is the view that the Treaty started everything off on the right foot and that ever since the Pakeha have looked after 'our Maoris' and so race relations in New Zealand are better than anywhere else in the world.

I think most people now realise we cannot hold to this myth. But to say a myth is fraudulent is not to say the Treaty itself was fraudulent. So we must reject this possible meaning—though I am sure this point is one which has encouraged many to accept the 'fraud' slogan.

The second possible meaning relates to the fact that the Treaty was signed in trust and yet was repeatedly broken or ignored. Only a fool would deny that the Treaty has suffered this fate. But because an agreement is broken, it does not follow that the Treaty was originally fraudulent.

If we look at the dictionary meaning of the word 'fraud', it means 'deceitfulness, criminal deception, use of false representations'. There is also another kind of fraud listed: the 'pious fraud' which means 'deception intended to benefit the deceived, and especially to strengthen religious belief.

If this is what the word fraud means, then I would argue that the slogan can only mean that there was deception in the original Treaty. We have to reject the other two possible meanings.

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This charge of deception at the point of origin has serious implications. For if Waitangi was rotten from the beginning, we cannot make it a starting point for good race relations in this country. The whole concept of having a Waitangi Tribunal to investigate breaches of the Treaty would be a waste of time. Furthermore, if the churches were involved in deception at the very starting point of national history, their credibility is weakened; and, of course, the whole concept of New Zealand as a nation is under a cloud.

An awareness of such implications gives one a rather powerful motivation to reject the 'fraud' theory. It makes it difficult to approach the topic with an open mind. However, there is nothing wrong with starting an investigation in the hope that you can prove or disprove something, provided you are prepared to abandon your desired conclusion if the evidence does not fit, and provided you do not hide any relevant evidence. These are the rules of the game and you must watch to see if I keep to them. Of course the same rules apply to those who accept 'the fraud theory'; they should also be prepared to abandon their theory if the evidence does not support it.

Our story begins with a Shakespearian type of prologue in which human conflict is set against the fury of the elements. The scene was on board the ship *Active*, setting sail in November 1814 from Port Jackson to start the Anglican mission to New Zealand led by Rev. Samuel Marsden. On board were a mixed group of 35 people, Maori chiefs and missionaries. The voyage did not begin well. A strong gale kept them in harbour a week. But worse, the missionaries discovered something was upsetting the Maori chiefs, who appeared 'gloomy, sullen and reserved'. In the chief Ruatara 'the agitated workings of his soul were clearly perceptible', wrote Nicholas, who was accompanying the journey, 'his . . . brow, knitting itself into indignant frowns, showed us, too plainly, the violence of some internal passion'.

Marsden talked to him and eventually was told Ruatara was having doubts about the mission. Someone in Sydney had told him the few missionaries now going would shortly introduce a greater number and in time become so powerful as to possess the whole island 'and either destroy the natives, or reduce them to slavery'. He was advised to look at the fate of the aborigines in New South Wales who had been despoiled of their possessions, many of them shot with merciless cruelty, while in a few years they were likely to be extinct.

Marsden assured Ruatara the missionaries were activated neither by ambition nor avarice but were 'activated by the most disinterested and benevolent solicitude for the happiness of the New Zealanders'. He offered to return to Sydney and abandon all idea of a mission. This convinced Ruatara and he begged Marsden to proceed.¹

¹ J.L. Nicholas, *Narrative of a Voyage to New Zealand*, 2 vols., London, 1817, Vol.I, pp. 38-43; Rev. Samuel Marsden, Parramatta, to Rev. J. Pratt, 26 October 1815 in *Historical Records of New Zealand*, ed. Robert McNab, 2 vols., Wellington 1908, Vol.1, pp.405-406.

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The episode is an intriguing one, for the two men on the storm-tossed vessel were rehearsing a dilemma faced by many areas of the world, such as Russia, China or Japan, at different periods of history. When faced with 'barbarians' with a desirable technology, do you exclude them or 'Westernize'? It is intriguing also because Ruatara's doubts, and his decision, foreshadowed the thought processes of the chiefs at Waitangi, and their ultimate decision to accept what was offered. One can speculate how New Zealand history might have developed if the expedition had turned back and Marsden had kept his word not to proceed. How then would early 19th century New Zealand have been if there were no missionaries?

In fact, of course, Ruatara had little choice. He knew that if he refused, other tribes would request the mission and so gain all the secular advantages of trade and material goods, including weapons that were clearly going to be a consequence of having missionaries.

But the episode also dramatises the ambiguity on the missionary side. The Church Missionary Society's original instructions were explicit. 'Ever bear in mind that the only object of the Society in sending you to New Zealand, is, to introduce the knowledge of Christ among the natives; and, in order to do this, the Arts of Civilized life'.² However, there is an element of uncertainty: 'the only object... the knowledge of Christ among the natives' is clear enough; but the assumption that 'the Arts of Civilized Life' are the preliminary to this, gives a decided twist to missionary enterprise. What did they mean by the 'arts of civilized life'? Did this mean they had the philosophy that native peoples should first be 'civilized' (whatever that meant) and then christianized? One gets an inkling of their thinking in the advice to the missionaries that they should 'converse with the natives on the great subject of religion; particularly on the evil of sin, its dreadful consequences, present and future . . . This you can do when employed in planting potatoes, sowing corn, or in any other occupation'.³

Representatives of the Wesleyan and the Church Missionary Society were later to deny before a British Parliamentary Committee that they had ever had a 'civilization first' approach.⁴ But Marsden was certainly a 'civilization first' man, and this was certainly the principle while he conducted the New Zealand mission.⁵ Henry Williams was later to change the emphasis of the mission, but the disagreement was simply over

² Address from the Committee of the 'Society for Missions to Africa and the East', to William Hall and John King, on their sailing to form a settlement at New Zealand, 4 August 1809: *Church Missionary Society Proceeding*, Vol III, 1810-12, p.104.

³ *Ibid.*, p.105.

⁴ *Christianity the Means of Civilization: shown in the evidence given before a committee of the House of Commons on Aborigines* by D. Coates Esq., Rev. John Beecham, and Rev. William Ellis London, 1838.

⁵ A.T. Yarwood, Samuel Marsden, *The Great Survivor*, Wellington, 1977. pp.85, 167.

which came first. All missionaries were agreed that Christianity and civilization were interconnected.

