

Rita Angus. Was nationalism as consistently anti-abstract as Pound maintains? Surely not in the later years of its reign, with Keith admiring Don Peebles and the young Gretchen Albrecht, and Brown, Ralph Hotere. Pound underestimates the intelligently anti-nationalist aesthetic of the Auckland dealer and uncompromising champion of Walters and Mrkusich, Petar Vuletic, whose inclusion on the last two pages of such a lengthy book is too little and too late.

To use some endearing ‘Poundisms’: I have no wish to ‘deride’, still less ‘revile’ *The Invention of New Zealand*; it is by no means ‘unspeakable’ or ‘deplorable’. Parts of it are excellent, not least Pound’s powerful argument for McCahon as a Christian artist, which previous critics of a ‘secularist’ persuasion have deliberately minimized. In the longer term, this aspect may well appear considerably more significant than McCahon’s nationalism. Admirable too are the opening pages to the chapter on Primitivism, when Pound applies this problematic concept to the New Zealand context. And then, to paraphrase McCahon, I must ‘give thanks to Pound’ for being infinitely more readable than in his post-modern incarnation, notably *Frames on the Land: Early Landscape Painting in New Zealand* (1983). How can we resist a sentence (p.53) that reads: ‘The fertile ground of the invented New Zealand is at once that of earth, and that of the canvas or page: fibrous, a humus, a compost, a vegetable tissue, a compound manure’?

MARK STOCKER

University of Otago

NOTES

1 John Coley to Mark Stocker, 30 March 2010. Coley writes: ‘At no time were we approached or had any pressure to present a major show of Gordon Walters — we had a long list of Canterbury artists and topics for our lone curator to deal with. As a member of the New Zealand Art Gallery Directors Council I was aware that other galleries, e.g. the National under Luit Beiringa, had a Walters show in mind. More importantly, the nature of Gordon’s practice made it difficult to formulate small focus shows of new work. While courteous, friendly and possessed of a personal integrity that did not allow him to speak ill of anyone, he was also a very private man’.

2 See, however, *Modern Britain 1900–1960*, exhibition catalogue, National Gallery of Victoria, Melbourne, 2007; also Mark Stocker, ‘Wellington Booty: Modern British Art at the Museum of New Zealand Te Papa Tongarewa’, *Apollo*, 171, 572 (2010), pp.40–47.

3 Gordon H. Brown, *Colin McCahon: Artist*, A.H. & A.W. Reed, Wellington, 1984.

4 See especially Warren Feeney, ‘National Identity and Peter McIntyre’s New Zealand’, *Journal of New Zealand Art History*, 25 (2004), pp.1–12.

5 Jane Stafford and Mark Williams, *Maoriland: New Zealand Literature 1872–1914*, Victoria University Press, Wellington, 2006.

Raupatu: The Confiscation of Maori Land. Edited by Richard Boast and Richard S. Hill. Victoria University Press, Wellington, 2009. 299pp. NZ price: \$50.00. ISBN 978-0-86473-612-3.

RAUPATU IS ANOTHER MAJOR CONTRIBUTION to scholarship from the Stout Research Centre for New Zealand Studies at Victoria University of Wellington. The two Richards – Boast and Hill, both respected scholars in Maori–Crown legal history – have edited an interesting range of papers from a 2008 conference held at the Centre. Confiscation of Maori land features largely in any history of Crown–Maori relationships either as a reference to the acquisition by the government of substantial areas of land under the New Zealand Settlements Act 1863 and kindred legislation, or as a trope for Maori grievances about colonial dispossession by whatever means. This book focuses on the narrower sense of the term ‘confiscation’, which is a subject, the editors rightly observe, that ‘has not attracted the attention it deserves’.

The 12 chapters of the book are divided into six parts, and a helpful appendix by Richard Boast outlines 22 statutes from 1863 to 1880 that constitute the main corpus of the raupatu laws. Part One comprises an overview by the editors and a short review of the confiscation legislation by Bryan Gilling. Part Two contains chapters by noted scholars James Belich and John Weaver providing an international context. Belich's contribution discusses the explosive settlement of Europeans in distant lands that features in his latest magnum opus *Replenishing the Earth*. Two brief case studies of explosive settlement and indigenous dispossession consider Tasmania and Argentina. Weaver reflects on land seizures and Anglo-colonialism through the lens of a slogan seen at an Ontario land protest: 'This country needs a true history lesson'. Part Three has Alan Ward inquiring in some depth into government policies towards Kingitanga prior to the outbreak of war in 1863, and then a younger scholar, Michael Allen, carries out a detailed analysis of the twists and turns of confiscation policies within the imperial and colonial governments. In the course of his chapter, Allen disagrees with Ward's description (in a 1967 NZJH article) of Governor Grey's 'sordid bargains' to implement confiscation in 1865.

Part Four turns to legal scholarship. Richard Boast discusses the numerous confiscation statutes, and also the workings of the Compensation Court (and other local commissions) on the partial restoration to selected Maori of areas of land within confiscation districts. His conclusion, though, is that the confiscation laws were not an especially distinctive mechanism for dispossessing Maori of their lands. Rather, raupatu should be understood as just another element of colonial government policy, like the Native Land Acts, which imposed a tenurial revolution – individualized rights to land in place of Maori customary forms of tenure. Mark Hickford looks at the 'afterlife' of confiscation issues in the different context of the 1920s and the Sim Royal Commission. His particular focus, drawing on voluminous Crown Law Office files, is 'the interaction between the external and internal histories of the Crown's patterns of engagement with Maori in the first half of the twentieth century.' His is a story of 'a ruminating Crown' that 'messily and often inconclusively' mulled over its own conduct.

