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Dear Readers: Thanks in advance for your patience and feedback. I'd be keen to get a version of this paper together as a journal article. For brevity, I've trimmed out a few examples and some context in this version so please let me know what you'd like to see added or kept. Any comments, suggestions, or cautions the workshop has are welcomed and appreciated. Looking forward to it. - Matt

To Gain their Confidence and Attachment: Practices of Humanitarian Governance in Colonial New Zealand (1845 – 1856)

In late 1845, George Grey, the Governor of South Australia, received a request from the Colonial Office asking him to serve as the next Governor of New Zealand. Grey's appointment, however, was not part of the British Empire's regular circulation of imperial administrators. Instead, New Zealand's incumbent governor was being recalled to London after only two years' service. Displeased by the colony's unstable finances, troubled by a perceived lack of communication, and concerned about the possible outbreak of violent conflict between European settlers and indigenous Māori, the British government believed New Zealand required new leadership.

A tenuous economy, restless politics, and confusion over the legality of land purchases welcomed Grey upon his arrival. In this moment of crisis, the new governor proposed a series of programs that departed from policies pursued by his predecessors. If the colony's first two governors advocated practices of humanitarian governance – a term used to describe how organizations translate moral imperative into administrative action aimed at ameliorating precarity – that allowed a large degree of Māori autonomy, Grey's approach fostered a stronger link between humanitarian action and integrating Māori into settler society.[1]

[1] Didier Fassin, *Humanitarian Reason: A Moral History of the Present*, trans. Rachel Gomme (Berkeley: University of California Press, 2012), 1–17. Michael Barnett, "Humanitarian Governance," *Annual Review of Political Science* 16, no. 1 (2013): 379–98.

This paper suggests that humanitarian governance in the ten years following Grey's arrival in New Zealand remained focused on alleviating Māori suffering and developing indigenous capabilities even as official policy reoriented in favor of assimilation over autonomy. Grey himself was no stranger to thinking in terms of systemic social change; he saw Māori as both potential contributors and as possible threats to the settler-colonial state.[2] Grey's vision for colonial governance advocated making Māori and European "mutually necessary to each other" with government action aiding the "rapid and remarkable progress in the arts of civilized life" already achieved by Māori.[3] During a period in which the colonial state had scant claim to a monopoly of violence, efforts promoting voluntary participation were also a practical approach. Under Grey's administration, policies amalgamating indigenous bodies, lands, and modes of production as part of the settler-colonial state reframed humanitarian governance in ways colonial administrators hoped would hasten, broaden, and consolidate Māori assimilation.

Promoting Māori confidence in the colonial government was especially urgent during the years following a deadly 1843 encounter between Ngāti Toa and a party of settlers in the Wairau Valley. The Bishop of New Zealand noted this event had "destroyed th[e] good understanding and confidence" between Māori and European.[4] Grey thought mutual trust could be restored by employing Māori on public works, providing instruction in European practices of agriculture and animal husbandry, and encouraging their participation in systems of commodity production and exchange.[5]

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[2] George Grey, "Report Upon the Best Means of Promoting the Civilization of the Aboriginal Inhabitants of Australia," (published in 1840) in H. Hanson Turton, *An Epitome of Official Documents Relative to Native Affairs and Land Purchases in the North Island of New Zealand* (Wellington: George Didsbury, 1883), 20.
[3] Parliamentary Papers of Great Britain [GBPP] 1847-48 (1002) *Further Correspondence Relative to New Zealand*, Governor George Grey to Earl Grey, 17 March 1848, 104.
[4] Archives New Zealand [ANZ], Bishop George Selwyn to Colonial Secretary, 22 September 1846, IA1 54 46/1415.
[5] GBPP 1847-48 (1002), Governor George Grey to Earl Grey, 17 March 1848, 104.

Responding to an global assemblage of actors engaged in the articulation, transmission, and implementation of practices of concern for the welfare of distant (at least from the vantage point of the UK) others, Grey played a central role in a trans-imperial process of justifying and enacting colonial policies as steeped with emancipatory potential.[6] Interventions into multiple areas of indigenous life cast the government as the custodian of a promising, if vulnerable, population. Framing government action as a continuation of New Zealand's promise as an experiment in humanitarian colonization was not only interesting to British observers of colonial affairs but was also a means to convince Māori of the authority and purpose of the settler state.

Four case studies - hospitals, schools, economic development, and legal integration - reveal how principles of humanitarian governance under Governor Grey became concrete as a slate of administrative interventions. Health was particularly important during an era when declining Māori populations formed a source of continued concern for British contemporaries.[7] Schools and hospitals as sites of state intervention were also within the remit of Grey's instructions as governor to "omit no measure within the reach of prudent legislation or a wise administration of the law, for securing to the aborigines … the most unrestricted access to all the means of religious knowledge and of civilization[.]"[8] The colonial government's implementation of programs of humanitarian governance across a range of scales, spaces, and spheres reveals how humanitarian governance promoted, or aspired to promote, Māori integration on largely European terms and in a manner that increasingly restricted indigenous opportunities to opt out of colonial institutions.