But if missionaries saw themselves as having a 'civilizing role', how did this relate to a colonizing role? The Wesleyan Missionary Society, in its instructions to Samuel Leigh when he was setting out for New Zealand, said 'Our aim is not merely to civilize but to convert'; but he was told he was to take no part in civil affairs though he could give advice beneficial to all parties when desired.⁶

However, when Marsden set out in 1814, there was a more political dimension to the Mission. Governor Macquarie of New South Wales gave him leave to proceed. Macquarie also, with questionable legality appointed Thomas Kendall, one of the missionaries, a Justice of the Peace.⁷ Macquarie's secretary, J.T. Campbell, gave Marsden detailed instructions that he was to explore as much of the coast and interior of New Zealand as he could, reporting on the qualities of the soil, the relative advantages of harbours and supplies of fresh water. 'Should a satisfactory report be made to his Excellency on the foregoing particulars, he will feel it his duty to represent it to His Majesty's government, which may probably be thereby induced to form a permanent establishment on those islands . . .'⁸

Marsden duly carried out this commission while in New Zealand. He reported that though he was persuaded the New Zealanders would be glad to have some Europeans to instruct them in arts and agriculture, 'they would not quietly submit to have any part of their Country wrested from them by any other nation . . .'⁹ But Marsden's attitude can be seen in his reaction to the sight of the British flag flying on shore in New Zealand in 1814: 'I never viewed the British flag with more gratification, and I flattered myself they would never be removed till the natives of that island enjoyed all the happiness of British subjects'.¹⁰

⁶ Quoted in J.M.R. Owens, *Prophets in the Wilderness*, Auckland, 1974. pp. 13-14.

⁷ Government and General Orders, Government House, Svdnev, 12 November, 1814, in *H.R.N.Z.*, Vol.1, pp. 329-330.

⁸ Marsden MSS, 1813-15, Vol.54/71, Hocken Library; see also *The Missionary Register for the year 1815* Vol.III, pp.477-8.

⁹ Marsden to Macquarie, Parramatta 30 May 1815, Marsden MSS, 181 3-1 5, Vol.54/71, Hocken Library; *Historical Records of Australia*, Series I, Vol.III, 1916, pp.576-582.

¹⁰ 'Observations on the Introduction of the Gospel into the South Sea Islands: Being my First Visit to New Zealand in December 1814' by Samuel Marsden, *H.R.N.Z.*, Vol. I, p. 362.

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It can be seen, therefore, that ideas of British annexation were present from the beginning and various writers have emphasised the connection between missionary activity and imperial expansion in the Pacific.¹¹ Later, after British annexation had occurred, supporters of missions often made the claim that it was missionary activity that had made this possible.¹²

But it would be incorrect to argue that missionaries had a consistent and considered policy to foster British annexation of New Zealand. Missionaries were well aware that annexation would bring immigration of all types and their letters are loud in condemnation of 'ungodly Europeans', or 'our gain hunting countrymen' who had already arrived, bringing the vices and diseases of Western Civilization. For example, faced with a proposal by a Colonel Nicholls for a colony in New Zealand in 1824, Marsden commented there would be serious problems to be met, not least the problem of European crime. 'If an effective Government can be established in New Zealand to punish crime, a colony may be established, and benefit the natives, but if an effective Government cannot be established, neither can a colony in my judgement, without much damage'.¹³

Marsden frequently suggested that a chief, such as Hongi perhaps, should become a Maori king, but as he reported, the chiefs were too proud to part with their authority. The missionary ideal would have been a missionary inspired and influenced kingdom on the model of Pacific Islands such as Hawaii or Tonga. As there was no sign of this emerging, missionaries exerted influence on the New South Wales and British administrations to become more involved in New Zealand affairs. There was no British desire to annex New Zealand; but as successive British governments were presented with specific problems, usually as a result of missionary prodding, they took action.

Thus there were a series of legislative acts making it possible for British people who had committed crimes in New Zealand to be tried before British courts. The British navy was persuaded to make periodic visits to New Zealand. Measures were taken to check the trade in dried human heads. James Busby was appointed as British Resident. Behind all this were missionary letters, such as Marsden complaining that in New Zealand there were 'no laws, judges, nor magistrates; so that Satan maintains his

¹¹ For example. K.L.P. Martin, *Missionaries and Annexation in the Pacific*, Oxford, 1924; Aarne A. Koskinen, *Missionary Influence as a Political Factor in the Pacific Islands*, Helsinki, 1953; Niel Gunson, 'Missionary Interest in British Expansion in the South Pacific in the Nineteenth Century', *The Journal of Religious History*, Vol.III, 1965, pp.296-313 and 'The Theology of Imperialism and the Missionary History of the Pacific', *The Journal of Religious History*, Vol.V. 1969, pp.255-265.

¹² For example. Rev. John Warren, *The Christian Mission to the Aborigines of New Zealand....* Auckland, 1863.

¹³ Rev. S. Marsden. Parramatta, Rev. J. Pratt, 4 June 1824, *H.R.N.Z.*, Vol.1, 627-9.

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dominion without molestation'.¹⁴ Missionaries were involved on a number of occasions when attempts were made to involve the British government more actively in New Zealand affairs. In 1831 there were rumours that the French intended to take New Zealand and, under missionary influence, a group of northern chiefs addressed a message to the British king, praying him 'to become our friend and the guardian of these islands, lest the teasing of other tribes should come near us and lest strangers should come and take away our lands'.¹⁵

When Busby arrived, he brought the reply of the British king. In 1835, he persuaded a group of chiefs to sign a Declaration of Independence, (which none the less, requested the English king to be 'the parent of their infant State') and Henry Williams and George Clarke of the C.M.S. were two of the four European witnesses.¹⁶ In 1837 C.M.S. and Wesleyan missionaries organised a petition of 213 British nationals 'praying for more protection from a reluctant British government'.¹⁷

Missionaries, therefore, were an active pressure group, campaigning for more British involvement. At first they did not want full scale British annexation, for that would have cut across their work. But even if they had made no attempt to exert influence on government, their very presence as permanent, reputable settlers worthy of protection created its own momentum and powerfully reinforced the pressure coming from other agencies such as the New South Wales government or the trading and shipping lobbies in Britain.

Peter Adams, in his study of British intervention in New Zealand, *Fatal Necessity*, has argued that British attitudes in the period 1817-1837 were polarized around two concepts. The first was the idea that a government had a right to claim obedience from its subjects in foreign territory in return for granting them protection. In the light of this idea, British subjects in New Zealand, missionaries included, constantly sought British influence to protect them in their activities when these were threatened by the actions of fellow citizens. But there was a second principle, of more recent origin: 'the recognition that indigenous peoples had rights, including those of sovereignty and independence, which European powers should respect. Such recognition implies non intervention'.¹⁸

¹⁴ *The Oxford History of New Zealand*, ed. W.H. Oliver, Oxford. 1981, p.41.

¹⁵ *British Parliamentary Papers, Correspondence with the Secretary of State Relative to New Zealand, 1840*, (238). Vol. XXXIII, p. 7.

¹⁶ *Facsimiles of the Declaration of Independence and the Treaty of Waitangi*, Government Printer, Wellington, 1976.

¹⁷ Peter Adams, *Fatal Necessity, British Invervention in New Zealand, 1830-1847*, Auckland, 1977, p. 82; see also J.S. Polack, *New Zealand: being a Narrative of Travels and Adventures*, 2 vols., London, 1838, Vol. II, pp.431-437.

¹⁸ Adams, pp.71-2.

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These two principles were potentially in conflict: and by the late 1830's it became evident that the missionaries in New Zealand, faced with the fact of increasing European settlement and commercial involvement, were more and more concerned to increase British intervention to establish control over the immigrant population. But in Britain, missionary supporters and humanitarians were much more concerned with the problems and needs of aboriginal people.

