

Land

Who owns the earth?

A Biblical Perspective on Land

In the Judeo-Christian heritage found in the teachings of the Old and New Testaments there is a specific theology of the land. To those who are part of this belief this may come as a surprise. The white settlers who came to New Zealand - most of whom professed to be Christian - either had no conception of this theology or else chose to ignore what they did know.

Rapacious land settlement groups such as the New Zealand Company dictated land policies with which the settlers readily complied. These policies were based on exploitation, capitalism, individualism, private ownership, commercial gain and racism. Sadly, such policies are still very much part of the land scene today.

The Biblical view of land is quite the opposite of this. To begin with, there was no such thing as the private ownership of land. It was assumed that the earth belonged to the Lord.

The world and all that is in it
belong to the Lord;
The earth and all who live on it are his.

(Ps. 24:1)

In the Biblical teaching the only land owner is God. Land use is determined by the Law which God gave to the people, through Moses, at Mt Sinai. This Law (torah) set down all kinds of conditions for the care and use of land. The underlying assumption of this Law was that the giver of such a land policy was a God of Justice who demanded proper care of the land and a fair distribution among the people. Prior to the settlement of Canaan (about 1200 BC) the Israelites were a semi-nomadic people. In keeping with this kind of agrarian culture there were no class structures among the people. What wealth they possessed belonged to the tribe. Land ownership was not a consideration since they were constantly on the move.



After settlement in Canaan, every tribe and family received a parcel of land. This was evenly divided among the people and protected by legislation. Inevitably, some were more successful in their use of land than others. Some worked harder, some experienced bad fortune, some fell into debt and had to sell their land. To cover all this, Israel introduced the jubilee principle - namely that every 50 years the land was to go back to the original "owners" - without compensation.

Thus every 50 years land ownership was equalized (Leviticus 25: 10-24). Before and after the year of Jubilee, land could be bought or sold, but what the buyer purchased was not the land itself but a specific number of harvests (Lev. 25:16). The land itself could not be sold as this belonged to the Lord.

Ecological factors were also considered. There was the law of the Seventh Year, under which the land was to lie completely fallow. (Exodus 23: 10-11); Lev 25: 2.7). There were two reasons for this. The land was completely rested every 7th year. The Law of the Lord is also concerned with the poor.

For six years you shall sow your land and gather its yield; but the seventh

year you shall let it rest and lie fallow,
that the poor of your people may eat.
(Exodus 23:10-11)

In the seventh year the poor are free to gather for themselves whatever grows by itself in the fields and vineyards.

While specific laws governing the use of land are confined to the Old Testament, their tradition spills over into the New Testament. Indeed, they were positively taken up by Jesus to be a part of his radical gospel to the poor:

The Spirit of the Lord is upon me,
because he has chosen to bring good news to the poor. He has sent me to proclaim liberty to the captives and recovery of sight to the blind; to set free the oppressed. (Luke 4:18)

Space does not permit more than one example. It is this: Jesus accepted voluntary poverty and he ordered his disciples to practice the jubilee principle by re-distributing their capital.

Sell all your belongings and give the money to the poor. (Luke 12:33)

Before the invention of the machine, the only wealth for most people came from the land so this radical re-distribution applied to the land and its produce. It was not charity, but justice; based on the jubilee prescription of Leviticus 25.

This gospel of the re-distribution of the land and its produce has, occasionally, been taken with complete seriousness. There is an example in the early Church, in the book of Acts:

The group of believers was one in mind and heart.
No-one said that any of their belongings was their own, but they shared with one another everything they had... (Acts 4:32 -)

