

Interracial Sexual Violence in 1860s New Zealand¹



CROSS-CULTURAL INTIMACY has been a productive site for postcolonial scholarship since the 1980s, particularly for historians interested in the relationship between gender, race, sexuality and colonialism. Scholars have drawn attention to the relationship between the ‘tense and tender ties’ of colonial structures of both the law and private life.² Much has been revealed, for instance, about the workings of interracial relationships within colonial contexts. Notably, North American and New Zealand scholars have demonstrated the crucial importance of interracial intimacy and indigenous women to the establishment of economies of trade and exchange and to the settlement of newcomers within tribal territory.³ The application of postcolonial approaches to the study of interracial relationships has centred upon indigenous women’s experiences, agency and voices. Given their interest in reassessing national story-telling, postcolonial theories about hybridity (both in its biological and cultural forms) have also worked to disentangle interracial marriage from a national identity based on harmonious race relations.⁴ Interracial marriage, for instance, gained official support in New Zealand from the 1840s. Under racial amalgamation policy, which encouraged Māori to take up British customs and values, notably in the form of commerce, law and Christianity, interracial marriage and the production of ‘half-caste’ children were seen as the ultimate expression of that policy.

In this article, I move away from the ‘affective ties’ that have been the subject of recent focus in New Zealand scholarship and examine what is rarely discussed in the history of cross-cultural encounters: interracial sexual violence. I focus on the 1860s, when Māori and the Crown were at war in Taranaki, Waikato and the East Coast region. I draw from the insights of postcolonial approaches already applied to the study of marriage and bonds of kinship at shore whaling stations in New Zealand. While these studies highlight the significance of Māori women to the success of that industry, interpersonal violence also marked this period of cross-cultural contact and encounter, where ‘traces of violence, coercion, mistreatment, and abandonment [of Māori women by newcomers] can be found at the margins of the archive’.⁵ The intimate workings of the domestic sphere were not benign. The cases discussed in this article are drawn from a research project, in its formative stages, which examines the history of rape in the colonial period from 1840 to 1870. Like the work on interracial relationships, and postcolonial scholarship more broadly, I aim to reveal the contours of race and gender in the 1860s, situating them as constitutive of ‘the complex set of relations existing under colonial rule’.⁶ For Peter Gibbons, colonization is both cultural and material in character, comprised of a set of processes and practices ‘with real and continuing consequences’.⁷ The effects of colonization, in other words, are ongoing. His argument is highly appropriate to the examination of

rape in colonial societies because, as Elizabeth Kolsky has demonstrated, sexual violence in ‘the wider British empire never existed exclusively at the level of signs and symbols’.⁸ Material consequences marked interracial rape cases in colonial societies, particularly for indigenous men. In this article I explore the cultural meanings attached to rumours of interracial rape during the 1860s, at a time of interracial conflict. I show that in a politically fragile context, rumours, as well as actual instances, of interracial sexual violence — especially if committed by Māori men — exacerbated fears about the limits of colonial governance and the rule of law in the colony. In the second part of this essay, I examine the racialized language of morality that surrounded Māori women, and show that their reputed ‘natural’ immorality generated little government intervention into sexual violence committed on them during the 1860s.

The textual archives about rape in 1860s New Zealand comprise colonial newspapers, published official investigations, Māori-language newspapers, Supreme Court files where available, Native Department records and the provincial police gazettes. Of these archives, only the provincial police gazette for Otago and the Supreme Court trial files for that region remain available, while Native Department records and Māori-language newspapers refer to sexual crime rarely. It is in colonial newspapers that sexual crimes are recorded in greater detail and more regularly.

