



National Certificate of Educational Achievement
TAUMATA MĀTAURANGA Ā-MOTU KUA TAEA

Exemplar for Internal Achievement Standard History Level 3

This exemplar supports assessment against:

Achievement Standard 91435

Analyse an historical event, or place, of significance to New Zealanders.

An annotated exemplar is a sample of student evidence, with a commentary, to explain key aspects of the standard. It assists teachers to make assessment judgements at the grade.

New Zealand Qualifications Authority

To support internal assessment

Grade: Achieved

For Achieved, the standard requires the student to analyse an historical event, or place, of significance to New Zealanders.

This involves using key historical ideas, with supporting evidence, to communicate an argument. Students must also establish the significance of the event or place to New Zealanders.

This student has provided several key historical ideas pertaining to the early interactions between Māori and Pākehā and how many of these reflect a process of acculturation. This includes consideration of interactions with sealers, whalers and missionaries, the way in which both continuity and change is evident in Māori cultural practices, and how acculturation is seen through the signing of Te Tiriti o Waitangi.

Through these key historical ideas, the student presents an argument that the theory of Acculturation, rather than of Fatal Impact, more accurately reflects early Māori and Pākehā interactions.

There are frequent instances of student analysis as required by the standard. This is most clearly present when the student considers the way in which an aspect of the context (such as the conversion to Christianity, or the signing of Te Tiriti O Waitangi) shows fatal impact as well as acculturation.

Most paragraphs are supported by historical evidence that reflects expectations for Achieved at curriculum level 8. In most instances, the student has drawn on a relevant and appropriate extract of primary or secondary source evidence to support the key historical idea.

The significance to New Zealand has been established in a way that reflects expectations at curriculum level 8. It is both inferred throughout the discussion and explicitly addressed in places.

For Merit, the standard requires students to analyse, in depth, an historical event or place of significance to New Zealanders. This includes the requirement to use in-depth supporting evidence to communicate an argument.

To reach Merit, further examples and depth could be included to support the key historical ideas. For example:

- further evidence could be used to support the ideas around Māori choosing aspects of western medicine, technology and belief systems to add to their cultural practices
- a second piece of source evidence could be used to support how interactions with missionaries reveal 'acculturation'
- the analysis weighing the extent to which the interaction with missionaries demonstrated acculturation as opposed to fatal impact, could be further developed.

Achieved

NZQA Intended for teacher use only

A FATAL IMPACT? A LETTER TO HARRISON WRIGHT

Dear Harrison Wright,

I am writing to you today to express my disagreement with your fatal impact theory and would like to question the validity of that theory. The fatal impact theory refers to the lasting damage caused by Pākehā that hurt Māori, it sees Māori as victims, helpless bystanders who had their land and culture ripped away at the benefit of these settlers. To me, the early Māori and Pākehā relations do not show this and instead show examples of the acculturation theory. This theory states Pākehā benefited Māori and the technological advancements that they showed them only benefitted them and their society. I believe that your theory misrepresents and does not align itself with the relationship between Māori and Pākehā during these early times between 1769 and 1840.

Upon the arrival of whalers and sealers in New Zealand, Māori were quick to see the economic benefit they could gain by developing a relationship with them. The relationship between Māori and whalers, sealers and traders reflects the acculturation theory as both cultures learnt to adapt to each other beliefs, practises and values. The relationship between the two sides saw mutual benefit with whalers and sealers being provided with food, water and other resources and Māori received different resources such as tools, weaponry. This new technology for Māori allowed them to defend themselves better and expand their territory. Historian Grame Ball wrote in his book 'Expanding World, New Country' that Māori "selected only what they liked of European ways and then adapted to it, to a greater or lesser extent"- (Grame Ball, 2019). This suggests that Māori were not pushed around and forced into adapting to European technology as your theory suggests, but instead shows how they were able to beneficially adapt to the arrival of whalers, sealers and traders. Michael King, a New Zealand historian also noted in his book "the penguin history of New Zealand" about the role that sealers played in Māori life, "thus learning and carrying back to their own communicates first and second hand knowledge about a world beyond New Zealand " King, M. (2003). However the arrival of whalers, sealers and traders was not all a reflection of acculturation, as they brought diseases (STDS etc), culture change (heavy drinking) and disrupted Māori society through the introduction of new technology and resources. These actions are deemed to have damaged Māori culture and reflect the fatal impact theory. Although it was not all a reflection of acculturation, I believe that these pieces of secondary evidence reflect that the relationship between Māori and early whalers, sealers and traders was a reflection of acculturation and not fatal impact as your theory suggests.

