

## Encircled Lands: Te Urewera, 1820–1921

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Over the past few decades New Zealand has undergone a unique process of historical reappraisal. A nation that at one time liked to boast of having the finest 'race relations' in the world is today learning to come to terms with a rather different reality. For many Maori the process of colonisation left behind an enduring trail of dispossession, marginalisation, poverty and bitterness. Growing anger at this legacy first reached wider public consciousness in the 1970s, as radical new protest movements emerged to challenge smug Pakeha (European) assumptions about just how wonderful everything had been.

The creation in 1975 of a standing commission of inquiry known as the Waitangi Tribunal, and its empowerment ten years later to investigate historical Maori grievances dating back to the signing of the Treaty of Waitangi in 1840, were key cogs in the government's attempt to defuse this growing unrest. But at the same time that Maori were marching on the streets, occupying disputed land sites and making their presence felt, a new generation of historians was emerging to add its weight to revisionist accounts of the nation's past. New Zealand history, at one time considered boring or best forgotten, became a central battlefield in the quest to demolish once-cherished national myths.

Judith Binney, who died in February 2011, was one of a number of young historians based at the University of Auckland in the 1960s who, under the formidable guidance of Keith Sinclair, began to consider New Zealand history a field ripe for re-evaluation.<sup>(1)</sup> Binney cut her teeth on the favoured historical argument of the day, debating the causes of Maori 'conversion' to Christianity. Her first book, a biography of missionary Thomas Kendall, was published in 1968. It was, however, a hiking trip through the remote and mountainous Urewera district several years later that inspired the series of works for which Binney would rise to public prominence as among the finest New Zealand historians of her era.

Binney's unplanned quartet commenced with *Mihaia*, a 1979 study of the Tuhoe prophet Rua Kenana, who

established a vibrant community deep in the Urewera heartland at Maungapohatu late in the nineteenth century. It was followed by *Nga Morehu* (1986), an examination of the lives of several Tuhoe women that brought Binney's superb skills as an oral historian to the fore, and then by *Redemption Songs* (1995), a biography of East Coast prophet and military commander Te Kooti Arikirangi Te Turuki, whose decision to seek shelter in the Urewera district from marauding government troops in the late 1860s was to have dire and dreadful consequences for the Tuhoe people of that place.<sup>(2)</sup>

*Redemption Songs* won New Zealand book of the year in 1996 and was widely regarded as Binney's magnum opus. Or at least it was until the publication in 2009 of *Encircled Lands*, Binney's massive and massively impressive study of the first century or so of Urewera contact with Europeans (another book of the year winner, in 2010, and the final part of the quartet). Widely praised for its meticulously detailed content, Binney's work in fact began life as just one of dozens of unpublished research reports prepared for the Waitangi Tribunal's Urewera district inquiry. Few stones are left unturned in the process of critically examining historical injustices in the Tribunal process.

Appropriately enough, Binney's book opens with an electrifying account of some of the final Tribunal hearings in that inquiry, held in 2005. In a vivid reminder of Tuhoe sufferings in the 1860s, Tribunal members travelled to Ruatoki by horse and cart, crossing an 1866 land confiscation line surrounded by a ring of fire as near-naked men mounted a vociferous challenge, before a shotgun was symbolically fired at a flag (ironically a very similar looking Australian one, since the local store had run out of New Zealand flags!). Later, at the Maungapohatu hearing where Binney appeared as an expert witness, the mood was more calm and peaceful, but tinged with a feeling of great pain.

Quite why events that occurred more than a century earlier should arouse such strong feelings soon becomes evident as *Encircled Lands* carefully plots the remarkable story of this district and its people. Tuhoe and other tribes for whom the Urewera was their home did not sign the Treaty of Waitangi in 1840. The British Crown nevertheless assumed sovereignty over the entire country, regardless of which groups of Maori had or had not supposedly consented (at least in its English translation) to transfer sovereignty to Queen Victoria.

Yet nearly all of the Maori chiefs from other districts who assented to the Treaty affixed their marks or signatures to a Maori-language version of the document which differed in key ways from its English translation. The 'kawanatanga' (governorship) they ceded to the Crown in its first article stood alongside and was arguably qualified by the rights of 'te tino rangatiratanga' (full chiefly authority) reserved to Maori in the second article. Crown claims to unfettered sovereignty therefore existed in tension with Maori expectations that, at the very least, their rights to govern the internal affairs of their own tribes would be respected. Precisely whose version of the Treaty would prevail became a matter to be worked out on the ground over subsequent decades as the Crown sought to extend its effective control over the whole of the new colony.