During the decade under study, the press utilized several terms to describe sexual crime, and, when reporting on cases, did not always use the language of the law, which defined rape as a felony crime committed on a woman by a man without her consent. Rape or attempted rape cases were also referred to as ‘criminal assault’ or ‘criminal assault with intent’, sometimes ‘indecent assault’, or ‘criminal connexion’, amongst other terms.⁹ Research to date reveals 127 cases of violent sexual crimes reported in the colonial press, during the 1860s. There were 43 cases of rape (33.9%), 22 criminal assault cases (17.3%), 14 cases of attempted rape (11%), and 48 cases of assault with intent (37.8%). Of the total cases reported in the press, 16 (12.5%) involved Māori.¹⁰ There were 13 cases (10.2%) of interracial sexual violence: two of the offenders were ‘coloured’ men, three Māori men were alleged to have sexually assaulted Pākehā women, while eight Pākehā men were alleged to have sexually assaulted a Māori woman.

The extent to which cases of sexual violence involving Māori came to the attention of the public and the colonial press was contingent upon the parties’ degree of interaction with the justice system. Studies of violent crime in nineteenth-century New Zealand often exclude Māori from analysis on the basis that they ‘relied largely on their own mechanisms of social control’.¹¹ Investigating interracial sexual crime in the 1860s is also complicated by the racial amalgamation policy. Although that policy involved the development of a single system of law, in reality two cultures of law were in operation, and Māori could come into contact with the European legal system in several ways. Several courts dealt with criminal cases, including the Supreme Court, as well as a Resident Magistrates Court, while the District Court, established in 1858, also had criminal jurisdiction until 1870.¹² In addition, a network of civil commissioners and justices of the peace dealt with a broad range of crimes.

Established in 1846, the resident magistrate system was envisioned as a way to promote racial amalgamation by encouraging Māori to adopt British law. It was not until the 1860s that the system was extended into many Māori areas, and it existed alongside the 'new institutions': 20 districts under the direction of a civil commissioner who attended and led district runanga and co-ordinated with the resident magistrate.¹³ Resident magistrates and the runanga dealt with civil and criminal cases. By 1865, when the system of runanga was abandoned, the Native Department had eight civil commissioners, 22 resident magistrates and 341 Māori working within the 'new institutions'.¹⁴ When Edward Stafford's Ministry took office in late 1865, the civil commissioner and resident magistrate system was only retained in the 'disturbed districts'; but from 1869, under Donald McLean, resident magistrates again became a central feature of the Native Department. McLean regarded magistrates, who were expected to tour their districts and report on a regular basis, as a force for linking Māori communities and the government, but also, and most importantly, as a valuable source of knowledge on local activities.¹⁵

By the 1860s a system had developed of codifying Māori custom and recognizing Māori systems of justice in a push towards a goal of 'amalgamation'. Māori, however, selectively adopted British law, and when serious breaches of law arose Māori custom was followed. Serious crimes such as puremu (adultery) were dealt with following tikanga (custom), and defiance of government intervention into cases of this nature was common.¹⁶ Alan Ward's claim that racial amalgamation policy had limited success during the mid-nineteenth century is supported by the evidence of how sexual crimes were handled. When sexual assault cases came before a resident magistrate or civil commissioner, they preferred to work with Māori communities to seek a satisfactory solution and appropriate punishment. In 1861, a settler wrote several letters to the Attorney-General about 'a criminal assault by a Maori on a child, the daughter of a settler' because 'no steps appear to have been taken in the matter'. Government officials refused to intervene because Māori had followed custom in the matter and were willing to deal with the local authorities. Just two days after the alleged assault, leaders of the Māori community, along with the youth, came to the home of the settler to compensate him for the offence, offering him a horse as reparation, which was accepted.¹⁷ A rape case in 1863 at the Bay of Islands, as well as an 1862 abduction case in the same locality, also went through the runanga system, and were dealt with successfully by the local resident magistrate and civil commissioner.¹⁸ These cases support Tony Severinsen's conclusion that 'most sexual assaults that occurred within a Maori community remained there and away from the Pakeha justice system'.¹⁹