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[6] Alan Lester and Fae Dussart, *Colonization and the Origins of Humanitarian Governance* (Cambridge: Cambridge University Press, 2014), 10. James Belich, 'Grey, Sir George (1812–1898)', Oxford Dictionary of National Biography, Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com.proxy.lib.umich.edu/view/ article/11534, accessed 10 September 2018].

[7] Alan Moorehead, *Fatal Impact: An Account of the Invasion of the South Pacific, 1767-1840* (New York: Harper & Rowe, 1966).

[8] GBPP 1846 (337) *Further Correspondence Relative to New Zealand*, Lord Stanley to Lieutenant Governor Grey, 13 June 1845, 70.

Hospitals

Caring for Māori bodies was featured among initial British justifications for colonial rule in New Zealand. No health system with a codified purpose and plan, however, emerged until the late 1840s. Testifying in London before an 1844 Parliamentary Select Committee, George Earp, author of several guidebooks about New Zealand and a significant informant to the committee, spoke for many when he said that that government hospitals would be a "judicious and positive intervention" for Māori.[9] The absence of colonial hospitals was a missed opportunity for the government to influence Māori society.

By 1847 Grey could write the Colonial Office with news that four hospitals were in the planning stage. Located in the principal North Island settlements of Auckland (opening in 1847), Wellington (1847), New Plymouth (1848), and Wanganui (1851) the hospitals provided medical assistance to local communities. Equipped with steam baths, inpatient facilities, and staffed by trained practitioners, Grey anticipated that the establishment of what he termed "mixed hospitals" for Māori and Europeans would benefit Māori by modeling European modes of health and hygiene. In contrast to what he described as the "utterly useless" activities of previous administrations that had reimbursed individual health practitioners on an ad-hoc basis, Grey presented a systemized approach to medical care that both legitimized a shift away from policies of his gubernatorial predecessors and situated his approach to humanitarian governance as intentionally improving the health and well-being of Māori.[10]

The Wellington hospital, opened on September 15th 1847, was the first facility established and furthered government efforts to "gain the attachment and promote the civilization" of

[9] GBPP 1844 (556) *Report from the Select Committee on New Zealand*, Testimony of George B. Earp, 149.
[10] GBPP 1847 (837) *Papers Relative to New Zealand*, Governor Grey to Earl Grey, 4 February 1847, 92-93.

Wellington Māori.[11] Dr. John Fitzgerald, the hospital's chief surgeon, remarked that mixed wards of indigenous and European patients was a useful arrangement because he thought seeing Europeans submit to treatment would inspire Māori to "greater confidence in [the doctor's] art" and encourage them to be punctual and regular in taking medicine.[12] The hospital's first surgical procedure removed a neck tumor from Hiangarere, a Te Āti Awa chief and signatory of the Treaty of Waitangi. Wiremu Tamihana, a prominent Ngāti Hauā leader, later expressed his appreciation to Grey for this procedure and the "humane system" the hospitals comprised as representing the government's "love for the natives."[13]

To further encourage Māori attendance at the hospital, Dr. Fitzgerald recommended that the governor recruit local Māori chiefs to serve on the hospital's committee. By gaining the "sanction and concurrence" of local notables, Fitzgerald hoped that larger sections of Māori would subscribe to European medical treatments.[14] Hospital services, however, were quickly at capacity. Its ten beds were fully occupied within months of opening and by 1852 the hospital treated over 400 Māori patients each year some of whom had travelled more than fifty miles over rough roads.[15] Despite the hospital's popularity, involving local indigenous elites speaks to the still-nascent power of the colonial state in the late 1840s. The government lacked the power to compel action so hospitals provided a visible and transformative method of caring for Māori bodies and – at least in the case of successful procedures – of confirming trust in the government's services.

[11] GBPP 1847-48 (1002), Governor George Grey to Earl Grey, 6 March 1848, 70.
[12] GBPP 1847-48 (1002), Governor George Grey to Earl Grey, 6 March 1848, 72.
[13] Ibid., Wiremu Tamihana te Nike to Governor George Grey, 11 October 1847, 11-12.
[14] Ibid., Dr. J. Fitzgerald to Governor George Grey, 21 January 1848, 71; Governor George Grey to Earl Grey, 6 March 1848, 72.
[15] In the first 18 months of operation, the Wellington Hospital treated 355 patients of whom 291 were Māori. GBPP 1850 (1280) *Further Papers Relative to New Zealand*, Return of the Number of Patients Treated at the Colonial Hospital - Wellington, 1 April 1848, 166. GBPP 1847-48 (1002), Dr. J. Fitzgerald to Governor George Grey, 21 January 1848, 71.

At Auckland, where the hospital also opened in 1847, Dr. William Davies expressed his confidence that the facility would be a boon to both the physical well-being and social acculturation of area Māori. Reflecting upon his plan to integrate fifty beds in the Māori and European wards, Davies noted that medical care could well "prove one of the most powerful means of civilizing and improving the moral habits of the aboriginal population."[16] The year after opening, the hospital treated 534 Māori and 130 Europeans and Dr. Davies shared his Wellington colleague's appreciation for the facility's broad geographic catchment among area Māori.[17] Hospitals were, to Grey and government officials, sites of medical and hygienic tutelage that improved the health and labor potential of Māori while also enhancing the reputation of the government among Māori who sought treatment there.