The arrival of missionaries in the 19th century reflects an example of acculturation between Māori and missionaries during these early times. The arrival of missionaries in New Zealand meant Māori became exposed to new ideas and beliefs that differed from their past way of life. The arrival of the missionaries also brought new farming techniques, education and most importantly western medicine. The arrival of western medicine was a key example of acculturation as Māori did not have the same technology and healing practises that the missionaries brought. Upon Rev. Samuel Marsden's first arrival in New Zealand, he wrote a

letter detailing his observations that he noticed in New Zealand. In this letter he writes that in one of his experiences with Māori- "I fully explained to him the object of my coming to New Zealand and the nature of my intended plans for the future success of the design. He was very pleased at the Idea of Europeans residing on the Island"- (Samuel Marsden, 1815). This idea presented by Samuel Marsden, suggests again that your theory of a fatal impact relationship between early settlers and Māori is again incorrect. As seen in Marsdens letter, he indicates that Māori were happy to see the introduction of new technology, ideas and beliefs. Although new ideas and technology were now being exposed to Māori, it also meant that they began to lose touch with their spiritual beliefs and practises as christianity brought in a whole new way of life. This idea could be considered to be fatal impact as it resulted in the loss in Māori culture as a result of the early contact between Māori and Pākehā. However the primary source gives me an indication of how missionaries were a key example of how early relations between Māori and Pākehā were a reflection of the acculturation theory.

By 1840, New Zealand society had experienced both continuity and change. During this time, Māori still remained the language of New Zealand and Māori iwi still lived in villages protected by fences and built out of the natural resources that they had. Tools that captain cook had initially brought to them were still widely used. Māori still largely outnumbered Pākehā as there were only thought to be around 1000 Pākehā living in New Zealand at the time, many of whom worked at whaling stations. Tribal boundaries had largely changed as the introduction of muskets changed everything for Māori. Muskets meant food was more plentiful as they were able to hunt more efficiently, it also meant that attacks and wars were much more common as tribes tried to expand their territories. Cannibalism had ceased, Māori stopped appearing naked and burial practices had changed. These changes and continuations benefited Māori society and is a reflection of acculturation as Māori picked and chose which parts of Pākehā culture they thought would benefit them and adapted to it.

The early contact period was a significant point in New Zealand's history which took place through 1769 till the 1950s. Its impact had a significant impact on New Zealand's past history, as it showed examples of fatal impact and acculturation. One significant example of the fatal impact that the early contact period had on New Zealand was the musket wars. The Musket wars were a key example of the fatal impact that Pākehā had on Māori, as over 20,000 Māori were killed in these wars and tribal boundaries shifted like never before. The introduction of muskets by Pākehā meant that Māori were forced to trade for them in order to protect themselves, without muskets, tribes would simply be taken over in inter tribal warfare. The significance of this was massive as this warfare led to population displacements and social unrest within Māori society during these times.

However, many significant examples of the acculturation theory can be seen during the signing of the treaty of Waitangi. Although some would argue that the signing of the treaty is a reflection of fatal impact, historian Claudia Orange writes in her book "the treaty of Waitangi" on how this wasn't the case and instead that (Henry) "Williams was not only safeguarding Māori land and possession, but also reinforcing the authority of chiefs by building into the treaty the right to exercise some control"- (Orange. C- 2015) . This recognition of Māori sovereignty showed an attempt to accustomed themselves to Māori beliefs and culture. The treaty also sought to seek out the cultural differences between Māori and Pākehā, the treaty of Waitangi acknowledged how Māori had ownership over their land and had the right to live on that land. I believe that Māori reaction to the treaty can be seen as another reflection of acculturation during this time.

One key figure who protested for change was Hone Heke. Hone cut down a British flag pole in protest of unfulfilled promises of British colonisation. Hone's actions were a reflection of acculturation and Māori being agents of change for their culture.