While not all cases of crime in Māori communities came to the attention of the authorities, during a time of political volatility interracial rape cases did offer Māori communities an opportunity to publicly acknowledge their loyalty to the Crown. Ōtaki leaders Matene te Whiwhi and Tamihana te Rauparaha heard a case of interracial rape at a runanga meeting in May 1862. After several nights of debate it was agreed to hand the men over to police.²⁰ In the colonial press, instances of Māori willingness to engage with the justice system were interpreted and acclaimed as demonstrating their acceptance of British law, particularly at a time of war. Māori-language newspapers were mobilized in a similar manner. These

newspapers were an important feature of nineteenth-century New Zealand print culture, and were used to enlighten readers about British law and its morality, and to encourage its acceptance amongst Māori.²¹ Sexual crimes were rarely discussed, but when they did feature it was to encourage the acceptance of British law. The government newspaper *Te Manuhiri Tuarangi* (formerly *Te Karere Maori*) cited a case of assault by Pākehā men on a Māori woman at Rapaki, Banks Peninsula, during May 1861. At the runanga it was viewed as ‘a bad sign, seeing that it was a time of war at Taranaki’. The correspondent utilized the case to encourage Māori communities to bring similar cases to the attention of authorities so that they could be adjudicated ‘in strict accordance with the law’.²²

When Māori men escaped justice, or were protected by their communities, the colonial press read it as an act of aggression against authorities. In 1862 a young Pākehā woman told authorities she had been violently attacked by a Māori man, known as W., while on her way home. This case was widely reported in New Zealand and Australian newspapers because W. was ‘rescued by six armed king natives’ and placed under the protection of the Kingitanga. At the same time, the Kingitanga were successfully halting Crown land purchases in the Waikato, and would be at war with the Crown within a year. It was claimed W. walked around under the noses of the authorities for two years without fear of the police, the law or colonial authority.²³ Initial reports on the case in 1862 actually emphasized Māori loyalty to the Crown because local Māori wanted the case dealt with by the authorities.²⁴ But as the months and years passed, with war in the Waikato rumoured to be imminent, press descriptions transformed the ‘rescue’ into an armed expedition, and W. into a Kingite.²⁵

Discussion of crimes involving sexual violence in the colonial press reveals a high level of anxiety about Māori masculinity and sexuality. Those cases that attracted the most comment and anxiety involved the abduction, abuse, rape or assault of Pākehā women by Māori men, and in this New Zealand shares a trans-colonial culture of anxiety. In the United States, Canada and Australia fears about white women’s virtue while in captivity ‘reflected both colonial and metropolitan fascination with the dangers of the colonies’.²⁶ What makes New Zealand different is that these anxieties included defending the virtue of some Māori women: those who were married to respectable settlers and landowners during the wars of the 1860s. Here, politicians and the settler press stretched the definition of respectable femininity.²⁷ Invoking the greatest fear were lawless ‘native districts’ and the unwillingness of some Māori communities to bend to colonial authority. These districts and communities were subject to rumours of possible outbreaks of violence, and these stories shaped knowledge about ‘performed brutality and the potentiality for it’.²⁸

War broke out in Waikato on 12 July 1863 when colonial forces crossed the Mangatawhiri stream into Kingitanga territory. In the months prior to the invasion, rumours of war had been building. Fearing for their kin residing in Auckland, the Kingitanga leaders sought the return of their women and children from the city. Seeking to protect families and relations — including those married to settler men — the Kingitanga leaders, as the colonial press reported, ‘ejected’ European settlers from the Waikato in May 1863, but their ‘Maori wives or children — in fact no one who had any Maori blood in them’ were not allowed to leave,

and others were 'abducted'.²⁹ Rumours about the fate of women and children taken 'captive' by Māori circulated in the colonial press and fashioned a 'charged cultural space' through which interracial violence, or fears of it, operated for settlers and officials.³⁰ In reality, the women and children claimed as 'captives' by the press were linked by kinship to members of the Kingitanga, and taken under their protection.

