

Grade: Merit

For Merit, the standard requires students to research, in depth, an historical event or place of significance to New Zealanders, using primary and secondary sources.

In addition to the Achieved requirements, this involves making analytical and critical annotations that include assessment of the reliability of selected evidence.

This student has provided a detailed and insightful extract about the significance and importance of the topic. The extract indicates that quality preliminary reading has occurred, which has also been evidenced by the explanation of how the possible sources identified are useful to the research. Following this, they have formulated a specific and manageable focus question. The depth of the research proposal helps contribute to the overall Merit requirement of 'in-depth' research.

The student has selected evidence from primary and secondary sources. In total, the student used 6 sources, 1 of which was a primary source. However, many of the secondary sources contained rich and detailed primary accounts that were also engaged with by the student. The student has intentionally selected sources that offer a depth, complexity, and diversity of evidence.

There are instances where the annotations are critical and analytical. For example, where the student analyses the impact of, and reasons for, Walker's bias when assessing the reliability of the source. Several of the relevance comments also move beyond an explanation to become analytical. This is particularly seen in source 2, where the comments discuss the destruction of Rangatiratanga and the unique perspective of women in this context. However, most the annotations pertaining to reliability are limited to a discussion of the authors' credentials.

The evaluation considers the strengths and weaknesses of the research, and there is some consideration of the validity of the findings. Some insightful comments are made regarding the diverse range of sources, as well as the maturity and quality of the sources selected and their own impartiality.

For Excellence, the evaluation needs to be more consistently analytical. In some instances, this could be achieved by developing the points further, more explicitly linking them to the validity of the findings, and/or providing more specificity in the examples given. For example, in the first paragraph where the student considers the value of the books she used, she could expand on how the nature of these texts meant that indigenous experiences and perspectives have been well captured, and that the production of texts such as these relies on high level archivists, historians and often translators, which improves the validity of the findings.

In addition, a deeper understanding of how a historian assesses the reliability of the source (beyond bias and authorship) could have been beneficial in allowing an Excellence judgement. This might include gaps in the evidence, corroboration between sources, how representative the sources are, and the agenda or motive behind their production.

# Establishment of the Native Land Court AS91434



## RESEARCH PROPOSAL

### ESTABLISHMENT OF THE NATIVE LAND COURT

I am interested in researching the history of the establishment of the Native Land Court in 1865. The establishment of the Native Land Court was a result of the New Zealand Wars of the nineteenth century. The New Zealand Wars were a series of wars between Maori and the New Zealand colonial government. These wars were primarily over British settlement, land ownership and sovereignty, the concept of a British monarch versus Maori chiefs. These wars prompted many movements from Maori and British forces e.g. the Maori Kingitanga movement and the 1862 Native Lands Act which created the Native Land Court. The establishment of the Native Land Court is a significant piece of New Zealand history as the effects are still felt today in the difference of Maori and Pakeha land ownership and wealth e.g. in 2021 the median Pakeha had 151 thousand dollars in wealth while the median Maori had 42 thousand.

The Native Land Court was established in 1862 to identify ownership interests in Maori land and introduce individual ownership titles of land, dissolving the Maori concept of communal ownership of land by iwi. The different views and value of land to Maori and Pakeha was a common disparity between the two parties - Maori viewed land as a part of their identity. Land is sacred or tapu, having strong connection to ancestors - they believe that the land does not belong to them, but rather that they belong to the land. It is the land, Papatūānuku, the source of all life that gives them all the resources they need. Pakeha on the other hand do not have such spiritual connection to land and view it as more of an opportunity for profit - land should be used to turn into something. Pakeha's failure to accept Maori collective ownership and culture in terms of land influenced them into creating the Native Land Court. The Native Land Court essentially freed up more land for settlers to purchase and made it much easier to do so. Since the court individualized Maori land titles, it did not uphold the Maori custom of communal ownership, causing much conflict within iwi when selling land was not consulted with all the owners of the land. The court was predominantly Pakeha controlled, only had Pakeha judges and was based on the settlers legal system. This made it difficult for Maori to understand what was going on during cases as they did not understand the British legal system or even their language, further making it easier for Pakeha to gain ownership of land.