Medical procedures that made the sick well again were one way in which the colonial state practiced humanitarian governance on a physical level. Hospitals demonstrated to both Māori and British observers that New Zealand was fulfilling its promise as different, humane chapter in Britain's colonial history. A combination of humanitarian rhetoric, involvement of local Māori, and reports of improved health outcomes produced both aspirational ideas of humanitarian action and personal testimonials of recovery. Neat statistical tables documenting the recovery of Māori patients formed tangible evidence that the colonial state was delivering aid to a group considered vulnerable. Colonial hospitals provided a physical space in which Māori of all classes could interact with representatives of the government in a structured manner aspiring to the transformation of indigenous bodies.[18]

[16] GBPP 1850 (1136) *Further Papers Relative to New Zealand*, Dr. William Davies to Governor George Grey, 1 January 1849, 29.
[17] GBPP 1850 (1136), Dr. William Davies to Governor George Grey, 1 January 1849, 30.
[18] Damon Salesa, *Racial Crossings* (Oxford: Oxford University Press, 2011), 110.

Governor Grey's 1849 general report to London emphasized the continued effect hospitals had "to bring the natives under the influence of the Government, and to gain their confidence and attachment."[19] Through the inculcation of "the comforts and conveniences of a civilized life" Grey hoped Māori would become materially and socially invested in the success of British colonization.[20] Hospitals continued to figure prominently in Grey's communications to London as evidence of the efforts undertaken by the colonial state to establish humanitarian governance. In an 1852 letter to the Colonial Office, the governor asserted that "the maintenance of these hospitals is a matter of paramount importance to the native race, whilst, if the question is also viewed as a means for the diffusion of civilization, by showing the natives the value of and accustoming them to European houses, food, and comforts, and also as a means of gaining their attachment to the British Government and British race."[21] Hospitals functioned as a venue for tutelary humanitarian action designed to accustom Māori to European concepts of health and hygiene while enhancing the prestige and positive perception of the colonial government among Māori.

Education

If caring for Māori bodies provided one method of justifying and framing a policy of more intensive integration, in that medical interventions were intended to both relieve suffering and promote British methods of enhancing wellness, colonial schools aspired to make those bodies Anglophone, Christian, and equipped with skills needed in an economy with a labor shortage. Education had been part of the government's aspirations since the colony's 1840 establishment

[19] GBPP 1850 (1136), Governor George Grey to Earl Grey, 9 July 1849, 194-5.
[20] Ibid., 194-5.
[21] GBPP 1854 (1779) *Further Papers Relative to the Affairs of New Zealand*, Governor George Grey to Earl Grey, 13 February 1852, 73.

with the first governor receiving instructions that the "education of youth among the aborigines" was "indispensable to the success of any measures for their ultimate advancement."[22] The 1844 British Parliamentary Select Committee on New Zealand had also flagged education as deserving of utmost attention and Māori schools figured among the anticipated beneficiaries of grants of land or funding from the colonial government.[23] Education also continued to be a point of concern for humanitarian groups like the Aborigines Protection Society who advocated the inclusion of Māori in policy-making as both a "political necessity" and a "Christian duty."[24]

Like hospitals, Grey conceptualized Māori education as both an intrinsically humanitarian undertaking and as a boon to facilitating the progress of Māori when measured against metrics of European civilization. Schools would facilitate Māori assimilation into European society and graduates would be better suited to participate in a colonial labor pool. The importance of education, Grey felt, was "the true means of removing barbarism and promoting civilization."[25] The governor, however, was cognizant of the limited resources at his disposal and advocated a non-sectarian approach to education that built upon existing educational infrastructure established by Anglican, Methodist, and Catholic missionary societies.

Instead of a state-run system, the Education Ordinance of 1847 provided for government financial assistance to missionary schools.[26] This model was seen as particularly well-suited to New Zealand's geography and demography due to the colony's dispersed population, rugged interior with poor road connections, and existing school infrastructure developed by religious organizations following the 1814 establishment of a Church Missionary Society outpost at

[22] GBPP 1841 Session 1 (311) *Correspondence Relative to New Zealand*. Lord Russell to Governor William Hobson. 9 December 1840, 28.
[23] GBPP 1844 (556), Report of the Committee, 23 July 1844, xi.
[24] Louis Chamerovzow, *The New Zealand Question and the Rights of Aborigines* (London: T.C. Newby, 1848), 415-16.
[25] GBPP 1847-48 (1002), Governor George Grey to Earl Grey, 9 December 1847, 49.
[26] "Education Ordinance," 1847, 11 Vict c10 (New Zealand).