At first, however, things changed little in many areas. As James Belich suggests, 'a few London map-makers coloured the North Island British red', but that did not alter the reality of ongoing Maori management of their affairs over much of the interior.<sup>(3)</sup> Just how nominal British sovereignty was in practice over much of the country may be seen from the fact that the first government visitor to the Urewera district arrived 22 years after the Treaty was signed, in 1862. Limited contacts with Europeans partly helped to build up a myth of a wild mountain people. As Binney clearly demonstrates, in the 1860s further layers would be added to that image. In the eyes of the colonisers, Tuhoe were not just primitive hill people but rebellious, defiant, and untamed. The Urewera became 'New Zealand's "Heart of Darkness"' (p. 30), as well as a final bastion of Maori autonomy and independence. That independence would later be crushed even as the government promised to uphold and protect it.

Repeated and brutal invasions of the Urewera district from the mid-1860s to early 1870s had their origins partly in such stereotypes, reinforced by the fact that the area became a place of sanctuary for Maori from elsewhere who were seeking to elude government forces and their tribal allies. Kereopa Te Rau – deemed guilty of the murder of Opotiki missionary Carl Völkner in 1865 – was one such man on the run. But it was

the presence of Te Kooti and his followers that provided the main pretext for what Binney describes as ‘war of cruel devastation, a war intended to kill by starvation’ (p. 152). After spending several years detained without trial on the remote Chatham Islands while the government prepared to confiscate their lands on the East Coast, Te Kooti and his followers escaped and made their way back to the mainland in 1868. Seeking to travel peaceably inland, Te Kooti instead found himself hounded by government forces. He retaliated in November of that year, killing more than 50 people at the settlement of Matawhero, near Gisborne, before being granted shelter in the Urewera district the following year.

The people of Te Urewera would pay a terrible price for sheltering Te Kooti, as scorched-earth tactics directed against them saw their homes and crops destroyed by colonial forces. Worn out by wave after wave of bloody invasion, in 1871 Tuhoe chiefs reached a crucial agreement with the government, promising to capture and hand over Te Kooti in return for a Crown undertaking to respect their internal autonomy. In this way, although Te Kooti managed to escape, the ‘rohe potae’ or encircling boundary of the Urewera came into existence.

Tuhoe quickly moved to establish a new governing body for their district in the aftermath of the war known as Te Whitu Tekau (the Seventy). Even as that body declared its opposition to land sales, surveys, roads and other tools of colonisation that threatened to undermine Urewera independence, Crown and private agents began chipping away on the fringes. The confiscation of valuable lands in which the Urewera tribes claimed interests in the Bay of Plenty, and further south at Waikaremoana was felt deeply, and the focus of much of the remainder of Binney’s book is on the steady erosion of the ‘rohe potae’ that the government had promised to protect in 1871.

As important as that agreement may have been to the Urewera tribes, for the Crown it was no more than a temporary expedient at a time of war. Opening up the district to the rule of English law and land sales became a prime objective, especially as rumours circulated as to the existence of gold and other valuable minerals in the area. Setting aside the ring boundary was to be attempted in a number of different ways, including land purchases on the Urewera perimeter conducted with rival tribes, or secretive advances paid to needy individuals in the aftermath of the war that would later have to be repaid in land. For both Crown and private land buyers indebtedness became a key tool in prising open the district. Forced surveys for which the tribes would nevertheless be required to cough up land in payment were one tactic used, while, as Binney charts in impressive if disturbing detail, outright fraud was also employed in some circumstances.

By the early 1890s the boundary had become not just smaller but also literally an encircling one, as all of the lands on the edge of the district had either been confiscated, purchased or at least been pushed through the Native Land Court as a preliminary to sale. Colonisation became largely a matter of legal procedure rather than military might. The process of survey and title adjudication in which formerly communal and customary titles were replaced by legal ones empowering individuals to sell their piece of the tribal patrimony was one that many Tuhoe leaders had fought tirelessly to exclude from their district. But the relentless nature of government efforts to unlock the region to European settlement left the people of Urewera deeply vulnerable to rifts and infighting prompted by land disputes.

A series of disputed surveys in the early 1890s that threatened to spill over into open warfare served as the catalyst for a new agreement with the Crown. The Native Land Court (whose role was to translate customary title into individual ownership) would not be imposed on the Urewera tribes’ remaining lands provided they agreed to an alternative process of title investigation. At the same time, the internal autonomy of the tribes would be protected so long as the ultimate authority of the Crown was recognised. This 1896 agreement thus gave the de facto ‘home rule’ of the Urewera tribes legal standing. Given the long-standing insistence of local politicians and leaders on a unitary form of government, on the face of it, in New Zealand terms this was a hugely significant concession.

