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A 'forgotten' whakapapa: historical narratives of Māori and closed adoption

Annabel Ahuriri-Driscoll [a], Denise Blake [b], Helen Potter[c], Kim McBreen[c] and Ani Mikaere[c]

[a]School of Health Sciences, University of Canterbury, Christchurch, Aotearoa New Zealand; [b]School of Health, Victoria University of Wellington, Wellington, Aotearoa New Zealand; [c]Te Wānanga o Raukawa, Ōtaki, Aotearoa New Zealand

ABSTRACT

The era of closed stranger adoption is a significant part of Aotearoa New Zealand's social and colonial history; some 80,000 children were legally adopted between the years 1955–1985. Māori children constituted a considerable proportion of these legal adoptions, although little attention has been given to their experiences. The relative silence surrounding this phenomenon exists alongside narratives of colonisation and a professed abhorrence by Māori to closed adoption practice, producing a narrative discrepancy. This article aims to understand and account for some of the discrepancies in public narratives by providing an accurate historical account of engagement with the 1955 Adoption Act and its 1962 amendments from a Māori perspective, and unpacking the legal, political, social and cultural aspects from a historical experience. The complexities and nuances of settler colonialism are highlighted, as well as the effects for Māori adoptees of not being publicly and historically narrated – forgotten subjects.

Glossary of Māori words: Aotearoa: the Māori name for New Zealand; hapū: kinship group, clan, sub-tribe; iwi: kinship grouping, tribe; korero: to tell, say, speak, talk (verb); speech, narrative, story, discussion (noun); Māori: normal, usual, natural, common or ordinary, used to refer to indigenous New Zealanders; mokopuna: grandchild/grandchildren, descendant; Ngāpuhi: the people or tribal grouping of the Northland region; Pākehā: New Zealanders of European origin; tamariki: child/children; Te Tiriti o Waitangi: the Māori text of the Treaty of Waitangi, the founding document which enabled British settlement of Aotearoa; tikanga: culture, customs, traditions; whakapapa: genealogy, lineage, descent (noun); to place in layers (verb); whanau: family; whanaungatanga: relationship, kinship; whāngai: customary child placement, literal meaning to feed, nourish or nurture

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CONTACT Annabel Ahuriri-Driscoll annabel.ahuriri-driscoll@canterbury.ac.nz

Introduction

Closed adoption was introduced to Aotearoa New Zealand at a time of significant social and demographic change. The decades following World War II saw a rise in fertility but also in the number of ex-nuptial births (Else 1991). Large-scale migration to cities not only altered family dynamics through changes to gender roles (Woods 2002) and increased freedoms for young people (Dalley 1998), but effected considerable change in Māori society and in the relationships between Māori and Pākehā (Labrum 2002). Government concerns for rebuilding nation and family stability translated into policies oriented towards the nuclear family, domesticity and producing 'ideal citizens' (Labrum 2002; Woods 2002). Closed adoption was one such policy, neatly addressing the dual problems of illegitimacy and infertility through the creation of 'as if biological' adoptive families (Else 1991). Further, adoption applied to Māori had the added benefit of supporting the prevailing assimilationist agenda (Haenga-Collins 2017).

Accounts of mid-twentieth century Aotearoa New Zealand society, its shifting demography, social mores and government responses, are well-established. The advent of closed adoption and the ongoing colonisation of Māori in this period, have also been examined and narrated (Else 1991; Hill 2009). However, as this article will argue, adoption as it pertains to Māori is characterised by a narrative dearth in some important respects, as well as simplistic revisionist narratives which have failed to recognise adoptees' historical 'truth' (Charbakaty 2007).

This narrative discrepancy was identified in the context of a study of adoption and whāngai (child placement according to custom), undertaken by a team including several Māori adoptees (authors AAD, DB, HP, KM). A review of existing literature revealed some inaccuracies in the accepted account that Māori were always and universally opposed to adoption. This finding led to archival research in which the involvement of Māori in the development of the Adoption Act 1955 and its 1962 amendments, was re-examined.

In the opening sections of this article, the ways in which Māori adoption is narrated and not-narrated, are outlined. These present as silences, omissions and active erasure in the lives of Māori adoptees, and conversely, the existence of dominant scripts about adoption with respect to Māori that are somewhat divorced from those lived experiences. The findings from the examination of archival material are subsequently presented. The pervasiveness of assimilationist social policy in the 1950s and 1960s is revealed, troubling for the way in which it rendered Māori complicit in the alienation of Māori children, contrary to previous assertions by researchers. A revised narrative of the intricacies of settler colonialism as enacted in adoption is generated, which goes some way towards accounting for the ambivalent subjectivities of Māori adoptees, as well as illuminating a pathway to healing.