Waimate. The ordinance authorized the colony's general fund to pay for educational efforts. Grey justified spending up to five percent of the entire colonial revenue on education for an "efficient system of education" as necessary to secure the colony's future peace and prosperity.[27]

The Education Ordinance stipulated religious education, industrial training, and instruction in the English language as grounds for receiving state aid. Grey wrote that this training was important given the necessity of English, a high demand for skilled manual laborers, and the likely distance of a dispersed population from "all the ordinances of religion."[28] Grey considered Māori to be "distinctly an agricultural race," so favored a practical education, or an "industrial" model of training. This mode of education, Grey hoped, would introduce Māori to the principles of British agricultural techniques, develop the colony's human capital in the process, and defray operational expenses through each establishment producing its own food.[29] The governor postulated that schools would quickly become self-sustaining and that "all native and half-caste children, as well as all destitute European children, would receive an excellent and useful education."[30] Education as a practice of humanitarian governance was intended to benefit the colony by instructing both Māori and poor settler families in skills that would make pupils productive members of the colonial economy.

The schools' pedagogical philosophy derived from David Stow's "Glasgow System" of intellectual, physical, and moral training.[31] Describing a school at New Plymouth run by the Wesleyan Missionary Society that had opened in 1846, two Inspectors of Public schools reported that the 25 boys resident at the institution had made "remarkable progress in reading, writing,

[27] GBPP 1847-48 (1002), Governor George Grey to Earl Grey, 9 December 1847, 48.
[28] Ibid., 48-49.
[29] GBPP 1850 (1136), Governor George Grey to Earl Grey, 22 March 1849, 69.
[30] Ibid., 69.
[31] Elizabeth J. Morse, "Stow, David (1793–1864)," *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com.proxy.lib.umich.edu/view/article/26609, accessed 17 August 2018]

arithmetic, geography, and knowledge of the English language."[32] Corollary to their schoolwork, scholars prepared land for planting, mowed hay, harvested crops, threshed wheat, built fences, carted manure, milked the school's dairy cows, and fed stock. An orchard was also in the planning stage. Mission schools like these were open to both boys and girls and the limited number of places they offered often fell short of demand. At St. Patrick's, a Catholic school in Auckland, Grey estimated there were two or three hundred suitable candidates for the twelve available spots.[33]

In addition to educating and training individual students, the inspectors wrote schools would "prove a powerful means of civilization, and tend efficiently to make good British subjects of those so educated, and likewise extend a similar beneficial bearing over those with whom they associate when they return to their homes."[34] The inspectors anticipated that graduates would have a positive compounding effect Māori in their communities. This optimism echoed hopes for the compounding ripple effects officials held out for hospitals in promoting European patterns of health and hygiene among Māori.

Administrators hoped Māori graduates of industrial schools would contribute to the success of the colonial state by participating in a colonial economy and disseminating their knowledge among Māori communities.[35] Writing from a Church Missionary Society school in Waikato, Robert Maunsell, who along with his wife Beatrice ran several schools in the area in the 1850s, characterized the school as not simply "a matter of justice to the aborigines, but as a source of benefit to the colonists."[36] Maunsell thought that education was the best means to promote

[32] GBPP 1854 (1779), Inspector J. Flight and Inspector P. Wilson to Governor Grey, 2 August 1852, 157-159.
[33] Ibid., Governor George Grey to Earl Grey, 21 April 1854, 11.
[34] Ibid., Inspector J. Flight and Inspector P. Wilson to Governor George Grey, 2 August 1852, 156, 1859.
[35] ANZ, Blue Book, 1849, IA 12 10, 134-137. Five Church of England schools received £1,225.10.0, two Wesleyan schools received £873.10.0, and six Roman Catholic schools received £405.0.0.
[36] GBPP 1854 (1779), Robert Maunsell to Governor George Grey, 6 August 1852, 155.

civilization and industrial schools could act as a "cordon" between the settled agricultural districts of the colony and the "uncivilized tribes" by virtue of students' familiarity with both European and Māori traditions.[37] Graduates acquainted with settler society could function as emissaries to Māori living distant from the concentrations of European settlers on the coasts. Education, subsidized by missionary societies and the literal fruits of Māori labor, could accomplish multiple goals of diffusing political tensions, developing a labor market, and investing Māori in the success of European settlement.

Māori communities often supported schools with gifts or donations of land. Writing to the governor, Maunsell happily reported local Māori had donated 80 acres as an endowment for the local school.[38] The government rewarded such philanthropy. As compensation for giving a block of land for a school site, the government rewarded the Waikato chief Ta Kerei with a horse as a gesture of thanks.[39] Gifts of land and support for mission schools suggests that Māori communities for whom the situation of a school was possible saw advantages in having their children educated in an industrial model.

Five years after the passage of the Education Ordinance, Grey wrote to the Secretary of State for the Colonies that the schools were a success. Whereas in 1848 armed conflict in the Bay of Islands had threatened to disrupt the colony, the framework of industrial schools had contributed, in Grey's words, to reorienting Māori "attachment to the British government" from a "fear of arms" to one that was based on "a sense of duty, of gratitude … and upon a consciousness of community of interests and prosperity."[40] Education formed part of a larger efforts to

[37] GBPP 1854 (1779), Robert Maunsell to Governor George Grey, 6 August 1852, 155.
[38] Ibid., 155.
[39] ANZ, Andrew Sinclair to Native Secretary, 1 December 1853, IA 4 267 1853/2675-2676.
[40] GBPP 1854 (1779), Governor George Grey to John Pakington, 8 October 1852, 159.

implement humanitarian governance with a goal of strengthening a sense of Māori attachment to, and capacity to participate in, settler society.

