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Grounding the State of Exception in New Zealand: A Case Study of Racial Segregation in Pukekohe, Whiteness and the Carceral State

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Abstract:

Indigenous scholars in settler-colonial contexts have highlighted the hyper-imprisonment of Indigenous people, locating it as an extension of the colonial project. Although research on this issue in New Zealand is emerging, there is a notable gap in understanding how the carceral state has developed within this particular context. This study aims to address the following research question: How does the historical context of racial segregation in Pukekohe contribute to our understanding of the mechanisms of the carceral state in New Zealand?

To thoroughly examine the hyper-imprisonment of Māori, it is essential to unpack the historical origins of state violence. Despite existing research establishing a link between Māori over-representation in prisons and the enduring effects of colonisation, there is a lack of studies exploring the complex interplay among the carceral state, whiteness, policy, policing, and law, which collectively shape the current landscape of incarceration. This study focuses on the racial segregation in Pukekohe between 1920 and 1960 and utilises reflexive thematic analysis within a case study framework, drawing on the insights offered by Robert Bartholomew's book, *No Māori Allowed* (2020). The analysis centres on the theoretical concept of the state of exception, shedding light on how power was wielded by the white racial polity. Thus, providing a unique perspective on the carceral state and state-sanctioned violence.

The findings highlight the interconnectedness of various systemic control mechanisms employed by the carceral state. Housing, policing, and whiteness emerge as crucial factors in the control and confinement of Māori in Pukekohe. By emphasising the role of whiteness in suppressing this history, this study underscores the need for critical examination and recognition of white cultural imperialism as a fundamental pillar of the carceral state. Overall, this research offers significant insights into the construction of a targeted population and the enduring consequences of state-sanctioned violence, emphasising the importance of a comprehensive examination of New Zealand's racialised history in discussions on the hyper-imprisonment of Māori.

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Chapter One: Introduction

This thesis aims to provide a comprehensive understanding of the carceral state in New Zealand by utilising the state of exception as a conceptual framework. The study will focus on racial segregation in Pukekohe between 1920 and 1960. The choice to focus on racial segregation in Pukekohe as a case study due to the racial segregation that spanned over four decades, resulting in hundreds of deaths of Māori children (Bartholomew, 2020). This history has been largely erased from our national consciousness and history. By delving into the period of racial segregation in Pukekohe from 1920 to 1960, this thesis seeks to shed light on the mechanisms and extent of the carceral state in New Zealand. Additionally, the analysis brings attention to the structures of whiteness, establishing it as a foundational element in modern society, and demonstrates how whiteness operates to subject Black and Indigenous bodies to targeted scrutiny (Awatere, 1984; Carbado, 2019; Valdez et al., 2020). Furthermore, this study explores the portrayal of Māori as criminals through controlling images, which serves to legitimise their subjection to control, confinement, and surveillance. It is noteworthy that despite extensive research on the hyper-incarceration of Māori, there is a remarkable absence of scholarship addressing and interrogating whiteness in New Zealand's criminal legal system. This gap underscores the urgent need to critically examine the role of whiteness, not only in the historical context of racial segregation but also in shaping contemporary forms of state-sanctioned violence against Māori.

Hyper-incarceration in Aotearoa New Zealand

In New Zealand, the stark hyper-imprisonment of Māori raises serious concerns about systemic issues within the criminal legal system. As of 2022, Māori constitute 64% of

the female prison population and over 50% of the male prison population, despite comprising only 17% of the total New Zealand population (Department of Corrections, 2022; George et al., 2014; Stats NZ, 2023). In contrast, European or Pākeha New Zealanders, representing 70% of the total population, make up only 30% of the prison population (Department of Corrections, 2022; Stats NZ, 2019). These statistics show a profound hyper-incarceration of Māori, resulting in the prison being “largely holders of Māori flesh and blood” (McIntosh & Workman, 2017, p. 726; Wacquant, 2010). This disproportionate incarceration of Māori underscores systemic challenges that result in adverse outcomes for Indigenous individuals within the criminal legal system (Andrae et al., 2017; Norris, 2017).

Drawing attention to the profound statistical divide between Māori and Pākeha, Tracey McIntosh and Kim Workman (2017, p. 726) contend;

To better understand the statistical gulf that exists between Māori and Pākeha, Māori researchers insist that they must be interpreted in the broader context of colonisation, dispossession of land, Māori urbanisation, the imposition of the Western system of common law, cultural assimilation and the undermining of tikanga and traditional forms of Māori social control.

Māori activists and intellectuals during the 1970s and 1980s made noteworthy contributions addressing white cultural imperialism (Awatere, 1984); however, the profound impact of whiteness as a political system with formal or informal rules that establishes the ruling norms and rights remains largely uninterrogated in criminological academic scholarship in New Zealand (Awatere, 1984). While previous studies have linked the hyper-incarceration of Māori to the ongoing legacy of colonisation (Jackson, 2017; McIntosh & Workman, 2017),

there is an absence of research exploring the intricate interplay between whiteness, policy, policing, and law that has collectively shaped the current incarceration landscape.

Statement of Problem

While a growing body of research in New Zealand addresses the criminal legal system and the hyper-incarceration of Māori, there is a noticeable absence of scholarship addressing and interrogating whiteness, especially when compared to other settler contexts with comparable imprisonment rates (Andrae et al., 2016; George et al., 2014; Gordon & Webb, 2023; McIntosh & Workman, 2017; McIntosh & Coster, 2017; Norris & Tauri, 2021; Quince, 2007; Tauri, 2014). A paucity of scholarship exists detailing ways racism and systems of racial surveillance unfolded in the interests of European/white settlers, which has resulted in the under theorisation of whiteness and institutional racism in New Zealand. For example, the historical events surrounding racial segregation in Pukekohe in the 1920s to 1960s have been notably absent from academic literature, thus erased from a national consciousness (Bartholomew, 2020; Norris & Nandedker, 2020). Robert Bartholomew's 2020 book *No Māori Allowed: New Zealand's Forgotten History of Racial Segregation* brought these events to light; however, the response to this pivotal book and the story of racial segregation was a hostile backlash (Bartholomew, 2022). Such hostility to the nearly five-decades of violent forms of state-sanctioned racial segregation speaks to how discussions of racism and whiteness are met by the general public as well as in academia. Critical whiteness studies scholars would situate such response as a form white fragility operationalised to silence this history (de Saxe, 2021, DiAngelo, 2018). However, heightened racial hostility always emerged in speeches and periodicals. In 1925, for example, the Otago Daily Times

proclaimed that “[p]robably in no other country in the world do white and dark races live together without the existence of any colour problem” (as cited in Bartholomew, 2020). However, from the early 1920’s until 1965, Māori children in Pukekohe were dying at a rapid rate due to disease and illness directly linked to their housing – through forced precarity, Māori were exposed to state-sanctioned violence.

The events in Pukekohe deserve scholarly attention, especially concerning how the carceral state takes shape. Racial segregation in Pukekohe offers insights into contemporary forms of state-sanctioned violence. Moreover, studying the events across the first six decades of the 1900s directs attention to the actions, behaviours, and power dynamics of white settlers, particularly the embedding of whiteness into the foundation of society as the standard against which all others were judged. This is important to understand as from 1925 onwards Māori began to make up a larger percentage of the prison population. In 1925, Māori constituted only 4.5% of the total prison population, but by 1970, this figure rose to 37.5%. This percentage continued to escalate dramatically, reaching 59% Māori in New Zealand prisons by 1997 (Clayworth, 2012). Therefore, studying segregation in Pukekohe provides an avenue for understanding specific types of oppression, surveillance, and criminalisation during this period.

In essence, the examination of segregation in Pukekohe not only sheds light on historical injustices and the role of whiteness but also serves as a crucial lens for comprehending the specific forms of oppression and criminalization that have persisted through New Zealand’s history, contributing valuable insights into contemporary issues of state-sanctioned violence.

Research questions

- How can the historical context of racial segregation in Pukekohe help us understand the mechanisms of the carceral state in New Zealand?
- What role do ideologies of whiteness play in justifying these mechanisms?
- How does the historical policing of 'marked' (marked racially/culturally Indigenous) bodies and controlling images about Māori impact the modern-day phenomena of Māori hyper-incarceration?

Significance of research

The significance of this research lies in its exploration of the historically silenced events surrounding segregation in Pukekohe, New Zealand, during the 1920s to 1960s. By analysing this period, the research aims to contribute to a comprehensive understanding of the carceral state through employing the state of exception framework to frame Pukekohe's history, particularly in terms of racialised policing, housing, and the embedded role of whiteness. The study provides a critical lens through which to examine the actions and power dynamics of white settlers, offering insights into the foundations of a society built on white supremacy and their enduring impact of controlling narratives. Moreover, the research connects the historical segregation in Pukekohe to the broader issue of Māori hyper-imprisonment, emphasising the importance of tracing the history of state-sanctioned violence and marginalisation that persist in the criminal legal system. Overall, this research seeks to bring attention to a significant yet overlooked historical narrative, offering valuable perspectives on the intersections of race, power, and state violence in New Zealand.