Erasure, silences and forgetting – the narration and non-narration of adoption

A focus on historical narrative – what and how historical events are narrated – underpins this analysis of adoption legislation in Aotearoa New Zealand. Historical narratives feature in two important ways in the lives of Māori adoptees: first, how Māori adoptees'

birth histories and origins have been narrated, and second, the ways in which the Adoption Act 1955 and its 1962 amendments have been narrated. These micro- and macro-level narratives are interdependent and mutually reinforcing, each marked by erasure, omissions and silences that impose a form of 'forgetting' (Connerton 2008). Together with the imposition of acceptable 'master narratives', prevailing cultural scripts or dominant discourses (Hammack 2009, p. 51), such forgetting is detrimental not only to Māori adopted subjects, but also our understanding of our settler colonial past.

Closed adoption erased birth/biological relations and identities (Else 1987). The legal fiction of 'as if born to' effected a legal silence (Blake 2013), erasing all trace of the adopted child's birth history and identity through the sealing of original birth records (Else 1991; Novy 2004). Lack of knowledge of birth origins left a narrative void, to be filled instead with narratives about the adoptee's entrance into the adoptive family (Kranstuber 2008; Ahuriri-Driscoll 2020). These were commonly about being 'rescued' and 'chosen', demanding that adoptees are grateful for their salvation, and silencing feelings or opinions to the contrary (Dragojilovic and Broom 2018). Adoptees received the implicit message that it was not acceptable to talk about their adoption (Beauchesne 1997; Blake 2013), and this was reinforced through denial of adoptees' lived experiences, as is the case with adoption microaggressions (Garber 2014; Baden 2016).

The actions of legal adoption at the micro-level might be characterised as 'prescriptive forgetting', compelled by an act of state, but believed to be in the interests of all parties and therefore, acknowledged publicly (Connerton 2008). In this form, forgetting is not construed as involving loss, rather some gain. For the adopted person and their adoptive parents, this form of forgetting is also 'constitutive in the formation of a new identity' (Connerton 2008, p. 61). The birth origins that were forgotten, 'accompanied by a set of tacitly shared silences', provided 'living space' for the construction of newly shared memories between adoptive parents and child (Connerton 2008, pp. 62–63); the 'blank slate' that the adopted infant child was thought to represent providing an ideal canvas for the construction of a new identity.

Erasure was also a feature of the adoption of indigenous children, of their indigenous relations and identities as part of assimilative social policy (Haenga-Collins 2017; Ahuriri-Driscoll 2020). Part of the 'repressive erasure' (Connerton 2008) of indigenous histories wrought through colonisation, indigenous child removal also thwarted indigenous futures. Settler strategies of 'not-talking' (and therefore not-knowing and not-thinking) have ensured a relative silence around such practices and their consequences (Morris 2022). Indeed, Government silence in settler nations with respect to indigenous child removal has been discussed as a form of 'wilful forgetting', a denial in order to not be confronted with or remember 'uncomfortable histories' that might disturb settlement and settledness (Haebich 2000; Haenga-Collins 2017).

The muted response observed from Māori communities relating to adoption is not immediately explicable. Is it possible that this form of not-talking constitutes 'forgetting as humiliated silence' – a silence associated with collusion and feelings of collective shame for such losses, which entails a desire to forget? (Connerton 2008). Whatever the case may be, this has profound implications for the Māori adoptee. West (2012, p. 64) notes the 'silent voice of the Māori adoptee', in both Māori identity politics and in the Māori community more generally, which she perceives has denied adoptees the benefits of recognition, self-determination and collectivity realised for the Māori

population in the past 30 years. Not being remembered, not having a place in the collective historical memory, not being recognised or narrated is to be silenced, a hallmark of historical trauma (Byrd and Rothberg 2011; Borell et al. 2018). West (2012, p. 120) issues the following challenge: 'instead of the Māori adoptee navigating their journey alone, it is time for whānau, hapū and iwi to ask – where are our tamariki?' (p. 120).

After the fact – Māori narratives relating to adoption

As noted above, an important part of collective forgetting is the replacement of events of history with master narratives (Connerton 2008). For example, at the micro-level, master narratives of adoption as 'win-win' endure today (Baden 2016). With respect to the adoption of Māori children, a subject given scant attention in the Māori world, new master narratives began to emerge in the 1980s.

The antithetical nature of closed adoption to the customary practice of whāngai forms the basis for assertions that Māori were always strongly opposed to the 1950s and 1960s adoption legislation. In her seminal work A Question of Adoption, Else (1991) cites Pūao-te-ata-tū, the 1988 report which highlighted institutional racism within the Department of Social Welfare and its policies and practices, to emphasise the incongruence of legal adoption with Māori customs and values: '[Western adoption law] was a totally alien concept, contrary to the laws of nature in Māori eyes, for it assumed that the reality of lineage could be expunged, and birth and parental rights irrevocably traded' (Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare 1988, p. 75). This kōrero was elaborated in a series of conference contributions by Māori scholars in the 1990s. Mead (1994) spoke of the key rights undermined by closed adoption that must be reinstated – knowledge of whakapapa and the circumstances of adoption, as well as the enjoyment of whanaungatanga and cultural integrity. For Mead (1994, p. 91), the contravention of these birthrights rendered the practice of Pākehā raising Māori children *as* Pākehā 'wrong' and unjustifiable. Bradley (1997, p. 41) labelled closed adoption 'a policy of legalised cultural genocide'. Written at a time in which Māori adoptees were coming of age and increasingly able to articulate their experiences, Kirby (1994, p. 24) and Mead (1994, pp. 91–92) cited some personal observations of Māori adoptees' awkward 're-entry' into the Māori world as adults, describing these experiences as difficult, traumatic and painful. Thus, beyond the impact on the practice of whāngai, these contributions moved to consideration of the resultant impacts or 'cultural harms', for adopted individuals as well as whānau and the wider Māori community.