When Pākehā first arrived in New Zealand and began to settle, not only did they bring new technology and resources, but they also brought diseases. Pākehā brought diseases such as influenza, measles and typhoid fever and the arrival of these led to a decline in Māori population. The impact of the arrival of these diseases can still be seen in this day and age as Māori have a significantly lower life expectancy than Pākehā. They also experience higher rates of preventable illnesses such as respiratory and heart disease. There is also injustice in our healthcare system and its accessibility for Māori which includes language barriers, access problems and funding. Researchers and psychologists from the University of Waikato found that "Māori patients felt that they needed to compromise their cultural and spiritual needs in order to receive hospital care" (Graham R & Masters-Awatere B- 2020). This inability to communicate properly can lead to a lack of trust between Māori and Pākehā and has led to a negative impact on Māori as they delay going to healthcare clinics as a result of this. Therefore the early contact period between Māori and Pākehā was a major example of how the early contact period was an example of fatal impact and can still be seen in society today.

The Māori land March of 1975 represented Māori driving for change as they sought to reclaim the land that was stolen from them by the crown. The Māori land March, led by Dame Whina Cooper, was a peaceful protest organised by Māori that started in Northland and went for around 640 km down to the parliament building in Wellington. Dame Whina Cooper stated in an interview that "We want all of the statutes, all of the laws that are pertaining to taking our land little by little at the time, to be wiped right off and let us retain the 2 million, only 2 million that is left out of 66 million" (Cooper. D.W, 1975). The land march was a reflection of the acculturation of theory as Māori throughout the march showed Māori practises and symbols (such as powhiri and haka) and demonstrated their cultural importance to them. The land march represented cultural exchange between Māori activists and protestors and Pākehā politicians. The Māori land march is one of the most significant examples of acculturation in today's world as it showed Māori being agents of their own change as this protest led to the establishment of the Waitangi Tribunal in 1975.

In conclusion, through the research I have done and the evidence I have collected, I believe that the acculturation theory is the most likely theory that reflects the relationship between Pākehā and Māori. The acculturation theory is one that recognizes the cultural differences between Māori and Pākehā that have led to adaptation and a better understanding of one another. My findings lead me to conclude that Māori are agents of their own change and still have core cultural and spiritual beliefs that have continued on through time. Although it has been a bumpy road, by understanding the examples of fatal impact and acculturation seen throughout New Zealand's history we can push towards a diverse, respectful and empowering future.

Grade: Merit

For Merit, the standard requires the student to analyse, in depth, an historical event, or place, of significance to New Zealanders. This involves using key historical ideas with in-depth supporting evidence to communicate an argument.

This student has analysed two key historical ideas to communicate an argument that the Native Land Court of 1865 remains significant today. This has mostly been achieved through consideration of the economic implications and institutionalised racism that resulted from the establishment of the Native Land Court.

There are frequent instances of student analysis. The nature of the analysis varies across the response. For example, there is analysis of the ideas that are contained in the primary or secondary source evidence (such as the discussion about the intended consequences of the Native Land Act) and analysis of the authority and validity of the sources' authors.

Each paragraph is supported by historical evidence that reflects expectations for Merit at curriculum level 8. Extracts or summaries of the ideas, taken from primary or secondary source evidence, are used to support the key historical idea.

The significance to New Zealand has been established in a way that reflects expectations at curriculum level 8. The phrasing of the moot ensures that this has been explicitly addressed throughout.

For Excellence, comprehensive analysis of an historical event or place, of significance to New Zealand, is required.

Further processing of the source material to draw conclusions 'as a historian', could help to demonstrate a 'sound understanding', as required for Excellence.

Drawing conclusions 'as a historian' should result from deeper engagement with the historiography (i.e. consideration of the merits of the arguments being made by the authors and the possible counter arguments) or consideration of the wider historical context. For example, when drawing conclusions about the Native Land Court and long-term economic health outcomes, the student could acknowledge the role of other factors such as urbanisation, or the significant loss of land that had already occurred (i.e. through Raupatu, the Kemp purchase and ongoing acquisitions through the Public Works Act). They may then consider the comparative weight of the impact of the Native Land Court against these other acts of colonisation, drawing conclusions back to their overall argument.