Yet the ominous, if cynical, warnings of Opposition MPs as the Urewera District Native Reserve Act passed through Parliament ultimately proved correct. Although Premier Richard Seddon spoke of finally honouring the quarter-century-old compact, his opponents predicted that the new measure would ultimately be no more

than 'the thin end of the wedge' (p. 401). The Urewera leaders may have thought they were getting legally sanctioned self-government, but they were really just opening themselves up to a new form of entrapment.

The Urewera Commission that began investigating land ownership in the area in the late 1890s soon proved more similar to the Native Land Court than anyone might originally have envisaged or feared. Repeated crop failures, famine and disease wreaked havoc on tiny communities, as many as one-fifth of the total population of around 1600 dying in one year alone (1898). It was in these desperate times that a great new Tuhoe prophet emerged. Rua Kenana claimed to be the successor that Te Kooti had much earlier prophesied. He set about building a thriving community at Maungapohatu. But Rua needed money to develop the area, and was willing to sell a limited amount of land to the government in order to get the capital he needed.

In the final chapters of the book Binney documents how Crown officials expertly played Rua off against more traditional tribal leaders, with the ultimate goal of overturning Tuhoe autonomy and opposition to land dealings. Urewera leaders had wanted the 1896 Act to include an outright ban on land sales. Instead, it reserved the right of purchasing solely to the Crown, with any purchases to be negotiated with the General Committee that was to be established under the legislation. Officials instead dragged their feet on convening the committee, while throughout manipulating tribal divisions engendered by the government's own actions.

A series of legislative amendments after 1896 incrementally undermined Urewera self-government. Then, in possibly the most cynical measure of all, in 1910 the government simply started buying land interests directly from individuals, in direct contravention of its own laws. With Rua no longer playing ball, in 1916 police raided his settlement at Maungapohatu on trumped up charges of sly-grogging (illicitly selling alcohol), arresting the prophet and killing his son Toko. The result was that, by 1921 when Binney ends her book, Urewera autonomy was all but finished, and more than half of the district had been purchased by the Crown. Legislation passed the following year repealed the 1896 Act, doing away with any last legal vestiges of self-government and providing the basis for a further round of wholesale land purchasing.

The reverberations of history repeating itself is one theme that emerges clearly from Binney's book. In the final chapter she writes, among other things, of the 2007 incident in which heavily armed police raided the Urewera settlement of Ruatoki, arresting several local Maori on terrorism charges that were just days later exposed by the Solicitor General as having no legal foundation. It is yet another reminder of the grim and depressing history of Urewera and Crown contacts that Binney has so expertly steered the reader through.

Yet above all her book is a call to restore to the Urewera tribes the autonomy that was provided for in 1840, promised them in 1871 and legislated for in 1896. Given that the settlers did not come as predicted after 1921, with much of the district instead being declared a national park (being too mountainous to farm), that remains entirely feasible. Indeed, the government was just days away from signing an agreement in 2010 that would have restored the Urewera National Park to tribal ownership, only for a nervous Prime Minister to pull the plug on the deal. When it really came down to it, a feared backlash from disgruntled Pakeha voters was deemed a worse political outcome than a few angry Tuhoe protesters. Binney's book emerged in the middle of this period of heightened public attention and has done much in its own right to legitimate the goal of restoring Urewera to its rightful custodians in the minds of many Pakeha. Confronted with a history as gripping and compelling as that which Binney outlines in *Encircled Lands*, few readers would deny that full restoration would be the only possible just outcome.

There are points on which one might legitimately be critical of this book. While Binney is meticulous, for example, in contextualising and explaining the motivations behind Tuhoe leaders' actions, other individuals and tribes sometimes appear in a more one-dimensional light. Yet such failings are minor by comparison with the considerable achievements on show. And if the Urewera is one day handed back to the Tuhoe people and their kin that would be a fitting epilogue to this majestic work of history.

## Notes

1. Raewyn Dalziel, 'Judith Binney, 1940–2011 (Obituary)', *New Zealand Journal of History*, 45 (2011), 113–16; Vincent O'Malley, 'Unsettling New Zealand history: the revisionism of Sinclair and Ward', *Texts and Contexts: Reflections in Pacific Islands Historiography*, ed. Doug Munro and Brij V. Lal (Honolulu, 2006), pp. 154–65.[Back to \(1\)](#)
2. A bibliography of Binney's works to 2004 may be found in *New Zealand Journal of History*, 38 (2004), 299–305.[Back to \(2\)](#)
3. James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* (Auckland, 1986), p. 302.[Back to \(3\)](#)

#### **Other reviews:**

Worker's Party (New Zealand)

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Scoop News

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London Review of Books

<http://www.lrb.co.uk/v33/n17/jga-pocock/rangatiratanga> [4]

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