Part Five comprises two case studies from historians who have made significant contributions to Waitangi Tribunal hearings. Vincent O'Malley here summarizes his evidence for Tuhoe and Ngati Ruapani concerning the (ironically entitled) 'mild sort of confiscation' imposed in the district around Waikaremoana. Judith Binney in her special way weaves the waiata and patere of Tuhoe leadership, especially those involved in Te Whitu Tekau, into an account of the 'curse of confiscation' suffered by Tuhoe. Short chapters on the legacies of raupatu – far too short to provide much perspective – appear as Part Six. Dion Tuuta looks at the mass of unsatisfactory laws that still govern leased lands from within the Taranaki confiscations that are now administered by the Paranihi-ki-Waitotara Incorporation. Alex Frame offers the view of a sometime Crown official on the legal finality contained in Maori Trust Board statutes from 1944 to 1981. The 'full and final' provisions in those statutes caused him much difficulty, he asserts, in advising ministers in the 1980s and 1990s when they were seeking to address the political realities of contemporary Treaty settlement processes.

Raupatu is an important contribution to legal and historical scholarship. There are some gems of insight to be found. The one I liked the most is in Boast's chapter on confiscation as 'an expensive mistake'. He takes the reader through the Waitangi Tribunal's careful analysis of the New Zealand Settlements Act and the complete failure of government ministers and officials to follow the legal procedures set out in the legislation. The steps required in law were to declare districts in 'a state of rebellion', to decide upon 'eligible sites for settlements for colonization' in those districts, and then actually to take land for those sites. The Tribunal found 'the whole confiscation to have been unlawful'. Boast agrees with the legal analysis, but then expostulates: 'And yet, without wishing to put matters too crudely, what of it?' For if such arguments had been advanced at the time 'then the legislation would

simply have been retrospectively validated'. Given the distinct tendency towards legislative bedlam in the making and re-making of laws relating to Maori land, Boast is surely right. The principle of parliamentary sovereignty is one that has been invoked repeatedly, and often retrospectively, in New Zealand legal history to validate government policies. Given the fact that such validation statutes were often to the detriment of Maori interests in the past, I find it oddly jarring to read how wedded Frame was, in the early years of the Treaty of Waitangi Policy Unit, to the 'full and final' sections of the 1944 to 1981 Treaty settlements. Yet Frame does provide another gem. From his insider's perspective, he notes that the late 1980s courtroom successes of Maori litigants both 'heightened claimant expectations' and 'increased public fears'. He notes that 'the courts helpfully urged negotiations between Maori litigants and the Crown' but that – here is the gem – 'these were often conducted through clenched-teeth, relations having been poisoned by the adversarial nature of the legal proceedings'. It is not at all hard to imagine the clenched-teeth of Geoffrey Palmer, Richard Prebble and other Labour Party ministers as they fumed about Sir Robin Cooke's judicial activism and then persuaded themselves in 1990 that \$20 million was a generous 'enhancement' of the Waikato raupatu claims settlement. It is more difficult to imagine how they reacted when Jim Bolger, Douglas Graham and National Party ministers agreed to a \$170 million settlement of the same claims five years later, with a further settlement of the Waikato river issues yet to come.

There are hints in this volume of the importance of detailed district-specific studies if we are properly to understand how the confiscation laws worked in practice. Boast notes the need for such research at the end of his chapter. I am not sure why more such studies do not appear in this book. Bryan Gilling contributes a general paper on the 'tale of six districts', but those without access to the Crown's or the Tribunal's archives do not yet know the details of Gilling's work on the Whakatohea confiscation in the eastern Bay of Plenty. Given that the Tribunal has never reported on the Whakatohea raupatu and there has been no concluded Treaty settlement with an historical account of that raupatu, it would have been useful if readers could have learned more from Gilling's 1994 research report in this publication. Both case studies in Part Five are focussed primarily on Tuhoe. Vincent O'Malley notes in a footnote that Michael Belgrave and Grant Young have presented evidence to the Waitangi Tribunal that offers an avowedly Ngati Kahungunu ki Wairoa perspective differing from the views of O'Malley and Binney. Yet neither case study seeks to move from advocacy history for claimants. Such history is appropriate enough in the now highly adversarial and over-lawyered forum of the Waitangi Tribunal. Claimants must provide evidence that is focussed on their history only. In a scholarly publication, however, might it not have been possible for the constraints of the claims processes to be set aside? Is it unrealistic to have hoped that a chapter in this book might have sought to contextualize and assess the varying perspectives of O'Malley, Binney, Belgrave and Young on the same historical episodes, to assess the strengths and weaknesses of the narratives by Crown historians, and to comment on the Tribunal's *Turanga Tangata Turanga Whenua Report*? To conclude on local case studies, as Boast notes, 'the vast and complex Waikato confiscation is a historiographical void'. It is a void that needs to be filled.

Finally, I noted some emotion-laden references to Maori who aligned with the Crown or remained neutral during the period of wars and confiscations. Ward writes of 'emergent compradors in the capitalist economy'. Weaver seeks to avoid 'simplistic commentaries' on colonizers stealing from 'united first peoples' by noting that there were 'native collaborators'. Most Maori did not fight the Crown and did not suffer raupatu in the narrow sense of the term. Were they all compradors and collaborators?

DAVID V. WILLIAMS

University of Auckland