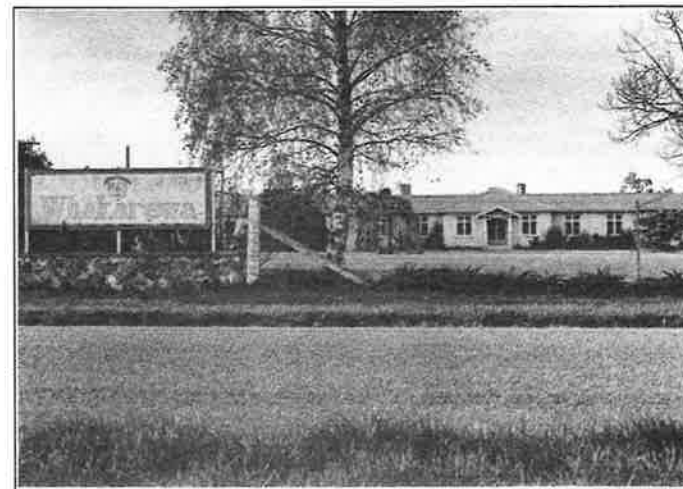
The failure of most Christians to follow this example is one of the tragedies of history. □

Rev. Kim Bathgate is Minister at Trinity Presbyterian Church, Nelson.

LIE OF THE LAND

ISSUE NO. 1 OCTOBER 1984

Published by the Nelson Race Collective
P.O. Box 424, Nelson.



WHAKAREWA A TRUST BETRAYED

A call to the Church to offer the land back

In 1981 the founding chairperson of the Wakatu Incorporation publicly asked that Whakarewa "be handed back to the Maori people". This Incorporation represents the widest group of Maori land interests in the Nelson area. In this article Race Collective presents the background to this issue, and suggests that we can all play a part in allowing this land to go back to its owners.

In 1853, Governor Grey made two grants of land at Whakarewa to the Anglican Church a total of 1,077 acres. It was vested in the Bishop and his successors of the Diocese, of which Nelson was a part. Grey understood a school would be established "for the education of children of our subjects of all races, and of children of other poor and destitute persons, being inhabitants of islands in the

Pacific Ocean". This land was "for the use and towards the maintenance and support of the said school, so long as religious education, industrial training, and instruction in the English language shall be given". So read the Crown grants and Trust deed.

Today, three broad categories of land remain:

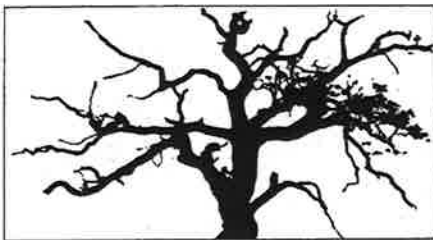
Firstly, the Whakarewa Farm, 176 hectare of prime horticultural land on the west side of the township of Motueka; secondly, approximately 100 residential leasehold sections in Motueka Borough; thirdly, approximately 30 rural leasehold sections on the outskirts of Motueka Borough.

On the farm, 5 kilometres from Motueka, there is a large hostel, which was previously the orphanage. The farm has a manager's house, farm buildings, equipment and stock. The total value of these assets was almost \$400,000 in 1982.

(Contd. p 2)

Meanwhile, the school itself had a limited future. After brief closures between 1857-1862 and 1864-1868, all attempts at a Native School were abandoned in 1881. When the school ceased to function, the Maori people, in line with their agreement with Bishop Selwyn, requested the return of their land. A petition was forwarded to Parliament to this end. However, the Anglican Church established an orphanage in an attempt to make good the terms of the Trust and thereby maintain their control of the land. This was successful and an orphanage continued to operate at Whakarewa until 1974. The Maori owners of Whakarewa suffered a double injustice: firstly, the appropriation of their land by Governor Grey; and then the refusal of the Anglican Church to return the land after the closure of the Native School. In 1905 they took their grievance to a Royal Commission. Once again, their voice went unheard. The Commission was instructed to focus on matters of Trust administration only.