Moot: *Native Land Court: an issue of the past or the present?*

Argument: *Do you believe that the Native Land Court 1865 was only significant at the time or has it remained significant today? Pick a side and argue why supported with historical evidence.*

The Native Land Court was a legal system established by the Native Lands Act of 1865 which allocated traditionally community owned Maori land to individual titles holders based on the rulings of the court itself (NZ History, 2021). This conversion of land ownership enabled the sale of communal land by a small group of no more than ten owners as set out by the court, which allowed for quicker sales to Pakeha with less community input required. Judges across the country including the first Judge Francis Fenton who served until 1882. The name was changed alongside the structure of the system in 1954 to the Maori Land Court. It has remained a significant factor throughout New Zealand history until the present day as the land loss for Maori people to help English colonialism continues to impact economically on the Maori community to this day. Institutional racism against the native population of New Zealand was also perpetuated during and following the Native Land Court, with the discrimination continuing to impact outcomes today, including in the health industry.

The ongoing effects of land loss for Maori through colonisation in New Zealand by Britain has caused the Native Land Court to remain a significant aspect in our post-colonial history. So despite the absence of active settler colonialism in present-day New Zealand, society today is still heavily shaped by the violent and cruel past of unfair land deals. It has disadvantaged Maori as a whole by robbing many of a chance to have generational wealth.

Firstly, creating the court was another stepping stone for the eventual total imposition of British domination of New Zealand as following different versions of the Native/Maori Land Court also obeyed the pattern of oppression as set out in the Native Lands Act. It revealed a consistent, malicious effort to eliminate the traditional Maori way of life by forcing an individualistic European society on New Zealand as a means to efficiently expand the colonial British Empire. As the original Native Lands Act explicitly states how the court is intended “to encourage the extinction of such proprietary customs” for the apparent purpose of “regulation for the descent of such lands” (Dilksbury, 1865). This is a false pretence that was used to avoid intense scrutiny by the wider public at the time, which historians view as a front for the obvious true purpose of aiding the transfer of land from Maori hands into the ownership of Pakeha settlers. In Bryan Gilling’s 1993 essay, he states that “the Native Land Court was the most direct manifestation of the British legal system” for “many years”, describing this conclusion as “beyond argument”. As Gilling was a post-doctoral fellow in the Faculty of Law at Victoria University, he has good authority to discuss the historiography of Maori land law. Using his experience alongside the evidence provided, he concludes that the court throughout its history has almost always favoured Pakeha attitudes towards land, by “supporting unquestionably the desirability of ultimately absorbing Maori land into the common estate”. Understanding the context and

intention behind the law through the primary and secondary evidence given above is extremely important for the analysis of the land loss that followed. It shows how the land lost by Maori was not simply the result of unfortunate circumstances, but the well-executed consequence of a system doing exactly as intended. This bias is significant to note, as it establishes the lens in which historians should view British actions towards Maori during this period. Without clear instances of British intent to rob Maori such as the example of the Native Land Court, attempts to repair the damage of unfair land deals may not have happened, which would worsen the situation for current Maori.

Another way in which the land loss caused by the Native Land Court has demonstrated how it has remained significant is the continuance of worse economic outcomes for Maori resulting from decreasing land ownership. By limiting the amount of owners for a plot of land to ten (NZ History, 2021), it was suddenly far easier for Maori to sell their land as most of the potential opposition was not even involved in the process. Losing this land has meant that opportunities for generational wealth for Maori have been greatly reduced by the often unfair transfers to Pakeha hands. As argued by Richard Boast and LL Black, a Professor of Law and LLB research assistant respectively, the “application of the ten-owner rule by the Court had, and continues to have, very substantial impacts on Maori people” (2011). This sentiment is reinforced by statistics collected by Stats NZ, which gave the median wealth of a Pakeha person as \$114,000, compared to the median wealth of Maori as \$23,000 (2016). The primary source on racial wealth inequality today demonstrably proves that there is a drastic difference in economic situations between Maori and Pakeha. A large reason for this is the lack of generational wealth passed down by way of inheriting land as the portion of Maori owning land was greatly reduced. Boast and Black evidence their claim about the importance of the Court today by conducting an in-depth analysis of their case study for the law in operation, the Hawkes Bay area. The Native Land Court assigned the area previously known as Heretaunga which “entirely comprised” the city of Hastings to “just one ten owner block”. Today, it is a “very valuable winemaking and orcharding region”, that the successful claimants sold “within a few years” for unfair prices or “store goods”. Had the Native Land Court not transferred control of the land from an entire iwi to ten individuals, it would have been far more difficult to sell and would potentially still be tribal land that could provide much-needed income for Maori today. Therefore, the Native Land Court has remained significant in New Zealand by the economic impact that land loss continues to have on the Maori population.