## POTENTIAL SOURCES

O'Malley, Vincent. 'Voices from the New Zealand Wars', 15-Nov-21

*A collection of first-hand accounts of the New Zealand Wars of the mid-nineteenth century from Maori and Pakeha. Full of primary accounts, this book offers multiple perspectives from both main groups involved in the Native Land Court, making it a valuable source for finding out the feelings of both Maori and Pakeha - some accounts are full of emotion. This source offers detailed perspectives from both Maori and Pakeha on the Native land court and race relations, making it a useful and rich source for me to use in my investigation.*

Walker, Ranginui. 'Ka Whawhai Tonu Matou - Struggle Without End', 3-Nov-04

*A Maori perspective of the past two centuries of New Zealand history. Detailing the Maori struggle for justice, equality and a place for their culture post colonialism. This will be a useful potential source as it offers a uniquely Maori point of view on the events of New Zealand history and goes into depth on Maori feelings on the Native Land Court. This will be quite useful in answering my focus question as it has lots to do with how Maori felt about the Native land court and their experiences with it, hence why a source which revolves around Maori viewpoint will be extremely valuable in my research.*

Ray, William. 'Season 2 Ep 6: Native Land Court', RNZ, 24-Oct-22, URL:

<https://www.rnz.co.nz/programmes/the-aotearoa-history-show/story/2018844576/season-2-ep-6-native-land-court>

*A podcast episode from the 'Aotearoa History Show' available on RNZ. This podcast episode speaks specifically about the Native land court and the entire history of it, how it came into existence, how the court worked and how it impacted Maori. This source is another source which contains inherent bias and speaks mainly of Maori feelings towards the court. I do feel this source will be useful in answering my focus question however, as my question is about how Maori were impacted and so I feel a source like this, presented by Maori individuals will bring a modern yet valuable aspect to my research.*

Paterson, L. Wanhalla, H. 'He Reo Wahine - Maori Womens Voices From the Nineteenth Century', Auckland University Press, 21-Aug-17.

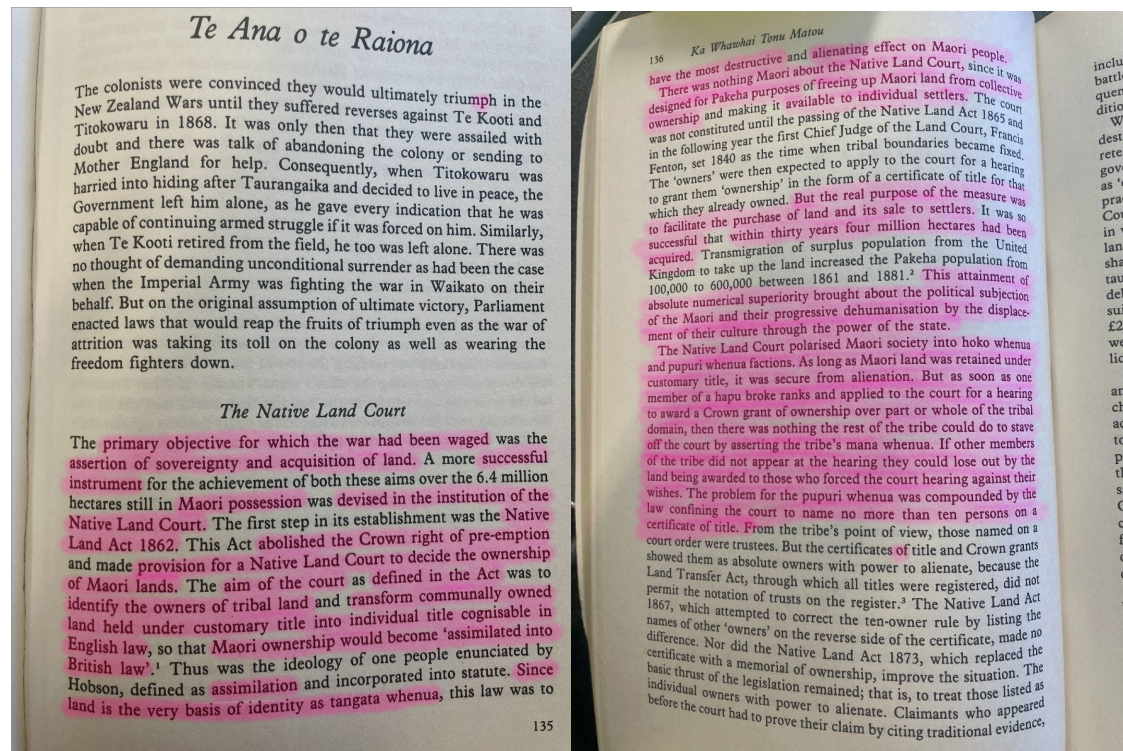
*A book full of first hand letters and testimonies written by Maori women present during nineteenth century colonial Aotearoa. I believe that this will be an extremely interesting and unexplored aspect of the New Zealand land court. Maori women, although key owners of much Maori land during the nineteenth century, have not had their voices or experiences heard nearly as much as the men involved in the conversation of the Native Land Court. This is why I believe this source will be a significant and refreshing addition to my research folder.*

## FOCUS QUESTION

To what extent did the native land court impact Maori relationship with the whenua?