Colonial press reports of Kingitanga 'abductions' and 'kidnappings' had a sexual overtone, signalling the possible abuse of women and children at the hands of Māori men. In May 1863 the Auckland newspaper the *Daily Southern Cross* angrily claimed these 'outrages must not be condoned' and called for settler men and those 'who are the natural guardians of Maori women and half-caste children, and who may in any way be exposed to the lawless violence of the native race, to place them [wives and children] betimes in a position of security'.³¹ Women's physical safety and morality were at stake, as was the racial amalgamation policy. At Waipa, William Astell's wife and child were 'taken and distributed amongst the natives', as were Robert Ormsby's family, claimed journalists.³² John Allen's wife and children were 'carefully apportioned out amongst the natives' but Allen, representing heroic white masculinity, returned to Waikato to effect an escape: 'Mr Allen was secreted in his own house, without the knowledge of the natives, and you . . . can well imagine his feelings as he lay stowed away in the roof of his own house, to hear a native consoling his wife, by telling her she would only grieve for him for a month, and then she would be quite reconciled to her fate, and perfectly happy with her new husband.'³³ Another case from Waikato revealed 'the audacity of the disaffected natives': Francis Francis told of how he rescued two 'half-caste' women from Waipa, where they had been 'forcibly detained' for a year. After being rescued, Māori simply walked into the settlement of Raglan and 'attempted to take the females back again'. Local authorities, fearing attack, did not interfere in the matter.³⁴

Press reports of the early 1860s about the 'kidnapping' and 'abduction' of Māori women and 'half-caste' children served an ideological purpose. In the midst of the Taranaki conflict, and rumours of potential conflict in the Waikato, details about 'abduction' cases alluded to the limits of British law and authority over Māori.³⁵ Husbands rescuing wives and children evoked honour and chivalry, but also further demonstrated the limitations of the law in the Waikato and the failure of colonial authorities to contain and punish Māori 'atrocities'.³⁶ Māori 'attacks' on interracial families also signalled the impossibility of racial amalgamation in the future and, indeed, the end of that policy. In the 1860s, racial amalgamation policy was replaced by a policy of assimilation that attacked Māori culture, values and language through the education system from 1867 and very basis of that culture, communal land holdings, through the Native Land Court from 1865.

Anxieties about the fragility of colonial authority appeared not only in Waikato and Auckland but also in districts at a distance from war. European families, cried the *Nelson Examiner and New Zealand Chronicle*, were defenceless and at the mercy of an ungoverned people.³⁷ At the Bay of Islands, in northern New Zealand, after the Māori wife of an English settler had been three weeks 'in the hands of the natives' a concerned neighbour wrote to the *Daily Southern Cross*, asking 'in the name of humanity how long such a state of things is to last, in

this, a British colony'.³⁸ Māori wives of Pākehā men, and their children, required rescuing because these 'are respectable men lawfully married' and not 'Europeans who live amongst the Maoris, outcasts from all societies'.³⁹ Respectable, educated and residing in British settlements, these men were claimed as good fathers attempting to raise their children in British fashion, and were the true exemplars of the racial amalgamation policy. As landholders these men were settlers, and thus loyal to the Crown.

'Outrages' against white women allegedly committed by Māori men were a constant and repeated refrain in settler newspapers in the 1860s, yet few actual cases appear to have been recorded in the press.⁴⁰ It was claimed settlers 'possessed wives and property which the natives coveted'.⁴¹ Instances of interracial sexual assault in peaceful districts, at a distance from war, were those most subject to virulent rumours of sexual violence. In 1863, at the height of the Waikato war, the daughter of a Bay of Islands settler charged a Māori man with assault with intent to commit rape. Officials were determined to demonstrate the morality and justice of British law, but 'the whole tribe declar[ed] their determination not to give him up' because 'many cases had occurred in which Native women had been roughly handled by Europeans when no imprisonment had been inflicted'. For local settlers this 'gross outrage' represented the limits of British law, and its inability to protect British subjects.⁴²

