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Duncan Harding and Tyson Schmidt, *Victoria University of Wellington*

Eurocentric Heritage Values and the Treaty: a Dialogue in W[h]anganui

Heritage is a system of values. Traditionally, heritage values are assumed to be innate to a building but recently this concept of heritage has come under critique. A more complex understanding of heritage is emerging within critical heritage studies in which heritage values are open to interpretation, translation, and re-interpretation.

The complexity of heritage is explored through a case-study analysis of the (former) Maori Land Court building in Whanganui. Designed by Government Architect John Campbell and constructed in 1922, the building was, and still is, a contested symbol of both colonial and Maori expression and repression. By weaving together the conflicting heritage perspectives within a recent Environment Court hearing for consent to demolish the building, this paper analyses the historical symmetries and tensions of heritage values associated with the building. Layers of translation are revealed, both across cultures, disciplines, and time. As the opposing parties presented their visions for the future based on how they chose to express their heritage, large gaps in understanding were revealed and never reconciled. This analysis explores those gaps between the different heritage dialogues and their relationship to a wider context, particularly the Treaty of Waitangi.

The paper concludes that heritage is a political field of contested and conflicting identities and values. Traditional conceptions of heritage are not adequate for addressing the complexity of heritage and an alternative system based upon critical heritage is discussed. This alternative significantly challenges the conventionally positivist conception of heritage and provides a case-study example of why and how a broader approach to heritage should and could be developed. This broader approach will become increasingly important in New Zealand as groups with very different approaches to heritage gain the financial ability to implement their visions for the future.

Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council [2013]

The lawyers wore coloured socks – red, green, blue, green. It was a small, repressed expression of personal identity by the otherwise black and grey suited line up of those who led the ensuing battle. The courtroom sloped on a precarious angle, with local Maori accumulating near the door, far from the bench and the formality. They would quietly natter about their daily lives while the Europeans focussed on keeping score.

The battleground was a direct referral from the Wanganui District Council, heard by the Environment Court in 2013, to determine a resource consent under the Resource Management Act (RMA) 1991 to demolish the former Maori Land Court and ancillary buildings and establish, operate and maintain an iwi tertiary institute, Te Whare Matauranga. The institute was a joint venture between the Universal College of Learning (UCOL)¹ and Te Puna Matauranga o Whanganui, the education authority for Whanganui iwi.²

While the hearing was held at one end of town, the subject of discussion was at the other, segregated by a stroll through pastel hues of floral baskets, hanging delicately in the breeze from Edwardian verandas, and the leisurely blocks of brick facades, sashed windows, and parapets adorned with details of red, green, blue and green. The hearing was distant from the building, contested picnic grounds and the ancestor who flows some 290 km from mountain to sea.

Initially purchased by UCOL from Whanganui iwi in 2006, an earlier resource consent to demolish the Maori Land Court building was applied for with the Wanganui District Council in 2007, but was heard and declined in 2008. An appeal was lodged with the Environment Court and this was heard and declined in 2010. In both hearings by the Environment Court, the New Zealand Historic Places Trust (NZHPT) was an s274 party under the RMA,³ as was the Whanganui Regional Heritage Trust in the 2013 hearing. Following the first hearing in 2008, NZHPT registered the Maori Land Court building as a Category One Historic Place.

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- 1 UCOL is the local institute of technology and polytechnic, with campuses in Whanganui, Palmerston North, and Wairarapa.
 - 2 Following two public referendums, in 2012 legislation was passed to allow both 'Whanganui' and 'Wanganui' as official names of the city.
 - 3 Section 274 of the RMA allows people to become a party to any proceeding in front of the Environment Court (having met certain criteria), allowing them to appear and call evidence.



Fig. 1. The Maori Land Court Building as viewed from Moutoa Gardens, standing "like a modest wedding cake left at the altar".
Photograph by Duncan Harding and Tyson Schmidt, March 2013.

The building stands like a wedding cake left at the altar. A modest wedding, small yet grandly solid, with the yellowing icing from disregarded memories, once so ambitiously recorded, now fading to a regretted dream. The adorning flagpole leans into the sky, an absent flag of red and blue fluttering emptily against green branches. Five windows with crowning halos slowly grow across the building's face, eyes into an empty soul whose story now belongs in the musty smell of record books: it is a story now belonging in memory. Outside is a pair of legs, violently severed through the calf, standing guard against the humid air: a missing body, gently balanced in the breeze, as a reminder of constructed nationalism on an otherwise local landscape. The toppled statue gazes back to an actualised future: "a small, old, somewhat dilapidated building which may have been used for administrative purposes."⁴



Fig. 2. Remains of the statue of John Ballance, 14th Premier of New Zealand, in Moutoa Gardens. The statue body was toppled by local iwi during the 1995 protest occupation of Moutoa Gardens.
Photograph by Duncan Harding and Tyson Schmidt, March 2013.