Grey's ambitions for the model of industrial education he favored for New Zealand were empire wide. The governor saw schools as a humanitarian intervention by providing pupils with food and shelter and as a method through which to accelerate the adoption of British customs. Schools, Grey wrote, were not simply a local matter but rather one that "should be administered for the welfare of the entire empire" which in the case of New Zealand included the neighboring Pacific Islands. Grey hoped that that the colony might even become "the metropolis" for the southwest Pacific and a regional center for education, trade, and the "many commodities" of the islands.[41] Extending his confidence in education as a means of promoting attachment of indigenous peoples in other sites of settler colonization, Grey also wrote that industrial schools could be productively established in the Cape Colony where they might "prove more efficient for the purposes of peace and order than any force" by virtue of "christianizing and civilizing."[42] Schools, in Grey's estimation, could gain the confidence of the empire's indigenous populations without the need for expensive and scare military resources.

Economic Development

If medical and education policies reveal how New Zealand's colonial government implemented a vision of humanitarian governance focused on enhancing the health and aptitude of individuals, a third area of concern focused on Māori economic activity. Like hospitals and schools, these programs were tutelary in their effort to encourage Māori adoption of British

[41] GBPP 1851 (1420) *Further Papers Relative to the Affairs of New Zealand,* Governor George Grey to Earl Grey, 29 January 1851, 123.
[42] GBPP 1854 (1779), Governor George Grey to John Pakington, 8 October 1852, 161.

economic behaviors with the goal of enabling indigenous participation in a settler-colonial economy reliant on primary resource production. Recognizing limitations on state power, however, and the consequent necessity to encourage voluntary participation by Māori, economic development projects incentivized existing Māori activity and entrepreneurship.

Māori, during Governor Grey's first administration, accessed loans from the colonial state to secure the purchase of coastal trading vessels, received grants to build mills, and earned wages through employment on public works. While these projects can be considered humanitarian in that they aspired to help a designated group of people, the government's agenda was also informed by a desire to weave Māori labor, productive potential, and knowledge into the colonial economy. Encouraging Māori involvement in the colony's economic activity could also contribute to political stability by connecting Māori with markets they might then be loath to lose in the event of violence.

From the beginning of European settlement in New Zealand, Māori played a central role in the production and transport of foodstuffs. In the 1840s and 1850s, Māori transported food to Auckland, the colony's largest city, and the colonial government encouraged Māori participation coastal shipping. Indigenous ownership of coasting vessels provided important links for colonial economy, especially given the poor state of New Zealand's roads into the 1850s.[43] In December 1853, to pick one of dozens of examples, a government grant of £180 to Apiriema, who lived at the port of Tauranga, enabled him to complete the purchase of the schooner *Eliza*.[44] Apiriema expected to make repayments from the profit gained from selling future crops. The same month, the colony's Native Department made a gift of millstones worth £33 to Māori living at

[43] Hazel Petrie, *Chiefs of Industry* (Auckland: Auckland University Press, 2006).
[44] ANZ, Colonial Secretary to Native Secretary, 5 December 1853, IA4 267 272 1853/2688. Ships were also advertised directly to Māori in the government-published *The Maori Messenger/Ko te Karere Maori*.

Ohinemutu. The gift was intended "to encourage them in their agricultural pursuits and in their recently adopted peaceful habits."[45] Other gifts or loans made by the government to Māori to assist economic development took the form of horses, tack, or agricultural implements like ploughs. Gifts could incentivize production of commodities, reward the loyalty of recipients, and encourage future cooperation or service on behalf of the Crown.

Government coffers were not limitless, however, as Wiremu Marsh, a prominent Ngāti Rangiwewehi leader, found when his request for a loan of £137 to purchase carts, harness, horses, and a plough was turned down by the Colonial Secretary due to the sum allotted by the General Assembly having been exhausted for the year.[46] Economic development as a branch of humanitarian governance suggests that the government sought to reward loyalty and invest Māori in the colonial economy during a period where the limited coercive power of the state made reliance on state-sanctioned violence a tenuous proposition. Colonial administrators, involved in a political calculus, had to be strategic about where and how they attempted to advance the state's interests.

In addition to direct grants and loans to individual Māori, government economic intervention in Maori communities also included public works. Direct employment of Māori eased pressure on a scarce supply of European labor and was favored by the colonial administration for bringing Māori into contact with the state. In early 1847, Governor Grey proposed the "extensive employment" of Māori on road construction. Building public infrastructure, Grey thought, would familiarize Māori with European tools and accustom Māori "to a better diet, to better clothes, to discipline, [and] to regular hours of work."[47] These projects made the country more accessible and

[45] ANZ, Colonial Secretary to Native Secretary, 27 December 1853, IA4 267 272 1853/2833.
[46] ANZ, Colonial Secretary to Acting Native Secretary, 4 March 1856, IA4 267 272 1856/638.
[47] GBPP 1847 (837), Governor George Grey to Earl Grey, 4 February 1847, 94.

provided Māori an easy way to transport their produce to market. Sketching the virtues of his plan to his superiors in London, Grey noted positive results with Māori who "never previously felt such feelings of attachment and respect for the Government as they now entertain."[48] The governor's promotion of Māori employment on public works was a way to continue a process of Māori integration into a waged labor economy begun in the colony's industrial schools.