Thesis overview

This thesis is comprised of six chapters. *Chapter One* serves as an introduction to the project. This chapter addresses the statement of the problem, the research questions and the significance of the research. *Chapter Two* is an analysis of the literature. This is broken down into four sections: the carceral state; the state of exception; whiteness; and controlling images. Beginning with an analysis of the carceral state, this will address the reach of the carceral state, technologies of social control and housing. This is followed by introducing and laying out the theoretical framework, the state of exception, and addressing the way which this has been critiqued and advanced. The next section addresses whiteness, looking at the structures, its history in New Zealand and white amnesia. Finally, this section will cover controlling images as well as addressing the creation of target populations by drawing on examples from New Zealand.

Chapter Three details the methodology that underpins this research. This chapter will cover a discussion of the epistemological considerations and justify the research method (case study). Finally, data analysis method (reflexive thematic analysis) is explained, followed by addressing the credibility, trustworthiness and limitations of this research. *Chapter Four* outlines the findings from this research which is broken down into four sections: introduction, housing, policing and whiteness. *Chapter Five* will include a broad discussion. The first section will ground the state of exception framework in Pukekohe. Followed by a section which will address how whiteness upholds a state of exception. The final section will discuss the role of the carceral state in Pukekohe. The final chapter, *Chapter Six*, comprises of concluding remarks and draws attention to the importance of using history to frame modern day incarceration.

Chapter Two: Literature Review

This chapter consists of a broad literature review covering an expansive range of topics that cross many disciplinary boundaries. This study focuses on exploring the carceral state through the lens of state of exception (as the theoretical framework). Therefore, it's important to analyse several strands of literature such as the carceral state, housing, state of exception, and whiteness. This chapter is broken up into four sections beginning with a review of literature concerning the rise, reach and mechanisms of the carceral state, followed by an exploration of the state of exception as a theoretical framework. The third section looks at the structures of whiteness with a particular focus on New Zealand. The last section will review controlling images literature globally and in New Zealand.

The Carceral State

In the context of hyper-incarceration across settler nations, it is vital to interrogate the rise of the carceral state as well as the parameters of it (Wacquant, 2010). The carceral state, sometimes referred to as the 'prison state' or the 'penal state', describes a strategy of power directed toward control and confinement (Gottschalk, 2014; Wacquant, 2001). While control and confinement are very visible in policing and incarceration, the carceral state expands far beyond this narrow framing (Beckett & Herbert, 2008; Beckett & Murakawa, 2012; Hazou & Daniels, 2022). Marie Gottschalk (2015, p. 1) contends:

[A] tenacious carceral state has sprouted in the shadows of mass imprisonment and has been extending its reach far beyond the prison gate. It includes not only the country's vast archipelago of jails and prisons, but also the far-reaching and growing range of penal punishments and controls

that lies in the never-never land between the prison gates and full citizenship.

Ruby Tapia's (2018) definition of the carceral state, similar to Gottschalk's (2015), considers not only the formal institutions of the criminal legal system, but also the "logics, ideologies, practices, and structures, that invest in tangible and sometimes intangible ways in punitive orientations to difference, to poverty." (as cited in Hazou & Daniels, 2022, p.3). Moreover, in Tapia's 2018 talk "*What is the Carceral State?*," she emphasises that the carceral state permeates "all aspects of life where people are subject to surveillance and the threat of punitive policies under the threat of safety" (Tapia, 2018). Thus, to grasp the reach of the carceral state, Beckett and Murakawa (2012) call for a more institutionally capacious understanding. Notably, they emphasise the extension of its reach beyond traditional criminal legal institutions to include civil regulation over the urban. An example of how this is achieved is by "adopting more broadly applicable and legally hybrid social control tools aimed at eradicating 'disorder'" (Beckett & Herbert, 2008, p.231). However, the term 'eradicating' here, can be better described by the phrase 'eradicating from social view'. As Angela Davis (2005) posits, "[i]nstead of building housing, throw the homeless in prison. Instead of developing the educational system, throw the illiterate in prison" (p. 37). Acknowledging that the carceral state transcends the boundaries of the criminal legal system, scholars contend that its systems of social control, surveillance, and confinement demand scrutiny beyond the confines of the criminal legal system (Beckett & Murakawa, 2012; Bonds, 2019; Gilmore, 2007; Savelsberg & Powell, 2020).

Reach of the carceral state

The carceral state operates far beyond the realm of the criminal justice system, therefore, to grasp the web of confinement, surveillance and state violence that undergirds carcerality Miller, Kern and Williams (2018) recognise that “[c]apturing the inner workings of the criminal justice system requires proximity. Following Baldwin, we must hear the testimony of the unprotected and understand the fullness of their experiences if we are to accurately assess the state of American democracy” (p. 301).

Therefore, the reach of the carceral state can best be understood through the lives and experiences of those who have been incarcerated. Stan Coster’s (Ngāti Kahungunu) intellectual works speak of his life rendered to state confinement through housing, foster care and youth residences (Andrae et al., 2016; McIntosh & Coster, 2017). Stan articulates the workings of the carceral state in his youth that left him feeling like a “commodified object” and rendered him to a life of confinement, surveillance and control all before he was incarcerated (Andrae et al., 2016, p. 126). The carceral state encompasses a complex web of confinement, surveillance and state violence, constituting an expansive mode of power that extends far beyond the walls of prison (Berger, 2019; Workman & McIntosh, 2013). Wacquant (2001) locates *state bureaucracies of social control* in welfare programs, public housing, public health, public schools, police, courts and the entire scope of the criminal legal system. In their book *Policing Black Bodies*, Hattery and Smith (2018) unpack how the education system is an extension of the carceral state. They describe the way black children are policed within the school that results in alarming rates of suspension or expulsion. Moreover, the education system in many low-income areas, as posited by Wacquant (2001), are “*institutions of social control* whose primary mission is not to educate, but to ensure

‘custody and control’” (p. 108). Systems like housing, education and healthcare are embedded within the carceral state (Awatere, 1984; Hattery & Smith, 2018; Savelsberg & Powell, 2020).

Similarly, Stormy Ogden, a formerly incarcerated Native American woman, uses poetry at the start of her 2020 chapter *What was my crime? Being an American Indian Woman*. The excerpt below captures the carceral state from Ogden’s perspective (2020, p. 175):

i come from
the mission system, the reservations system, boarding schools
mental institutions, jails, prisons
extermination, assimilation, relocation, self-determination
all meaning
GENOCIDE

This articulation of the reach of the carceral state extends it to also encompass the mission system, reservations, boarding schools, and mental institutions, which in the United States were systematically used to exert control over the lives of Indigenous people (Ogden, 2020). Ogden’s words highlight another aspect of the of the carceral state: its connection to, and dependance on, the racialisation of Black and Indigenous people. This aligns with the argument of scholar and activist Angela Davis who links the rise of the racialised carceral state to a capitalist state built on chattel slavery and settler colonialism (2003; Alexander, 2012; Pemberton, 2015). The racialised nature of the carceral state, and the resulting adverse outcomes for Black and Indigenous people has been widely documented through literature globally (Alexander, 2010; Cunneen & Tauri, 2016; Davis, 2003; George et al., 2014; Hattery & Smith, 2018; McIntosh & Coster, 2017; McGuire & Murdoch, 2021; Norris, 2019; Pemberton, 2015; Ross, 1996). The narratives of Stan Coster and Stormy Ogden highlight the multifaceted forms of state confinement from housing to foster care and youth

residences, locating these as part of the carceral state and as an extension of its control (Andrae et al., 2016; McIntosh & Coster, 2017; Ogden, 2020; Stanley, 2016; Wacquant, 2001).

Technologies of social control

Ruth Wilson Gilmore, in her 2007 book *Golden Gulag: Prison, Surplus, Crisis and Opposition in Globalising California*, delves into the technologies of the carceral state's operations. Gilmore (2007) contends that “an assortment of community and county-based surveillance, custody, punishment, and treatment structures and programs” were needed to achieve the carceral state’s goal of “filling in the gaps between the homes and streets where prisoners come from, and the state cages where they serve time” (p. 123). Gilmore (2007) directs attention to how the policing of racialised bodies led to a disproportionate confinement of Black and Indigenous people in the legal system, which was then used to justify the further surveillance and policing of those very same communities. Thus, the “expansive systems of policing and surveillance have upended life in poor urban neighborhoods”. (Gottschalk, 2014, p. 248).