Lost in Translation

About 200 Europeans lived in the settlement of Whanganui (or Petre as it was known then) at the time the Treaty of Waitangi was signed, rapidly increasing once the New Zealand Company bought 40,000 acres from local iwi in May 1840. The English version of the Treaty focused on sovereignty and possession – Maori gave up their sovereignty but were guaranteed possession of their lands and resources unless they chose otherwise. The Maori version of the Treaty introduces the concepts of *kawanatanga* and *rangatiratanga* – the first conveying a sense of governorship that Maori were recognizing in the Crown, the second expressing a notion of chieftainship that Maori were

4 *Universal College of Learning v Wanganui District Council* [2010] NZEnvC 291 at [140].

guaranteed over their lands and resources. Lost in translation, just what Maori had signed up to (or for that fact, what the Crown had) has been the subject of 170 years of debate.

The pdf version of the Waitangi Tribunal's Whanganui River Report runs to 410 pages.⁵ It states that Whanganui iwi clearly owned (possessed) the river before 1840, and that they continued to own it after the Treaty had been signed. Petitions and protests in the 19th Century were followed by lengthy legal battles in the 20th century (from the Native Land Court in 1938 to the Court of Appeal in 1962 – one of New Zealand's longest running items of litigation),⁶ then petitions to Parliament, a Royal Commission, and the lodging of a claim with the Waitangi Tribunal. Lost in translation, it took until the 21st century for official recognition of the rangatiratanga which Whanganui iwi held in relation to the river. Such confusions from translation are not limited to Whanganui. Chief Justice Prendergast in 1877 tried to remove confusion by declaring the Treaty of Waitangi 'a simple nullity', while 110 years later Lord Cooke of Thorndon told us that clarity would come if we avoided the actual wording in the Treaty and instead focussed on the principles. The Crown's formal embracing of biculturalism from the 1980s onward saw these principles seep into legislation. The Resource Management Act 1991 required us to 'take account' of the principles of the Treaty, while the Historic Places Act 1993 required us to 'give effect' to them. We are partners – one nation, two peoples. Despite our nuptials in 1840 being confusing, as partners the law expects us to understand each other as a matter of principle.

An Issue of Identity

Heritage is a system of values. Traditional conceptions of heritage assume that these values are innate, or can be ascribed through a rationalized objective process, to objects, buildings, places, and sites. Alternatively, a more complex understanding of heritage is emerging within critical heritage studies; one in which heritage value is generated through the use of the past to establish, inform, and/or negotiate identity.

As Elizabeth Pishief critically observes in the 2010 hearing, "the issues are not about the Native Land Court building but about identity – about whose heritage will take precedence. Heritage is dissonant because it is about the working out of identity."⁷ This performance-based approach to heritage broadens the conception of heritage value and, in doing so, opens expressions of heritage to a wider diversity of groups or interests who are otherwise marginalised within traditional conceptions of heritage. Such an approach will become increasingly important in New Zealand as groups with very different approaches to heritage gain the financial ability to implement their visions of the future.

5 Waitangi Tribunal *The Whanganui River Report* (Wai 167, 1999).

6 Waitangi Tribunal *The Whanganui River Report* (Wai 167, 1999), xviii.

7 *Universal College of Learning* at [122]. Several different names for the building were used at the hearing, with no single name being settled on as the official one.

The more recent hearing on the fate of the Maori Land Court building in Whanganui provides a case study for this complexity of heritage. Many, if not all, of the dialogues on the architectural and historical significance of the building's heritage value fell within what Rodney Harrison terms 'official heritage', which is "what most of us would recognise as a contemporary 'operational' definition of heritage as the series of mechanisms by which objects, buildings and landscapes are set apart from the 'everyday' and conserved for their aesthetic, historic, scientific, social or recreational values."⁸ The perspectives emphasized the tangibility of heritage in which both building and site were assumed to have innate heritage values that may be read and interpreted to reinforce or confirm one particular identity or another.