Together, the aforementioned statements by Māori figures constitute a strong narrative against closed adoption. These narratives were surely valuable in informing subsequent adoption policy and practice.[1] However, they were espoused three decades *after* closed adoption legislation had been enacted, and *after* the opening up of adoption practice as a result of the Adult Adoption Information Act 1985. Could it be reasonably argued that these are revisionist narratives rather than 'of the time'? If they were 'of the time', how was it that the adoption legislation was passed to such effect for Māori? And how is it that the post-colonial promise of such revisionist narratives has not been realised for Māori adoptees? Who do these narratives serve, if not the adopted subjects?

Taken together, these questions raise the need for a close re-examination of adoption legislation history, and more specifically, the role of Māori within it.

Methods

The research for this article is part of a larger Marsden-funded project based at Te Wānanga o Raukawa, which has explored the practices and impacts of adoption and whāngai in the lives of Māori. As part of an initial scoping literature review, discrepancies between the content of parliamentary debates and discussion of Māori opposition to adoption in the literature were noted. Following historians Anne Else, Bronwyn Dalley, David Williams and Aroha Harris led to archived Department of Māori Affairs records pertaining to the Adoption Act 1955 and subsequent legislation. After identifying specific records of interest, permission for access was sought from Te Puni Kōkiri (the Ministry for Māori Development). Permission was granted 9 November 2018, and the files (date range 1947–1966) were sent to the Te Puni Kōkiri Christchurch office for viewing. The records were read over a period of four weeks, in which particular attention was paid to Māori voices that featured in the records, and their concerns – these are outlined below, in conjunction with analysis from secondary sources.

Findings

Impending closure: the 1955 legislation

The records viewed were various items of correspondence on adoption between the Department of Māori Affairs and its Minister, other government agencies (Justice Department, Child Welfare Division), as well as external stakeholders (Judges of the Māori Land Court, solicitors). The Department of Māori Affairs (MA) was the public service department responsible for providing advice on policies and issues affecting the Māori community. However, the period of 1948–1957 was the first time that MA had an 'ethnically Māori' administrative head (Tipi Rōpiha), personnel included significant numbers of non-Māori as well as Māori and there had been only two Māori Ministers of Māori Affairs previously (Butterworth and Young 1990, pp. 74–78).

In 1952 Māori Affairs were engaged in the development of new Māori Land/Affairs Acts, inclusive of considerations relating to 'Māori adoptions' (Rōpiha 1952; McDonald 1978). As part of this work, Under-Secretary Rōpiha had suggested that the Māori Land Court's special and separate jurisdiction with regards to the adoptions of Māori children by Māori parents ought to be extinguished, in place of administration by a single judicial system (Rōpiha 1952). This was, however, rejected by Māori Land Court Chief Judge Morison (1952) as premature and unnecessary. He cited the various benefits of the Court's involvement in adoptions, including its historical contribution to the development of the Māori people, Māori familiarity with it, and the judges' superior knowledge and understanding of Māori.

It was at this time that MA representatives Charles Bennett and Jock McEwen were invited to join Department of Justice and Child Welfare Division representatives on an interdepartmental committee to consider adoption laws, upon the realisation that 'adoption of Māori children is a considerable segment of the problem' (Barnett 1952,

p. 1). MA's suggested changes included the removal of the 'racial discrimination' that disallowed Māori adoption of non-Māori children, and the statutory involvement of Māori Welfare Officers for adoptions involving Māori children. The proposed definition of Māori, following the Births and Deaths Registration Act 1951 and the draft Māori Affairs Bill, was of 'a person belonging to the aboriginal race of New Zealand, [including] a half-caste[2] and persons intermediate in blood between half-castes and persons of pure descent from that race' (Kukutai 2010, p. 49). Copies of the Interdepartmental Committee report were distributed 22 July 1952 but not considered by Cabinet until 17 August 1953, when approval was given for the drafting of a bill in accordance with the Committee's recommendations, subject to Cabinet Committee amendments (Hanan 1953).

Copies of the draft Adoption Bill, after its first reading in Parliament (29 September 1954: NZPD 1954) were circulated in October 1954 to Māori Land Court judges and commissioners, MA District Welfare (DW) Officers and Child Welfare (CW) Officers. DW Officers were asked specifically to discuss the bill with Māori Welfare Officers, tribal executives and committees. Compared with the eight weeks given to judges and CW Officers, DW Officers were given just five weeks to consult with Māori communities. Consequently, no comments were received from DW Officers or tribal organisations. Comments from only two Māori Land Court judges were received, which did not result in substantive changes (Rōpiha 1955a).