Two parallel developments were happening which provoked a vigorous debate on aboriginal rights in Britain. The first development was the humanitarian impulse. Britain had been moving steadily to abolish slavery and the slave trade. In 1835 the British and Foreign Aborigines Protection Society was formed which secured a Select Committee of the House of Commons to investigate the effects of colonisation on aboriginal people. This received evidence from Dandeson Coates, lay secretary of the Church Missionary Society, the Rev. John Beecham, secretary of the Wesleyan Missionary Society, and the Rev. William Ellis of the London Missionary Society.

The Select Committee produced 800 pages of damning evidence of the disastrous effects of colonization around the world. Coates, in evidence, protested against the concept of colonization of New Zealand because such colonization had generally led to disastrous consequences.¹⁹

The other development in this period was the formation of the New Zealand Association, later to be the New Zealand Company, which began a vigorous propaganda war in favour of the colonization of New Zealand. The missionary societies entered the fray and the next few years saw a succession of pamphlets and counter pamphlets arguing the pros and cons of the Company's proposals.

Dandeson Coates' initial stance was outright opposition. The colonization of uncivilized countries by Europeans, he stated, was written with 'lamentations, and mourning, and woe . . . Everywhere the Aboriginal Tribes have been despoiled of their lands, demoralized, thinned in their numbers, and, in some instances, exterminated by colonization'.

He had plenty of examples to prove his point, and he argued that the misdeeds of Europeans in New Zealand were best handled 'on the principle of maintaining inviolable the national independence and rights of the Natives, and exclusive altogether of colonization'.²⁰

John Beecham of the Wesleyan Society, a man of plain good sense, was less extreme than Coates, but he also made telling points. Alan Ward has commented that the views

¹⁹ A.J. Harrop, *England and New Zealand*, London, 1926, p.24.

²⁰ Dandeson Coates, *The Principles, Objects and Plan of the New Zealand Association examined in a letter to the Right Hon. Lord Glenelg, Secretary of State for the Colonies*, London, 1837.

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of Coates and Beecham 'were strikingly prophetic and deserve more consideration from scholars than they have received'.²¹ But Wakefield was a slippery man to pin down. He was skilled at taking the arguments of the missionaries and turning them to his own ends. He waxed eloquent about the good work of missionaries and the evil deeds of runaway convicts and slaves and put forward the plan of the Association as a 'deliberate and methodical scheme for leading a savage people to embrace the religion, language, laws and social habits of an advanced country' so that they were able to avoid the extermination so feared by Coates.²²

It seems that this argument coupled with the build up of political pressure, ultimately swayed the British Government. Peter Adams has argued that when the British Government decided in December 1837 to drop its opposition to the New Zealand Association, 'probably the most important factor' was a despatch from James Busby, dated June 1837. This painted an alarming picture of depopulation and demoralisation among the Maori, and reported that large numbers of unorganised settlers were acquiring land. Depopulation was occurring even among Maoris who lived under missionary care.²³

The sad irony of the missionary situation in New Zealand was that the more success they had in influencing the Maori people, the more they were making New Zealand an attractive place for settlement. The fear of the 'cannibal savage' which had discouraged settlement earlier, no longer operated. But European settlement set in train all manner of changes which destroyed missionary influence. Success therefore brought failure. Marsden had a glimpse of this when he wrote once: 'the Gospel with all its attendant blessings cannot be introduced into any heathen nation without the . . . crimes and diseases which obtain in civil society', and concluded that 'New-Zealand must suffer from her intercourse with Europeans before the people become a civilized nation'.²⁴

Coates attempted to argue his way out of the problem, suggesting that Busby's report was exaggerated.²⁵ But Coates' proposals for non inter-vention had little support from missionaries in the field. By the later 1830s, they knew only too well how much informal settlement and land purchase had already taken place or was in prospect. It was no longer a question of whether or not to colonize: the problem was how to control the colonization already taking place.²⁶

²¹ Alan Ward, *A Show of Justice, Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, 1973, p. 29.

²² E.G. Wakefield and J. Ward, *The British Colonisation of New Zealand* London, 1837.

²³ Adams, pp. 106-7.

²⁴ Yarwood, p.222.

²⁵ Adams, pp. 111-125.

²⁶ Adams, p.82-5; see also Hugh Carleton, *The Life of Henry Williams, Archdeacon of Waimate*, 2 vols.. Auckland, 1874, Vol.1, pp.231-237.

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The missionaries in New Zealand expressed a range of views but all opposed the plans of the New Zealand Company.²⁷ Many of their suggested solutions saw the British government controlling colonization, perhaps directing it towards the South Island where there were few Maoris, but certainly enforcing law and aiming at ultimate Maori self-government. Most proposals saw missionaries in an advisory or intermediary role, although they saw danger in this. One set of proposals, unsigned, but with the stamp of Henry Williams about it was rather more paternalistic. It asserted that Maoris were too divided and inexperienced to rule themselves.

... It has ever appeared to us that the only prospect of saving the Natives is by the British Government taking them entirely under their protection, treating them as minors or as 'Wards in Chancery', upon no other plan can we see their case now, nor have we any hope upon any other plan, of seeing even a small portion of their independence secured and their territorial rights maintained.²⁸

Richard Davis, reporting on a two-day meeting of the C.M.S. missionaries on the issue of colonization, summed up their dilemma. A colony founded on the principles of the New Zealand Association would not fail of 'ruining and ultimately destroying the native tribes. This must also be the case should the country remain in its present state, as it is, to all intents and purposes, colonized already. So that in either case I see nothing but destruction for the Natives, unless the British government should think proper to take up the subject in the way which has been suggested to them, viz. that of becoming to them a fostering power ... I feel anxious for the welfare of my people and adopted country. May the Lord deliver them from the hands of the oppressor'.²⁹

Wesleyan views did not differ greatly from those of their C.M.S. colleagues. William Woon, that voluminous correspondent, at first showed sympathy to the New Zealand Company, then wrote in January 1839 that 'we are all convinced that should New Zealand be thrown open to enterprising speculation, that the floods of destruction will descend upon the poor natives, and there will be an end to Missionary operations. Were a company of pious individuals to settle in the land who would protect the aborigines and remunerate them fairly for their labour, subject to the Government of the Missionary Societies, with the Missionaries to counsel and advise, then great good might be accomplished'.³⁰

²⁷ Adams, 84.

²⁸ Remarks of the sub-committee on Mr Coates' letter to Lord Glenelg July 23 1838; CM.S. Micro Ms.Reel 42 CN/O 43. Minutes of missionaries' meetings with reports, accounts etc. 1834-9.

²⁹ John Noble Coleman, *A Memoir of the Rev. Richard Davis, for thirty-nine years a missionary in New Zealand*, London, 1865, p.235-236.

³⁰ William Woon, Mangungu 24 January, 1839—Rev. Elijah Hoole; MMS Archives, New Zealand II, 1835-40.

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Nathaniel Turner, the head of the Wesleyan mission, replying to a series of questions from the Rev. John Beecham, feared that a Colony under the auspices of the New Zealand Association would soon reduce the Maoris to slavery and lead in the end to their utter extinction.

