Bain Attwood

‘A Bloody Difficult Subject’

Ruth Ross, te Tiriti o Waitangi and the Making of History

One historian's research and the transformation of te Tiriti in New Zealand life.

Ruth Ross is hardly a household name, yet most New Zealanders today owe the way they understand the Treaty of Waitangi — or te Tiriti o Waitangi as Ross called it — to this remarkable woman's path-breaking historical research.

Taking us on a journey from small university classes and a lively government department in the nation's war-time capital to an economically poor but culturally rich Māori community in the far north, and from tiny schools and cloistered university offices to parliamentary committees and a legal tribunal, Attwood enables us to grasp how and why the place of the Treaty of Waitangi in New Zealand law, politics, society and culture has been transformed in the last seven decades.

A frank and moving meditation on the making of history and its advantages and disadvantages for life in a democratic society, '*A Bloody Difficult Subject*' is a surprising story full of unforeseen circumstances, unexpected twists, unlikely turns and unanticipated outcomes.

Bain Attwood is a professor of history at Monash University in Melbourne. He is the author of several books, including *Telling the Truth about Aboriginal History* (Allen & Unwin, 2005), *Possession: Batman's Treaty and the Matter of History* (Melbourne University Press, 2009) and *Empire and the Making of Native Title* (Cambridge University Press, 2020). A graduate of universities on both sides of the Tasman, he has held fellowships at the Australian National University and Cambridge University and a visiting professorship at Harvard University. Empire and the Making of Native Title was the joint winner of the New Zealand Historical Association's 2021 W.H. Oliver Prize for the best book on any aspect of New Zealand history, and was shortlisted for the 2022 Ernest Scott Prize for the most distinguished contribution to the history of Australia or New Zealand or the history of colonisation.

AUCKLAND
UNIVERSITY
PRESS

$59.99
Hardback, 240 x 170 mm
320 pages
ISBN: 9781869409821
11 May 2023

‘A Bloody Difficult Subject’

Ruth Ross, te Tiriti o Waitangi and the Making of History

Bain Attwood

AUCKLAND
UNIVERSITY
PRESS

First published 2023

Auckland University Press
University of Auckland
Private Bag 92019
Auckland 1142
New Zealand

www.aucklanduniversitypress.co.nz

© Bain Attwood, 2023

ISBN 978 1 86940 982 1

A catalogue record for this book is available
from the National Library of New Zealand

This book is copyright. Apart from fair dealing for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced by any process without prior permission of the publisher. The moral rights of the author have been asserted.

Every effort has been made to trace copyright holders and obtain permission to reproduce copyright material. The publisher apologises for any errors or omissions in this book and would be grateful if notified of any corrections that should be incorporated in future reprints or editions.

Book and jacket design by Duncan Munro

Map design by Tim Nolan/Blackant Mapping Solutions

Cover image: Ruth Burnard and her typewriter, *c*. 1944, Peter Boyd Collection

This book was printed on FSC® certified paper

Printed in China by Everbest Printing Investment Ltd

Contents

Map ... ix
Preface ... xi

PART 1: Ruth Ross

Chapter 1: The Government Printer ... 3
Chapter 2: School Publications ... 33
Chapter 3: The New Zealand Journal of History ... 63

PART 2: Te Tiriti

Chapter 4: Reading 'Te Tiriti o Waitangi' ... 93
Chapter 5: The Waitangi Tribunal, the Legal Scholars and the Historians ... 119

PART 3: History

Chapter 6: Politics, Public History and Juridical History ... 143
Chapter 7: Revisionist Histories ... 171
Chapter 8: The Advantages and Disadvantages of History ... 197

Appendix: Te Tiriti o Waitangi/The Treaty of Waitangi ... 215
Illustrations ... 219
Abbreviations ... 221
Notes ... 223
Bibliography ... 251
Acknowledgements ... 277
Index ... 279

Preface

In May 1955 a thirty-five-year-old woman and her family left their suburban home in Auckland at short notice, moving to Motukiore, a small, remote community in the Hokianga, on the north-west coast of the North Island of New Zealand. Her husband took up a position as the principal teacher at the local Māori school. She took care of the house, raised their two young boys, created a vegetable garden, taught at the school for a while, established a country library service and befriended the local Ngāpuhi people. Shortly after they arrived, she began to write a story for school children about the historic 1840 Treaty of Waitangi,[1] or what she called te Tiriti o Waitangi — the Treaty's name, as most New Zealanders now know, in the Māori language.