Claims about the limits of government authority and the impudence of Māori reached a peak in the mid-1860s: 'Murder, cannibalism, rape, robbery, and rapine go unpunished', claimed the *Daily Southern Cross* on 31 March 1865.⁴³ An editorial in the same newspaper, a week earlier, on 22 March 1865, proclaimed the experiment of colonizing New Zealand along humanitarian lines, that is, without war or military occupation, had not worked, that Māori had proved they were not civilized, and that government authority was weak, evidenced by the fact that 'Rape was notoriously condoned by the Government of this colony, when the culprit was a native'. Furthermore, in war, Māori men had revealed their true nature: they were insincere Christians, and were 'savages inflamed by lust and cupidity, raging to destroy life and enslave'.⁴⁴

In many colonies rumours of interracial sexual violence often 'anchor[ed] colonial and imperial justifications' for repressive policies.⁴⁵ A view that 'native districts' were lawless and harbouring criminals during war resulted in the passage of a series of laws to take control of 'native districts' that existed outside, or in the shadow of, colonial authority. The Outlying Districts Police Act 1865 allowed the governor to press chiefs to aid in the arrest of criminals or those suspected of murder, assault, rape or assault with intent to rape, burglary, arson or armed resistance to a officer of the law.⁴⁶ If no assistance was forthcoming, the district was proclaimed, and it was lawful for the governor to confiscate the land and sell it.⁴⁷ While the Act was passed in response to the brutal death of the Anglican missionary Carl Volkner at Ōpōtiki on 2 March 1865, in parliamentary debate on the Bill Francis Dillon Bell invoked settler fears of sexual assault upon settler women as a justification for the Act and its punitive measures.⁴⁸ At the end of the decade the Disturbed Districts Act 1869 established a system of summary trials in the 'disturbed' regions to punish those 'guilty of outrages and atrocities', including murder and rape, during the 'rebellion'.⁴⁹ The Act defined those detained

by authorities in the disturbed districts as criminals, and not prisoners of war. In debate on the Bill its supporters questioned any fears expressed in the House about Māori retaliation: in Parliament, it was asked, 'to regulate the punishment of these men by the amount of terror we ourselves feel'.⁵⁰

Correspondence, legal records, settler press reports and official investigations (or the absence of them) act as narratives of 'the kinds of stories people told about violence'.⁵¹ Near the end of 1869, after a decade of war, claims of a differentiated application of the law, specifically the repeated claims that 'while the natives can always obtain redress against the pakeha, the latter has seldom any chance against the former' were a 'reproach to the British character' and proclaimed as a 'stigma upon [Britain's] world-wide reputation' and a 'disgrace'. 'Such imbecility, such incapacity to govern, has not characterised the descendants of the Anglo-Saxon race in other colonies, and why should it in this?'⁵² Analyses of this kind gesture towards how people sought to understand what caused interracial violence, and the 'appropriate measures to counter it'.⁵³ For some that might mean the institution of repressive measures and policies because the threat of sexual violence against white women demonstrated a limited authority, and fragile structures of government.

Most studies of rape in colonial societies focus on 'rape myths' about the indigenous or black male offender.⁵⁴ Australian scholarship, however, links sexual violence with the 'frontier', an overtly masculine space in which indigenous women were viewed as sexually available and white women were deemed to be defenceless from predatory non-white men. Indigenous men were cast as sexually dangerous in the Australian colonies.⁵⁵ The intimate lives of Aboriginal peoples were subject to state control, and 'racialised sexual violence and abuse was a brutal reality for Aboriginal women'.⁵⁶ Māori women's experience in the 1860s echoes the Australian situation.⁵⁷ While sexual violence committed on Māori women during the 1860s attracted little concern from colonial officials, except, as already noted, when they were wives of respectable and loyal settlers taken 'captive' during the wars, there were seven interracial rape cases involving Māori women reported in the press, three of which were heard before the Supreme Court. Press reports of the proceedings are relied upon because the Supreme Court trial records no longer exist. What is revealed in settler newspapers is an acceptance of Māori women's 'natural' immorality.

