

Littlewood 'Treaty' no treaty at all

Imagine if somebody in the United States suddenly announced that they had discovered new film footage of the assassination of President Kennedy, and that it showed a second gunman involved in the killing. The sense of vindication for the various conspiracy theorists would be overwhelming.

On a far smaller scale, but with the equal relish of seeming to prove a conspiracy, a "new" Treaty of Waitangi was allegedly discovered and splashed across the pages of *Investigate* magazine at the beginning of this year. Among a group that could be loosely labelled "Treaty deniers" – in that they have a wish to remove or reduce the role of the Treaty, this was the smoking gun: documentary evidence that the Treaty most of us are familiar with is actually the wrong version, and that the 'original' has been kept concealed by a Government conspiracy.

Normally, these sorts of theories are best ignored, in the hope that they will eventually die away. But in this case, supporters of the so-called "Littlewood Treaty" have begun to wage a campaign that has picked up considerable momentum during the year – helped by the magazine that published the article in the first place, whose author subtly described the "discovery" of this alleged treaty as a "bombshell".

I first became aware of this issue when Radio New Zealand phoned me one evening to get some background on the 'breaking story'. After talking with the patient reporter for 20 minutes, she decided to drop the story altogether –

realising that there was no credible basis in it. But the claims about the Littlewood Treaty persisted, and those behind it have stepped up their drive to have their disjointed and often erroneous version of history gain respectability.

Essentially, its proponents argue that a scrap of paper in Busby's handwriting (later owned by the Littlewood family, from where it acquires its name), dated 4 February 1840, contains phrases virtually identical to the Treaty, but that certain key words differ, thus giving an entirely different meaning to the Treaty. For example, the accepted version of the Treaty (incidentally also drafted by Busby, on February 3) mentions "forests and fisheries", whereas the newly-revealed February 4 "Littlewood" version does not. Its supporters cite this as evidence that most Treaty claims relating to forests and fisheries are therefore invalid.

There are three main issues that need to be considered to clarify the standing of the Littlewood document. The first is that of dates, the second of interpretation, and the third of motive.

First, on the matter of the dates, Busby's 3 February 1840 draft of the Treaty was handed to Hobson to comment on and amend as he saw necessary. Busby had stepped in to help with the draft because Hobson had been too ill to work on it the previous day, but was recovering by the 3rd. What Busby may have written on February 4, or any time afterwards, is immaterial. This is because he handed the version he pre-

pared on the 3rd – which includes the phrase "forests and fisheries" – to Hobson. Hobson approved that version, and it became part of what we now know as the Treaty of Waitangi. In all likelihood, the "Littlewood" treaty is little more than a rough and hastily-written copy of the Treaty of Waitangi which Busby subsequently made for his personal records. Putting all the circumstantial, chronological, and documentary evidence together, this is the only explanation.

As for the matter of interpretation, the claim is made by the supporters of the Littlewood Treaty that the phrase "all the people of New Zealand" – which appears in the Littlewood document – was surreptitiously written out of the Treaty. This is based on two incorrect assumptions: that someone deliberately removed phrases from the Treaty, for which there is no evidence at all; and that this particular phrase should be interpreted as having applied to every person living in New Zealand in 1840 – both Maori and European. The Littlewood proponents believe that this removes any possibility of Maori claiming sovereignty, because the rights ascribed exclusively to Maori in the Treaty would therefore be applied to everyone in the Littlewood version.

Such a postulation is demonstrably wrong, but the mistake is easy to make for anyone unfamiliar with the language of the period. The phrase "all the people of New Zealand" – in the setting of New Zealand in 1840 – would simply be another way of referring to Maori. There are several documents from this era in which



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this sort of phrase is used specifically to refer exclusively to Maori. It does not apply to Europeans, who are nearly always referred to in this period separately from "the people of New Zealand".

There are numerous other aspects of the Littlewood Treaty that do not stand up to close scrutiny, but it is important to highlight the most obvious one: that apart from everything else, it cannot be a treaty simply because no-one signed it. It therefore falls at the first hurdle of what constitutes a treaty. Thus, no further discussion about its treaty status can proceed.

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We welcome your feedback and views.

More Maori articles

I thought the last three editions of *Te Waha Nui* have been really good and I wanted to comment on the Maori section from the first issue of the year (No 2, June).

I thought the stories grasped the issues, particularly the hikoi on the foreshore and seabed in a fairly neutral way which was good. Rather than being loaded in favour of the mainstream point of view.

From a first glance perspective, I thought the pictures of the haka group on the hikoi, while effective, were a bit too over the top. Maybe just using one picture of Maori with nostrils flaring is enough. Then after that use photos of Maori in other depictions: Mums, Dads, tamariki...etc. I also know a lot of Pakeha marched, so why not use them?

Overall though, the Maori articles seemed good. But where are the others in the latest issues? Maori news is still happening. So students I implore you to get out there and get some more stories – ditto for Pacifica issues.

Kia kaha
Anaru August
Journalist, *Opotiki News*
Opotiki

Parnell's nightlife

Debbie Harkness of Parnell Mainstreet comes across as somewhat ridiculous when she says the problem with Parnell's nightlife is people drinking in backstreets, cars and parks before hitting the pubs (No 4, September 6).

IRAQ 2003



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Stopping people from drinking in the streets, which happens less than she would attest, won't solve any problems. Indeed, as a once-avid Parnell student night attendee, I can assure you that by and large, students do get drunk indoors – we're not 15 anymore.

Enforcing a liquor ban will simply cause people to drink before arriving in Parnell, or drink more in the bars. What's another beer in the carpark when you're knocking back five cheap ones in the *Exchange*?

Dan Trevarthen
Ex-Parnell resident
Editor of *Satellite Magazine*

Unpleasant reading

The recent column in *Te Waha Nui* entitled *The Life of Brian* (No 4, September 6) made unpleasant reading. Although I suppose it was an attempt at humour, it was unnecessary to parody the words of Christ ad nauseum for the sake of a cheap laugh.

Freedom of expression is not the issue here. Rather, it is one of balance: the offence caused

to people's faith needs to be weighed up against the merits of the point being made.

In this instance, the writer of the article failed to make that calculation before rushing to print.

Not only was the text of the article offensive, but perhaps the writer ought to consider that it also failed to make the point as effectively as could have been done by other means.

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In the name of God

This letter is about the article, *Scholar clears the air about Islam 'labels'* (No 4, September 6).

According to Dr Zakir Naik, Nelson Mandela could also be called a terrorist. How can this be so? Nelson Mandela did not preach violence in the name of any god and he didn't kill the "white man" for all the injustices he had committed against his people in South Africa.

Dr Naik says he can't comment on whether Bin Laden is a terrorist or not, because he hasn't met him.

Has he met George Bush to term him a terrorist? How is it that he freely calls Bush a terrorist but gives a foolish excuse to dodge answering the question of whether he believes that Bin Laden is a terrorist or not?

The fact that he still asks who committed the 9/11 tragedy, when Al Qaeda has clearly boasted that they did it and even gave information on how they did it, shows that he is nothing but a hypocrite in the guise of a humane Islamic preacher.

If according to him Islam is a peaceful and tolerant religion, where is his criticism of Saudi Arabia, the country from where Islam emerged?

The fact that the home of Islam is probably the most intolerant country in the world when it comes to the freedom of practising religion doesn't really seem to bother him very much.

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