1 April 1955, an article entitled 'About Adoptions – New Legislation Proposed' was printed in the MA-supported publication Te Ao Hou to inform the general Māori public about the Adoption Bill 'which will affect and be of interest to Maoris [*sic*]' (p. 41), and to encourage interested parties to make a submission. The article clarified the new elements of the Bill and notified readers where they could access copies. However, the circulation of Te Ao Hou was relatively small, reaching 5000 in 1960. Furthermore, given the residence of approximately four-fifths of the Māori population in rural areas in 1955, McDonald (1978, p. 36) suggests 'it is doubtful that [Māori] knowledge of the 1955 Act would have been very widespread'. Subsequently, no submissions by Māori were received on the Act.

After consultation and review by Cabinet, the Adoption Bill was read a second time pro forma in Parliament (4/6 May 1955) and referred to the Statutes Revision Committee (NZPD 1955a). The report of the Select Committee was read in committee in Parliament 20 September, with the Committee recommending the Bill be allowed to proceed as amended. Debate in Parliament then took place on the 26th October 1955, with the Bill introduced by Attorney-General Marshall. Māori commentary was limited to that by Eruera Tirikatene, Member of Parliament (MP) for the Southern Māori electorate, who spoke on behalf of other Māori MPs, voicing his support of the Bill for 'bring [ing] our adoption law more up to date' (NZPD 1955b, p. 3353). Reflecting on the custom of whāngai (which had been legally prohibited some years prior in the Native Lands Act 1909), Tirikatene conceded the potential for interference by natural parents causing resentment and bitterness, and that in that case some of the Bill's provisions were beneficial. Tirikatene identified the relevance of sections 3, 8, 13 and 19[3] to Māori, and sought clarification of the definition of Māori within the Bill, which had a bearing on in which court adoption cases would be heard. On being informed that the Bill adhered to the Māori Affairs Act 1953 definition, Tirikatene did not raise any

issue, accepting that an adoption would be settled by the Magistrate's Court in the case of Maori parents/children 'outside the half-caste margin' (p. 3354).

A false sense of security – understanding Māori complacency

It is clear from archival records and additional research that Māori were largely unaware of the implications of closed stranger adoption. Their purview was confined to 'Māori adoptions', which at this point still enjoyed the 'buffer' of Māori Land Court processes. This appears to have engendered a certain level of complacency when it came to the legislative changes proposed in 1955.

Both McDonald (1978, p. 26) and Dalley (1998, p. 230) were somewhat correct in their description of Māori Affairs involvement as 'an afterthought' and that they were given 'a back seat'. Invited onto the Interdepartmental Committee last, MA representatives were asked to comment only on Māori adoptions and whether these had a place in the new legislation. A substantive contribution was made nonetheless, with the majority of the MA recommendations enacted. There were two important exceptions however. Firstly, Māori Land Court (MLC) jurisdiction was not broadened as suggested, so non-Māori children that were now able to be adopted by Māori would be dealt with in the Magistrate's Court instead.[4] Second, Māori Welfare Officers would not report on all cases involving Māori children, only those cases seen in the MLC.

Arguably the most significant changes introduced in the 1955 Act, with a bearing on all adoptions including Māori, fell outside the recommendations by MA representatives. Although the MLC retained jurisdiction for 'Māori adoptions', all adoption orders 'made on the application of any person, Maori or not, in respect of any child, Maori or not' now came under the Adoption Act (Section 18). This meant that Māori adoptions were therefore subject to the same 'closed' specifications and procedures, including that no applications could be heard in open court, that every adoption order would confer the surname of the adoptive parent on the adopted child (and a first name as fixed by the applicant), and that the adopted child was 'as if born to' the adopting parents. These specifications were a marked departure from the prior processes which had been more open and had retained recognition of the child's biological identity. In a memorandum to the Minister of MA dated 2 March 1955, Secretary Rōpiha noted 'there seems to be no reason why these proposed general provisions would invoke any special injustice or inconvenience to Maoris [*sic*]' (Rōpiha 1955b, p. 2), and interestingly, these clauses escaped specific mention by MLC judges (Māori Land Court Judges Office 1954). In response to the memorandum, the Minister was satisfied that since 'no Maoris [*sic*] have made any objections, no presentations are necessary' (Corbett 1955, p. 2).

Another important aspect of the legislation that was not challenged at any stage was that of the definition of Māori. Although calculating 'degrees of Māori blood' for the purposes of determining which court would deal with an adoption application had become 'odious' (McDonald 1978, p. 30), the definition persisted. This meant that a proportion of parents and children of Māori descent were determined to be *not* Māori,[5] and therefore those adoptions were neither recorded nor dealt with as Māori adoptions.