The orphanage closed in 1974. Between 1977 and 1981, Whakarewa Home was used by the Nelson Hospital Board as a residence for intellectually handicapped children. By the early 1980's the Whakarewa School Trust Board had indicated it felt a need to do something with the assets. Regrettably, recent plans indicate it has forgotten that the original Native Reserve land was for "the future use and benefit" of the Maori owners. □



THE CHURCH MARCHES ON

An Account of Recent Events

In 1982 the Whakarewa School Trust Board commissioned Mr Ray Caird, Consultant, to prepare a feasibility study on how the land could be developed. His report was released in February 1983. Newspapers carried glowing reports of a "training centre idea advanced for Whakarewa". The Fruitgrowers' Federation, Federated Farmers, Motueka Borough Council, Sir Wallace Rowling and the Anglican Church were greatly enthused by the idea. However, the report had a glaring omission.

There was no attempt to report on how the Maori people felt or to look at the foundation on which the Trust is based. It completely glossed over the Maori point-of-view. To add insult to injury, the appendices of the report contain a clear demand by Kaumatua for the return of their land. It was this example of racism that demanded a response.

In April 1983 Race Collective presented a submission to the School Trust Board. It argued the case that the Church was morally bound to return the land to the Maori people. Neither the Board nor the Anglican Church have ever responded. Why do they try and ignore the issue?

Despite the request to do so, Bishop Sutton has continued to avoid meeting Race Collective face-to-face.

Mr T.P. Bailey, Kaumatua at Motueka, declined to meet Bishop Sutton until he addressed the issue of whether the Anglican Church had a moral right to control that Maori land. The Bishop has refused to respond to that question.

The Ngati Rarua Council Committee, representing the tangata whenua, met the Bishop but were dissatisfied with his response. Race Collective continued to keep in touch with Mr Bailey, Ngati Rarua Council and the Nelson Maori Committee. Meantime the Anglican Church kept all doors closed on debate and discussion on Whakarewa.

The Diocesan Secretary, Mr John White, reported in the NELSON EVENING MAIL in March 1984 that 10 more parcels of Whakarewa land had been sold off. Later he refused a request from the Maori community to allow the Whakarewa hostel to be used to house the homeless, even though it has lain vacant for over 12 months. A Motueka-based work skills development programme also tried to use the facilities but withdrew due to difficulties.

The Anglican General Synod, in 1984, unanimously adopted a motion disuading the church from freehold Maori land. Despite this, Mr White denied this would stop further sales of Whakarewa land (Nelson Evening Mail 30.5.84).

In late May this year, Race Collective circulated to Nelson Synod members another submission on Whakarewa. Some clergy refused to pass these copies on to their lay representatives. The Synod's legal advisers said it was a "document lacking in fact". One member pleaded for "perhaps Maori time, so we can work through this".

Members of the Anglican Church failed to realise they have had 103 years since the school closed.

Although many of the lay representatives expressed their concern that they were being kept in the dark, the central issue was always avoided - that Whakarewa was Maori land and is now under control of the Anglican Church. The Synod rejected a motion seeking an investigation into the Whakarewa Trust.

At Synod, the Bishop reported on a meeting at Wairua Pa in June. Here Ngati Rarua had met him, Mr White, the Bishop of Aotearoa and Race Collective. Maori claims for justice and the return of their land as promised by Bishop Selwyn in 1853 were once again stated.

GIFTS OF TRIBAL LAND

WHAT HAPPENS WHEN THE TRIBE WANTS THE LAND BACK



Another example is the Orakei School and Church site gifted by Ngati Whatua in 1858 to enable a Church of England education to be provided in Orakei. For a few years there was such a church and school but they were closed. Was the donated land returned to Ngati Whatua? No. It was sold to the Crown. The money raised was paid to the trustees for two Anglican Maori schools in the Auckland area. When Ngati Whatua complained that their gift was to provide for their own children they received no redress. A Royal Commission in 1938 relied on the English translation of the 1858 Deed. It described the land as an "endowment" of a school connected with the Church of England" - but compare the Maori text: "mo te kura whakaako i runga i nga tikanga o te karakia o te Mahi o Ingarani".