It would be many years — not until 1972 — before this woman, Ruth Ross, published a learned article in the *New Zealand Journal of History* about te Tiriti; as she remarked to the journal's editor, she found the Treaty 'a bloody difficult subject'. Yet, within a decade, her article in this specialised academic journal had become famous, and shortly afterwards it was taken up in a way that helped to transform both Pākehā and Māori understanding of the Treaty, and make te Tiriti central to the country's law, politics and culture. The Treaty/te Tiriti came to be regarded as the nation's founding document, always speaking as the measure for a just distribution of resources in New Zealand society, and fundamental to the understanding of the country's history.[2]

Ross was on first-name terms with well-known figures in post-Second World War New Zealand, most notably her fellow historians J. C. Beaglehole and Keith Sinclair, the writer Frank Sargeson, the poet James K. Baxter, the artist Ralph Hotere and the literary editor Charles Brasch. But whereas they are still remembered by many New Zealanders, she has been forgotten beyond a small circle of historians and lawyers. I have written this book with the conviction that, by grappling with three difficult subjects — Ross herself, te Tiriti, and history — and the relationships between them, we can learn a great deal about Aotearoa New Zealand society, culture and politics of the last seventy years.

I seek to address several questions. When, why and how did this remarkable woman come to write about te Tiriti? How and why was her 1972 article received in ways that were at cross purposes to her intentions? Why has historical knowledge about the Treaty changed so dramatically in New Zealand since she started to write about it in the 1950s? How might histories about te Tiriti best be told, for what purposes and to what ends? And how might the different forms of knowledge that Māori and Pākehā have about 'history' be negotiated?

For some time now — and largely due to Ross's work — it has been taken for granted that te Tiriti/the Treaty comprises two language texts (the English and the

Māori), that there are significant differences between them, and that the Māori one is the most important. Consequently, it is difficult to comprehend that that is not how the Treaty was once seen and that this was not the main point Ross was trying to make about it. She could never have imagined that her article would be received in this way, that so much would be read into it, and that this would be fundamental to the enormous impact it had. These developments would have dumbfounded her, for she had other, quite different things to say: that the Treaty was hastily and inexpertly drafted; that the English text was badly translated into te reo Māori; that the Treaty was so ambiguous and contradictory that it was taken to mean whatever anyone wanted it to mean; and that it could never provide the basis for any legal change that would give the help Māori desperately needed. As this suggests, the story I am about to tell is full of unexpected turns, unforeseen circumstances and unanticipated outcomes.

In seeking to answer the questions I am addressing in this book I have found three concepts useful. The first is the public life of history. A renowned historian, Dipesh Chakrabarty, formulated this concept several years ago to make sense of the public controversies about history that have been taking place lately in countries like New Zealand. He used it to distinguish what he called history’s public life from what he regarded as its cloistered life. By the cloistered life of history — the second concept I have used — Chakrabarty meant the life that the discipline of history enjoys in universities as it is taught, studied and researched, and discussed and debated in journals, monographs, seminars, conferences and the like. History is like any other discipline in this respect, but it differs from most other disciplines in the humanities and the social sciences in that it does not present as many strong barriers to those who wish to participate in the conversations it prompts and the controversies it stirs up. Anyone, whether they are academically trained or not, can presume to do history, discuss and debate it.

By the public life of history Chakrabarty meant the discussions and debates that occur about history in the public domain. As he pointed out, these interact with those that take place inside the universities, moulding one another even to the extent that they can affect the discipline’s basic terms, such as ‘research’, ‘sources’, ‘facts’ and ‘truth’. Sometimes this means that the relationship between the two lives of history is awkward and tense. This is particularly so when historical claims are made that trained historians find difficult to defend in the light of their professional knowledge and the protocols of the discipline. In short, being the kind of discipline it is, history is not only prone to having a public life but is perennially open to the pressures that emanate from that life. These pressures tend to vary between countries and across time, but they have been marked in democracies in recent times. In the New Zealand case, nowhere has this been more evident than in the conversations and controversies that have arisen about the Treaty of Waitangi/te Tiriti o Waitangi.[3]

The third concept I have used, which I have called the private life of history, refers to the ways that history works as an emotional force in the lives of the discipline and its practitioners. In contemplating the work of their peers, historians tend to overlook that it is influenced by both rational and irrational forces. In recent times, historians have been more willing to acknowledge the role that subjective factors play in historical research and writing. Nonetheless, they are inclined to countenance only those factors that are generated by social, cultural and political circumstances. Most are inclined to shy away from the role that the human psyche plays in their own work and that of their fellow historians. This neglect of the private life of history can be attributed partly to historians lacking the historical sources and the analytical tools that are required if one is to recover, and make sense of, its influence, but it mostly springs from a reluctance to engage with and reflect upon this factor. Yet the accounts that historians have provided about the highly charged matter of the Treaty are as likely to be the result of the powerful emotional forces that are at work in the relationship between the past and present as they are of their reasoned response to the historical traces they have unearthed and the stories that others have told about it over time. To be able to understand the stories they have told about the Treaty satisfactorily, we need to be willing and able to chart the relationship between the public, cloistered and private lives of history.