Race serves as a pivotal factor in determining who is considered a citizen deserving protection, marked by whiteness, and who is subjected to surveillance, marked by their oppositional darkness (Miller et al., 2018). This is explored further in Miller, Kern and Williams’ (2018) research investigating the reasons for traffic stops in the United States, in which they found that Black drivers were pulled upon racial grounds and the “mere possibility that they may be engaging in crime” (Hattery & Smith, 2018, p. 212).

Widespread racialised surveillance operates as an extension of the carceral state. Hattery and Smith (2018) argue, “Black bodies are policed simply for being Black or, more accurately, for being seen – for being seen in “white” spaces, for transgressing mainstream norms of

behaviour” (p. 212). Thus, surveillance as a technology of social control, not only is concerned with the criminal, but in controlling a whole community (McCahill, 2008).

Housing in the carceral state

Anne Bonds (2019) identifies housing as an essential race-making institution. It provides the material basis for oppression, domination and inequality, and acts as a vital tool for segregation (Madden & Marcuse, 2016). Furthermore, where one lives holds significant influence over surveillance and policing, positioning it as a pivotal structure within the carceral state and crime policy. (Alexander, 2012; Bonds, 2019; Lewis et al., 2020; Norris & Nankendar, 2022; Wilkerson, 2022).

Housing discrimination has been globally documented, emphasising the racial impact on housing access (Bonds, 2019; Brown & Norris, 2023; Houkamau & Sibley, 2015; Lewis et al, 2020; Madden & Marcuse, 2016; Norris & Nankendar, 2022; Rothstein, 2017). This issue is particularly evident in the United States where race and housing are intricately intertwined with white supremacy and anti-Black racism forming the foundation of the housing system (Madden & Marcuse, 2016; Rothstein, 2017). Rothstein's analysis in *The Color of Law: A forgotten history of how our government segregated America* (2017) delves into local and federal housing policies that effectively mandated segregation through “scores of racially explicit laws, regulation, and government practices combined to create a nationwide system of urban ghettos, surrounded by white suburbs” (p. xii). Private discrimination by landowners and independent actors, while playing a role, would have been significantly less effective if the government had not already embraced and reinforced segregation. Residential control and separation have consistently been tools used to exploit Black and Indigenous populations. This pattern is evident through Jim Crow policies, both de

jure and de facto residential segregation, redlining, and gentrification (Kendi, 2016; Madden & Marcuse, 2016; Rothstein, 2017; Wilkerson, 2020). Even before the state sponsored whites-only suburbanisation in the United States, urban neighbourhoods were already racially exclusive. Alliances between property owners, neighbours and builders ensured that properties remained out of reach for Black families (Rothstein, 2017). This illuminates the unwavering grip of systemic biases deeply ingrained within local communities and the real estate sector.

Segregated housing serves not only to maintain the satisfaction of white residents and economic disadvantages for Black residents but also operates as a mechanism to exploit minority groups for labour (Harris, 1993). Madden and Marcuse (2016) identify that one of the significant oppressive uses of housing is to maintain the exploitation of labour. An example of this can be seen in the design of towns like Pullman, Illinois – a ‘company’ town, which acted to control all aspects of the workers lives. In these towns, surveillance was constant and the “ever-present threat of eviction effectively undercut the ability of workers to organize” (p. 90). This dynamic further entrenched and reinforced an asymmetrical power dynamic between employers and the employed labour. Employers wielded housing security as a weapon, ensuring complete control over their employees’ and ensuring employees had no capacity to resist discriminatory practices.

Alongside the national and local housing policies it is also essential to analyse the role moral panic played in ensuring that white neighbourhood stayed white. Any attempt to integrate communities was often met with “not-in-my-back-yard responses to offering stigma-laden narratives of low-income people that conjure images of crime, social decay, and alcohol/drug abuse” (Goetz, 2016 as cited in Lewis et al., 2020, p. 17). Rothstein (2017)

describes a situation in Palo Alto where no California state-licensed real-estate agent would show Black individuals houses, and developers reliant on government loan insurance refused to sell to them. Eventually, a resident in a whites-only area in East Palo Alto broke this discriminatory trend by selling property to a Black family. As a result of this, the real estate association panicked white families in the area to list their homes for sale, a practice known as blockbusting and sold properties at inflated prices to Black buyers, perpetuating cycles of segregation and exploitative housing practices.

A critical concern arises from the systematic exclusion of Black and Indigenous people due to racially discriminatory housing practices, resulting in their limited access to quality, affordable, and secure housing (Madden & Marcuse, 2016; Rothstein, 2017; Ratcliffe, 1998). This exclusion becomes a tool for denying fundamental elements of modern democratic citizenship, including access to decent education, employment, healthcare facilities, and fair treatment by law enforcement and the judicial system (Madden & Marcuse, 2016; Rothstein, 2017). As noted by Vilencia and colleagues (2022), "houseless folks and renters unable to pay rent are criminalized today across the globe, as well as through lived realities of eviction, expulsion, and exclusion" (p. 3). Additionally, Black and Indigenous communities are disproportionately affected by houselessness (Vilencia et al., 2022), leading to over-policing and widespread state-sanctioned violence, particularly in areas with high populations of Black and Indigenous individuals (Alexander, 2012; Lewis et al., 2020; Proulx, 2018; Richie, 2017). This sets in motion a cycle where Indigenous and Black communities, subjected to elevated levels of surveillance and policing, find themselves entangled in the criminal justice system—housing precarity acting as a fundamental component of the carceral state (Vilencia et al., 2022).

State of Exception

Agamben's theorisation of homo sacer, bare life and the sovereign

Agamben's (1998) concept of the state of exception has emerged as a pivotal framework, which has been widely used to analyse contemporary racial unrest and settler colonial violence around the world (Grievés, 2017; Norris et al., forthcoming). The state of exception examines the ways in which modern democracies create spaces that exclude certain bodies (Agamben, 1998; 2005; Ziarek, 2008). Agamben's influential theory posits that modern sovereignty is haunted and shadowed by the concept of the "*homo sacer*." This figure, *homo sacer*, originates in the Roman antiquity and represents, "the notion of the banned man, who can be killed with impunity by all but is unworthy of either juridical punishment or religious sacrifice" (Ziarek, 2008, p. 91). In Agamben's book *Homo Sacer: Sovereign Power and Bare Life* (1998) he defines *homo sacer* as a population that only has "bare life" (Grievés, 2017; Ziarek, 2008). This process involves the stripping away of an individual's subjectivity and humanity, reducing them to a state of mere existence (Agamben, 1998; Taylor, 2009). It refers to an individual who is biologically alive but is deprived of nearly all the rights and expectations that we typically associate with human existence. Ewa Ziarek's 2008 paper *Bare Life on Strike: Notes on the Biopolitics of Race and Gender* identifies that "[b]are life is captured by the political in a double way: first, in the form of the exclusion from the polis—it is included in the political in the form of exclusion—and, second, in the form of the unlimited exposure to violation, which does not count as a crime" (p. 90) Bare life is therefore a state in which a subjugated group has no access to the protections that should be afforded to them by citizenship.

Agamben's concept of the state of exception draws from the insights of scholars such as Michel Foucault on biopolitics, Walter Benjamin on mere life, Carl Schmitt on sovereignty and the state of exception, and Hannah Arendt on statelessness (Minca, 2007; Weheliye, 2014; Ziarek, 2008). In essence, a state of exception grants a government or sovereign the authority to dismiss the rule of law in response to a specific issue or cause, typically arising as a state of emergency or martial law. This exceptional state establishes a realm where the full benefits of citizenship, including human rights, are absent, subjecting those confined to these spaces to the violence wielded by the modern democratic state (Agamben, 1998; Grieves, 2017). Where Agamben's (1998) work is centered around the politics of death, many scholars expand this framing to capture a more broad and prevalent forms of violence (Gouws, 2021; Grieves, 2017; Ziarek, 2008). Grieves (2017) further develops this argument, asserting that bodies reduced to bare life are exposed to violence in many forms – physical, social, political, structural exclusion along with the denial of rights and access to essential facilities such as public health services. Moreover, those reduced to bare life are often homogenised and subjected to stereotyping (Grieves, 2017; Valdez et al., 2020). These diverse manifestations of violence encompass individual acts such as physical violence, psychological manipulation, and social violence, as well as collective or institutional acts, such as political violence (Farmer, 1996). Political violence becomes ingrained and perpetuated within institutions and systems, taking the form of direct, structural, or symbolic violence. Structural violence, for instance, restricts the agency of specific groups by shaping their life choices through factors like racism, sexism, political violence, or persistent poverty (Farmer et al., 2006). Symbolic violence occurs when oppression becomes obscured, normalized within systemic structures to the extent that it is perceived as natural or 'just the

way things are' by all parties involved (Bourdieu, 1977, as cited in Martin et al., 2021; Martin, 2023; McIntosh & Curcic, 2020).