Clearly it is the case that the Pakeha law has here paid no regard to the tribal nature of Maori landholding and the tribal link involved in gifts of land to promote educational purposes.

Should the law's answer be the end of the matter? Surely not, for Christians motivated by the gospel of Jesus.

In some cases the government has at least partially rectified historic grievances; the sacred mountain of Taupiri (confiscated in the 1860's) has been returned to Waikato-Tainui; some of the Crown land at Takapararua (Bastion Point) has been restored to Ngati Whatua; the "golf course" at Te Kopua (Raglan) has been handed back to Tainui Awhiro.

Presently a draft Bill exists which will settle a long-standing grievance with respect to a former Church property at Port Waikato. Discussions are commencing in Auckland to try to settle the Orakei School and Church site issue mentioned earlier.

In the main Maori population centres, of the Waikato and Tairāhira (Auckland), there are concerned groups of Maori and Pakeha people insisting upon a re-examination of historic injustices. There are many other examples of similar injustices in other areas. These must also be attended to, because if we do not learn from the mistakes of our past, it is highly likely that we will condemn ourselves to repeat similar mistakes.

E nga waka, e nga iwi, e nga reo - tena koutou, tena koutou, tena koutou katoa.

Na Rawiri □

In the first two decades of British rule over these islands there was very widespread goodwill between Maori tribes and Christian missionaries. The fledgling colonial state was also in no position to establish and develop an education system, hence the missionaries (particularly the Anglicans and the Wesleyans) were directed to attend to the education of Maori people: i.e. Education Ordinance 1847.

As a consequence there were a large number of land transactions in many parts of the country. In these a particular Maori tribe gifted pieces of land to Church authorities so that their children might receive an education from missionary ministers or teachers. In law, however, these transactions took a significantly different form. The Church authorities obtained title to such land by means of a Crown Grant. Here the Queen bestowed an unencumbered freehold title upon the Church authorities.

On some occasions there was a Deed showing the gift from the Maori tribe to the Crown and the terms of trust proposed. A Deed was not essential and, in any case, it was not legally possible to challenge a Crown Grant by claiming that Maori customary title land had not been settled.

What happened if no school ever eventuated? or if it went into permanent recess? Could the Maori donors claim the return of "their land"? Legally speaking, the answer was "No".

Wi Parata, on behalf of Ngati Toa, sought in 1877 the return of land called Witireia at Porirua. This had been so "gifted" in 1848. He failed. Years later in 1901, there was still no school on Witireia and the Bishop of Wellington decided to invest accumulated revenue to establish a school in the Wairarapa. When Ngati Toa heard of this they objected strongly. They stated money raised from "their land" should not be spent for the benefit of Ngati Kahungunu. They failed in their bid to have a school established at Otaki where it could benefit themselves and their kinsfolk of Ngati Raukawa and Ngati Awa.

WHAKAREWA TIMELINE

- 1840 Treaty of Waitangi signed. N.Z. Company issued with Charter. This included the policy of Native Reserves.
- 1845 The Nelson Deed – a grant of 151,000 acres of land to the N.Z. Company with exceptions of:
- 1 All Pa, burial grounds and cultivations
 - 2 Native Reserve, defined to be 1/10 of area granted.

1853 Bishop Selwyn persuades owners of Whakarewa to give land for a school, land to be returned should the school cease to operate.

Governor Grey appropriates 1,077 acres of which 918 was Native Reserve. Land entrusted to Anglican Church for existing school.

Strong local protests.

1857 School closed.

1862 School re-opened, aided by Native Dept. grant.

1864 School closed

1868 School re-opened.

1881 All attempts to operate the school abandoned.

1887 Maori people petition Parliament for return of land.

1888 Orphanage established to satisfy terms of Trust, so keeping the land under Church control.

1905 Royal Commission into school critical of Trust administration.

1974 Closure of Orphanage.

1975 Nelson Hospital Board establish a home for Intellectually Handicapped children.

1981 Maori people ask for land back.

1982 Nelson Hospital Board home closed.

1983 Trust Board received Caird Report on feasibility of an Agricultural Training Centre.

Race Collective submission to Trust Board, urging return of land to owners. Ngati Rarua Council ask Bishop to return land.