This fear that the Maori people were destined for extinction occurs frequently in Wesleyan missionary letters of late 1839 to 1840, and there are frequent harrowing descriptions of disease and destitution in the Hokianga. Turner, in his report attempted to disguise the fact of Maori depopulation in the Hokianga but said it was occurring in the Bay of Islands where the C.M.S. worked. Although historians do not mention it, there is no doubt that disease and depopulation in these two areas were to powerfully influence Maori and European thinking when the Waitangi treaty came to be discussed. Turner gave a qualified approval to the idea of a British Resident, with more power than Busby, working with the native chiefs and the missionaries.³¹



Rev. Nathaniel Turner

Back in Britain events moved forward at the majestic pace of that gentlemanly era. Hobson was appointed; his instructions were gradually drawn up. The men of the New Zealand Company, fearful that their plans might be thwarted by Government action, rushed out their representatives and the first emigrants in order to obtain as much land as they could before Hobson reached New Zealand. What role did the missionary societies have in all this? Historians have taken very different views.

³¹ Nathaniel Turner, Hokianga, 20 November, 1838 to the Rev. John Beecham; MMS Archives, New Zealand II, 1835-40; see also Adams, p.85.

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A.H. McLintock who entitled his chapter dealing with this phase, 'Idealism Rampant' saw the C.M.S. 'in a position to dominate the situation'.³² As McLintock saw it, all the leaders of the Colonial Office were evangelicals and supporters of the C.M.S., and Dandeson Coates had free run of all their papers on New Zealand and so could influence policy. McLintock qualified this by saying that Stephen, the Permanent Under-secretary of the Colonial Office, was not 'the willing tool of the Missionary Societies': still, he stressed that Hobson's official instructions named the missionaries as 'powerful auxiliaries' and made no reference to the New Zealand Company. He concluded: 'Thus the Treaty of Waitangi, as negotiated by Hobson and his missionary auxiliaries, must properly be regarded as an expression of unbalanced idealism, the epitome of principle divorced from practice'.³³

Ian Wards had another view. His chapter was entitled 'The Myth of Moral Suasion'. He denied that 'the Colonial Office was honestly initiating an experiment in practical idealism'. There were idealistic elements in the official instructions to Hobson: but they were there because it was necessary to attract the co-operation of the Church and Wesleyan missionary societies in order to gain the peaceful cession of the sovereignty of New Zealand.³⁴ Whereas McLintock, in part at least, saw the Colonial office as manipulated by the missionary societies, Wards, it appears, saw it the other way round.



Captain Hobson

Peter Adams, in *Fatal Necessity*, thought that the missionaries in New Zealand, despite all their activity, 'appear to have had no direct impact on Colonial Office thinking commensurate with their long and intimate involvement with and knowledge

³² A.H. McLintock, *Crown Colony Government in New Zealand*, Wellington, 1958, p.363.

³³ *Ibid*, pp.52-3.

³⁴ Ian Wards, *The Shadow of the Land*, Wellington, 1968, Chapter I.

of the New Zealand situation'. He reached this conclusion after a careful study of the Colonial office files and attributed this relative lack of influence to two reasons: that their opinions reached the civil servants not directly but only through the filter of their own society; and that James Stephen, of the Colonial Office, was very sceptical of missionaries. Stephen wrote once of missionaries: 'One and all they seem to me too solicitous to produce a striking effect; and to have too large an infusion of dramatic nature for persons of their high calling'.³⁵

Another reason for limited missionary influence was that the private purchase of land by C.M.S. missionaries had become a political issue in the late 1830s. It has been estimated that they had purchased about 166,000 acres before 1840.³⁶ It is possible to make individual justification of missionary land purchases,³⁷ and I will suggest that ownership of land did not influence their judgement. But politically it was a great mistake for, as a result, C.M.S. missionaries were no longer respected back in Britain as disinterested arbiters. This weakened their ability to defend Maori interests. The Wesleyans on the other hand forbade their missionaries to own land. Two did purchase land, William White, who was expelled from the mission for other reasons; and Nathaniel Turner, who purchased some land from a European and disposed of it quickly when he realised it was a sensitive issue. But, in general, the Wesleyans were not open to criticism on the land question.

Once it became apparent that the colonization of New Zealand was already under way and that the British Government had decided it must intervene, the missionary societies realised that their only possible option was to assist in the process of annexation and attempt to influence official policy. Letters were sent to the missionaries in New Zealand. John Beecham wrote the Chairman of the New Zealand district in support of Hobson's mission:

In the first place, the plan is strictly and properly philanthropic in its character, having for its primary object, not the advancement of colonization or commerce, but the protection of the rights and interests of the natives against the aggressions of British subjects; and secondly, it is a public measure, the management of which is not to be entrusted to any private colonization, or commercial company whatever; but as it has been originated by the Government, it is also to be worked under immediate Government direction and control.

He reported that Hobson would set up a Court of Justice to protect the Aborigines 'against the outrages of our countrymen, and as a further means of preserving their property from the rapacity of the white man, an inquiry is to be instituted respecting

³⁵ Adams, p.82.

³⁶ Adams, p. 34.

³⁷ See for example. *The Early Journals of Henry Williams*, (ed.) Lawrence M. Rogers, Chrischurch, 1961, pp.484-486.

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the purchase of land . . . ' He commended the plan, given the current situation, 'and, if it be honestly worked, it may contribute much to the defence of the rights and interests of the New Zealanders against the unrighteous aggressions of our fellow countrymen'. He had promised missionary support to the Colonial Secretary.

Beecham dealt with a number of other matters, repeating that at this stage no Wesleyan missionary must purchase land for, if they did, 'all the influence which we have acquired by our successful opposition to the New Zealand Association would at once be sacrificed; the example of the Wesleyan Missionaries would be pleaded by others, as is now that of the Church Missionaries, for depriving the natives of their land; and we should thus inconsistently accelerate that colonization process which to the present time we have strenuously resisted'. He also gave advice on what to do if they found themselves in conflict with settlers.³⁸

Henry Williams of the C.M.S. received a letter from the Bishop of Australia stating: ' . . . that your influence should be exercised among the chiefs attached to you, to induce them to make the desired surrender of sovereignty to Her Majesty'. Bishop Broughton went on to warn Williams that, as all land claims were to be investigated, he must expect his own land titles to come under scrutiny. He expressed the view that missionaries were entitled to provide for their children by purchasing land; but he prayed that everything to do with such purchases was in order.³⁹

Thus when Hobson arrived in the Bay of Islands at the end of January 1840, he could expect full missionary co-operation in his task and in fact they were involved at every stage of the treaty making process.