Administrators understood Māori participation in New Zealand's economy as having the two-fold benefit of economic and social advancement. Early in his tenure Grey praised the attention Māori paid to "the cultivation of wheat, to improved modes of agriculture, and to the rearing of horses and cattle."[49] Māori participation in the economy was to "blend the interests of the two races" and by means of taxes also to "induce the natives largely to contribute to that revenue, which will provide the means for their own more perfect control and government."[50] Māori were to pay for their own colonization. The governor, however, anticipated indigenous labor opening more land for settler cultivation with resulting employment doing much to "promote their civilization." Acknowledging Māori economic potential recognized the value indigenous New Zealanders had for the colony's economy as producers, consumers, and laborers. Māori entrepreneurship and labor potential was thus a resource to be developed as the failure of the New Zealand Company unsettled the reputation of large-scale settlement projects, at least in populated areas of the North Island experiencing continuing uncertainty about land title.[51]

Māori participation in the colonial economy also interested non-government groups like the Aborigines' Protection Society. In 1855 the APS sent equipment for a mill to New Zealand

[48] GBPP 1847 (837), Governor George Grey to Earl Grey, 4 February 1847, 94.
[49] GBPP 1847-48 (1002), Governor George Grey to Earl Grey, 17 March 1848, 104.
[50] Ibid., 104.
[51] In 1847, in exchange for its land claims, the New Zealand Company received an emergency loan from the British Parliament. Its operations dwindled from there and the Company's charter was returned in 1858.

that was designated for "the benefit of the natives on the West Coast of the South Island."[52] The mill was to be cared for by either the Wesleyan Missionary Society or that of the Anglican Bishop George Selwyn. Like education, the provision and direction of material aid to Māori was undertaken in part with the cooperation of missionary societies who were working on the ground. By incentivizing commodity production Māori labor could supplement the settler population in fueling the growth of New Zealand. Regular work and discipline, colonial administrators hoped, would also familiarize Māori with, and accustom them to, settler modes of production, consumption, and exchange.

Legal Integration

Colonial politicians and administrators turned to judicial structures and institutions as a means for humanitarian governance that would function on a societal scale. By establishing a means of redress, providing enforcement for contracts, and reducing extrajudicial violence, advocates of British colonization in New Zealand highlighted how a well-regulated legal system could reduce harm and enhance stability. Initially, the colonial government had not sought the blanket application of British laws in New Zealand. Instead, the first two governors proposed the law as a tutelary instrument that would gradually introduce indigenous New Zealanders to the procedures and practices of British jurisprudence. In the first years of British colonization, many Māori communities could largely live unconcerned by the verdicts of colonial courts if it suited them to do so. Working within an environment where Māori could often remain aloof from colonial courts, and framing proposed changes as a means of facilitating Māori adoption of European social conventions, laws applied to indigenous spaces during Grey's administration

[52] Bodleian Library, Aborigines Protection Society Minutes, 26 October 1853, MSS Brit Emp s.20, E5/11, AMB – 27A/281.

nevertheless curtailed the areas in which Māori could exercise autonomy.

Changes in civil and criminal ordinances regulating how Māori lived under British law – particularly those determining the jurisdiction of customary law – constituted a fourth area of government activity that, under Grey, shifted to more intensively direct Māori assimilation into settler society. Between 1845 and 1856 legislative changes consolidated judicial authority as the prerogative of the European colonial state and extended its authority while retaining an earlier reticence about the wholesale imposition of British laws. The law, in light of these changes, retained pedagogical elements when applied in Māori contexts but reasserted the role of British, rather than indigenous, authority as the source of power.

This section looks at a repeal, an enactment, and a decision not to act, as representative of how colonial laws retained earlier features of a gradualist, pedagogical approach even as colonial legislators added assimilatory pressures. Efforts to bring Māori more closely into the judicial operations of the colonial state alongside the state's failure to implement separate geographies in which indigenous society would be insulated from the colonial state reveals a shift away from the policies of the early 1840s that advocated legal autonomy and toward a an adoption of British law by Māori as a sound implementation of humanitarian principles.

In October of 1846, in an address to the Legislative Council, Governor Grey proposed "such modifications of the British law as appear adapted to the present state of the Native population, and at the same time calculated to accustom them by degrees to take an active part in the administration of the laws of their country."[53] One such modification, the repeal of the Native Exemption Ordinance, took place the following month and made punitive measures more uniform

[53] Governor Grey's Address to the Legislative Council, 5 October 1846, in H. Hanson Turton, *An Epitome of Official Documents Relative to Native Affairs and Land Purchases* (Wellington: George Didsbury, 1883); Richard Hill, *Policing the Colonial Frontier: The Theory and Practice of Coercive Social and Racial Control in New Zealand, 1767-1867* (Wellington: Department of Internal Affairs, 1986).

in their application across both Māori and European communities. The repeal also consolidated state control over judicial administration by curtailing the power of indigenous elites to exercise authority about whether or not to pursue legal action. Māori participation in judicial processes would henceforth be as assistants to European jurists and enforcers of British law and not as arbiters of whether or not to move forward with a prosecution or to execute a warrant.