1984 Resolution passed at General Synod, discouraging freeholding of land held in Trust for Maori owners. Whakarewa Trust Board continues freeholding of sections.

All parties attend meeting at Wairau. Ngati Rarua ask for land back. Nelson Synod reject call for commission on Whakarewa. □



THOU SHALT NOT COVET THY NEIGHBOURS HOUSE

Whakarewa A Symptom of Racism

Whakarewa is Maori land. This is clear from the history presented on this page. It is not for the white people to decide for and profit from this land. In particular, it is not for the Church to make these decisions. It belongs to the Maori people. The land needs to go back to them.

The fact that this hasn't happened is a symptom of our racism. As white people in New Zealand we live, enjoying the privileges, enjoying the benefits, enjoying the esteem of being the dominant culture. We have the opportunities and the power to make decisions for other people. In this position we are often blind to the identity of any other culture. This is the racism inside each of us; insidious, deeply ingrained from childhood, re-inforced, and unchallenged.

As the dominant race we have the luxury of choosing what challenge to take up next. For the Maori people, through generations of our racism, there is no such choice. Their challenge, through generations of our racism, is one of survival.

Racism is something very different from bigotry and prejudice. It involves very much the power of one group of people to dominate and control another group of people and to impose their interests and will on the other group of people. Racism comes out of the historical legacy and a historical process of European colonialism within N.Z. society as within other countries. It is very much an issue of white people and particularly white men continuing to dominate the various structures and institutions of society. From government to education, to the media to the churches and other institutions. And so racism is very much a question of power of one group over another.

It's important for white people not to think that the only way to deal with racism is to have contact with Maori people. Racism is our problem, in our institutions, in our society, in our behaviour, in our attitudes. It's not a responsibility of Maori people to help each of us to work through that. It's a responsibility of those of us who are white to work with one another to change that and to change our institutions.

Nothing will change until we begin to ask ourselves questions. Whose culture is constantly reinforced? Where do we get power from? What are we destroying? Think about the history books – over and over again the white culture makes its progress and so extinguishes another. Think about the media. The dominant cultures, value system is being upheld and given the image of success. Think about our institutions. The courts, the schools and

the Government always favour us. And think about the land. For the Pakeha it is a place to live, a quarter acre section, an economic unit. The land to the Maori people is the heart and root of their being. We have continually severed these roots – our ancestors, and now we today, are profiting from land which does not belong to us. □

THE STORY STAYS THE SAME

The History of Whakarewa since 1845

In 1845, five years after the signing of the Treaty of Waitangi, Commissioner Spain granted land in the Nelson area to the New Zealand Company. The Nelson Deed provided for a grant of 151,000 acres, with the exception of:

- a) All the pa, burial places and ground under cultivation.
- b) Native Reserves, defined as 1/10 of the area granted, to be held in trust for the future use and benefit of the Chiefs and their families who sold the land.

Native Reserve land was set aside for the continued use by the original Maori Land owners. It was deemed inalienable.

In 1853, the Bishop of New Zealand, Bishop Selwyn, visited Motueka. While there, he tried to persuade the local Maoris to give some of their remaining land to the Anglican

Church for the establishment of a school for their children. At first the Ngati Rarua elders did not consent. But owing to the persistence of the Bishop they agreed to provide land for a school, on Selwyn's word that it would be returned, should the school cease to operate.

During the 1850's, Governor Grey granted land to different churches for the establishment of Native Schools throughout New Zealand. Grey visited Motueka after the original school was established, and liking what he saw, granted further land to support the running of the school. Regrettably, of the 1077 acres appropriated, 918 acres of this was Native Reserve.