Overall, the long-lasting impact of the land loss caused by the Native Land Court has meant it has remained a significant factor in our country’s history. Understanding how the British colonial side completely intended for it to begin a drastic transfer in land ownership is valuable for a historian as it influences how they should view British colonial actions at the time. Boast and Black’s analysis of the court’s effect in Hawkes Bay shows how owners were influenced to sell their land for cheap, robbing their descendants of potential wealth. This reveals itself in present day wealth statistics, where Pakeha possess drastically more individual wealth than Maori. Land loss is certainly the largest factor supporting the Native Land Court’s significance, as it was a drastic change that is still influencing the present day.

Institutional racism against Maori in New Zealand was furthered by British creation of the Native Land Court, which continues to negatively impact them today in areas like the health industry. Throughout the history of the colonial period in New Zealand, British settlement and colonisation has had vastly negative effects on the health outcomes of Maori people. The

imposition of foreign systems such as the Native Land Court has caused historical trauma due to land alienation, economic impoverishment and forced social change, which continues to cause mental and physical health issues for Maori people today. In a Science Direct article by Rowan Thom and Arthur Grimes, a masters student and professor respectively, the pair state that the “vast majority of land alienations” in New Zealand resulted from “Crown purchases” and “the decisions made through the Native Land Court[s]” (Thom and Grimes, 2022). The intergenerational trauma in the article is therefore directly or indirectly caused by the Native Land Court. As a result of a single health system that “is modelled upon European lines”, health outcomes are not “equitable” for Maori because of the bias against Maori schools of thought in healthcare. A similar sentiment is shared by the professor Helen Barnes, who concludes that “through land alienation” the welfare of Maori people have been impacted until today, continuing to degrade over “more than seven generations” (Barnes, 2019). As the main cause for land alienation was the Native Land Court, this furthers the argument that it has remained a significant factor in New Zealand today. The negative outcomes in health for Maori as supported by the above historians is not as significant of a consequence of the Native Land Court today compared to the land loss or economic impacts, as it is a reasonably tenuous link to make in comparison

Conclusion

In conclusion, the Native Land Court has remained a significant aspect in New Zealand’s history that still affects present day society. It established a pattern of historic discrimination that has had a massive influence on how New Zealanders view British action during the period of colonisation, which has influenced politicians to conduct reparations that would not happen without the Native Land Court. Drastic land loss for Maori also resulted from the court, which significantly impacts wealth inequality between Pakeha and Maori today, with the average Pakeha person possessing over five times the individual wealth of a Maori person today. The Native Land Court has also impacted health outcomes, with the systemic inequalities today negatively affecting Maori in our health industry. These specific cause and effects illustrate how the Native Land Court has remained a significant factor in New Zealand’s present society, with many individuals feeling the flow-on consequences of the system currently.

Bibliography

For the purpose of brevity, the bibliography provided by the student has been removed.

Grade: Excellence

For Excellence, the standard requires students to comprehensively analyse an historical event, or place, of significance to New Zealanders.

This involves presenting sound understanding, well-considered judgements of the evidence and conclusions from an historian's perspective. The analysis must be presented through the communication of an argument using key historical ideas that are supported by comprehensive evidence drawn from primary and secondary sources.

This student has comprehensively analysed the extent to which the Enlightenment influenced the Declaration of Independence. They clearly argue, in a reasoned and supported manner, that while other factors may have had a role, the ideas of Enlightenment thinkers and Enlightenment principles are clear in the Declaration of Independence.

The student expertly integrates the use of primary and secondary evidence into their response to develop the critical key historical ideas (clearly found at the beginning of each paragraph). The source evidence is carefully and effectively selected to present and establish the debate and the complexities of the context, before being used by the student to substantiate their own argument and conclusions.

A consistent analytical approach is used through the response leading to the inclusion of frequent well-considered judgements. These are often found after stem phrases, such as "*Some historians argue*", "*This suggests that*", "*One can easily argue*" and "*It is more accurate to assert*", "*It is evident then*," "*In this way, it follows that*".