**SOURCE ONE:** '*Ka Whawhai Tonu Matou - Struggle Without End*' Walker, R. Penguin Books (2004). [Book]

Date Accessed: 14/03/23



This source is an extract from the historical book '*Ka Whawhai Tonu Matou - Struggle Without End*', written by esteemed New Zealand academic and author, Dr Ranginui Walker. Walker's academic career in Maori studies particularly leads me to believe that this is an extremely reliable source as he will have a broad knowledge on Maori history and that will reflect in his work, such as this source. However, I also believe that this may be a potential limitation of this source, the author only having a Maori standpoint and not taking into account the other major party involved in the Native Land Court - the British settlers. He may have an inherent bias toward Maori.

This will be useful in answering my focus question because it provides examples of why the court was established in the first place, giving insight into how it impacted Maori relationships with their land and iwi. The court made British claiming of Maori land much simpler which is useful in answering the focus question as the loss of Maori land ownership and ease at which the British could take their land would greatly impact their relationship with the whenua. This is because Maori view land as a part of their identity and very sacred or "tapu" as much of it is ancestral. The loss of their land was a loss of their identity and connection to ancestors too.

This source also goes into depth about how the native land court impacted Maori customs, specifically



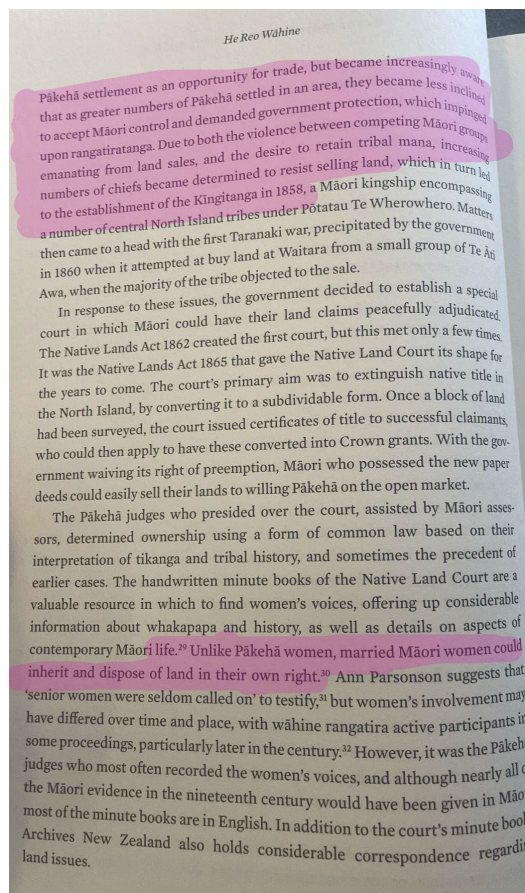
in terms of ownership title. In Maori tradition, ownership titles are not limited to one person, but can be owned by entire iwi and hapu. British settlers expected Maori to simply abandon their culture and submit to colonization, another way in which Maori relationship to their whenua was greatly negatively affected by the native land courts establishment. It is clear that Ranginui Walker wanted to place great emphasis on how Maori were negatively affected by the native land court as throughout the source he uses words such as “destructive”, “alienating” and “dehumanization” to describe how the native land court operated against Maori.

I believe that the strong and passionate language Ranginui used throughout this source and the primarily Maori perspective clearly proves that this source involves inherent bias. This may be due to Ranginui’s Maori heritage and potential access to oral histories when it comes to New Zealand history - oral histories which many of us do not have access to. Ranginui appears to have a deep understanding of how severely Maori relationship with their whenua and whakapapa was damaged by the native land court. Although I can recognise that this source contains inherent bias, I do not consider it to be any less valuable. Infact, I think the biased and profoundly emotive language used by Ranginui in this source adds to its richness and gives insight into Maori perspective, making it highly relevant to my focus question.

---

**SOURCE TWO:** *‘He Reo Wahine - Maori Womens Voices From the Nineteenth Century’* Paterson, L. Wanhalla, H. Auckland University Press. (2017).