This action drew loud protest from Maori and Pakeha alike. The local newspaper of the time, the Nelson *EXAMINER*, said in an editorial "His Excellency has also conveyed to the Bishop Native Reserve, amounting we believe, to 440 acres, and this is property which Sir George Grey has no more power to alienate than ourselves". The Nelson Provincial Council, on 9 December 1853, passed a resolution condemning the action. They said it was a "violation of the contract in virtue of which the settlement was founded." They later asked the colonial government to set the grant aside.

(Contd. over)

RACE, Racism and Land

Welcome to the first issue of LIE OF THE LAND. It is published by the Nelson Race Collective, with the intention of informing and stimulating debate on race issues. It will also offer a challenge. A challenge to be part of a bi-cultural society, where we all share in the richness of both cultures, Maori and Pakeha.

The Race Collective is a group of white Nelsonians committed to working on racism in our local area. Our belief is that we must start at home, here in Nelson, on building this bi-cultural society. To realise this society it means movement and action on both sides.

We therefore make no apologies for being a white group working on white racism. In fact we see this as central to the task. As pakeha, we acknowledge and work to change the racism that exists in our own lives and in the communities of which we are part.

The focus of our writing will often be on issues of land. Land is a recurring theme in our history, both Maori and Pakeha. In it lies so many of our hopes and aspirations. It is the source of our sustenance, and for many, the source of livelihood.

However, land has often been at the centre of bitter dispute between Maori and Pakeha. Questions like who

owns the land, who has rights to its use, who makes the decisions about it, have been at the very heart of race issues.

These have been, and still are, at the centre of the debate. This is no less in Nelson than in the rest of New Zealand.

In this LIE OF THE LAND we introduce you to Maori land issues. We focus on why it is important for white people to be taking them seriously. We offer a theological reflection on land and a sharing of its resources.

We also introduce you to a local Maori land issue, Whakarewa. The history of this piece of land is a symptom of racism. Race Collective believes this is Maori land. We seek your support in this stand.

We recognise that the return of this land can only come about at some cost to us all. Cost in spiritual, emotional and human terms.

However we recognise that this cost is part of the vision for a society which does justice to us all, black and white. A society where the realising of that dream is an enriching and liberating experience for all people.

We look forward to your contribution in bringing this about.

Continued from Page 1.

All land at Whakarewa is prime horticultural land or first-class residential real estate.

Average section prices in Motueka are \$22,000 while horticultural land can expect to fetch \$20,000 per hectare.

The Whakarewa School Trust Board had, at December 1983, \$1.1 million in assets. Of this, about \$1m was invested with the Nelson Diocesan Trust Board.

Over the years, the Trust Board has sold off parts of the

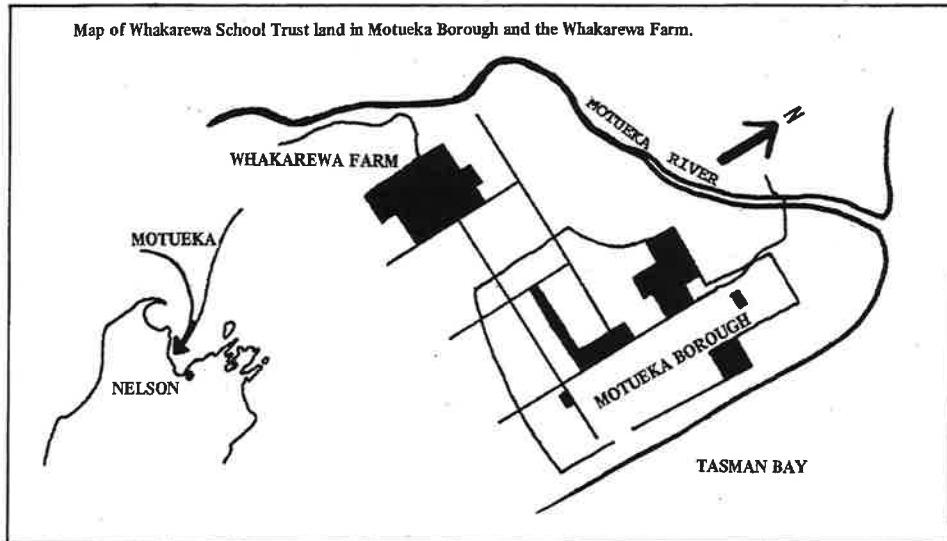
original land Grey granted. These sales have amounted to \$380,000.