Alternatively, as viewed from critical heritage, the performance of heritage played out as conflicting perspectives were expressed, revealing the historical symmetries and tensions of values associated with the building and the site upon which it stands. As the opposing parties presented their visions for the future based on how they chose to express their heritage, large gaps in understanding were revealed and never reconciled.

Of Architectural and Historical Significance

Arguments for architectural significance came forth from official sources. They decoded the meanings that sat within the built fabric and which were part of the site. Alison Dangerfield, Architect and Heritage Advisor for the New Zealand Historic Places Trust, spoke of how the building is architecturally significant as it is representative of the period and style in which it was built:

"[T]he restrained striped classical Modern idiom can be seen clearly from the outside. Strong massing of forms are set over a plinth with a prominent but receding parapet above. A formal street presentation - of tall rhythmically-placed windows, plastered brick resembling stone, and structural wall-columns set between large square pavilions."⁹

Jeremy Salmond (QSO), Architect, Founding Director of Auckland-based Salmond Reed Architects Limited, Fellow of the New Zealand Institute of Architects, and past Chairman of the New Zealand Committee of the International Council on Monuments and Sites (ICOMOS), supported the view of architectural significance of the building, reflecting that its functional interior "is very straight forward, with two principal spaces (the Court room and the Public Office), two large strong rooms in the centre of the plan, and four offices for the judiciary on the east side."¹⁰

Rachelle Voice, Senior Resource Management Planner at Wanganui District Council, reached outside the building to show how its context and streetscape values reinforced the architectural significance. The building is located within the Old Town Conservation Zone (OTCZ) as defined

8 Rodney Harrison, *Heritage: Critical Approaches* (Milton Park, Abingdon: Routledge, 2013), 14.

9 *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* Evidence in Chief, Dangerfield ENV-2012-WLG-075, 25 March 2013 at [239].

10 *Te Puna Matauranga o Whanganui* Evidence in Chief, Dangerfield at [4.9].

in the Wanganui District Plan. The OTCZ identified that the old town of Wanganui was of high conservation value in which, individually, many of the buildings and items may not be of extreme cultural significance but that there was value in the collective, and that unless there are methods of conserving items of significance, cultural values may be eroded or lost as a result of land use activities and development processes.¹¹ The Court recognized this cultural value and agreed that the wider context supported architectural significance: “even if there may be a Eurocentric colour to the provisions, that will not disadvantage Maori save that their reported preference for a new, rather than adapted, building on this site will not come to pass.”¹² The building therefore gained greater architectural significance from being part of, and contributing to, a zone of Eurocentric cultural values, but this was of no disadvantage to Maori.

The building was also architecturally significant as Government Architect John Campbell, alongside Claude Paton and Llewellyn Richards, designed it. The Native Land Court was one of Campbell’s last buildings, completed in 1922 being the same year as his retirement. The building is unique as it departed from the Imperial Baroque style of government buildings of the time – the other building at the end of Campbell’s career being Parliament House – and shifts towards “the restrained geometries of the art deco Moderne style [... and] the ushering in of a new thinking in architecture.”¹³ Alison Dangerfield indicates the turning point as a key part of the building’s architectural significance, commenting that “this difference, this change in direction, makes the Native Land Court architecturally unusual and important.”¹⁴ Wendy Pettigrew, Chair of the Whanganui Regional Heritage Trust and previously Secretary of the former Whanganui Branch of the Historic Places Trust, similarly identified architectural significance in the style of Campbell’s construction, since the building “was built at a time of depression, after the war, so there wasn’t a lot of money about, but there are some very interesting, often sad things, in the file about the Europeans’ attitudes to the clients in the Native Land Court.”¹⁵ One perspective admires the changing direction of architectural styles and celebrates the end of a prominent career, the other reflects how the processes of change have led to social improvement, yet both describe a constructed advantage for colonial culture: national significance.

11 *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* Evidence in Chief, Voice ENV-2012-WLG-075, 25 March 2013 at [7.12].

12 *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* [2013] NZEnvC 110, [69].

13 *Te Puna Matauranga o Whanganui* Evidence in Chief, Dangerfield at [37].

14 *Te Puna Matauranga o Whanganui* Evidence in Chief, Dangerfield at [40].

15 *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* Transcript ENV-2012-WLG-075, 25 March 2013 at 290.



Fig. 3. The 'art deco Moderne' style of the Maori Land Court Building. Photograph by Duncan Harding and Tyson Schmidt, March 2013.