To comprehend the intricacies of the state of exception, it is imperative to delve into the contextual and historical dimensions of the sovereign. The *homo sacer* is the focal point of the sovereign's violence—a force that surpasses legal boundaries, yet paradoxically gains validity from the same laws (Agamben, 1998; 2005; Grieves, 2017; Ziarek, 2008). Advancing this idea, Grieves (2017) contends “[t]he paradox of sovereignty is that its own law cannot manage the sovereign; the sovereign is simultaneously within and outside of the law and defines the sphere of the laws validity by deciding what can lawfully cast beyond it” (p. 5). Thus, sovereignty is defined by its legal power to create exceptions to the norm and subjugate individuals to a state of bare life (Grieves, 2017; Taylor, 2009). As Ziarek (2008) puts it, “[t]he homo sacer is the target of the sovereign’s violence that exceeds the force of law, but it is also authorised by that law” (p. 90). Furthermore, the sovereign can condemn a population to bare life through the lack of protection they receive from the law, in essence, their exclusion from the protection of law (Gouws, 2021; Pratt, 2005).

Throughout the literature, scholars framed *homo sacer* by identifying key characteristics which include the lack of political authority; exposure to direct, structural and symbolic violence; denial of citizenship rights; exclusion from the protection of the law; and stereotyping and homogenization (Gouws, 2021; Grieves, 2017; Minca, 2006, 2007; Norris et al., 2024; Pratt, 2005; Taylor, 2009; Valdez et al., 2020; Ziarek, 2008). In the exploration of bare life, *homo sacer*, and the sovereign, a nuanced understanding emerges, shedding light on the intricate interplay of power, authority, and marginalisation within a state of exception.

Theorising power

Foucault's critical understanding of power complements Agamben's state of exception by elaborating on the ways in which power can regulate and control. Foucault's concepts of sovereign power which gives the ability to "take life or let live" and biopower which is the power "to foster life or disallow it to the point of death" refocus our attention on the role of the sovereign (Foucault 1990, p. 138). Biopower includes all modern techniques and technology used to assert control over bodies. Unpacking the ways power can be manipulated is essential to unpacking the role of the state of exception as it identifies the multiplicity of power. The way power is wielded is dependent on the location and context of the society, often being organised in a way in which violence is viewed as an unfortunate circumstance rather than a strategy (Collins, 1990). Notably, while Foucault extensively explored biopower, his work did not engage with the biopolitics of colonialism, particularly settler colonialism, as pointed out by Puar (2017). This omission highlights the need to consider the unique dynamics of power within colonial contexts, where the axis of power pivots around race. Despite not using the term biopower, Fanon's (1952) influential book *Black Skin, White Masks*, examines how biopolitics was used as a tool for regulating and controlling the bodily autonomy of the colonised subject.

Foucault's (1990) conceptualisation of biopower extends its reach to encompass housing, desires, access to food and diet, childcare, and education. This broad perspective draws attention to the mechanisms of control applicable in contemporary times. An important characteristic of biopower is its reliance on norms rather than explicit laws, underscoring the invisibility and pervasiveness of power within society.

Addressing limitations and advancing the state of exception

Since Agamben's work was initially published, many scholars have extended and applied this framework more broadly and addressed some key factors missing in the initial conceptualisation. It is important to address four critical limitations of the state of exception as it applies to this thesis: (1) the lack of attention given to race (Amarasinghe & Rajhans, 2020; Everuss, 2023; Valdez et al, 2020; Rifkin, 2009; Weheliye, 2014; Whitley, 2017); (2) coloniality (Amarasinghe & Rajhans, 2020; Mbembé, 2019; Shenhav, 2012); (3) continuity (Carbado, 2019; Valdez et al., 2020); and (4) the limitations of the spatially delimited 'camp' (Arnold, 2018, 2024; Everuss, 2023; Rifkin, 2009; Valdez et al., 2020).

Race

Agamben's seminal work on the state of exception has faced significant critique, particularly for its omission in addressing the role of race. This critique, articulated by Amarasinghe and Rajhans (2020), Everuss (2023), Valdez, Coleman, and Akbar (2020), Weheliye (2014), and Whitley (2017), underscores the inherent assumption Agamben makes regarding the equality among individuals before the emergence of a state of exception.

Valdez, Coleman and Akbar (2020) contend that Agamben's ontological account "prevents careful examination of how and why embodied subjects of the state of exception are targeted by the state in ways that are neither homogenous in space, nor time, and moreover filtered by race, gender, class, sexuality and other positionalities" (p. 904). Thus, drawing attention to the way racialised bodies have always been differentially positioned regarding the law and violence. By emphasising the oversight of race in Agamben's initial framing of the state of exception, Valdez, Coleman and Akbar (2020) underscore the

necessity of a more comprehensive theorisation of the state of exception, one which addresses the complex interplay of race and law. Everuss (2023) reinforces this assertion by highlighting that the abstract framing of excluded groups as *homo sacer* in Agamben's (1998) *Homo Sacer: Sovereign Power and Bare Life* assumes a baseline equality among individuals before the state of exception was imposed. Moreover, Madhok (2018) argues that Agamben's (1998; 2005) framing of bare life relies on a binary of power, thus assuming that this power will mark all bodies irrespective of their differential positioning. In failing to engage with race, as noted by Everuss (2023), Agamben actively ignores the racial grounds on which exclusion has historically occurred (Everuss, 2023; Valdez, Coleman & Akbar, 2020; Madhok, 2018; Weheliye, 2014; Whitley, 2017).

The state of exception was initially framed by Agamben (2005) in the context of post-war Europe, and therefore, lacks the specific contexts of power that exists in most of the world because of widespread colonisation (Madhok, 2018). In these settings, it is crucial to contextualise the state of exception as an ongoing manipulation of power designed to uphold the ideals of white supremacy (Valdez et al., 2020). Mark Taylor (2009) advances this argument by contending that populations like the sufferers of slavery and colonisation, have often lived, and continue to live as exception to the rule. In many cases these racialised populations are still being reduced to bare life (Taylor, 2009). In the United States, Valdez, Coleman and Akbar (2020) illustrate an example of this in police violence, noting that racialised bodies are consistently exposed to this at a higher rate than white bodies. In Achille Mbembé's 2003 book, *Necropolitics*, he explores the interplay between race, racism, and the creation of 'bare life'. According to Mbembé (2003), racism serves the dual purpose of establishing essential distinctions between insiders and outsiders and fostering animosity

between these groups, leading the political entity to accept the death of those excluded. In essence, race becomes the foundation for distinguishing the *homo sacer* from members of the polity.

The state of exception has been utilised to theorise violence and racial subjugation globally, such as the Black and Indigenous experience in the United States (Everuss, 2023; Minca, 2006; Rifkin, 2009; Valdez et al., 2020), Black and Indigenous experience in Australia (Everuss, 2023; Grieves, 2023) and the Anti-Roma experience in Europe, (Fejzula, 2019; Valdez et al., 2020). These applications of Agamben's (1998; 2005) framework highlight the continued relevance of the state of exception and build on this theory to locate it outside the realm of post-war Europe. Moreover, as Weheliye (2014) describes, they expose the deeply historical impact of race on who is identified as the sovereign exception – who is classified as human and nonhuman. Drawing from this literature, Fejzula (2019) argues a permanence to the state of exception and the interconnectedness of political violence, racialisation and the human. This analysis asserts that racialising narratives of the Roma are used to present them as a threat to the State. Resulting in the State enacting anti-gypsyism which deploys the Roma people into the realm exception – seen through the hyper-surveillance, social exclusion and structural violence (Fejzula, 2019). Thus, the state of exception is predicated on the racialisation of Roma people, which consequently upholds white supremacy. Furthermore, Fejzula (2019) unpacks the role of silencing and obscuring the reality of this history, and frames this as a site of colonial violence being re-enacted.

Agamben's (2005) initial theorisation hinges on the assumption that prior to the state of exception all members of society are seen as equal, and thus shows a clear adherence to a post-racial, post-colonial perspective of society. This view undermines the societal and

structural impact of colonisation and racist ideas which have permeated the very fabric of society, influencing both historical events and contemporary society. However, as Aimé Césaire clearly contends in his 1955 *Discourse on Colonialism*, “Nazism and the ‘exceptional’ holocaust were visitations upon European soil of the spirit and practice of slaughter and subjugation that Europe had long visited upon colonial ‘others.’” (as cited in Taylor, 2009, p. 313). By engaging with the historical and current ways that the law interacts differently with racialised bodies, we can begin to centre race in the discussion of state of exception, thereby allowing for a more nuanced and applicable discussion to take place. By engaging with the historical and contemporary disparities in how the law treats racialised bodies, scholars centre race in the discourse on the state of exception. This shift enables a more nuanced and relevant discussion to unfold, shedding light on the intricate intersections of race and the state of exception.