Contrary to the common assertion that the contributions of MA were ignored (Rockel and Ryburn 1988; cited in Pitama 1997), this account of the development of the Adoption Act 1955 paints a different picture of Māori input. There appeared to be very little

opposition from Māori, particularly at the community and parliamentary levels. Perhaps for Māori community members, there was little awareness due to the limited Māori-focused publicity, or there was not a sense that the Act would apply to or affect them, i.e. their children were not being adopted 'out', or if they were they would still be able to proceed through the (more acceptable) MLC? Or perhaps the changes were not of concern and Western legal adoption *was* more acceptable? The numbers of Māori adopting children in 'the European pattern' (i.e. formally, non-kin) had been increasing since the 1940s; McDonald (1978, p. 30) attributes this to urbanisation and increased exposure to Pākehā views, including that of the unacceptability of informal adoption.[6]

The very limited opportunities for consultation and feedback may have prevented feedback from Māori Welfare Officers, who were reported to be 'not certain of the procedure to be followed and the extent of their authority under the provisions of the Adoptions Act 1955' ('Māori adoptions', 7 June, no year, p. 1). It is more difficult to fathom the limited discussion by Māori parliamentarians – were the implications for Māori considered to be inconsequential via this Act? Did their silence indicate acceptance of the further changes to Māori adoption practices? Or, with the intense assimilationist pressures of the time, perhaps Māori leadership 'had reached its lowest ebb'? (Sinclair 1992, p. 97).

The strongest voices against the Adoption Act 1955 relating to Māori adoptions were those of MLC Judges. Archived correspondence shows that they sought consistently to maintain the status quo, sometimes in opposition to MA staff, who were more 'changeable' in their position on key points. It is clear that MA input *was* constrained, if not in terms of being ignored outright, certainly in terms of the tensions the Department was subject to. As administrative head, Rōpiha was noted to have a 'broader vision' for his people, but also had to be loyal to his Minister (National government MP E.B. Corbett). This meant working in support of the assimilationist government agenda, while addressing the rising social issues associated with urbanisation (Butterworth and Young 1990, p. 94).

One law to adopt them all: the drafting of the Adoption Amendment Bill 1962

There is little detail in the MA and Justice Department files relating to the drafting of the Amendment Bill, but correspondence between the departments in 1961 indicates they were both, independently, considering amendments to aspects of the legislation. The Justice Department (1961) sought to address issues with adoption consents, while MA were focused on the transfer of the adoption jurisdiction of the MLC to the Magistrate's Court (Hunn 1961). J.K. Hunn was now the Secretary of Māori Affairs, his report on the Department (the Hunn Report, published 17 January 1961) having promulgated 'integration', in fact an intensification of the assimilationist programmes of the 1950s (Butterworth and Young 1990). Post-Hunn Report, the removal of any legal differentiation in order to realise 'one law for all', was a key focus (NZPD 1962a; Harris 2007). With regards to adoption law, the separate adoption processes for Māori and non-Māori were deemed an impediment to procedural equality (Williams 2001).

The first reading of the 1962 Adoption Amendment Bill on 14 June (NZPD 1962a), which extended the provisions of the 1955 Act to *all* adoptions, provoked opposition from Māori, both outside and inside Parliament (Auckland District Māori Council

(Taua) 1962; Brook 1962; Stone 1962a). Judge Brook of the Taitokerau MLC was not in favour of the proposed changes, noting to Attorney-General and Minister of Māori Affairs Hanan his 'emphatic conviction that the Māori people will be seriously prejudiced' (Williams 2001, p. 239). His primary objections were related to the use of the Magistrate's Court, a court that Māori associated with the criminal justice system, and the increased cost to adoption applicants (Williams 2001). His concern, echoed later by the New Zealand Māori Council (NZMC) and the Māori Women's Welfare League (MWWL), was that Māori would be dissuaded against legal adoptions as a result, leaving Māori children without the associated legal protections (Stone 1962a).

At their inaugural meeting in June 1962, the NZMC were given approximately three weeks to consider this and three other bills, without consultation with tribal executives or committees (Waitangi Tribunal 2014). The Council was divided on whether or not to support the Bill, with three of the eight delegations dissenting and one of the five that voted in favour having been instructed by its District Council to oppose it. Despite unanimous opposition in some districts (Tairāwhiti and Waikato-Maniapoto), and a lack of agreement in others (Waiariki, Auckland), the Council agreed to support the Bill (Harris 2007).

The MWWL proposed two remits relating to adoption at their 1962 annual national conference (16–19 July) – one concerned that parent/guardian consent to adoptions should be sought in the case that an unmarried mother is a minor, and the other based on their concerns about the Amendment Bill. In a subsequent letter dated 2 August, the League made an appeal to the Minister that the proposed changes to adoption jurisdiction be reconsidered, based on the destabilising and overwhelming changes that Māori families and communities were facing:

> It is difficult to put forward the often unexpressed fears of a people faced with making great advances in all spheres of activity in a formerly alien society which is itself changing rapidly. No special privileges are being asked save that which leaves something of the familiar, particularly in important issues dealing with family, from which it is possible more confidently to go forward into the new. (Stone 1962a, p. 2)

Māori wished to retain the MLC in adoption processes, an institution that had come to be 'a familiar and established part of the Māori world' (Boast 2016, p. 86).