Te Kenehi Teira, Kaihautu (National Maori Heritage Manager) for the New Zealand Historic Places Trust/Pouhere Taonga, spoke of the building having significant heritage value as “it is a tangible reminder of the history of land alienation in the Aotea district.”¹⁶ The NZHPT registration for the building described it as a “tangible reminder of this important aspect of New Zealand history. By engaging with the wider issues that this place represents, there is potential for New Zealand society to grow and develop through acknowledging the conflicts of the past.”¹⁷ The building itself reminds us of the activities carried out within since its construction in 1922 and, perhaps more importantly, stands as a tangible and physical reminder of the activities carried out by the Maori Land Boards and Maori Land Court before the building’s construction.

Between 60 and 80% of Maori land in the Whanganui district had already been alienated by 1922.¹⁸ The NZHPT described the Native Land Court’s ultimate aim in this early stage as facilitating “easier purchase and alienation of Maori owned lands for the purposes of settlement, and undermin[ing] the idea of communal ownership and decision-making among Maori.”¹⁹ The Maori Land Boards had a similar ultimate aim following their introduction in 1900. This history affords the building national historical significance, being “an important feature of the life of Maori landowners through the first half of the twentieth century”, and particularly since such built heritage has been lost elsewhere.²⁰ NZHPT also noted that significance derived from the building providing Whanganui Maori with a space in the township, a reason for them to interact with settler society. Demolishing the building would “excise this historical relationship and with it further marginalise Maori from the heritage landscape.”²¹

16 *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* Evidence in Chief, Teira ENV-2012-WLG-075, 25 March 2013 at [19(c)].

17 Evald Subasic, “Native Land Court and Aotea Maori Land Board Building (Former),” *New Zealand Historic Places Trust*, accessed January 28, 2014, <http://www.historic.org.nz/TheRegister/RegisterSearch/RegisterResults.aspx?RID=7783>.

18 *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* Evidence in Chief, Armstrong ENV-2012-WLG-075, 25 March 2013 at [8].

19 Subasic, “Native Land Court and Aotea Maori Land Board Building (Former).”

20 *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* Evidence in Chief, Young ENV-2012-WLG-075, 25 March 2013 at [45].

21 *Te Puna Matauranga o Whanganui* Evidence in Chief, Young at [37] and [40].

Te Tohu o

Pakaitore referred originally to a wide area surrounding a riverside fishing pa that was located just to the south of the current Moutoa Gardens in Whanganui.²² The site of the Treaty signing in 1840, it has been described as a 'sanctuary' by Whanganui Maori and is "a key place in understanding how customary river relations worked."²³ Over time and under pressure from the colonial project the breadth of the reference gradually narrowed to today's interpretation that tends to align with the small (2 acre) inner city reserve known as Moutoa Gardens.

Between the signing of the Treaty and the construction of the Aotea Maori Land Board building, Pakaitore was an active marketplace. Whanganui Maori brought produce downriver to sell and camped at Pakaitore to conduct their business.²⁴ Maori would also stay at Pakaitore to transact with the Native Land Court, which had no permanent home between 1865 and 1922 but sat in a range of halls and other locations in Whanganui.²⁵ Poor accommodation, easy access to alcohol (a number of hotels stood on Pakaitore), and large groups waiting for months for Land Court sittings meant conditions were miserable and a number of Whanganui Maori died on site. A moment in whakapapa still remembered today.



Fig. 4. William Mein Smith, 1799–1869: The town of Petre on the Whanganui River, 1841, before the 'Old Town' was new. Alexander Turnbull Library, Wellington, New Zealand. <http://natlib.govt.nz/records/22872042>

When Esther Tinirau took the stand the evidence suddenly turned personal. All the other experts until then came from somewhere else, but Esther began by saying she was from here. Ko au te Awa ko te Awa ko au – I am the river and the river is me. Esther stated she was Whanganui iwi, and the various parts of it. The spoken and the unspoken revealed the interconnections that the awa brought together and maintained. Three strands of rope bind the people of the river,²⁶ and they were closely tied to those surrounding the river. All of this in the first five minutes of her evidence. All of

22 *Te Puna Matauranga o Whanganui* Evidence in Chief, Armstrong at [21].

23 David Young, *Woven by Water: histories from the Whanganui River* (Wellington: Huia, 1998), 100.

24 *Te Puna Matauranga o Whanganui* Evidence in Chief, Armstrong at [33] - [35].

