
EFFECTIVE EXCLUSION?

An Exploratory Overview of Crown Actions and Maori Responses

Concerning the Indigenous Flora and Fauna, 1912–1983

Geoff Park

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SOURCE NOTE

The term 'effective exclusion' derives from a 1999 essay 'Australasian Narratives of Constitutional Foundation' by the legal historian Paul McHugh:

The dominant historiographical tradition is a product of the settler state's history . . .

Australian constitutional historiography has achieved what the more Anglocentric New Zealand tradition was also able to manage, namely the construction of a narrative of settler-state foundation that effectively excluded the aboriginal inhabitants. Australian historiography . . . was founded upon the supposition of *terra nullius* whereas the New Zealand form explicitly negated tribal sovereignty, which, during the mid-nineteenth century, had been such a threat to Crown hegemony. In both countries the result was the same – historical narratives of state foundation that licensed and supported constitutional fictions of absolute crown sovereignty unqualified and unqualifiable by any aboriginal aspect.¹

1. In Klaus Neumann, Nicholas Thomas, and Hilary Erickson (eds), *Quicksands: Foundational Histories in Australia and Aotearoa New Zealand*, University of NSW Press, Sydney, 1999, pp 103, 106–107

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