Studies of violent crime in nineteenth-century New Zealand have excluded sexual crimes from analysis because 'they would have been subject to the greatest variation in reporting habit'.⁵⁸ This is a valid point. As many scholars of sexual crimes have noted, conviction rates are not necessarily representative of the extent of sexual violence. It is likely many more cases of rape and attempted rape went unreported and unrecorded, in part because of the public humiliation, the loss of respectability and the cross-examination of character that victims feared they would be subjected to in a court room situation.⁵⁹

Once cases of rape or attempted rape entered the criminal justice system, to have a greater chance of conviction female victims had to possess a certain set of characteristics, and this follows a pattern found in other colonial societies.⁶⁰ In general the burden of proof lay with the woman, and a woman's complicity in her own sexual abuse characterized reportage on cases.⁶¹ The status and reputation of the woman also had a bearing on the outcome of rape and sexual assault cases.⁶²

Acquittal was often the result in cases where a woman was deemed to have lax morals. Often, any delay in laying a complaint was marshalled as evidence of promiscuity, and construed as consent. After all, stated one judge when instructing a jury at Nelson in 1861, one 'of the most important tests in all cases of alleged rape, [and] of the veracity of the woman, is whether she made immediate complaint or not'.⁶³ A conviction was more likely if some physical resistance could be proven, like overheard screams, a dishevelled appearance, torn clothing, and bruises or scratches on the victim or offender. But if a woman was unsupported by witnesses, was of bad character, concealed the injury from others for some time, or failed to resist her attacker, this signalled 'a strong, though not inconclusive, presumption, that her testimony is feigned'.⁶⁴

On the morning of 14 November 1862, William B., a soldier, visited Jane H. at her home, staying until the mid-afternoon. Thinking he had left, Jane lay down, only for William to return 15 minutes later, on the pretext of bringing her some water. When she requested he leave, William knocked her down. Jane screamed. William placed his hand over Jane's mouth, 'pulled up my clothes and opened his trousers'. She screamed again. 'He lay on me. He did nothing more. When I screamed he let me go. I said I would tell my husband when he came home.' Jane left marks upon his face, and immediately sought assistance from the military police.⁶⁵ Despite fulfilling many of the requirements of a reliable witness, her familiarity with the offender undermined the case. On cross-examination it was revealed she had known him for six months, that he came to the house often and that alcohol was in the house on the day in question. Alcohol attested to her poor character, and their familiarity suggested the possibility of consent. Indeed, the defence claimed that the 'terms of familiarity were such as to give some encouragement to the prisoner, by which he thought she would offer no resistance, but finding he was mistaken he at once desisted'.⁶⁶ In relenting, argued the defence, his intent was not rape. The jury took 15 minutes to find him guilty of common assault, and he was sentenced to nine months' imprisonment with hard labour.

Jane was the Pākehā wife of a soldier, and her case gestures towards how women's morality and respectability was regularly marshalled as evidence in cases of sexual violence. In cases of rape committed on Māori women, respectability, morality and honour were racialized. In 1862 Justice Johnston claimed the cases for consideration that day were the first time, as far as he knew 'in this part of the colony [that] any aboriginal native has been charged with the offence of rape upon a European woman, or any European has been charged with an attempt to commit such an offence upon a Maori woman'. Furthermore, 'there does not seem to be the slightest ground for suggestion that the difference of race of the perpetrators of these offences and the sufferers has anything to do with the commission of the offences'.⁶⁷ But a racialized hierarchy of gender definitely played a role in these cases and others during the 1860s particularly in reportage, and especially so during war.