To fill the void in legal infrastructure caused by the repeal of the Native Exemption Ordinance, the Legislative Council passed a Resident Magistrates' Courts Act that extended the jurisdiction of colonial courts and limited the ability of individual Māori to remain outside of European judicial processes. The preamble of the Act laid out the reasons for its passage as enabling "the more simple and speedy administration of justice" while suggesting the continuing desire for flexibility by allowing "for the adaptation of the law to the circumstances of both races." Establishing resident magistrates' courts was partly due to expedience – in that they extended the number and geographic distribution of judicial venues – but nevertheless still implemented principles of humanitarian governance by creating a mechanism through which inter-Māori disputes could be resolved. Increased frequency and flexibility of judicial proceedings had the potential for Māori to obtain state-sanctioned decisions which could be useful in subsequent claims making. Colonial legislators hoped the Resident Magistrates' Courts would strengthen Māori confidence in the government even as they lost their place as arbiters of colonial law.

In a description of the law's intent, Governor Grey wrote to London that the goal was not only familiarizing Māori with British laws but also "inducing them, if possible, to assist in the administration of them."[54] The governor presented legal changes as tutelary even as they represented a demotion in status for Māori legal authorities from arbiters to an advisory role of

[54] GBPP 1847 (837), Governor George Grey to the Right Hon. William Gladstone, 14 November 1846, 79-80. "Resident Magistrates Courts Act," 1846, 10 Vict., c16 (New Zealand), Section 20.

Native Assessors who would assist European magistrates in civil cases between Māori litigants. Established in the more densely populated areas of the colony and possessed with powers of summary jurisdiction.

Governor Grey hoped resident magistrates would reduce the "pretext for resorting to violence in order to obtain satisfaction."[55] By exposing Māori to processes of British law and intensifying the nature of official contact, Grey wanted government institutions, like juries, to be pedagogical even if, for Grey, Māori were "not [yet] advanced enough as a race to perform the duties of jurymen."[56] The repeal of the Native Exemption Ordinance and the passage of the Residence Magistrates' Courts included Māori on terms that situated indigenous authority as adjunct to the legal procedures and practices of the colonial state rather than as autonomous practitioners of jurisprudence.

If the Native Exemption Ordinance and the Resident Magistrates Act worked to limit the possibility for individual Māori transgressions to be resolved outside of colonial courts, the failure to implement "Aboriginal Districts" shows the curtailment of indigenous autonomy over geographic space. The British government had authorized formation of Aboriginal Districts had been allowed under the 1846 charter granted to New Zealand and arose out of the principle that allowing "the laws and customs of the native New Zealanders, even though repugnant to our own [British] laws, ought, if not at variance with general principles of humanity, to be for the present maintained for their government in all their relations to and dealings with each other[.]"[57] The authority to create these districts within which customary law could continue to operate was

[55] GBPP 1847 (837), Governor George Grey to the RH William Gladstone, 14 November 1846, 80.
[56] Ibid., 80.
[57] "Government of New Zealand Act," 1846, 9 & 10 Vict., c103 (Imperial), Section 10; GBPP 1847 (763) *Papers Relative to New Zealand*, Earl Grey to Governor Grey, 23 December 1846, 70-71.

delegated to the governor.[58]

Earl Grey, Secretary of State for the Colonies, shared George Grey's anticipation that the passage of time would see Māori become agreeable to and eventually adopt British law. Aboriginal Districts, therefore, were only intended to be temporary measures. New Zealand would become a place of English language and imperial laws. In the meantime, Earl Grey wrote that "chiefs or others, according to their usages, should be allowed to interpret and to administer their own laws" while retaining full confidence that the spread of Christianity and knowledge of English would, in time, render any "distinctions of law and of legal customs … unnecessary and obsolete."[59] This vision for a distinct legal geography in which customary law could be practiced, to the extent that it was not "repugnant to humanity" - these crimes generally encompassing infanticide and cannibalism - reflected an understanding of humanitarian action of the late 1830s and early 1840s. That the idea for Aboriginal Districts, as spaces of Māori legal authority, was never implemented by Grey in New Zealand reduced the presence of Māori in setting the parameters of humanitarian governance.

Never brought into practice, the failure of the colonial state to implement Aboriginal Districts formed part of a broader reorientation of humanitarian governance away from an acceptance of Māori autonomy and decision making and toward state-directed practices. Grey also saw the future of legal accommodations for Māori within New Zealand society diminishing in proportion to growing familiarity between European and Māori communities. The governor was also aware of the necessity of working within the limited capacity of the colonial state to coerce Māori. In the same letter authorizing Aboriginal Districts, the Secretary of State for the Colonies had cautioned Grey that "ulterior consequences which must inevitably result from any, even

[58] GBPP 1847 (763), Earl Grey to Governor Grey, 23 December 1846, 70-71.
[59] Ibid., 70-71.

apparent, want of power or decision in enforcing obedience to it are so serious" that he instructed the governor to not make any agreements that could later prove to be untenable.[60] Creating Aboriginal Districts, therefore, might be a difficult process to later undo. Balancing power with persuasion, changes to New Zealand's legal code under Grey recognized the limited coercive power of the state during these years. They also highlight how integrating Māori into colonial legal frameworks could both promote Māori familiarity with British legal culture while repositioning indigenous authority into the service of state institutions.

