

## Perspectives on the Treaty of Waitangi

On the 6th of February 1840, arguably the most important document in New Zealand's history was first signed. The Treaty of Waitangi outlined the new policies for land sales between the Maori and European, the extent of the Queen's sovereignty over New Zealand and the rights of Maori under the rule of the British Crown. After initially being unwilling to act on the issue of land sales in New Zealand, the British government eventually decided that some sort of agreement was necessary particularly with the Tory, a New Zealand Company ship full of potential settlers, on its way to New Zealand, and also a potential French threat as they looked to expand their empire in the Pacific. Lieutenant-Governor William Hobson was instructed to gain the 'free and intelligent consent of the natives' to claim sovereignty over New Zealand...

One of the people most integral to the Treaty's conception was the missionary and printer William Colenso. He was very much of the opinion that the Treaty was confusing to the Maori... Colenso was concerned about whether the Maori would understand what they were actually signing; 1 showing that he felt it was a confusing document. The fact that he questions his superior in the form of Governor William Hobson shows how strongly he felt about this. One of the most important points from this source is that Colenso writes that he has 'spoken to some chiefs concerning it, who had no idea whatever as to the purport of the treaty.' This shows that Colenso's objection came directly from speaking to the chiefs about the treaty, and he felt that 'they ought to know somewhat of it to constitute its legality'. As a missionary, Colenso had dealt with the Maori for many years, and had a generally good understanding of how they understood and learned. According to Colenso's account, Hobson effectively removes any blame for confusion from himself, saying that 'it is no fault of mine' if the Maori don't understand, and that he had done everything he could to get the Maori to understand, including having Henry Williams read it to them in their own language. Through his writing Colenso presents Hobson in a relatively negative view, as he portrays Hobson as being unwilling to compromise and with little compassion to the situation of the Maori... 1a

Joseph Somes, the governor of the New Zealand Company (who were beginning to bring settlers to New Zealand as the Treaty was signed... believed that the Treaty was confusing to the Maori, because it was designed for 'amusing and pacifying savages', perhaps suggesting it veiled the true intent of the British in order to keep the Maori people happy and feeling satisfied with their end of the deal. He doubts the legality of the treaty, similarly to Colenso, because the Treaty was made between 'naked savages' (also implying the Maori did not understand what they were signing because the word savages indicates uneducated and uncivilized people, perhaps showing that they did not understand the higher level legal principles contained in the treaty) and 'a consul invested with no plenipotentiary powers', meaning that the treaty should never be treated by lawyers as a legal document because it wasn't made as a legal contract and it was never ratified by the Crown... 2, 2a, 6, 8

Our Nation's Story, a New Zealand textbook from the 1940's, also presents an interesting perspective on the Treaty of Waitangi... Our Nation's Story believes that the Treaty was completely understood by the Maori and completely fair. The use of the statement 'all he asked' implies that the Europeans wanted very little in exchange for priceless commodities such as protection and the rights of British subjects, and that the Maori people got a very good deal out of the Treaty. The statement 'the Maoris remained the real owners of the country' could be considered untrue, as one of the principles of the treaty was that the Maori would cede sovereignty to Britain, so the Queen would effectively own the country. The Maori owned the land, but the British Crown owned the rights and ruling power over the land. There is no mention whatsoever of the Treaty being possibly confusing in any way to the Maori, indicating that this source felt that the intentions of the Treaty were perfectly clear to both sides and the Maori knew exactly what they were agreeing to. The source also writes that it was 'the fairest Treaty ever made between Europeans and a native race', clearly showing that the source felt that there were no problems with the treaty and that it was entirely fair to the Maori, in fact it mentions that 'in many ways it was fairer to brown man than to white', implying that the Maori gained more out of the treaty than the Europeans, therefore showing the very positive perspective of the treaty this source holds... 3, 3a, 5, 3a