Official correspondence and reports on the wars reveal little about instances of interracial sexual violence committed by soldiers, either Pākehā or Māori, on Māori women. Rape certainly happened during the wars of the 1860s. On 1 August 1866, for instance, Major Thomas McDonnell led an attack on the Taranaki village of Pokaikai, where 'the multiple rape of a wounded woman' by soldiers took place.⁶⁸

In many cases, however, stories about the sexual violation of Māori women during the wars ‘were never revealed but kept secret, and locked away in their hearts’.⁶⁹ There is evidence from critiques of soldier masculinity that Māori women were viewed as sexual companions, and nothing more, by some members of the British regiments stationed in New Zealand during the 1860s. Some officers sought to protect Māori women from predatory men. James E. Alexander, for instance, urged a local chief to protect women ‘from insults’ by not letting ‘them wander alone near our camp, [instead] let them have a male friend or relation always with them’.⁷⁰

In rape cases heard before the Supreme Court Māori women were rarely described as ‘respectable’ or ‘virtuous’. Instead, the burden of proof was set much higher for Māori women, whose immorality was assumed in sexual assault cases brought before the courts. After all, they reputedly acted as spies during the wars, choosing to become the mistresses of several ‘officers of Colonial forces’ for that purpose.⁷¹ A similar allusion to Māori prostitution was made by the defence in rape cases heard before the Supreme Court. William H. was charged with assault with intent to commit rape on a Māori woman at the Hutt River in 1862. In evidence, Mary Ann testified she had asked him to point out the correct way to her destination. He took her to the road instead and attempted to assault her after she refused his offer of money in exchange for sex. She fought him, was punched, had her clothes torn, and he took ‘indecent liberties’. While on the ground she continued to struggle and scratched his face, and on escaping she went immediately to the authorities. In his defence, the offender questioned her morality and respectability. It was claimed she took his money, drank his gin, was frequently at a public house in the company of men, and co-habited with a white man — all of which constituted evidence of her bad moral character. In fact, she had been married for seven years, and strongly denied the insinuations of prostitution stating she went to the public house ‘to fetch provisions for myself and husband’.⁷²

Challenging a woman’s character publicly was standard practice in rape trials, but in cases involving Māori women it was often the only defence strategy employed. Even though witnesses to Mary Ann’s state immediately after the assault indicated she was bloody, her clothes had been torn and she had been crying, those same witnesses claimed that ‘within the last three years she has got a very bad name for chastity’ and that ‘she has a very bad character for chastity throughout the neighbourhood’ evidenced by her co-habitation with a ‘man called her husband’. Despite being witness to no immoral behaviour, the local policeman also stated. ‘I have heard it remarked that she was of bad character’. In seems an indigenous woman who charged a white man with rape was at the mercy of a colonial justice system that labelled them as inherently promiscuous.⁷³

Supreme Court judges who heard cases of sexual violence in which Māori women were the victims made no reference to war, and they excited little or no comment on Pākehā masculinity. Instead, it was often Māori who critiqued the behaviour of Pākehā men, rather than the courts or the colonial press. In refusing to give up a young man to the authorities for the alleged sexual assault of a settler’s daughter at the Bay of Islands in 1863, Māori reasoned that the local authorities’ lack of interest in pursuing Pākehā men’s assaults upon Māori women justified their actions. When cases did come before the courts, Māori communities watched

the results of the cases attentively and responded with frustration to light sentences, or with anger in cases of acquittal, like that of the sawyer who was charged with assaulting a Māori woman at Hokianga in November 1867.⁷⁴ A month later, on an official visit to the Bay of Islands and Hokianga, the governor encountered an angry community, who, it was reported, 'are disgusted and say that the next crime they will treat in Maori fashion by punishing the offender at once'.⁷⁵

The wars of the mid-nineteenth century were intensely and publicly debated in the colonial press, and these discussions were often sexually coded.⁷⁶ During wartime, rape cases served to critique Māori masculinity, to provide further evidence of Māori savagery and to consolidate a popular view of Māori women as sexually permissive. Public comment on prominent cases attests to this: race and gender were important factors in how cases were discussed and narrated to the public in which violence, particularly the threat of violence to the individual as well as to the nation, were commonly evoked. Cases of sexual violence, therefore, allow 'us to trace the connection between the large politics of the state and the small politics of private life that made up the relations of colonial power'.⁷⁷