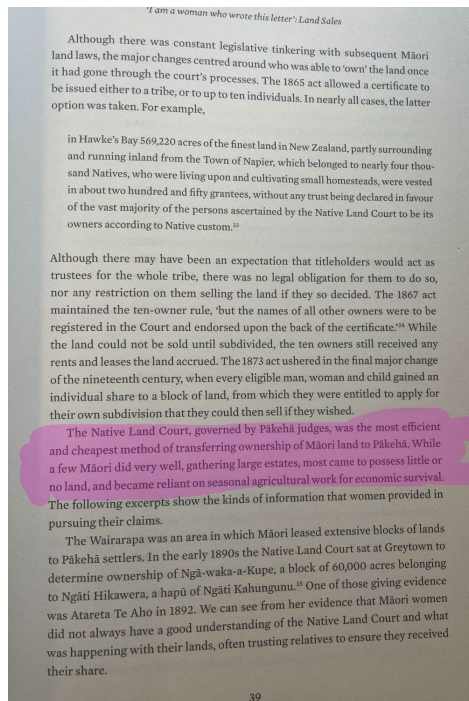
Date Accessed: 15/03/2023



*‘He Reo Wahine - Maori Womens Voices From the Nineteenth Century’* is a secondary source which offers a largely unheard perspective on the native land court - Maori women. In 19th century Aotearoa, many Maori

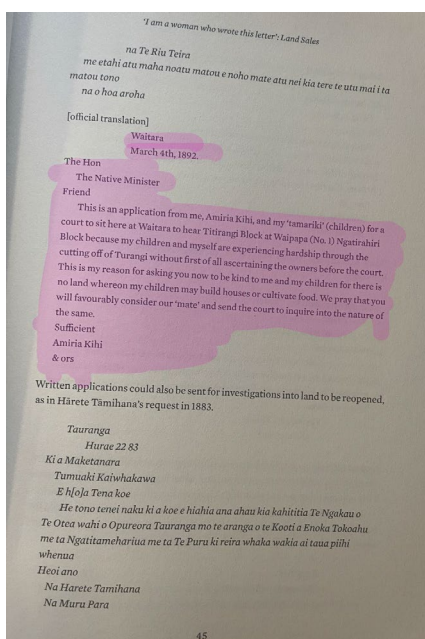
women owned land<sup>1</sup>, yet their opinion on the native land court and its impact on them seems to have been swept under the rug over time. This is a historical book which contains many first hand primary accounts from Maori women of the time.

This source was co-written by Professors Lachy Paterson and Angela Wanhalla. Both Paterson and Wanhalla are reputable New Zealand historical authors and professors at the University of Otago. The works and distinguished careers of the authors leads me to believe that this is an extremely reliable source.



The highlighted information I have extracted from the source explains that as Pakeha began to successfully claim Maori land and sovereignty, their empathy towards native Maori became lesser in the way that they stopped taking into account Maori culture and lifestyle. This demonstrates how the Maori concepts of iwi and hapu were diminished by the native land court. Rangatiratanga is the Maori right to own and rule oneself, and this source explains that the native land court allowing pakeha to easily steal Maori land contributed to the destruction of that.

Another way in which the native land court greatly impacted Maori relationship with the whenua is negatively affecting Maori's spiritual connection to their land. It is the land, Papatuanuku, who provides all that they may need to survive and more. This source implies that this spiritual connection was negatively impacted.

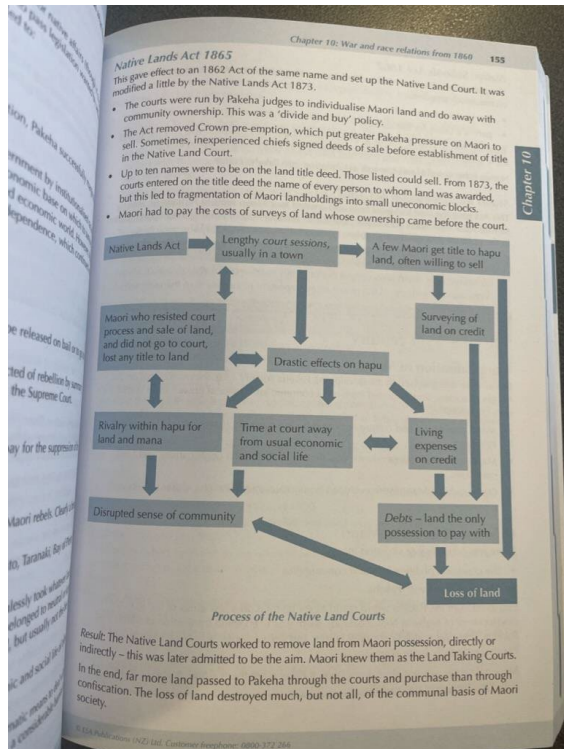


I have selected a particular letter sent from a nineteenth century wahine named Amiria Kihī in 1892. The letter is an emotional plea to the native minister that he may have some empathy and mercy towards her and her children who did not have land (as hers was presumably taken from her unjustly) to provide for themselves. This demonstrates how the native land court put much stress on Maori as they struggled to provide for themselves and their tamariki due to the stealing of their land by the British via the native land court. This would have especially affected Maori women who during the time period were very much responsible for providing for the children. I strongly believe that Maori women's struggle with the native land court *must* be acknowledged.