While Hobson was drawing up the Treaty, he was visited by a number of missionaries: Henry Williams, Charles Baker, George Clarke, William Colenso, and Richard Taylor of the C.M.S., together with the Wesleyan James Buller who passed through at the time. Claudia Orange, who has made the most recent scholarly study of the treaty, gives much of the credit for the working of the treaty to James Busby, but says that any or all of these missionaries 'may have influenced the Treaty's wording'.⁴⁰

The translation of the Treaty was the work of Henry Williams and his son Edward. At the Waitangi discussions he was the translator and spoke in favour of the Treaty. Behind the scenes a number of missionaries were exhorting their followers to sign the Treaty. At the next most important meeting in the Hokianga, John Hobbs of the Wesleyans translated at the big meeting held at the mission house and encouraged his followers to sign. At Kaitiāia the meeting was held at the C.M.S. mission station, and

³⁸ John Beecham, 2 September, 1839—Chairman, New Zealand District; MMS Archives, New Zealand II, 1835-40.

³⁹ Carleton, Vol.11, pp.7-8.

⁴⁰ Claudia Orange, "The Treaty of Waitangi" Ph.D. thesis, Auckland University, 1984, pp.137-141.

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the proceedings were aided by the missionaries William Puckey and Richard Taylor. When Hobson fell ill, Henry Williams was one of those who went on tour around New Zealand to collect signatures. But other C.M.S. missionaries such as Hamlin, Maunsell, Ashwell, Hadfield, Clarke, Stack and William Williams were involved, together with James Wallis and John Whiteley of the Wesleyans. A number of others, such as Captain Nias, Major Bunbury, W.C. Symonds, a merchant George Thomas Clayton, and J.W. Fedarb, who was trading master of a schooner, were also involved.



Rev. John Hobbs

How crucial was the missionary role in persuading Maoris to sign the Treaty? This can be considered in general or in relation to particular missionaries. Many biographers of individual missionaries make large claims. For example, Hugh Carleton wrote of Henry Williams: ' . . . had he but said a word in disapproval, the Treaty would never have been signed. Nay, more,—had he but refrained from active interference . . . the result would have been the same' ⁴¹

John Noble Coleman, the biographer of Richard Davis, who tells us that Davis arrived from the interior with a party of chiefs, who advocated the Treaty and invited the Governor, goes on to claim the 'Treaty would never have been signed but for the intervention of Mr Davis, and his influence with several of the Native Chiefs'.⁴² This is a reference to the speech at Waitangi, in favour of accepting the Governor, which was made by Tamati Waka Nene, followed by his brother, Patuone. This is said to have swayed the assembly in favour of signing.

⁴¹ Carleton, II, pp.8-9.

⁴² Coleman, pp.247-248 and Appendix III. See also Richard Davis, *Letters and Journals 1824-63*, 4-6 February, 1840, Hocken Library which says: "the party which I took with me quite turned the scale in favour of the Governor ..."



Patuone



Tamati Waka Nene

Among Methodists there is a tradition that their own missionaries had influenced Tamati Waka Nene: first that Hobbs had spent much time talking with him before he came over from Hokianga or, secondly, that Waka Nene spoke up because Samuel Ironside, who had accompanied the party, urged him at the time to do so. There are many problems in the idea that either Hobbs or Ironside master-minded the crucial speech which turned the tide.

The first is that there appears to be no contemporary confirmation that either Hobbs or Ironside played this role: the sources quoted in substantiation date from many years after the event. It is true that not everything is written down at the time; traditions can be authentic. But one notices, for example, that Samuel Ironside's reminiscences, written in 1890, are at odds on many points of detail about the Waitangi discussions, when compared with journal and other sources written at the time. He was relying on a memory which, as with all of us, had become inaccurate over the years.⁴³

⁴³ Rev. S. Ironside, "Missionary Reminiscences in New Zealand", *New Zealand Methodist*, 29 November, 1890-9 January, 1892. See also Samuel Ironside, Ms. Journal 1839-July 1843, National Library of Australia, Canberra.

Colenso's account, the work of a good linguist and based on verbatim notes taken at the time, which were checked by Busby, has a number of other chiefs speaking in favour of Hobson's mission before Tamati Waka Nene; in particular, a powerful speech from Hone Heke. Furthermore, on the second day, when chiefs were hesitant to come forward and be the first to sign. Busby hit on the expedient of calling them by name and called first Hone Heke 'known ... to be the most favourable towards the Treaty'.⁴⁴

Lindsay Buick, in his book on the Treaty of Waitangi, points out that it is very difficult to reconcile the different versions of Hone Heke's role.⁴⁵ There are also differences as to whether the intervention of Heke or of Tamati Waka Nene and Patuone was decisive.⁴⁶ Part of the problems of reporting what was said at the time was that most of the Europeans writing about what was said were relying on translations and, further, they could not always hear what was said. It is also true that many of the accounts which most decisively play up Nene and Patuone and put Heke in opposition, were written after the War in the North, in which the Hokianga chiefs were on the British side and Hone Heke, that industrious flagpole chopper, was in opposition. Such versions of the Treaty signing cannot be given the weight which attaches to Colenso's account.

There is no doubt that if John Hobbs did have conversations with Nene and Patuone prior to Waitangi, they would have taken his recommendations seriously. The two Maori leaders are unlikely, however, to have given much weight to either Ironside or Warren at this point in their missionary careers. Warren had only arrived in the country a few weeks before, and Ironside, although he had made rapid progress in the Maori language, had been in New Zealand less than a year.

Chiefs such as Patuone and Nene were also very aware of status. The Rev. Joseph Orton, who visited the Hokianga at this time, found they were very inquisitive about his comparative standing and were 'amusingly sarcastic' in remarks on the junior

⁴⁴ W. Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, Wellington, 1890, p.32.

⁴⁵ T. Lindsay Buick, *The Treaty of Waitangi, or How New Zealand Became a British Colony*, Wellington, 1914, p. 116 ft; Lawrence M. Rogers, *Te Wiremu, A Biography of Henry Williams*, Christchurch, pp. 166-167. See also, Ormond Wilson, *From Hongi Hika to Hone Heke*, Dunedin, 1985. pp.211-223, and Carleton, II, 13-14 for descriptions of Hone Heke.

⁴⁶ Some contemporary accounts stress the importance of Nene's speech. See especially John Bright, *Handbook for Emigrants and others*. . . London, 1841; S.M.D. Martin, *New Zealand in a Series of letters*, London, 1845. The Rev. Richard Taylor, however, recorded in his journal of 5 February that "John Heke our chief of Mawe was the first to speak in favour of the Government and he was followed by the Hokianga chief... " and this accords with Colenso's version. It may be that those observers who understood Maori appreciated the significance of Heke's speech and the others did not.

brethren, 'calling them but children'.⁴⁷ We should also remember that Hobson had a personal friendship with Patuone whom he had met on his previous visit, and this helps explain why Patuone was so co-operative.