Coloniality

Along a similar vein, Agamben (1998; 2005) does not engage with coloniality (Puar, 2017; Gouws, 2021). Weheliye poses a question in his 2014 book, *Habeas Vicus*, that must be explored: “How would Foucault’s and Agamben’s theories of modern violence differ if they took the Middle Passage as their point of departure rather than remaining entrapped within the historiographical cum philosophical precincts of fortress Europe?” Furthermore, as Gouws (2021) contends, settler colonialism “is the origin of measures to control and regulate populations through condemning some to bare life in a state of exception that became a condition of biopower in modern societies” (p. 4).

Responding to this call, many scholars have advanced Agamben’s (2005) conceptualisation of the state of exception by applying it to the colonial encounter

(Amarasinghe & Rajhans, 2020; Atkinson, 2012; Gouws, 2021; Grieves, 2017; Madhok, 2018; Puar, 2017; Rifkin, 2009, Shenhav, 2012; Taylor, 2009). Furthermore, as highlighted by Achille Mbembé (2019) in his book, *Necropolitics*, the colony is “a zone where the violence of the state of exception is deemed to operate in the service of ‘civilisation’” (p. 77). Within this context, the colonial project heavily relied on the *state of emergency* to establish and sustain its dominance, limit movement, and suppress dissent (Amarasinghe & Rajhans, 2020; Martin & Norris, 2024). Consequently, examining the state of exception offers valuable insights into strategies employed by the colonial enterprise to assert control over both colonised lands and Indigenous populations. Valdez et al. (2020) emphasise the importance of understanding the dynamics of how racialised state power is operationalised. Thus, as many scholars have identified, in the colonial context, race served as the key factor in rationalising and perpetuating specific discrimination and oppression (Agozino & Pfohl, 2003; Alexander, 2012; Awatere, 1984; Cunneen & Tauri, 2017; Proulx, 2014, 2018).

It is therefore crucial to examine how race is enlisted to justify state violence, as well as the actual mechanisms of that violence (Valdez et al., 2020). Moreover, racialised power dynamics remain intricately interwoven into the mechanisms of colonial governance and violence. Taylor (2009) extends this argument by contending that colonised Indigenous communities and sufferers of slavery, which were so crucial to the rise of the West, have persistently been reduced to a state of bare life. Furthermore, the sovereign is vested with “overriding’ and potentially limitless authority” over the lives of Indigenous people (p. 113). This relegates Indigenous people to, in Agamben’s terms, a “zone of indistinction between...outside and inside, violence and law” (Agamben, 1998, p. 63). Shenhav (2012)

contends that racial hierarchies, “became the definers of life and death as well as their justification” (p. 26).

Therefore, unpacking violence must take into account both the genocidal and dispossession to which Indigenous people were subject to, as well as a *social death* often appearing in forced assimilation and cultural suppression (Taylor, 2009). This concept further discussed in Quijano’s (2007) paper *Coloniality and Modernity/Rationality* frames the idea of social death as a “colonisation of the imagination of the dominated” (p. 169). As elucidated by Wolfe (2001), the erasure of Indigenous populations not only occurred through overt violence but through the process of assimilation (Morgensen, 2011). Indigenous people were amalgamated into the framework of settler nations. Moreover, Quijano (2007) elucidates that assimilation, as a colonial strategy, deliberately narrowed or erased the potential for dissent by convincing the colonised that assimilation represented a pathway to accessing power.

Many scholars have applied the state of exception to the colonial experience; some examples are India, United States, Australia (see, Amarasinghe & Rajhans, 2020; Grieves; 2017; Madhok, 2018; Rifkin, 2009). Amarasinghe and Rajhans (2020) contend that it’s imperative the colonial encounter is central in an understanding of the state of exception as colonisation operated as a perpetual tool to enslave whole Indigenous populations. Grieves (2017) provides an illustration of how the state of exception appears in a modern democracy in Australia, where racialised narratives fuelled moral panic surrounding child abuse in Aboriginal communities. Subsequently, the State substantiated and addressed this panic by implementing 'the Intervention,' introducing a series of laws that curtailed the rights of Aboriginals and were employed to rationalise the removal of Aboriginal children from their

families. This example highlights how the power structures formed through coloniality do not disappear, instead, the expression of sovereign power between coloniser and its 'subject races' simply has evolves over time. However, many aspects of imperial rule and the racial hierarchies and power structures that undergrid them remain calcified at the centre of Western postcolonial societies (Shenhav, 2012).

Continuity

Carbado (2019) further attends to a gap of Agamben's conceptualisation with the state of continuity, which addresses the experience of a permanent state of racialised oppression and marginalisation faced by specific racialised communities. The state of continuity allows for a broader understanding of how the technologies of power - ideologies, discursive frames and practices - are continuous across history and pays particular attention to the enduring manipulation of power to serve the hegemony (Carbado, 2019; Fejzula, 2019; Martin & Norris, 2024; Valdez et al., 2020).

Many scholars have used this framework to argue the existence of permanent states of racialised oppression and marginalisation faced by specific communities. In doing so, they challenge the notion that the state of exception is merely a temporary circumstance (Fejzula, 2019; Valdez et al., 2020). Agamben's framework positions the state of exception as a sharp rupture between a "then" and a "now" that leaves the potential of this framework unrealised (Carbado, 2019). As such, Carbado (2019) proposes the state of continuity seeks to acknowledge the continuous nature of regimes and technologies of power and how they manifest and change across time. To effectively engage with the state of exception, it is crucial to situate this framework within a world where race has always impacted law.

Valdez, Coleman and Akbar (2020) extend the state of exception framework by utilising Sadiya Hartman's (1997) theorisation of the relationship between the law, periodisation and anti-Black violence. Hartman (1997) brings attention to the fact that even after ground-breaking legal and constitutional changes that ended slavery, there was a continuation of subjugation felt by Black people that mirrored the violence endured throughout slavery. Valdez et al. (2020) use Hartman's framework of periodisation and affect to understand the plural contexts of the state of exception and critically engage with history and radicalised narratives. Valdez et al (2020) conceptualisation of periodisation provides a framework to discuss how policing power is historically rooted and discuss the role of repeat colonial settler practices of intimidating, patrolling, surveying and violating Black communities. By analysing the origins of policing, we bring to light the legacy and execution of controlling images and the impact of these in the construction of a 'threat'.

Spatially delimited "camp"

Many scholars have noted that Agamben's constructs the state of exception as absolute, noting that 'camps' are conceptualised as fixed sites of complete exception (Arnold, 2018, 2023; Everuss, 2023; Whitley, 2017). Where Agamben (1998; 2005) and Mbembé (2003) looked at the spatial examples of concentration camps, plantations and colonies, many scholars instead look at the ways spaces of exception can appear in democratic spaces, such as police violence (Everuss, 2023; Minca, 2006; 2007; Valdez et al., 2020). In this context, Everuss (2023) contends that "people are not excluded because they enter an excised space, but an excised space is created because they are excluded" (p. 6). Advancing this argument, Weheliye (2014) conceptualises sovereign exclusion outside of the realm of

the spatially delimited camp, identifying it instead as a space created through everyday relationships between polity members and the excluded.

By expanding Agamben's (1998, 2005) fixed geographical camp to a more flexible establishment of exclusion at the site of the body, racialised violence can be conceptualized through this framework (Minca, 2006). Moreover, by remaining bound to the geographical camp, the potential of this framework is unable to be realised, as the expression and manipulation of power evolves through time as can be seen in the use of so called 'colourblind' law and policing which disproportionately impacts Black and Indigenous people (Norris, 2019). When analysing the 2005 London police killing of Jean Charles de Menezes, a Brazilian electrician, Minca (2006) argues "[t]he counter-terrorism measures transformed, in place, the electrician into *homo sacer*, granting the police agents absolute sovereign power over him: the right, that is, to define, within the instant, the confine between a life worth living and a life that does not deserve to live discusses the role of the people becoming excluded" (p. 387). In effect, police were vested with the power of the sovereign to protect the body of citizens, which did not include the duty to also protect de Menezes and had the complete authority to act based on a perceived threat and fear.

It is important to expand the framing of exception past the geographical camp as this identifies that spaces of exception are relationally constructed as well as legally constructed. Bringing attention to this also highlights another key factor, spaces of exception are "not just produced by political leaders who have the power to amend laws, but also lower-level authority figures" (Everuss, 2023, p. 7).

Whiteness

As previously discussed, in settler-colonial contexts, race has consistently played a pivotal role in perpetuating and justifying discrimination and oppression (Agozino & Pfohl, 2003; Alexander, 2012; Awatere, 1984; Cunneen & Tauri, 2017; Proulx, 2014). Therefore, it is crucial to critically examine the concept of whiteness in this current study, considering its importance in the colonisation of New Zealand. To fully comprehend how power operates and manifests, it is essential to understand both the historical and contemporary manifestations of whiteness.