Conclusion

Practices of humanitarian governance in areas of medicine, education, the economy, and the law accelerated assimilative processes on terms and tempos favorable to the colonial administration. The increasing presence of Christianity, "civilization," and Māori usage of English would, colonial officials hoped, eventually render distinctions between the two communities unnecessary with Māori adopting European forms of comportment and political economy. Unlike other sites of settler colonization, however, British observers and administrators continued to favorably interpret Māori society as capable of change. During an era on the cusp of attitudes toward race becoming less elastic, practitioners of humanitarian governance thought interventions in health, education, economic activity, and the law could encourage the social, cultural, and economic transformations of New Zealand's indigenous people.

Cultural assimilation, for Grey, was the desirable end point of British influence on Māori society. By 1850, Grey was able to write that a "considerable number of their young chiefs and most promising young men were enrolled in an armed police force, and thus habituated to act as

[60] GBPP 1846 (337), Lord Stanley to Governor George Grey, 10 August 1845, 80.

actual administrators in the lowest offices of the law, and were made acquainted with the practical administration of the law" and could be relied upon as military allies.[61] If Grey was confident in the benefits Māori would derive from adopting English social practices and patterns of political economy, he remained skeptical about the capacity of local, settler populations to abet that transformation in a way that was humane to Māori. If the colonial executive was answerable to London, rather than a settler legislature, Grey felt the office of the governor could moderate and act as a counterweight to the ambitions of acquisitive settlers.

In the 1850s, however, agitation for local control over colonial affairs was building in New Zealand and the imperial government revisited the question of governance within the colony. Grey had successfully persuaded the British government to allow a five-year postponement of an 1846 Constitution Act that would have granted responsible government.[62] His arguments against colonial self-governance restated beliefs that settler control over native affairs would be injurious to Māori and because the precarious security position of New Zealand made the granting of representative government a dangerous proposition.

The Secretary of State for the Colonies favored colonial self-government but was sympathetic to Grey's concerns and held the United Kingdom had an obligation to secure the safety and security of indigenous peoples.[63] The Colonial Secretary went on to observe that there was "serious danger" in the "otherwise inestimable advantages of colonial self-government" which was that the powers of franchise could be "perverted into an instrument for the oppression of the less civilized and less powerful races of men."[64] Humanitarian concern to protect Māori

[61] GBPP 1850 (1136), Governor George Grey to Earl Grey, 9 July 1849, 194.
[62] "New Zealand Constitution Act," 1846, 9 & 10 Vict. c103 (Imperial)
[63] Burroughs, Peter. "Grey, Henry George, Third Earl Grey (1802–1894), politician." Oxford Dictionary of National Biography. 12 Aug. 2017. http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-11540.
[64] GBPP 1847 (763) *Papers Relative to New Zealand*, Earl Grey to Governor George Grey, 23 December 1846, 71.

from acquisitive settlers who could, with self-government, acquire legal sanction for actions dispossessing Māori, compelled the imperial government to impress upon Grey the significance of communicating to the legislature "the sacred duty which will be incumbent on them, of watching over the interests, protecting the persons, and as far as may be, cultivating the minds of the aboriginal race among whom they and their constituents have settled."[65] The paternalist and humanitarian impulses underlying these sentiments are clear, in that the colonial executive – and not an elected settler legislature – was to take a leading role in promoting Māori integration and bringing Māori into a European economic order.

From 1845, however, instead of an auto-didactic model of Māori social transformation, practices of humanitarian governance advocated by the colonial government shifted control from Māori individuals and institutions to ones directed by the colonial government. Schools, hospitals, and tutelary forms of law formed part of an overall ambition to bring indigenous New Zealand under the control of the colonial state by gaining Māori "confidence and attachment."[66] Social programs joined subsidies for flour mills and other farming equipment, savings schemes, and employment on public works as part of a methodology of rule. Shifts in how humanitarian governance changed from one that was comfortable coexisting with Māori autonomy, to one that increasingly circumscribed Māori ability to opt-out of a colonial system, also signifies the growing ambitions of the colonial state.

The spaces and forms of humanitarian governance removed authority and options from Māori hands even if Native Assessors, government grants, and the provision of health and educational programs allowed Māori a means of deriving some benefit from, or participating in, state programs. The type of humanitarian governance advocated by Grey ultimately aimed to make

[65] GBPP 1847 (763), Earl Grey to Governor George Grey, 23 December 1846, 71.
[66] GBPP 1850 (1136), Governor George Grey to Earl Grey, 9 July 1849,194-5.

cultural pluralism unnecessary. The assumption was that Māori would become part of European society and that assimilation would take place largely on European terms. Grey left New Zealand in 1854 to take up the governorship of the Cape Colony but returned later, in 1861 to an environment that enabled another type of force to be applied to integrate Maori. The outbreak of more sustained violence with the invasion of the Waikato in 1863. There, with the support of 10,000 British troops, Grey pursued assimilation by other, more forceful, means.