A series of telegrams on 21 August 1962 from Ngāpuhi leaders asked that the Bill be placed before the Māori Affairs Select Committee and the Māori people, and that further readings of the Bill 'be withheld until such time as the opinion of the Māori people is firmly expressed' (Rankin 1962; Williams 2001, p. 239). Further letters expressing similar sentiments were also submitted by the Auckland District Māori Council and the MWWL. The Bill was subsequently sent to the MA Committee, and a second reading of the Bill with amendments took place on 13 December (NZPD 1962b).

In the second reading, Minister Hanan disputed the allegations of limited consultation, citing the infeasibility of consulting 488 tribal committees, and the representative democratic mechanism afforded by the NZMC. He also dismissed the issues raised about dealing with the Magistrate's Court, unconvinced that Māori were not already utilising the Magistrate's Court for various matters, including 'adoptions where a child is of less than half Maori blood'. He did, however recognise as valid the concerns relating

to cost and the continued involvement and support of Māori Welfare Officers (NZPD 1962b, p. 3351). These amendments, made by the MA Committee were subsequently read into the Bill and accepted by MPs who stood to speak – Iriaka Ratana for the Western Māori electorate and Waitakere representative H. G. Mason. Thus, although the potential problems associated with these changes might have been solved by reverting to the former arrangements, greater assistance to Māori applicants was instead promoted, 'an analysis which ignored the extent and importance of Māori customary adoption' (Dalley 1998, p. 234).

It was not until 1965, when further amendments were made to the Adoption Act regarding rights of appeal, MPs utilised the opportunity to raise the negative consequences of the 1962 amendments (Else 1991). Although not stipulated in the legislation, there were several cases in which Magistrate's Court judges had denied birth family members' applications to adopt their own kin. This confirmed Māori reservations regarding the differences between the two Courts; far from legalising a whāngai arrangement, Māori applying to the Magistrate's Court found their applications for intra-family adoptions treated with disdain. Tirikatene protested that this 'cuts right across Māori custom and tradition' (NZPD 1965, p. 1333). Mr Mason, MP for New Lynn, also lent his support, concerned that the 1962 amendments had caused such upset among Māori, and questioning the Act's operationalisation of 'equality':

> … we were assured, that this change accorded with the wishes of the Māori people … But equality is one thing, and uniformity is something quite different. The surrender of one's accustomed ways of thought is very far from being the same as equality (p. 1336).

Compromised and complicit – integration does its work

Action taken by government to move Māori away from a tribal orientation may go some of the way to explaining the limited, or at least less audible tribal opposition to closed stranger adoption legislation. With the exception of the Ngāpuhi leaders' submission, the Māori voices that were apparent spoke not necessarily on an independent tribal basis, and through mechanisms that were to varying extents structured by the State. The Māori MP positions were affiliated with political parties, requiring seat-holders to pledge loyalty to party policies, sometimes in tension with tribal interests. The MWWL and the NZMC were both in one sense or another compromised by the State's expectation that they would promote the integration of Māori into the mainstream (Harris 2007). Valued by government as representative national Māori organisations who were able to provide some connection with 'flax roots' communities (Hill 2009), they each nonetheless had a clear non-tribal remit (Harris 2007).

The MWWL submission on the Adoption Amendment bill was not cited in parliamentary discussions, but the NZMC's 'strong' but not unanimous support was (NZPD 1962b, p. 3351). The Council's support was curious, given the significant reservations held by members representing their respective committees. Although it would be inaccurate to characterise these organisations as colluding with the State's closed adoption agenda, their responses were not at all equivalent to the fierce defence of core Māori values displayed in relation to other proposals (for instance, the State's assimilation policies with regard to Māori-owned land, and to disband Māori Wardens: Hill 2012). In any case, in the age of integration there were many State intrusions for Māori to rebuff; if any

choices had to be made about where to invest limited energies and resources, or which battles to mount, there were countless other worthy causes. Perhaps, in the broad scheme of colonial insults and grievances, the plight of Māori children adopted by non-Māori families was of lesser import?

The 1962 parliamentary debates of the Adoption Amendment bill were striking for the lack of challenge from Māori members of parliament. From those who made their opposition known, the key concern initially was the loss of MLC jurisdiction with regards to Māori adoptions. Although this was articulated as a concern for possible adverse impacts on Māori engagement with the legal adoption process, this might also be interpreted as concern for the loss of judgements that took better account of whakapapa, and within-whānau arrangements, i.e. something resembling the practice of whāngai. By defending the involvement of the MLC however, Māori were fighting for the maintenance of a colonial institution, not necessarily for tikanga, or for Māori children.