It seems we have exaggerated claims about the roles of some individual missionaries. Two certainly had a crucial role: Henry Williams at Waitangi, and John Hobbs in the Hokianga. Other missionaries, we can say, reinforced the influence of these two men. Virtually all missionaries spoke strongly in favour of the Treaty and this all had its effect over the months. For many chiefs, missionary approval of the Treaty was the deciding factor. Again one can quote Hone Heke, as Colenso reported it:

Remain, remain; sit, sit here; you with the missionaries, all as one. But we Natives are children—yes, mere children. Yes; it is not for us but for you our fathers—you missionaries—it is for you to say, to decide, what it shall be. It is for you to choose. For we are only Natives. Who and what are we? Children—yes, children solely. We do not know: do you then choose for us. You, our fathers—you missionaries. Sit, I say, Governor, Sit! a father, a Governor for us.⁴⁸

But if one studies the speeches reported at various meetings, it is clear that the chiefs were in no sense puppets of the missionaries. They drew on their own experience, which often included visits to New South Wales or other parts of the world. They discussed the matter with other Europeans and among themselves. The range of ideas they expressed in many eloquent and often perceptive speeches, went far beyond missionary teaching. The missionaries had the power to have dissuaded enough chiefs to have wrecked the negotiations but, in the end, the decision to sign was the chiefs' alone.

As far as the first group of signatures is concerned, it must be remembered that no decision had been reached when everyone dispersed after the first meeting at Waitangi. The consensus that they would sign was only reached after overnight discussions. So it is pointless to investigate whether any particular missionary master minded speeches by Patuone, Tamati Waka Neneor Hone Heke at the first meeting with Hobson, for this was not the occasion when the issue was decided. Despite traditions to the contrary, there was no dramatic turning point. Perhaps there was a crucial speech in the overnight discussions and missionaries were indeed consulted at this point. But it is impossible to measure how much influence they may have exerted.

Missionaries were only too aware of the responsibility thrust upon them. Many had doubts about their role. The Maori could not be expected to foresee all the consequences of signing the Treaty. If they signed because they trusted the missionaries, what would happen if things went wrong?

⁴⁷ Rev. J. Orion, *Journal No. 2, 1840-41, 19 February, 1840; Mitchell Library.*

⁴⁸ Colenso, p.26.

Colenso raised this problem on the second day at Waitangi when he thought that many of the Maori were signing in ignorance. His intervention came at the decisive moment when chiefs were coming forward to sign the Treaty. Hobson and probably Henry Williams must have regarded this unexpected hitch with great annoyance, and Colenso was somewhat peremptorily brushed aside.⁴⁹ The Rev. Joseph Orton in this period described Colenso as 'a pious young man with many oddities, and a rather sombre cast of mind',⁵⁰ which perhaps explains why he was not taken too seriously. But time was to prove he was only too right.

The missionaries *were* criticised for their role in the Treaty discussions and Henry Williams in particular has, in recent times, come in for criticism on two counts: first, that in translating the Treaty he re-worded it in the Maori version to make it more acceptable, and second that in explaining the Treaty, he failed to give a fair and adequate explanation of the likely consequences of transferring sovereignty to the British Queen.

These problems have led writers in recent times to speculate on Henry Williams' possible motivation. Ruth Ross, a scrupulous scholar who made the first serious study of these problems of translation, raised the question whether the choice of words was 'political rather than meaningful'. She concluded: 'Well, your guess is as good as mine'.⁵¹

Three years later, Douglas Sinclair charged that Henry Williams and Busby were moved to support the Treaty because of the land they had acquired, or might hope to acquire under a friendly governor. The question of self interest should never have intruded, no matter how remotely, into the decisions of advisers. With Busby and Williams, self-interest was certainly a factor.⁵²

Tony Simpson, in a widely read book, *Te Riri Pakeha, The White Man's Anger*, echoed this interpretation, writing: 'We should not be too harsh on Williams. He was a man of his time. He possessed large tracts of land and naturally he would have been anxious to have his somewhat unstable occupancy converted into a proper title under English law. . . No Doubt he viewed the Treaty as not only of benefit to the native inhabitants but of advantage to himself'.⁵³

These writers offered no evidence to prove their delineation of private motivation. Whereas Ruth Ross had refused to base historical interpretation on guesswork, this

⁴⁹ Colenso, p.32-3.

⁵⁰ Orton, *Journal*, 2 March, 1840.

⁵¹ Mrs Ruth Ross, "The Treaty on the Ground" in *The Treaty of Waitangi, Its Origins and Significance*, Victoria University Extension Publication No. 7, Wellington, 1972, p.20.

⁵² Douglas Sinclair, "Land, Maori View and European Response" in *Te Ao Hurihuri, The World Moves on. Aspects of Maoritanga*, (ed.) M. King, Wellington, 1975, pp.130-131.

⁵³ Tony Simpson, *Te Riri Pakeha, The White Man's Anger*, Martinborough, 1979, p.51.

theory was advanced, it would appear, on no other basis than the fact that both Busby and Williams had acquired substantial areas of land.

But once the charge had been made, it was readily accepted by those who had accepted the broader theory, that the Treaty was a fraud. Even the National Council of Churches in 1983 put out a pamphlet in which R.J. Walker stated that Henry Williams, because of his land holdings, 'had a vested interest in having the Treaty signed'.⁵⁴

There are a number of reasons for doubting whether his ownership of land played any significant part in Henry Williams' decision to support annexation. First, he had a number of other reasons for supporting the Treaty.⁵⁵ The missionaries in New Zealand had reached the conclusion that annexation was the best option for the Maori people, given that colonization had already started. His superiors exhorted him to support Hobson. He was a patriotic ex-naval officer who would have felt a fellow feeling for Hobson. Another point worth considering is that when missionaries had earlier opposed annexation, it was charged that the C.M.S. did so *because* they had acquired large areas of land. Now they supported annexation, it is *again* argued that they did so because of their land holdings. Why should the same alleged motivation produce such contradictory results? And if land was so decisive a motivating factor, why should those who had land, and those like the Wesleyans who did not, both end up supporting Hobson?

A third reason is that Henry Williams could not have expected British annexation to improve the situation in relation to his land claims. He had been warned that thorough investigation of land claims would be the consequence of annexation. He was confident his purchases were in order. But he must have known that the processes of British law have many uncertainties. In the absence of British annexation, there was no challenge to his land. At the Waitangi negotiations, Maoris made critical speeches about the land that he had purchased; but there was no physical threat to Williams' land at that time, nor did any Maori challenge his right to the land during the War in the North. If Williams was only thinking of his land, the sensible thing would have been to oppose Hobson.

Finally, although Williams could not foresee the future, what did happen after the Treaty does nothing to support the view that annexation was to his selfish advantage. Governor Grey seems to have embarked on a deliberate policy to break Williams—first by a false accusation of treasonable correspondence with Maori forces in opposition to the Government, then by his devious dispatch charging that 'a large expenditure of British blood and money' would be needed to put missionary land

⁵⁴ R.J. Walker, "The Treaty of Waitangi" in *What Happened at Waitangi 1983*, Church and Society Commission, National Council of Churches of New Zealand, Auckland, 1983.

⁵⁵ See for example Williams' letter to Bishop Selwyn of 12 July, 1847 in Carleton, II, pp.155-7.

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owners in possession of their purchases. Williams, refusing to bow to the storm was dismissed by the C.M.S.

It is not suggested that these considerations prove anything. In the end we come back to Ruth Ross's conclusion, 'Well, your guess is as good as mine'. But perhaps these reflections are enough to cast doubt on the confident ascription of selfish motives. In the end, who can tell; and does it really matter?