25 *Te Puna Matauranga o Whanganui* Evidence in Chief, Armstrong at [37].

26 Waitangi Tribunal *The Whanganui River Report* (Wai 167, 1999) at 32.

this through te Reo. All of this recorded in the hearing transcript simply as “witness is speaking in Maori at this point.”²⁷

Formally the application to demolish the Native Land Court and build anew was about advancing the educational achievement of Whanganui iwi but John Maihi, acknowledged leader and rangatira of Whanganui, knew that it was symbolic of wider identity. He told the Wanganui Chronicle that the “precinct is steeped in Whanganui history and heritage, and the link of the site with Pakaitore/ Moutoa Gardens and the Whanganui River is critical to putting this imbalance right.”²⁸ This was the third time he had been part of these proceedings, always sitting toward the back of the courtroom when he was at the hearings. He understood what Esther was saying more than anyone else in the room.

By the time the Native Land Court began sitting in Campbell’s building the urban fabric was fully European and easily recognizable as the ‘Old Town’ as described in the Wanganui District Plan. Both Te Puna’s representatives spoke of the importance of Pakaitore, with its “deep significance for Tupoho and the wider Atihaunui a Paparangi lwi in its own right” and its connections being not only of historical importance but also for progressing the future of Whanganui people.²⁹ The evidence showed that the old town precinct is “currently devoid of any physical references to either a past or current iwi presence” with the Victorian and Edwardian architecture speaking “volubly of a colonial history while failing to acknowledge any indigenous presence or reference.”³⁰ The cultural landscape was blank, despite the cultural significance of the area being so deep.



Fig. 5. Continuing ahi ka. Occupiers of Moutoa Gardens singing in 1995.

A crowd of protesters singing in Moutoa Gardens, Wanganui. Dominion post (Newspaper): Photographic negatives and prints of the Evening Post and Dominion newspapers. Ref: EP-Ethics-Demonstrations-Moutoa Gardens-04, Alexander Turnbull Library, Wellington, New Zealand. <http://natlib.govt.nz/records/22480220>

The Crown tried to restore balance in 1848 when it effectively repurchased all of the Whanganui Block, accepting that the original New Zealand Company purchase in 1840 was not above board.

²⁷ *Te Puna Matauranga o Whanganui* Transcript at [124].

²⁸ Laurel Stowell, “Native land court building gains further reprieve,” *Wanganui Chronicle*, accessed 28 January 28 2014, http://www.nzherald.co.nz/wanganui-chronicle/news/article.cfm?c_id=1503426&objectid=11099633.

²⁹ *Te Puna Matauranga o Whanganui* Transcript at [126]. *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* Evidence in Chief, Hoskins ENV-2012-WLG-075, 25 March 2013 at [16] and [17].

³⁰ *Te Puna Matauranga o Whanganui and Universal College of Learning v Wanganui District Council* Evidence in Chief, Hoskins ENV-2012-WLG-075, 25 March 2013 at [16] and [17].

That balance was never achieved was demonstrated by the occupation of Pakaitore/Moutoa Gardens in 1995. Ending the protest involved the Wanganui District Council seeking a High Court judgment on who owned the site – Justice Heron declared Council the owner and granted a possession order, noting that Maori occupying the site were now trespassers.³¹ The eviction of protestors gained national media attention, but in reality this was at least the fourth time Whanganui Maori had been reduced to visitor status via eviction from the town centre, the first upon purchase in the 1840s and twice in the early 1900s. This didn't stop Esther Tinirau telling the Court "we've still maintained our tino rangatiratanga and mana whenua over our areas so it is a continuation of ahi ka rather than a reassuming [it]."³²

The High Court decision in 1995 told Whanganui Maori that the town was not theirs – ownership outranked whakapapa. The Court's view emphasized the specific and static over connection and fluidity, drawing tight boundaries around Moutoa Gardens/Pakaitore and only considering evidence of occupation from when a Crown deed of sale existed.³³ While the Wanganui District Council District Plan Review notes that "Heritage defines the relationship between people and place, the past, present and future",³⁴ it too draws tight boundaries and limits connections across time. "Wanganui city still retains a very coherent collection of late nineteenth and early twentieth century buildings, with the Old Town as the core."³⁵ For those in town, saving these buildings keeps their identity. For Whanganui iwi, putting the imbalance right keeps their identity.