Many white New Zealand scholars have overlooked the significance of race, often subscribing to the belief that New Zealand has transitioned into a post-colonial and post-racial society (Gray et al., 2013). An example is found in Paul Spoonley's works (1995a, 1995b) when he, "dismissed the application of the word white, suggesting that it is possible to address the principles of a Pakeha identity without engaging in whiteness" (as cited in Gray, 2012, p.16). This lack of engagement positions whiteness as the "default", and the invisible standard that all racialised others are measured against (de Saxe, 2023; Elers & Jayan, 2020; Fernando, 2021). In contrast, Māori scholars have not overlooked the issue, instead they have actively documented the influence of New Zealand's settler-colonial or 'white' systems on the lives of Māori (Martin, 2023). This scholarship engages with Wolfe's (2006) framing of settler colonialism as a structure and not an event, thus interrogates how whiteness is embedded within institutions such as education, employment, housing and criminal justice (see Andrae et al., 2016, Awatere, 1984; Gray et al., 2013; Jackson, 2016; Lewis et al., 2020; Quince, 2010; McIntosh & Coster, 2017; McIntosh & Curcic, 2020; Mikaere,

2013; Pihema, 2020; Tauri, 2014). The foundation of whiteness has led to a structure which both privileges white people and enacts structural violence against Māori.

Identifying the structures of whiteness

According to Mills (2015), it is crucial to redirect attention to the structural dynamics of white supremacy, as it becomes increasingly evident that white domination can exist independently of explicit prejudicial beliefs. Mills (2015) acknowledges that “white racism is crucial in the installation of this system” but argues that even with a significant reduction in overt racism, structural white domination and the accompanying systemic privileges for white individuals can persist and perpetuate (p. 543). Christian (2019) places whiteness as a process in motion, and therefore to interrogate whiteness today, it is necessary to understand how “whiteness embodies a structural position in historical global wealth accumulation and political economic power that reproduces itself within contemporary structural practice” (p. 179). Moreover, it is imperative to acknowledge that through a white lens, colonisation is seen to uplift a location which is not ‘deemed’ liveable prior to colonisation (de Saxe, 2021). This notion of progression through colonisation rests on the shaky grounds of stadial theory in which societies must progress in a linear fashion through predetermined evolutionary steps from barbarism to ‘civilisation’, whereby the term civilisation serves as a euphemism for white culture (Awatere, 1984; Martin, 2023). Within this system, whites have the ability to go racially unmarked, and thus, become normalised and hegemonic (de Saxe, 2023). As Sara Ahmed (2021) describes this, “the white world is a world oriented “around” whiteness precisely at the point where whiteness disappears from the view” (p. 233).

Not only is whiteness hegemonic but legitimised and protected through law. Harris (1993) argues that the “conquest, removal and extermination of Native American life and culture were ratified by conferring and acknowledging the property rights of whites” (p. 278). In Cheryl Harris’ 1993 article *Whiteness as Property*, she identifies that the foundation of property rights in the United States is rooted in racial domination. The relationship between race and property played a crucial role in establishing and sustaining both racial and economic subordination.

In *Whiteness as Property*, Cheryl Harris (1993) argues:

The racialization of identity and the racial subordination of Blacks and Native Americans provided the ideological basis for slavery and conquest. Although the systems of oppression of Blacks and Native Americans differed in form – the former involving the seizure and appropriation of labor, the latter entailing the seizure and appropriation of land – undergirding both was a racialized conception of property implemented and ratified by law (p. 1715)

Without understanding the role law played in constructing white supremacy, we are not able to see nor address the ways in which modern iterations of the law continue to uphold a structure of whiteness (Wilson, 2018). Mills (1997) notes that in the case of colonisation, white colonisers take over the pre-existing society for what they view as the “benefit” of the Indigenous population. White colonisers often equate societies differing from European norms with the pejorative label ‘barbaric’, thereby rendering the Indigenous population as lacking the ability of self-rule and effectively designating them wards of the state. The Racial Contract, fundamental to the structure of colonisation, creates a moral and ideological framework that justifies the “exploitation of their [the Indigenous population] bodies, land, and resources, and the denial of equal socioeconomic opportunities to them”

(p. 11). Lipsitz (1995) describes how at the beginning of colonisation of North America, European settlers established structures that encouraged a possessive investment in whiteness. Hence, it becomes evident that the Racial Contract was ever present and fundamentally reshaping the self-perception of European settlers in North America and their collective identity in relation to the Indigenous population.

Becoming white

It was in the decades following the Civil war that Australians and British began to think of themselves as white men. Profoundly influenced by white Australia's fear of the darkening of the colony and feeling a sense of "racial protectionism", similar to that of white America (Horne, 2007, p. 146). As such, whiteness was formed as a malleable category which predicated itself on an oppositional darkness (Mills, 1997). During the colonisation of New Zealand, whiteness became entrenched when European settlers banded together after being faced with Māori resistance (Horne, 2007). Thus, New Zealanders identified with white Americans, and what they saw as the shared white struggle, which caused a shift towards viewing themselves in terms of their whiteness. (Horne, 2007).

With society shaped on an opposition to darkness, whiteness became a currency. Harris (1993) posits that "within the worlds of de jure and de facto segregation, whiteness has value, whiteness is valued, and whiteness is expected to be valued in law" (p. 1777). Whiteness held value as it allowed access to privileges denied to groups not identified as white, thus became something immigrants strived to attain. The global eugenics movement drove the narrative that Europeans were socially superior, a narrative that was rife in New Zealand in the 1930s (Bartholomew, 2020). During this time, there were many claims of Aryan identity by minority groups in an attempt to attain whiteness globally. One of the most

notable cases of this is *United States v. Bhagat Singh Thind*, 261 U.S. 204 (1923) where an Indian man who was ineligible for naturalised citizenship under the *Naturalization Act 1906* due to being an Indian Sikh man, filed a petition claiming he was of Aryan descent (Wilkerson, 2020). Becoming white is a key process to understand the racial contract. When other Europeans who were not historically perceived as white entered the United States, they were told to prove themselves, and as Stakley (2017) articulates, “helping protect and expand white supremacy was considered convincing evidence [of the right to be white]” (para. 9).

In settler-colonial contexts, it is crucial to understand the value associated with a white identity in order to comprehend how this whiteness can be deployed to attain power. According to Harris (1993), the official recognition of whiteness as a set of privileged rights “elevated whiteness from a passive attribute to an object of law and a resource deployable at the social, political, and institutional level to maintain control” (p. 282). Whiteness was thus able to be deployed and transformed from a “passive characteristic as an aspect of identity to an active identity” (p. 282). By selecting and safeguarding who could be considered white, whiteness conferred on its owners aspects of citizenship, which were more valuable because they were deliberately withheld from others (Harris, 1993). Viewing whiteness as property, as framed by Harris (1993), draws attention to how the white body was deputised as an agent of the state, with access and agency to control the racialised other. This understanding becomes crucial for unravelling the historical dynamics of segregation and marginalisation experienced by Indigenous people.

History of whiteness in New Zealand

Donna Awatere’s (1984) book *Māori Sovereignty* offers a critical examination of whiteness in New Zealand. In her analysis, Awatere (1984) positions white culture in New

Zealand as an extension of British imperialist culture. The primary distinguishing feature, according to Awatere, lies in the profound 'opposition to Māori' that is deeply ingrained within white New Zealanders (Martin, 2023). The opposition to Māori is clearly expressed by A.K. Newman, a doctor, who later became a Member of Parliament, when he wrote "[t]aking all things into consideration, the disappearance of the [Māori] race is scarcely a subject for much regret. They are dying out in a quick, easy way, and are being supplanted by a superior race" (1881, as cited in Smale, 2023, para 31). The supplanting of a superior race as described by Newman, was a strategy so entrenched that Joseph Ward, the Prime Minister of New Zealand in 1910, stated, "I do not think we require to have a discussion of the policy of New Zealand regarding its preservation of white races only. That policy has been settled long ago and I am just as determinedly in favour of that policy today as I have always been in the past..." (Awatere, 1984, p. 57). Thus, policy such as the *Suppression of Rebellion Act 1863*, the *Land Settlement Act 1863*, the *Māori Prisoners Trials Act 1879*, and the *Public Health Act of 1900* were utilised to limit Māori people access to justice, healthcare, political independence, land and livelihood (Martin, 2023; Webb, 2017).