The plea from the MWWL to retain the 'familiar' MLC provides some sense of the overwhelming nature of the changes brought by urbanisation and integration. However, the League were careful to moderate their correspondence with acknowledgement of the benefits:

> The League is most grateful for what you have already achieved as Minister of Maori Affairs and for your sincerity in providing means whereby the Maori people might exercise more fully their ability and energy as citizens of equal social and educational status with Europeans, in a society which has need of the full contribution of all its citizens. (Stone 1962a, p. 2)

These notions of citizenship and equality were also espoused by MP Iriaka Ratana in her support of the 1962 Act:

> Both Governments have agreed that the Maori people should be encouraged to deal with the normal agencies of Government as soon as they are able … I am certain they can also arrange the adoption of a child through the Magistrate's Court … If we in New Zealand are to live together in harmony as one people, we must know more of one another … (NZPD 1962b, p. 3352)

But this knowledge of each other was uni-directional. In 1963, following the passing of the Act and the instatement of Māori Welfare Officers to support Māori adoptions in the Magistrate's Court, Māori Welfare Officers expressed their concern with the ill-defined procedure and role, and asked that the Justice Department and CW Divisions increase their understanding of Māori attitudes towards child rearing and adoptions. This latter suggestion was promptly dismissed by Hunn: '… their recommendation … is a moot point. The old ideas inherent in customary adoptions probably play no part at all in the business nowadays' (Hunn 1963, p. 2). The agenda of the government was clear; there was no perceived value in whāngai, and rather than mutual understanding or accommodation, Māori needed to be persuaded to relinquish their practices and values. This was indeed the 'absorption' that some Māori had feared (Butterworth 2007).

The involvement of Māori Welfare Officers in Māori adoptions meant that verification of the half-caste quantum was still required. It is striking that in spite of its misalignment with notions of whakapapa, the Crown's definition of Māori remained unchallenged throughout the 1955 and 1962 adoption legislative developments. The implications were profound, but seemingly unrecognised by Māori until several years later.

Nowhere was it protested that owing to being defined as less than half-caste, children with whakapapa were adopted outside of the MLC, by Pākehā, effectively lost to their whānau and communities. Correspondence to the Minister by the MWWL demonstrates the lack of appreciation of this point:

> The welfare of adoptive children must, of course, be of paramount importance, but the League is aware that Maori children will generally be brought up in Maori homes in the atmosphere and tradition and associations that are fostered there. (Stone 1962b, p. 1)

This assumption might reflect the small but growing numbers of adoptions in the early 1960s, before their peak in the years 1969–1971 (Else 1991), and perhaps prior to more widespread impacts upon Māori whānau. In 1964 at the MWWL national conference, a remit (#13/64) was proposed to require grandparents' consent to adoption, and an option for grandparents to adopt or foster their mokopuna. However, the conference minutes recorded little support for the remit (MWWL 1964). Adverse whānau experiences *were* acknowledged in the parliamentary debates in 1965, as there was increasing awareness of what closed adoption meant in practice. However, this opposition came too late for many.

Discussion

Dhyrberg (2001) identifies two problems facing Māori in relation to adoption: the lack of legal recognition of whāngai, and the risk of children being lost to the whānau, hapū and iwi into which they were born. She notes that the latter problem also entails losses to the child, in terms of identity, culture, tikanga and whakapapa. What is clear from much of the 1960s narratives is the concern for the institution of whāngai, rather than the closed adoptions of Māori children per se. This is reinforced in the opposition voiced primarily to the 1962 Adoption Amendment bill, rather than the 1955 legislation. Complicating matters was the predominance of Māori adoptees born to Pākehā mothers, a situation in which Māori families were relatively disenfranchised.[7] Even if mechanisms for whāngai had been maintained, it was unlikely these children would ever have been adopted according to custom. Openness surrounding adoption would certainly have mitigated the personal and cultural losses of these closed adoption arrangements, however.

It was not until the 1980s that the loss of Māori children and whakapapa connections through adoption became a more accepted and widespread narrative. The previous decade had seen protest against the injustices of colonisation and the Crown's failure to honour Te Tiriti o Waitangi, and disenchantment with monoculturalism extended into what became known as the decade of biculturalism (Durie 1998). In 1974 Māori had taken back the right to self-definition, with legislative definitions altered to reflect descent, thereby including all of those with whakapapa no matter the quantum (Kukutai 2011). However, as part of the mobilisation of the colonisation narrative, adoption featured in Māori discourse, but only fleetingly. In the following decade of 'iwi-isation', those with more tenuous connections to tribal structures (i.e. urban Māori and Māori adoptees) became marginalised and silenced as 'inauthentic' (Barcham 2000). Their literal displacement was reflected in narrative displacement.