Value of Heritage

The past decade has seen the rise in critical heritage, a discipline that turns to the socio-political aspects of heritage conservation theories and practices. As the court case has shown, heritage is a political field of contested identities and values, which are made tangible, articulated, and conflict upon a singular site. Traditional conceptions of heritage (official heritage) rely on positivist understandings in which the methodologies and ways of thinking emphasise heritage as tangible and physical objects that have inherent values, which must be conserved. These conceptions often overlook the performance of heritage.

In this case, the performance of the Court has formally addressed concerns of official heritage as emphasized in planning and heritage legislation. The arguments and discussions surrounding identity were framed in a manner that reinforced the operation and practice of official heritage. As the Court's decision highlights, official heritage is imbued in the performance as "an

31 *Wanganui District Council v Tangaroa & Others* HC Wanganui CP2/95, 16 May 1995.

32 *Te Puna Matauranga o Whanganui* Transcript at [126].

33 *Te Puna Matauranga o Whanganui* Transcript at [126].

34 Wanganui District Council, *District Plan Chapter 9 Cultural Heritage*, accessed 8 January 2014, http://www.wanganui.govt.nz/shaping/DistrictPlan/Chapter9_CulturalHeritage.pdf.

35 Wanganui District Council, *District Plan Chapter 9 Cultural Heritage*.

acknowledgement of the finite characteristics of the physical resource of heritage buildings. By definition, they are scarce and irreplaceable.³⁶ This causes other actors to adopt a similar position. For example, the NZHT's arguments always came back to the tangible physical reminder that is the building. This position is clearly not neutral, as such attachment to the tangible physical reminder of the built form immediately denies the possibility of intangible forms of heritage playing a significant role in the creation of identity through heritage. The identity imbedded in official heritage is naturalized and considered as an absolute given, around which all else must fit.

Laurajane Smith defines heritage as "ultimately a cultural practice, involved in the construction and regulation of a range of values and understandings."³⁷ As such, heritage is always dissonant as there are always multiple, and often conflicting, interpretations and understandings. Smith notes that official heritage tends to actively separate an idea of dissonant heritage from the idea of an inherently 'good' and 'great' heritage, in an "attempt to keep difficult and problematic notions of heritage from complicating visions of a comfortable and comforting heritage."³⁸ The removal of dissonance is clear within the Court's decision, in which "with a little compromise on the part of UCOL/Te Puna, [...] the community can have both the institute and the retention of a heritage building. If both can be reasonably had, the dilemma of sacrificing one to achieve the other no longer needs to be resolved."³⁹

The Treaty of Waitangi complicates our understanding of dissonance with one nation, two peoples in partnership. As within critical heritage, in 'giving effect' or 'taking account' of the Treaty, the performance of heritage must somehow recognise and embrace this dissonance. Rather than attempting to bring views together to remove (forget) dissonance, it must become seen as an integral part of partnership. While it is tempting to see embracing dissonance as striking a balance or finding a middle ground between conflicting views, since heritage is dissonant, as this case illustrates, imbalance will always exist - it always has and always will. Imbalance allows us to reconsider the priorities of heritage. In this case the new or existing building is irrelevant for the sake of such a reconsideration, the main priority is identity within W[h]anganui town and the secondary priority is how that identity is manifest in the built environment.

Conclusion

Critical heritage introduces a number of challenges to traditional conceptions of heritage. These challenges are applicable to all heritage discussions and decisions in New Zealand, but are particularly relevant to those where Maori identity is a key component. As Maori gain increasing

36 *Te Puna Matauranga o Whanganui* at [112].

37 Laurajane Smith, *Uses of Heritage* (New York: Routledge, 2006), 11.

38 Laurajane Smith and Emma Waterton, "'The Envy of the World?' Intangible Heritage in England," in *Intangible Heritage*, ed. Laurajane Smith and Natsuko Akagawa (New York: Routledge, 2008), 294-95.

39 *Te Puna Matauranga o Whanganui* at [119].

economic influence it is highly likely that pressure will build to express their identity within the urban fabric. If official heritage cannot accommodate issues such as dissonance and imbalance, or embrace intangible heritage, then it is unlikely that identity will be satisfactorily expressed. The lawyers will continue to wear coloured socks, Maori will re-occupy the door of the Court, and the tally charts will accrue as points are further scored and calculated. The clash of cultures will continue, no longer fought with pa and muskets, but still with dollars and suits and very little sense. Memory will fall out of the record books and into the transcript, briefly relived in a heritage moment before archived again. And identity will not yet rest with the land.