Public and official discussion about interracial rape during the 1860s offers an insight into the racial politics of the era. Interracial sexual violence committed by Māori men was politically explosive. It was often claimed as 'outrages', and openly claimed as evidence of a fragile colonial state.⁷⁸ Newspaper editors used 'outrages' to 'give voice to their political aspirations for the colony' and to attack the reputation of the governor and the effectiveness of his 'native policy'.⁷⁹ Indeed, interracial sexual violence undid the reputation of a colony because cases of this kind were never just local events, but were reported upon at national level, and circulated in colonial and metropolitan circles.⁸⁰ In times of imperial crises fears about the savagery of indigenous men and anxiety about white women's safety were coded in rumours of sexual violence which circulated throughout the British Empire.⁸¹ As in other parts of the empire, these fears were forged on the basis of scant evidence, and relied on rumour.

Interracial sexual violence has a political and cultural meaning, but it also has a material impact, helping to justify repressive policies. Moreover, sexual violence brought emotional devastation to its victims and the wider community. While instances of interracial rape were invoked for political purposes in the colonial press and in political circles, they also highlight, in a visceral way, what Catherine Hall describes as the 'lived relations of colonialism'.⁸²

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NOTES

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2 Ann Laura Stoler, 'Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies', in Ann Laura Stoler, ed., *Haunted By Empire: Geographies of Intimacy in North American History*, Durham, 2006, pp.23–70. Also see, Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*, Durham, 1995; Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Conquest*, New York, 1995.

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9 Kim Stevenson, "'Crimes of Moral Outrage": Victorian Encryptions of Sexual Violence', in Judith Rowbotham and Kim Stevenson, eds, *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage*, Columbus, 2005, p.232; Joanna Bourke, *Rape: A History from 1860 to the Present Day*, London, 2007, p.14.

10 This project is in its first phase, and has drawn its examples from Papers Past: www.paperspast.natlib.govt.nz as well as the New Zealand Lost Cases Project: www.victoria.ac.nz/law/nzlostcases/. The following cases of interracial sexual violence were reported in the colonial newspapers, although not all of them went before the courts: criminal assault on a 'settler's wife' at Upper Hutt by two Māori men (*Otago Witness* OW, 14 June 1862; *Nelson Examiner and New Zealand Chronicle* NE, 3 May 1862; *Wellington Independent* WI, 25 April 1862 and 6 June 1862); attempted rape of a 13-year-old girl at Whanganui by a Māori man (NE, 10 November 1862; OW, 8 November, 1862; *Daily Southern Cross* DSC, 8 November 1862 and 10 August 1864; WI, 18 April 1863 and 10 February 1863; *Hawkes Bay*

Herald HBH, 18 March 1863); the attempted rape of a Māori woman by William H. at the Hutt River in 1862 (OW, 14 June 1862; WI, 6 June 1862); an attempted rape in 1862 at Riverton on a woman of mixed descent (*Southland Times* ST, 26 December 1862); rape committed by a Māori man on Sarah H. at Auckland (DSC, 3 September 1863 and 1 July 1863; OW, 25 July 1863); rape of a Māori woman by 'deserters' (DSC, 1 February 1866); a criminal assault on a 13-year-old 'half-caste' girl at Stewart Island (ST, 6 November 1867 and 18 November 1867); criminal assault on a white woman by a Māori man (HBH, 12 October 1867; WI, 22 October 1867); rape of a Māori woman at Ōtākou by a Pākehā man (*Oamaru Times and Waitaki Reporter* OTW, 6 September 1867; OW, 6 September 1867); the rape of a Māori woman by a 'settler' (*Evening Post* EP, 22 November 1867); and the attempted rape of a Māori woman in 1868 (DSC, 4 March 1868). The sexual assault cases involving two 'coloured men' were reported in the *Otago Police Gazette*, 20 March 1864, p.38; NE, 18 November 1865 and 12 November 1865.

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