In the Australian context, Swain (2013) has noted the marginalisation of indigenous adoptees in relation to the Stolen Generations narrative as well as the history of adoption. Despite similarly experiencing removal from family and community at the hand of the State, their experiences are 'more complex and contested' than those of survivors of institutional abuse, owing to the mechanisms of assimilation rather than segregation (Swain 2013, pp. 204–205). The dual and intersecting mechanisms of assimilation are key here: that of closed adoption through the creation of the legal fiction 'as if born to' (Else 1991), and that of settler colonialism through the assimilation and 'integration' of indigenous peoples as 'equal' national citizens (Humpage 2008; Barnes 2017). The adoptable Māori (colonised) subject is the 'other' of the colonising and non-adopted subject, positioned outside of New Zealand European culture and bionormativity.[8] They are subsequently brought *inside* through the act of adoption, their radical 'otherness' abolished (McLeod 2000). However, assimilation via adoption (and socialisation by Pākehā as Pākehā) effectively renders Māori adoptees 'other' to other Maori colonised subjects. It is this dynamic that is visible in the omission of Māori adoptees from the history of both adoption (in part owing to inadequate data), and of Māori society. In the binary of coloniser/colonised, Māori adoptees can sit uncomfortably between and in so doing, they betray the ongoing decolonial/indigeneity project. The resulting liminal positioning can generate ambivalent Māori subjectivities and identities, as has been demonstrated in recent research (Ahuriri-Driscoll 2020).

Similar to the Stolen Generation of Australia, Māori adoptees have experienced a 'historical wound', but have not been accorded the equivalent recognition. Charbakaty (2007) understands this as relating to the absence of two key conditions. First, a historical wound is predicated on a historical 'truth', a generalisation that may be empirically verified. In the case of Māori adoption, this is easily contested owing to incomplete and inaccurate recording of race/ethnicity in adoption records. The exact numbers of Māori children adopted to strangers is not known. Second, there needs to be social consensus about the historical plight experienced, including acknowledgement from the groups responsible. The Crown concedes that there have been detrimental impacts for Māori as a result of closed adoption, which is a focus of the Abuse in Care Royal Commission of Inquiry and the adoption law reform currently underway. However, the lack of consensus among Māori about the impacts of closed adoption on their own whānau members denies the collective resistance that is also critical to narratives of recognition (Honneth 1995 cited in Pilkington and Acik 2020). Collective resistance pertaining to the historical wound of colonisation provided a temporary 'home' for adoption-related grievance, but this was not sustained. Moreover, the isolating effects of closed adoption have meant that Māori adoptees do not possess a collective voice, nor have they been able to mobilise en masse. Finally, the lack of verifiable numbers leads to a reliance on ''experiential' access to the past' (Charbakaty 2007, p. 79). Lived experience may be contested as a source of knowledge, in itself a form of misrecognition, an 'epistemic injustice' which limits those who are misrecognised in having their knowledge claims heard (Dübgen 2012). Though non-Māori and/or non-adopted historians narrated histories that included Māori adoptees, it was the lived experience of being-Māori-and-adopted that led to this re-interrogation of the historical record.

And so, to the question of what the review and revision of this history achieves? This work has not set out to vilify any party for their role in the closed adoption legislation, but

to understand and account for some of the discrepancies in public narratives, as well as some of the silences. The stark differences in social policy are evident between then and now, but arguably some of the same underlying discourses remain, and these must continue to be challenged. The struggle of Māori adoptees to be heard and recognised within Māori society highlights the painful residue of assimilation and a past that we have tried to leave behind. However, maintaining the pretence of always fighting and resisting not only belies the reality, but prevents restoration. Māori *have* fought for (and won) the right to tell our own stories about us, who we are, and how we came to be – this right must now be granted to Māori adoptees. An accurate historical account told by us and for us is an important step.

Notes

1. Although, this was not realised immediately; Pitama (1997) noted that a Departmental Draft Adoption Act 1994 also failed to incorporate Māori perspectives, research or input.
2. A half-caste was defined as a person who reported half Māori and half European 'blood' or descent (Callister 2004).
3. Section 19 prohibits the practice of whāngai, or adoption of any child in accordance with Māori custom.
4. Else (1991, p. 180) has asserted previously that MA wanted all applications involving 'any Māori child OR applicant' to go before the Māori Land Court. However, this was not the case according to the archival documents. MA had instead recommended a broadening of the Māori Land Court jurisdiction to include 'all adoption applications where one of the foster parents is a Māori' (Department of Māori Affairs 1952). These different interpretations have significant implications – MA wanted the adoption order jurisdiction to follow the Māori adopter/applicant, whereas Else implies that MA wanted the hearing of the adoption orders to follow the Māori child. As a more inclusive mechanism, the latter would have ensured a Māori overview of adoptions of *all* Māori children.
5. For an example of this, a survey of ex-nuptial births in 1970 demonstrated the application of the half-caste quantum/definition to Māori birth parents and children. In that survey sample, 99 children, 34 mothers and 46 fathers deemed to be 'quarter-caste' were counted as Europeans rather than Māori (see O'Neill et al. 1976).
6. Some whānau, concerned at losing their mokopuna via adoption, did take their cases to court. However, these are difficult to find in case law and are not reported here.
7. This issue is evident in the MWWL conference remits relating to fathers' rights to be involved in decision-making about their ex-nuptial children (MWWL 1964, 1980, 1982, 1983).
8. The condition in which biological relations are privileged.

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ORCID

Annabel Ahuriri-Driscoll http://orcid.org/0000-0002-4046-5019
Denise Blake http://orcid.org/0000-0002-7087-5107

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