There remains the more important question: did Henry Williams mislead the Maori? Much of the argument over whether the Treaty was a fraud relates to his role.

First, it is sometimes charged that there was something sinister in the choice of Henry Williams as translator. But as Ruth Ross pointed out in 1972, those who were more capable linguists—William Williams, Maunsell and Puckey among the Anglicans, and John Hobbs among the Wesleyans, were not available in the area.⁵⁶

Much has been built on Ruth Ross's statement that the language of the Treaty was not indigenous Maori, but 'Protestant Missionary Maori'. Many popular writings seem to imply that this was a deliberate conspiracy to ensure that the Maori people did not really understand what was meant. Much has been made of the choice of the word 'Kawanatanga' instead of 'mana' in the translation. We are assured that 'mana' is the best word to translate 'sovereignty' but that if the chiefs had been asked to cede their mana to the Queen, they would not have done so. This, it is argued, was deliberate trickery.

Two of the recent reports of the Waitangi tribunal shed much light on this problem. After hearing many submissions, they point out that by 1840 the Maori people had more than a fleeting acquaintance with the missionaries: many could recite large passages of scripture and the Book of Common Prayer by rote. They would not have misunderstood 'missionary Maori'.

'Some commentators' they state, 'consider that "mana" best describes "sovereignty" and imply that a careful avoidance of "mana" in the Treaty is obvious and was misleading, the missionaries knowing that no Maori could cede his mana. We think the missionaries' choice of words was fair and apt ... Kawanatanga was an appropriate choice of words.' They also tell us that in Maori the two terms 'mana' and 'rangatiratanga' are inseparable.

'As used in the Treaty we think "te tino rangatiratanga" (literally "the highest chieftanship") meant full authority status and prestige with regard to their possessions and interests.'⁵⁷

⁵⁶ R.M. Ross, "Te Tiriti O Waitangi, Texts and Translations" *The New Zealand Journal of History*, Vol. 6, No. 2, October, 1972, p. 138.

⁵⁷ *Findings of the Waitangi Tribunal on the Manukau Claim*, Government Printer, Wellington, 1985, pp. 90-91. See also Report *Findings and Recommendations of* Wesley Historical Society (NZ) Publication #49 Journal 1986

Two points need to be made about Henry Williams' work of translation. The first is that it was a rushed job. He was given a text to translate at 4 p.m. to have ready for presentation the next day. If there are inadequacies, haste, rather than greed over his land claims, could be much of the explanation. But one has also to remember the problems of communication between two cultures: the British had difficulty understanding concepts like mana and rangatiratanga, the Maori had difficulty understanding words like sovereignty and pre-emption. The possibility of genuine misunderstanding was very real.

A recent writer, Professor D.F. McKenzie, who has followed up Ruth Ross's detailed study of the text of Waitangi, argues, with much supporting evidence, that the Maori people had not, by 1840, reached that degree of literacy which we have tended to assume. For example, he points out that, although more than 500 chiefs signed the Treaty of Waitangi, on his count no more than 72 actually wrote their name, as opposed to putting their moko, or mark. He argues also that because of missionary policy, very few Maori spoke English at this time.⁵⁸

It was very much an encounter between a people with a literate culture and a people with an oral culture. For this reason, the modern emphasis on the written text of the Treaty—whether it was honestly or accurately translated—is somewhat beside the point. What mattered at the time was the verbal explanation given: and of course as Claudia Orange has demonstrated in her doctoral thesis on the Treaty, very different explanations were given in different parts of the country.

The Waitangi tribunal has well summed up the differences in the two languages, which complicated the task of translating concepts from one cultural context to another:

A remarkable feature of the English language is its facility to use words of precision so as to define arguments and delineate the differences that may exist. The Maori language is generally metaphorical and idiomatic. It is remarkable for the tendency to use words capable of more than one meaning in order to establish the areas of common ground, and for its use of words to avoid an emphasis on differences in order to achieve a degree of consensus or at least a continuing dialogue and debate.⁵⁹

Nonetheless we are still left with the problem that Williams' translation is in many respects a re-writing of the English text. It is much more tactful, much more aware of what mattered to the Maori chiefs. It is much less patronising.

the Waitangi Tribunal on an application by Aila Taylor for and on behalf of Te Atiawa Tribe in relation to Fishing Grounds in the Waitara District, March, 1983.

⁵⁸ D.F. McKenzie, "The Sociology of a Text: Orality, Literacy and Print in Early New Zealand", *The Library*, Sixth Series, Vol. VI, No. 4, December, 1984, pp.333-365.

⁵⁹ Report Findings and Recommendations . . . , op. cit., p.59.

Furthermore, one cannot get away from the fact that the Treaty was presented primarily as a means of controlling the European settlers. No clear indication was given of the duties, and the penalties of being a British citizen, or the workings of the British legal system. Was this deliberate mis-representation? Once again, we are in the realm of motivation, and who can tell? Williams was making a case, and anyone doing this stresses the good points. At what stage does this become deception? It is a matter of opinion. Looking back, we are tempted to say he should have indicated clearly what would happen. But how could he have known all that would occur? Perhaps we are expecting too much of him? Is it, for example, reasonable to expect that he should have anticipated and explained all the problems which the coming of a British type legal system would create for the Maori? I think not.

In the end, if I try to understand why Williams took the line he took, I think that like all of us, he was influenced by his life experience rather than by what he could guess of the future. Hitherto he had been the main source of European authority in his area, overshadowing Busby. He may perhaps have foreseen some loss of his influence but hardly the drastic decline that occurred. It would be natural for him to assume that missionaries, who had hitherto, in relation to things European, acted as fatherly protectors of the Maori, would be able to continue this role. Hence, the fine print of the Treaty or the details he gave in his explanation mattered less than his intention to continue to protect their interests as he saw them.

Twentieth century observers will be tempted to denounce this as Victorian paternalism of the worst order. One should note, however, that missionaries were not alone in having these ideas and this approach. For example, the government was soon to appoint a 'Protector' of aborigines— someone who would fulfil the fatherly role of protecting those who could not help themselves. The terminology of the period is full of such terms: trustees, guardians etc. The whole approach of the Treaty of Waitangi is that the European does the thinking for the Maori. It was Europeans who wrestled with the wording, trying to decide what was in the best interests of the Maori and what would attract their support.

The Maori chiefs made many eloquent speeches: and many of them showed a shrewd appreciation of the main issues at stake. But nobody seems to have pressed them to suggest amendments, deletions or additions to the Treaty, nor does it appear to have occurred to them that they might do this. It was not therefore a Treaty that was negotiated. It was a unilateral declaration on behalf of Great Britain which the Maori had the option of accepting or rejecting. We can say, in fact, that the written Treaty had more relevance for the humanitarian missionary lobby back in Britain. In New Zealand, what mattered was the verbal exchange (now largely lost) between the chiefs and British representatives. It was here, rather than in the written text that the Maori contribution was made. It was left for later generations to examine the finer points of the different texts of the Treaty and of course this was done in the light of what happened later—not in terms of the situation existing in 1840.