Of the remaining leases, the majority are due for renewal before the end of 1985. It was estimated in 1982 that income after 1985 would be \$600-\$650,000 per year from rents and interest.

Of all land in Motueka Borough, at least half is leasehold. Over one third of this is controlled by the Anglican Church. □

Turn to page 4 for a history of Whakarewa.

Map of Whakarewa School Trust land in Motueka Borough and the Whakarewa Farm.



THE PRINTER MUST BE PAID

It has been a challenge for us of RACE Collective to bring you the story of Whakarewa. We have broken some new ground in the process.

It is our intention to produce further issues whenever issues of racism in Nelson demand a response. When that time comes, we look forward to sharing our view of how the land lies.

However, this Lie of the Land has put us onto the financial tightrope. All work on writing and producing this has been done voluntarily, but the printer must be paid, as must the postie.

We ask for your help to keep the work going. You can do this by sending us money to Race Collective, PO Box 424, Nelson.

THE CHURCH MARCHES ON Contd.

Synod's stand only confirmed the Trust Board's determination to establish a farm training centre. This became plainly obvious when, in early 1984, the Trust approached the Crown Law Office to widen the terms of the Trust in order to proceed with the development. By August 1984 they had advertised for a development manager for the new horticultural unit.

The church marches on, ignoring the issue. When will the racism end? □

MAKING RIPPLES

What You Can Do.

The injustices of Whakarewa demand that we act now. All of us. Certainly, the key responsibility for action lies with the Whakarewa Trust Board of the Nelson Diocese. Without delay, they should start the process which would allow the land to be offered back to the Maori people.

A vital aspect of this process is that the Trust Board hear a clear message from a wide range of people in the Nelson area. The message is, that you support the return of the land to the Maori people. We urge you to join us in this stand. Without you, the injustices of the past will continue.

There are some very tangible ways in which you can act today. Become well informed. Make sure you know the history and details of the issues. Start talking amongst yourselves, and in your local church. If there are things that

RACE COLLECTIVE
Box 424, Nelson.

I want RACE to keep informing me on issues like Whakarewa.

Enclosed is a donation.

NAME:

ADDRESS:

RACE Collective was formed in Nelson in 1982. Our origins are in the experience of racism in our own lives, here in Nelson. We desire to seek change to those injustices, and a sharing in the richness of a bi-cultural society.

We would be pleased to hear from you if you want to know more about us and our work.

you and your group don't know then contact someone who does. Contact the Race Collective. They are more than happy to discuss the issue with you.

To begin work on the issue of Whakarewa is a tangible commitment to a bi-cultural New Zealand. It is a commitment to a vision which speaks of a richness that will come when all are given their rightful claim to this land. We acknowledge that there will be pain in getting there, that

- * Write a letter to the Bishop, the Archbishop, the Bishop of Aotearoa, the newspaper, or your local M.P.
- * Read Te Riri Pakeha, by Tony Stimpson.
- * Write to Race Collective with your questions and for a copy of a Whakarewa Fact Pack.
- * Send a donation to the Race Collective.
- * Discuss the Whakarewa issue at your Parish Council.
- * Put forward a remit on the issue to the next Synod.
- * Suggest that your minister preach on Whakarewa.
- * Write us an article for the next issue of Lie of the Land.

there will be some cost to us all. However, it is also a commitment to reconciliation, atonement, a turning-around from past wrongs to a fresh beginning.

It is our hope that this is the spirit in which the issue of Whakarewa is finally resolved.