Conclusions formed logically result from the argument that has been built in the paragraph and derive from a fair and balanced engagement with the source evidence. Many of the conclusions made by the student not only directly support the overall argument being made, but move 'beyond the obvious' and show a sound understanding of the complexities of the chosen context. As one example, the student draws an insightful conclusion about the influences and union of ideas seen in the New Zealand Bill of Rights.

The significance to New Zealand has been established in a considered, supported and meaningful way. This includes consideration of similar 'revolutionary' responses of Māori Rangatira when faced with oppressive policies of the Crown, Aotearoa's own Declaration of Independence (He Whakaputanga) and the presence of some Enlightenment principles in the New Zealand legal system as well as in the 'Fourth Article' of Te Tiriti o Waitangi.

“To what extent did the ideas of the Enlightenment influence the Declaration of Independence?”

It is evident that theories developed by Enlightenment philosophes had a great impact on the discourse which led to the American Revolution, culminated in the Declaration of Independence, and would be realised via the United States Constitution. From John Locke’s understandings of government and the consent of the governed, to Voltaire’s arguments for religious freedom and secular governance, Enlightenment theories clearly influenced colonial thinking and action before, during, and after the American Revolution. Certainly, in some instances, historical context played a key factor, but it would undermine the principles which drove the Revolution if one ignores the Enlightenment’s influence.

It is vital to consider the role of Enlightenment thinkers on the wholesale rejection of Britain’s taxes and impositions on the American colonies. From the controversial Stamp Act 1765 to the Tea Act 1773, tax was an issue that permeated heavily into colonial discourse. Primarily, colonists took issue with British taxes and levies being placed on them without “their consent in person” (Otis, 1764). That is, colonists were displeased with the fact that taxes – which restricted their ability to freely conduct business and trade – were created without them being able to have a say on the matter in Parliament. Some historians argue, in fact, that the entire Revolution was a “tax revolt, first and foremost” (Rabushka, 2008), a movement solely against high taxes that stifled business. However, this is a reductive view on the matter. Rather, the public furore on the tax issue was representative of a wider disapproval of Britain’s method of governance over the colonies: colonists opposed Britain’s “arbitrary” taxes which were “adopted without the consent of the



Figure 1. Bostonians tar and feather a tax collector. Retrieved from <https://picryl.com/media/philip-dawe-attributed-the-bostonians-paying-the-excise-man-or-tarring-and-3e3411>

governed” (Walczak, 2018). The notion of the “consent of the governed” – fostered by the thinking of philosopher John Locke – would become an integral theme of the Revolution. In New Zealand, similar concerns are often raised by Māori, especially with regard to the issue of whether Māori ceded sovereignty to Britain in Te Tiriti o Waitangi.

These objections to British governance would result in widespread resistance within the American colonies; the most notable example of this are the Sons of Liberty. Made up of working-class colonists, these rebellious cells would go on to be instrumental in the Revolutionary movement. Samuel Adams, a. With regard to British rule, Adams argued that “[Britain] cannot justly take from any man any part of his property, without his consent,” and Parliament “[had] no right to absolute, arbitrary power over the lives and fortunes of the people” (Adams A., 1772). This suggests that colonists were indeed acting upon the notions set out by

Locke, rebelling against an empire which was ruling without popular sovereignty. Certainly, one can easily argue that these men acted solely in the interest of their own finances, as Rabushka does. However, it is more accurate to assert that they truly acted upon ideologies founded on Enlightenment ideals: “The ... British Empire in America depended on its promise of freedom and prosperity,” and thus the open rebellion by factions like the Sons of Liberty “was ultimately a response to an emerging political ... system that [was] exploitative and cruel” (Rivage, 2017). In Aotearoa, it is interesting to note that those who led rebellions against European settlers were typically Māori rangatira, who are comparatively higher in social strata than their counterparts in the American colonies; however, they were united by their common displeasure at Britain’s extraction of resources without consent.