Awatere (1984) situates New Zealand as a white country under the guise of biculturalism, noting that the structural violence is highly visible in the adverse outcomes for Māori in the criminal justice, education, healthcare, foster care and housing (Elers & Jayan, 2020; George et al., 2014; Norris, 2017; Tauri, 2014). Biculturalism has also been critiqued by Dominic O'Sullivan (2007) who argues that the narrative of partnership with Māori in state institutions is tokenistic and symbolic. Liana MacDonald (2018) extends this thought stating that, "[s]tate ideologies of biculturalism only include unproblematic and superficial aspects of Māoritanga to give the appearance of cultural harmony and sense of

national belonging that has links to our past and is moving forward into the future” (p. 5). This is evidenced in Norris, Deckert and Tauri (forthcoming) examination of the *Indigenisation project* in contemporary New Zealand public policy. Aligning with MacDonalds (2018) sentiments, they argue superficial attempts to indigenise institutions, often through Māori names and units, is evident in the continued negative outcomes for Māori within these very institutions. These projects obscure the role of whiteness and instead “encourage belief among Māori that justice could be attained by their acquiescence to state instituted and controlled forums such as the justice system” (Tauri, 1998, p. 171). As such, these thinly veiled projects not only leave the foundation of white culture intact and unchallenged but also more hidden.

Colonising consciousness

In New Zealand, whiteness has emerged in academic scholarship to contextualise coloniality, dispossession of land and the oppression of Māori (Awatere, 1984). Drawing attention to how institutions, such as education, have acted as mechanisms of the white supremacist state to actively suppress Māoridom through the silencing of te reo Māori and tikanga, the denial of tino rangatiratanga, as well as the forced assimilation (Awatere, 1984; Mikaere, 2013; Pihama, 2020; Jackson, 2016; Smith, 2012). Thus, whiteness in New Zealand has expressed itself in its dedication to both the control of Māori bodies and lands, as well as the desire to colonise the Māori consciousness (Awatere, 1984). As Ngũgĩ wa Thiong'o contends in his 1986 book *Decolonising the Mind: The politics of language in African literature*;

Colonialism imposed its control of the social production of wealth through military conquest and subsequently political dictatorship. But its most

important area of domination was the mental universe of the colonised, through culture, of how people perceived themselves and their relationship to the world. (1998, p. 16)

Therefore, interrogating whiteness needs to address the role in which it infiltrates the minds and culture of society. Tatum (1994) locates this as part of the second stage of the colonial project which is concerned with “cultural imposition, cultural disintegration, and cultural recreation” (p. 35). This included policy that intended to strip and criminalise Māori language and traditional practices as seen in the *Education Ordinance* of 1847 and the *Tohunga Suppression Act* of 1907. Awatere (1984) outlines the swift rule to power of white people was a process of ruling by gun, to ruling by police and prisons and then through education, church and the media. Simon et al. (2001) outline that the New Zealand education system was one established with the intent to ‘civilise’ the indigenous Māori populations.

Moreover, bell hooks (1995) describes that the ability to resist white supremacy and white ideologies is near impossible when whiteness is distributed through education, church and media. bell hooks (1995) states, “with the television on, whites were and always are with us [Black people], their voices, values, and beliefs echoing in our brains. It is this constant presence of the colonising mindset passively consumed that undermines our capacity to resist white supremacy by cultivating oppositional worldviews” (p. 110). What hooks (1995) is describing is how white values and white culture becomes so embedded within the social fabric, that whiteness disappears from view (Ahmed, 2021). This positions whiteness, and white ideologies as not only the default, but the pathway to success (hooks, 1995). Awatere (1984) discusses how Māori children are taught to imitate whiteness, predicating success on their ability to pass for ‘white’, or at least, their expressed desire to be white. Fanon (1952) captures this idea in *Black Skin, White Masks* as he describes how the black schoolboy

“identified himself with the explorer, the civilising colonizer, the white man who brings truth to the savages, a lily-white truth. The identification process means that the black child subjectively adopts a white man’s attitude” (p. 126). One method to accomplish this is by means of the English language, as argued by Ngugi (1998), who posits that it is portrayed as the “magic formula to colonial elitedom” (p. 12). However, as Jackson-Paniora and Buchanan (2022) discuss that while Māori children were conditioned to be ‘like Pākeha’ they were never treated like a Pākeha person. They had their reo [Māori language] taken away and were shamed for their colour, their weight, and their looks.

Controlling images

Lipsitz (1995) characterises whiteness as "the unmarked category against which difference is constructed, whiteness never has to speak its name, never has to acknowledge its role as an organizing principle in social and cultural relations" (p. 369). Therefore, it is crucial to highlight specific ways in which whiteness constructs difference. In his 2005 essay *White Power, White Fear*, Thomas West argues that whiteness is most visible through white fear. By operationalising white fear, whiteness mobilises negative stereotypes to create the "ultimate other to define itself against" (West, 2005, p. 388). Through the construction of the racialised other, whiteness has a tool to mobilise white fear, justifying the expansion of the carceral state and defining the targets of it (Awatere, 1984; Martensen, 2020; Proulx, 2014; Welch, 2007). These negative stereotypes are heavily relied upon to legitimise the ongoing marginalisation and criminalisation of historically oppressed populations (Norris & Lipsey, 2019). In her book *Black Feminist Thought*, Patricia Hill Collins (1990) defines controlling images as socially constructed images by the dominant group which are used to maintain

another group's subordination. She argues that these controlling images go beyond merely differentiating or generalising various groups; their purpose is to justify the mistreatment of marginalised individuals (Collins, 1990).

In a “post-racial” era, controlling images serve as a vehicle for racialised claims. Moreover, the connection between race and crime has become so deeply ingrained in public discourse and consciousness that race doesn’t even need to be mentioned to conjure an image of the racialised other as criminal and/or violent (Collins, 1990; hooks, 1981; Lewis et al., 2020; Norris & Billings, 2017; Richie, 2017; Ross, 1998; Welch, 2007). The symbolic and discursive associations between race and crime, perpetuate and normalise, racialised practices within crime control (Collins, 1990; Rosino & Hughey, 2017). This can be seen in the hyper-surveillance, over-policing, and disproportionate rates of incarceration among Black and Indigenous populations (Hattery & Smith, 2018; Miller et al., 2018; Ross, 1994; Welch, 2007). Furthermore, Heitzeg (2015) documents when crime is perpetuated by whites, mass media frame this through the lens of medicalisation, casting attention towards the individual not their race. In contrast, media depictions of Black crime place race at the forefront of discourse, reinforcing deeply ingrained controlling images of Blackness *being* criminal (Davis, 2003; Heitzeg, 2015; Welch, 2007). The deeply embedded controlling image of the racialised other as criminal is a defining feature of the carceral state (Alexander, 2012; Martenson, 2020).

Creating the target population: policy implications

The mobilisation of controlling images, is profoundly impactful on policy. Schneider and Ingram (1993) contend that the social construction of target populations, impacts both “the policy agenda and the actual design of that policy” (p. 334). Target populations, as

theorised by Schneider and Ingram (1993), depend on two different factors, the power groups hold, and whether they are viewed socially in a positive or negative way. They posit that the two groups low in power are: dependants, such as children, mothers, disabled; and the deviants, such as criminals, drug addicts, gangs (Schneider & Ingram, 1993) This work highlights the way in which controlling images of Black and Indigenous people can be mobilised.

Harrison and Sanders (2016) highlight a societal perception that confines those 'on welfare' to a narrow net, primarily associated with the poor. However, state institutions extend assistance across a broader spectrum through explicit policies, benefiting groups considered more affluent and respectable, such as home-buyers and farmers (Schneider & Ingram, 1993; Harrison & Sanders, 2016). The distinction lies in how government support for these positively viewed, respectable groups differs from that for the negatively viewed 'dependent' groups like the poor. As Harrison and Sanders (2016) remarks “selectivist systems designed for vulnerable and low-income groups seem especially prone to disciplinary techniques, and sometimes inflict stigma or indignity”. By using tactics such as food stamps or vouchers in place of cash payments for short-term emergency support, the state is imposing behavioural restrictions on how people are able to use the small support they receive. The State’s control in these types of support is framed as ‘for their own good’ (Schneider & Ingram, 1993). These strategies not only regulate, but also infantilise the most vulnerable, stripping them of their ability to make choices for themselves (Harrison & Sanders, 2016).

Depictions of Māori in New Zealand media

In New Zealand, Māori have been consistently portrayed as an ever-looming threat to the white population and a population requiring constant surveillance (Awatere, 1984; Norris & Tauri, 2021; Tauri, 2014). Fernando (2018) states “[f]rom the earliest contact, Māori were depicted negatively by European observers as uncivilised, savage, violent, ignorant and indolent”. However, with the pervasiveness of colour-blind rhetoric, the language, discourse, science, and academic scholarship around negatively racialised populations has shifted and evolved. While racial hostility against Māori is still deeply embedded New Zealand society, the language used to express this hostility is less overt (Bonilla-Silva, 2015; Norris & Billings, 2017).