Taking account of what developed after 1840, Douglas Sinclair has produced an interesting list of what he thinks the Maori chiefs should have bargained for:

. . . The Maoris were novices, babes in the woods, when it came to matching the diplomatic genius of the English. All they had to do was sit on the fence and bargain with Hobson for such things that would have been the natural objective of less naive people: first, an equal share of legislative control; second, an equal share in the profits accruing from the sale of lands to be spent in furthering Maori education, health and technology; third, an equal say in the policy of land purchases on behalf of the new colony; fourth, the creation of European spheres of interest and Maori spheres under a common legislature subject to the Governor and retention of Maori language, land and customs in the tribal regions; fifth the progression to bi-culturalism in European and Maori regions with the final objective of ultimate amalgamation in one bi-cultural society.⁶⁰

It would of course be anachronistic to expect that anyone could have foreseen future needs as clearly as this; and when I look at all the blunders and haste of the Treaty I cannot accept the phrase 'diplomatic genius of the English'; nor can I accept the idea that the Maori chiefs were 'naive'. But the exercise of thinking what the Treaty of Waitangi might have been is a useful one.

It demonstrates that those who drew up the Treaty were not thinking of how to forge a constitution which would put the Maori people in a position where they could politically defend their interests. Instead, the assumption all through the exercise, was that the British government, aided by those 'powerful auxiliaries' the missionaries, was intervening to protect the interests of the Maori. It was a secular continuation of the missionary role.

As I suggested earlier, present day critics will see all this as 'paternalism'. This may lead us to the conclusion that, while Waitangi may not have been a selfish fraud, it may still have had that meaning of fraud which I mentioned at the beginning, 'the pious fraud'—tricking the Maoris but for their own good. So we are back with 'Pakeha guilt' once again. But it always seems to me that 'Pakeha guilt' is itself one of the legacies of paternalism: it assumes that the Pakeha was always all-wise, always in control of situations, always able to foresee the future, and thus totally responsible for whatever developed. It is a false assumption and one that belittles the actual Maori role in New Zealand development.

Let us instead put the Treaty making in context. Two points are apparent. First, it was all done in a great hurry: Hobson knew he could not be Governor and could not take control of the Europeans flooding into the country until the Maori people accepted British sovereignty. Furthermore he had no trained diplomat or lawyer to advise him. And he was a sick man, who was soon to take to his bed leaving others to negotiate for

⁶⁰ Douglas Sinclair, p. 134.

him. Those who acted for him had no experience in Treaty making. So human error and blunder are all too apparent: but our own age, accustomed to bureaucratic thoroughness interprets the blunders as fraud.

Second, by modern standards it was all very 'paternalistic', which is a bad word in our own age. But if you think back to the problems of 1840, that label, with all its modern connotations, may seem an anachronism. The problem of uncontrolled colonisation was urgent and there seemed to be no Maori way of dealing with the problem, and many thought the Maori were 'a dying race', even in 1840. At that stage they had little experience of the European approach to law, constitutional matters or politics. Until they developed that expertise, somebody had to act for them, in matters of this kind. Paternalism is not a suitable attitude for people who have learnt to live together as equals: but it had some merit in the first stages of culture contact.

Later history was to show the limitations of paternalism. The Treaty was frequently broken or ignored. In the end a people has to rely on its own efforts to defend essential interests. It was all very well for missionaries or administrators to think they could defend the Maori cause. The flood of European settlement went on. The situation changed. Power passed from the Governor to the settlers. In the first few years the missionaries frequently spoke up in defence of Maori interests and the Treaty. But as time passed their influence waned. In any case, when war came, there was a parting of the ways. Missionaries all too often responded to the powerful tug of their own culture. In the later century the statement was often made by the Maori—and it is often repeated today—that the missionary pointed to heaven, and while the Maori were looking upwards, the settlers took their land.⁶¹

It was a tragic story. Clearly it was tragic for the Maori; but it was tragic also for the missionaries who saw the fears they had expressed about colonization in the 1830s being borne out. In many areas of New Zealand it was indeed a time of 'lamentations, and mourning and woe'. Missionaries also saw the destruction of much of their influence. It is easy to see how those who reflect upon this period say the Treaty was a fraud. It did not stop the suffering and loss. But as I said at the beginning, the fact that the Treaty did not prevent the problems that developed as colonization got underway, does not prove it was fraudulent in origin.

In any case, as the 19th century advanced, the Treaty ceased to be based on paternalism. From about the 1860s onwards, the particularly after the Conference at Kohimarama, the Treaty became a document which the Maori people themselves used.⁶² All of this breathed new life into the Treaty as successive Maori leaders took

⁶¹ Bronwyn Elsmore, *Like Them That Dream, The Maori and the Old Testament*, Tauranga, 1985, p.32.

⁶² Claudia Orange, "The Covenant of Kohimarama, a ratification of the Treaty of Waitangi". *New Zealand Journal of History*, Vol.14.No. 1, April, 1980, pp.61-82.

their stand on what the Treaty promised. The fact that they consistently used the Treaty is surely a good demonstration that it had substance.

I have suggested in this lecture that the reason why the Treaty could become such a powerful force in Maori thinking was because those who drew up and presented it were honestly seeking the best way forward from a bad situation: that of uncontrolled colonization. I have rejected the idea of fraud or self interest, which I think has a very flimsy basis, resting on a series of assertions which have been discredited. Henry Williams, expelled from the Church Missionary Society, only to be restored with apologies, is now under a cloud: but I have every hope he will be restored a second time—again, one hopes, with apologies from those who have maligned him.

This lecture has concentrated on the missionary role in the Treaty: the part they played, their intentions, their possible motivation; and has argued for their honesty and good intent. They were, of course, not the only participants. It would be possible, for example, to cast doubt on the motives, intentions or understanding of many of the Maori chiefs who signed. Equally, one could criticize the Colonial Office as all too often pompous, patronising—and of course, paternalistic; all too often ignorant in its approach. It could well be argued that Colonial Office concern for Maori welfare was a way of justifying an intervention which was open to criticism but which for a variety of reasons and pressures they felt they had to undertake. But having given their word, they intended to keep it. On this point, advocates of the "fraud" theory often misunderstand or deliberately misrepresent Colonial Office thinking, quoting, for example, some of the wilder statements of New Zealand Company officials as if they were the British government and ignoring a number of actual statements by the British government that they were bound by the Treaty. There is not time to go into all these matters in detail.

One can however repeat what was said earlier in relation to the missionaries for it is also true for the other participants. Motivation or the private desires of men or groups are one thing, the Treaty and the ideas it contains are another issue. Any or all of the participants could have been greedy or selfish; or they could have been noble and high minded or anything between these two extremes. None of this, assuming we can prove it, has any bearing on whether the ideas in the Treaty have merit; or diminishes the fact that the Treaty committed those who were involved.

The value of the Treaty seems to rest on two points. The first is that the text of the Treaty can still be used in the solution of practical problems. But the Treaty was much more than a text—it was also a symbol. It was a recognition that the Maori people were the tangata whenua, the people of the land, the original people, and that agreement had to be reached by sitting down together and talking. That symbol is a very potent one and if we truly accept it we still have a long way to go in working out its implications.