Figure 2. The Declaration of Independence is presented to the Second Continental Congress. Retrieved from <https://www.flickr.com/photos/peterjr1961/6951938796>

Such concerns would come to a head at the Second Continental Congress, which adopted the Declaration of Independence in 1776. This was directly related to Enlightenment ideals. For instance, consider that Thomas Jefferson – one of its primary authors – is said to have been a “voracious reader”, whose ideas were greatly inspired by Enlightenment philosophes such as Locke (Reck, 1991). This influence can be seen in the structure and arguments of the Declaration. Namely, that the document is

comprised of charges against the British King. As such, the colonists argue that the Crown in America was acting against the will of the people – the consent of the governed – and thus colonists were obligated to rebel. It is evident that such concerns are central to the colonists, writing that “governments are instituted among men” to uphold one’s rights: “life, liberty, and the pursuit of happiness.” Thus, as the colonists argued, revolution was necessary to defend their rights; this is directly reflective of Locke’s understanding of “life, liberty, and property” as the fundamental rights of man. Indeed, as historian Kenneth D. Stern writes, “Locke’s justification of revolt, as based on his theory of natural rights, was the background from which the Declaration sprang” (Stern, 1955). Similarly, Aotearoa’s own Declaration of Independence – He Whakaputanga – asserted that mana over the land and the right laid solely with tangata whenua; of course, Te Tiriti o Waitangi’s signing in 1840 would supersede this document, but such principles and rights remain central to Te Ao Māori.

After the conclusion of the Revolutionary War with the signing of the Treaty of Paris 1783, the challenge of nation building would befall the newly formed United States of America. One notable consequence of Enlightenment influence on the new country can be seen in the place of religion in the Constitution. Famously, the First Amendment of the Constitution decrees that the American Congress “shall make no law respecting an establishment of religion” (U.S. Const. Amend. I). This creates a separation between religion and the Federal Government, “church and state”. It can be evident, then, that the influence of Enlightenment thinkers is

pervasive in the foundational principles of American democracy. Voltaire, an important Enlightenment philosopher, argued that "the church should be subject to civil authority," that clergy should not have greater power and influence than lawmakers (Neserius, 1926). In this sense, it is clear that the secularist arguments made by Voltaire had a direct influence on the separation of church and state established by the Constitution. This is further affirmed by the prohibition of religious discrimination in entering public office: that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States" (U.S. Const. art. VI, cl. 3). Expanding upon the ideas brought about by Voltaire, this Article commits the United States to the principles of "religious liberty and equality" (Brownstein, n.d.). Likewise, in Aotearoa, the oral "fourth article" of Te Tiriti o Waitangi – brought about by the Bishop Jean Baptiste Pompallier – enshrines protections for all religious proclivities, including Māori faiths.

This protection for religious freedom was one of the first ten amendments to the United States Constitution, referred to as the Bill of Rights. This enshrined protections of natural rights into the foundations of the country. Understandings of such rights were developed in this period by Enlightenment philosophes such as Locke and Montesquieu, among others. Primarily, the Bill of Rights sought to create and enshrine into law protected rights for Americans: these rights related to both social protections for persons, and to legal matters. For instance, Article I protects the freedoms of speech, religion, assembly, and press which are "rights which Enlightenment philosophers discovered in their reflections of man as a rational being and as living in society" (Reck, 1991). Meanwhile, Articles V to VIII relate to judicial processes – such as ensuring that one has the right to trial by an impartial jury in criminal proceedings – which originated in English common law. Thus, as Reck argues, the principles of the Bill of Rights emerge from "the natural rights theories of the Enlightenment, on the traditions of English common law ... and on the theory of the federal system ..." In this way, it follows that the Bill of Rights did not solely emerge as a product of Enlightenment thinking. Instead, it is the product of both the legal developments of the English legal system, in addition to centuries of Enlightenment philosophy. One should consider that in New Zealand, while our legal system does recognise rights discussed by Enlightenment thinkers, it would perhaps be more accurate to assert that it is a union of English common law and tīkanga Māori.

In a correspondence between himself and fellow Founding Father Thomas Jefferson, John Adams asserted that "The Revolution was in the minds of the people" (Adams J., 1815), and he does so with a strong basis. It is clear that the thoughts of Enlightenment philosophes – Locke, Voltaire, Montisquieu, and others – shaped the intellectual foundation that drove the heretical thinking of the Revolutionaries. From the Sons of Liberty to the Declaration of Independence, Enlightenment philosophy was the basis upon which the Revolution was justified. Arguably, it served that purpose well, given that colonists in America would be galvanised enough to revolt against the world's largest empire. The legacy of the Enlightenment can still be readily observed too, with fierce debates about the rights of freedom of speech and religion dominating the cultural discourse in the modern United States.