<sup>1</sup> <https://journal.nzma.org.nz/journal-articles/a-history-of-new-zealand-women>

**SOURCE THREE:** 'ESA StudyGuide: Level 3 History - New Zealand 1769-1919' Langton, G. Taylor, B. ESA Publications (NZ) Ltd. (2005)

Date Accessed: 20/03/23



This source is a NCEA Level 3 history guide book which was written by New Zealand archivist Graham Langton and Bruce Taylor. I found it difficult to find information on the authors of this book making me question its reliability - making this a limitation of the source. However, the publisher ESA Publications is extremely reputable which slightly improves my confidence in this source's reliability.

This secondary source is a flow on effect diagram which visually portrays ways in which the native land court impacted Maori which is why it is useful in answering my focus question. The native land court prompted much hostility between iwi and hapu as the 10 owner title rule negated Maori communal ownership. This caused division between the tribes as some owners were willing to sell their land to Pakeha but others were not

In comparison with my other sources, I would say that this is my least useful source in answering my focus

question. This is because it does not offer the same depth and emotional value that my other sources did.

## EVALUATION

### SUCSESSES AND DIFFICULTIES

One success I had in conducting my research for this internal was the deeply informative and diverse range of sources I was able to gather. I had sources which offered unique and largely unheard of perspectives on the native land courts' impact on Maori relationship with their land. For example, my second source 'He Reo Wahine - Maori Womens Voices From the Nineteenth Century' was a very valuable source to me as I explained in its annotation. I feel this source was a success in the uniqueness it brought to my research. It was emotional and empowering to read, especially as a young woman with polynesian heritage growing up in Aotearoa. Another success of my research was how I branched out when finding my sources. For example, I had to issue my first source 'Ka Whawhai Tonu Matou - Struggle Without End' from the Auckland library as I did not have an available copy at our school library or anywhere else which I could take home to scan thoroughly.

A difficulty I encountered in my research was finding objective sources. Sources one, two and four of mine were inherently biased towards Maori to some extent. I do think this was useful in answering my



focus question as it gave me a deep understanding of Maoris unfiltered feelings on the native land court but I do think it would've added another dimension to my research if I had found one or two more objective sources. I only had one seemingly objective source which was my third source '*ESA StudyGuide: Level 3 History - New Zealand 1769-1919*'. I overcame this difficulty in my research by analyzing my biased sources very carefully, recognising the bias and trying to find value in it as well as its limitations. Another difficulty I encountered was a lack of primary sources. Although I did use secondary sources which contained first hand accounts, e.g. '*He Reo Wahine - Maori Womens Voices From the Nineteenth Century*'. This source had primary sources (letters) from Maori women on the native land court. I used one in my second annotation and found it to be an extremely valuable source.

I do not think that my line of enquiry changed as I progressed in my research. I made a conscious effort during this project to constantly circle back to my focus question (To what extent did the native land court impact Maori relationship with the whenua?) and continue drawing conclusions, assessing relevance of the source to the question etc.

### **STRENGTHS AND WEAKNESSES**

A strength of my investigation into the native land court was the maturity of the sources I used. I tried to use rich and sophisticated sources such as '*Ka Whawhai Tonu Matou - Struggle Without End*' and '*He Reo Wahine - Maori Womens Voices From the Nineteenth Century*'. In the past when doing this internal I have primarily used websites as my sources. A strength of my research this time is my use of books.

A weakness of my research is the imbalance of primary and secondary sources. I technically have no primary sources in my research. This is a weakness because secondary sources may lack historical accuracy as they may have been skewed by modern perspective. Primary sources typically are more authentic in comparison. If I were to do this internal again I would definitely increase the amount of primary sources I used. For example, using an actual native land court document as a source.

Another weakness of my research was my failure to remain impartial at parts of my annotations. For example in one annotation I used the accusing term of "stealing" to describe Pakeha acquiring Maori land which I believe is a result of my inherent bias. Although I think it was important for me to really deeply explore the Maori perspective to answer my focus question, I definitely think I could've approached it from a more objective perspective and maybe even explore British perspectives - just to add more validity and dimension to my research.

### **VALIDITY**

The bias and partiality I had towards the Maori perspective as I've mentioned, negatively impacted the validity of my research as it lacks objectivity and therefore reliability. It very much only emphasizes Maori feelings which is also biased on my part.

---