As a modern historian, Ranginui Walker has the benefit of more sources and analysis available, allowing him to present a slightly more balanced perspective of the Treaty. However, it is clear that he believes the Treaty of Waitangi was majorly confusing and misleading particularly in terms of the translation. In Ka Whawhai Tonu Matou (p90-97), he particularly examines two major translation issues: 'kawanatanga' and 'tino rangitiratanga'. Considering the views of another modern historian, Ruth Ross, Walker blames a large proportion of the confusion over sovereignty (as explained in the introduction) on the translation of sovereignty into 'kawanatanga', which the Maori understood to mean something closer to 'governance' - that they would remain in control with protection from Britain. Both Ross and Walker appear to agree that 'mana' would have been a better translation, as that was what was used in the 1835 Declaration of Independence. Walker shows his perspective and suspicion when he agrees with Ruth Ross, who writes 'was the Williams translation political rather than meaningful?' This shows that he considers it possible 4, 4a, 4a

that the real meaning of sovereignty was purposefully concealed so the Maori would not realise what they were giving up in terms of rights to power. This is confirmed by his statement that "Williams was not a disinterested party. He and other missionaries had a vested interest in ensuring that the Treaty was signed because of their substantial landholdings." The use of the words 'vested interest' implies that Walker believes it is possible that the missionaries purposefully made the Treaty confusing so that they could protect their land ownership, and manipulate it so that they could get what they wanted... Walker's use of language such as 'undermining' and 'arrogance' shows his negative perspective towards the British and the Treaty itself demonstrating that he clearly thinks the treaty and in particular the mistranslations, whether intentional or not contributed greatly to the confusion...

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Each of these people holds their own perspective for very different reasons. William Colenso was a missionary who had worked very closely with Maori since 1834, when he travelled here as a member of the Church Missionary Society. This supports his view that the treaty was confusing because he knew about how the Maori understood European customs and languages from working with them for six years, particularly from educating them about the Bible. He knew that it was likely that they did not understand the principles and higher level ideas in the treaty, as he believed "the Natives are quite children in their ideas". Another reason he was of the view that it was confusing was because he had spoken to chiefs after the initial reading of the treaty that 'had no idea whatever as to the purport of the treaty'. Because Colenso was present at the signing his viewpoint is very useful because it shows exactly what his point of view was at the time. The book that the extract is from was written by Colenso himself, which detracts slightly from the authenticity because it is probable that Colenso would have written about the events in a way that portrays himself in a more positive light, and Hobson possibly in a more negative way than what actually happened...

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Ranginui Walker also presents an interesting view of the Treaty. His book Ka Whawhai Tonu Matou was written in 1990, one hundred and fifty years after the signing of the Treaty. Walker clearly takes the view that the treaty was confusing and that the Maori did not understand what they were signing so his perspective is very much negative. Writing one hundred and fifty years later gives Walker the benefit of years of conflict and perspectives to discuss. Walker's perspective that the mistranslations in the treaty created great confusion for the Maori is probably also influenced by his heritage and ancestry. Walker is a member of the Te Whakatohea tribe (located around the Bay of Plenty on the East Coast of the North Island). Because of this heritage and upbringing Walker is more likely to believe that the treaty was unfair and confusing because it directly affected him and his family, in terms of lost land and possessions. In this way, Walker's writing is biased because it is inclined towards the argument that the Treaty was unfair, but it is still very useful to historians because it shows how the Treaty continues to affect people well into the 20th and 21st centuries, with people like Ranginui Walker continuing to campaign for the grievances their tribes suffered at the hands of the Crown in the 1800s.

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Each of the perspectives carries its own merit, but the one that I support most is that of Ranginui Walker in Ka Whawhai Tonu Matou. Although it is biased because of Walker's heritage and position as member of the Te Whakatohea tribe who are claiming with the Waitangi Tribunal, I believe that it is the most carefully considered. I believe that it is most convincing because it includes the most evidence to support the argument. Most of the sources are in agreement that the treaty was confusing in one way or another; even FitzRoy as governor conceded that the Maori did not understand the treaty in the exact same way as the Europeans. Because most of the sources agree that the Treaty was confusing and the Maori had limited understanding of it, I find Ranginui Walker's argument most convincing because he goes most in depth into analysing why it was confusing and what could have been done to rectify this. The fact that Walker was writing one hundred and fifty years after the signing in a way reduces the source's reliability because it is not a primary source so evidence could have changed over time. For these reasons, I believe that Ranginui Walker's perspective is the most convincing and the one I believe most in, and that the Treaty of Waitangi was indeed confusing to the Maori and that they had very little understanding of what consequences signing the Treaty would have for them, short term and into New Zealand's future as a British colony.

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