In this book I approach Ruth Ross, te Tiriti o Waitangi, and the lives of history as someone whose position might be described as that of an inside outsider. While I was born and bred in New Zealand, I migrated to Australia in 1981 to undertake a doctorate in history and have worked there ever since (except for short stints in universities in the United Kingdom and the United States). My research has often referenced New Zealand's history and one of my recent books, *Empire and the Making of Native Title*, is devoted to a consideration of matters that touch on the Treaty. But I have not been party to the public discussions and debates that have taken place about te Tiriti in recent decades. More to the point, unlike many of the other Pākehā historians who have written about the Treaty in the last thirty years, I have not been involved in the work of the Waitangi Tribunal. For better or worse, then, I come to the subject matter of this book with a degree of distance.

This said, I have met nearly all the scholars I write about in this book. Some, such as John Miller, Keith Sorrenson, Judith Binney and Keith Sinclair, were my teachers in a formal sense. Others, like Andrew Sharp, Paul McHugh and Mark Hickford, have taught me much in other ways. Still others, including Claudia Orange and Rachael Bell, have given me help in researching this book. Sadly, I never met Ruth Ross, though as a postgraduate student in the late 1970s I might have walked past her in the corridors of the Victorian terrace house that housed many of the staff of the department of history at the University of Auckland, or in the hallway of the modern prefabricated building next door where she had an office at the time. I have had the

good fortune to spend time with her surviving son Duncan and his family, which has helped me to get to know her, but it is the wonderful collection of papers that she bequeathed to the Auckland War Memorial Museum Library (probably at the urging of her younger son, Malcolm) that has been the main source of my knowledge about her and her work.[4]

I am not suggesting that my position makes the perspectives I bring to Ross, te Tiriti and the making of history superior to those of other historians, but I do think it means that my interpretation differs from that of most of the scholars who have written about the Treaty in recent times. The distance that any historian constructs in their work about the past invariably carries both advantages and disadvantages. At best, all a historian can do is to reflect on their own relationship to the stories that have been told, the historians who have created many of them, and the narrative that he or she chooses to tell in turn, and then act accordingly.

The plot of this book can be quickly summarised. Part 1, dealing mostly with the period between the early 1950s and the early 1970s, is concerned with describing what Ross wrote about the Treaty and explaining how and why she did so. Part 2, treating the period between the early 1970s and early 1990s, is devoted to a consideration of the reception of her work and how this and other factors influenced the telling of a story about te Tiriti in the context of the operations of the Waitangi Tribunal, which was established in 1975 to address the past neglect of its principles. Part 3, covering the period from the early 1990s to the present, is a story that, like the history of the Treaty itself, does not have an ending as it examines ever-widening questions about the lives of history and democracy in New Zealand.

I do not seek to provide a comprehensive account of Ross's life and work, te Tiriti, or the historical writing about it. But I do endeavour to provide enough of an account of each of these difficult subjects for readers to make sense of them and their interaction with one another. Some readers might feel that the ground I am about to cover has been well and truly trodden in recent years and that consequently there is little if anything new to say. I hope to show that this is far from being the case, and to stimulate deeper understanding about te Tiriti o Waitangi and the role that the lives of history have played and continue to play in New Zealand.

‘In Bain Attwood’s brilliant and powerful telling, the story of Ruth Ross, the public historian whose commitment to historical truth helped to transform New Zealanders’ sense of themselves, becomes a captivating narrative that combines the thrills of historical research with challenging propositions about the relevance of academic history today.’

— DIPESH CHAKRABARTY, UNIVERSITY OF CHICAGO

‘Bain Attwood’s provocative study of three “bloody difficult subjects” — Ruth Ross, te Tiriti, and history — deftly weaves biography with intellectual and political history. Emphasising the importance of women’s intellectual life in historical inquiry in New Zealand, Attwood offers critical insights on the private, emotional forces shaping history-writing as well as synthesising key debates about the meaning and effects of the Treaty. This book is essential reading for students of New Zealand history and for those who want to understand the origins of today’s debates about governance and the shape of the state.’

— MIRANDA JOHNSON, UNIVERSITY OF OTAGO

AUCKLAND
UNIVERSITY
PRESS