Wall (1997) identifies four prevalent Māori stereotypes perpetuated by the media: Māori as the comic other, Māori as the primitive natural athlete, Māori as the radical political activist, and the quintessential Māori. However, these stereotypes, that serve as caricatures of Māori personhood, fail to acknowledge the extensively documented and pervasive portrayal of Māori as criminal. (Andrae et al., 2016; Awatere, 1984; du Fresne, 2018; Lewis et al., 2020; Norris & Billing, 2020; Walker, 1990; Webb & Deckert, 2023). Moreover, controlling images of Māori present them as “welfare bludgers and poor parents who were preoccupied with smoking, drinking and gambling” (du Fresne, 2018, p. 18). This portrayal not only perpetuates harmful stereotypes but also contributes significantly to the construction of Māori as a threat. This portrayal reinforces cycles of racialised criminalisation.

The difficulty in addressing implicit racial references, such as the term ‘criminal,’ arises from public conditioning to perceive this language as non-racialised (Awatere, 1984;

Norris & Billings, 2017; Welch, 2007). Even when employing race-neutral terms, the lens of race has already been framed through history (Martin, 2023). This is exemplified in Rosino and Hughey (2017) research in the United States, where they linked “war on drugs” rhetoric and Blackness, resulting in the demonisation of Black people and the view of them as “undeserving or menacing” (p. 260). Similarly in New Zealand, the construction of Māori tropes such as the gang members or the troublesome youths, place Māori as hyper-visible in their role of the deviant or criminal (Andrae et al., 2016; Awatere, 1984; Barnes et al., 2012; Barnes & McCreanor, 2023; Nairn, 2012; Norris & Billing, 2020; Shilliam, 2012; Te Punga, 1971; Welch, 2007).

Ranginui Walker (1990) explains that the media in New Zealand “consistently represents the Pākeha status quo, helping them to maintain their power” (p. 46). Therefore, it is imperative to acknowledge that mass media are neither neutral nor innocent in spreading the messages of white supremacy and controlling images throughout society (hooks, 1995). Through the over exposure of the ‘Māori crime problem’ in the media, this controlling image is further entrenched in society.

Conclusions from the literature

Drawing upon an extensive body of literature, it has been demonstrated that the carceral state extends well beyond the boundaries of the criminal justice system. This literature provides valuable insights into how this expansion has occurred in New Zealand, identifying housing, education, healthcare, and the criminal justice system as state bureaucracies of social control (Wacquant, 2001). Moreover, it sheds light on how surveillance and control are embedded features of the carceral state (Hattery & Smith, 2018;

Maynard, 2017). Exploring the concept of the state of exception as a theoretical framework draws attention to how power is amassed and employed to marginalise a population and treat them as *homo sacer*. This is particularly evident in a colonial and racialised context. Furthermore, this exploration underscores the importance of critically examining whiteness as a foundational structure in New Zealand. By examining literature on whiteness, we can gain a better understanding of the process of colonization and the enduring state violence that has resulted from it. This research also helps us comprehend how controlling images have been used as a tool to both justify the expansion of the carceral state and to identify its targets.

Chapter Three: Methodology

Introduction

The purpose of this research is to explore the historical underpinnings of hyper-incarceration of Māori in New Zealand. Specifically, this thesis employs the theoretical framework of the state of exception to a period in New Zealand history to understand the carceral state: the web of confinement, surveillance and state violence that undergirds carcerality and the hyper-imprisonment of Māori. To address this research objective, the following research questions are put forward:

- How can the historical context of segregation in Pukekohe help us understand the mechanisms of the carceral state in New Zealand?
- What role do ideologies of whiteness play in justifying these mechanisms?
- How does the historical policing of 'marked' (marked racially/culturally Indigenous) bodies and controlling images about Māori impact the modern-day phenomena of Māori hyper-incarceration?

This chapter encompasses the research approach, epistemological considerations, case study selection, and the data analysis strategy. The conclusion of this section will specifically address aspects of credibility, trustworthiness, and the limitations inherent in this project.

Qualitative Research

My research project adopts a qualitative approach as its methodological paradigm, prioritising depth over breadth. According to Ayton and Tsindos (2023), qualitative research is subjective, hypothesis-generating, and inductive. Unlike quantitative research, which

typically focusses on assessment or causation, the qualitative approach seeks to explore, generate, and discover.

In qualitative research, there is a distinct emphasis on research design, which according to Hammersley and Atkinson (1995) should be reflexive and operative at every stage of a project. This underscores the exploratory nature of the qualitative research process, where constant reflection and adjustment are essential for a comprehensive understanding of the phenomena being studied. Researchers choosing this vein of inquiry are utilising qualitative methods to explore and understand the complexity of a problem (Merriam & Tisdell, 2015).

Epistemological considerations

The epistemological stance for my research is informed by critical and post-structuralist epistemology. While critical epistemology emphasises how discourse and social structures are used to maintain existing power structures, post-structuralism acknowledges the deep entanglement of power, knowledge, and social relations (Ayton & Tsindos, 2023). Scholars like Patricia Hill Collins (2000) have advanced critical epistemologies to identify the structural matrix of domination, identifying how “multiple forces of oppression and privilege are mutually dependent and situated within cultural and historical matrices of domination” (Moradi & Grzanka, 2017, p. 502).

This research is grounded in critical social research, which is informed by critical epistemology. The broad intention of this research looks to shed light on the hyper-imprisonment of Māori, specifically by building a historical understanding of the way that race/ethnicity has impacted systems, structures and policy, and the carceral state in New

Zealand. In their book *Indigenous Criminology*, Cunneen and Tauri (2016) highlight the need to situate critical research in the “historical and contemporary conditions of colonialism” (p. 1). Importantly, by drawing on a critical social research approach, the present study directs attention to power and social structures that help expand our understanding of incarceration beyond prison walls to exploring interrelated and dependent structures with carceral-like characteristics. United States critical race scholars have long employed critical social research to foreground the inextricable relationship among race, colonialism, and housing (Harvey, 2022).

As Harvey (2022) states:

Critical social research does not take an apparent social structure, social processes or accepted history for granted. It tries to dig beneath the surface or appearances. It asks how social systems really work, how ideology or history conceals the processes that oppress and control people. (p. 145).

Employing a critical social research approach when addressing race/ethnicity within the context of the criminal legal system is particularly important as they are underpinned by power structures. Antje Deckert’s (2014) research calls attention to the lack of consideration toward various forms of Indigenous genocide and confinement in criminological research. In what she phrases as quantifying the silence, she identifies the active abandonment as a type of complicity found in mainstream criminology that work as an instrument of the State by perpetuating and reproducing neo-colonial epistemologies, which, in turn, further the State’s control and confinement of racialised populations. A critical approach pays particular attention to deconstructing the dominant understanding of a situation or phenomenon, and as Harvey (2022) writes, “reconstructing an alternative understanding that lays bare the social and historical interrelationships” (p. 146)

Case Study

The case study method is an empirical inquiry that investigates contemporary phenomena within their real-life context (Yin, 2003). Case studies are often used to accomplish various aims: provide a description of a particular phenomenon, test theory, or generate theory (Eisenhardt, 1989). In a broad sense, case study research is employed to investigate a particular context with the view to advance the understanding of it (Yin, 2003).

The case study approach proves to be a valuable method for research due to three distinctive features: It offers a particularistic, descriptive, and heuristic insight into the phenomenon studied and therefore allows rich meaning to be drawn (Merriam, 1998). Cousin (2005) defines these characteristics as follows. 'Particularistic' refers to the examination of specific contexts, events, and phenomena. 'Descriptive' pertains to the richness of information that can be drawn from a case study, which leads to "rich, thick descriptions of the phenomena under study" (Merriam, 1998, p. 29). 'Heuristic' in a case study context means the capacity to enhance the readers comprehension of the phenomena being studied.

Stake (1995) outlines three distinct types of case study: intrinsic, instrumental, and collective. An instrumental case study provides insight into an issue, which is used to support the theoretical explanation. The benefit of using an instrumental case study in this research is that it allows for insights as well as discovery. Furthermore, it lays the foundational work that can be taken further in future studies (Ayton, 2023; Cousin, 2005). Case studies allow the ability to study a unique phenomenon in order to shed light on a wider issue. However, Cousin (2005) notes that caution needs to be taken when making generalisations due to the specific context in which the study is located. Therefore, an

instrumental case study offers the ability to make sense of a wider issue but recognises and is sensitive to the specific context and location to which the study was conducted. Thus, a case study approach, as Ayton (2023) notes, allows for “exploration of the subtleties and intricacies of complex social situation” (p. 70).

Selection of case study

The decision to explore racial segregation in Pukekohe for a case study analysis was informed by the uniqueness of an event that spanned over four decades, leading to hundreds of deaths and yet such a harrowing reality has been cast out of our national consciousness and the nation’s history. A reality similar to Deckert’s 2014 claims of mainstream criminology silencing of Indigenous people’s hyper-imprisonment. As Bartholomew (2020) notes, racism and racial segregation in Pukekohe bear certain parallels to the segregation era in the United States. Given the parallels to the extensively researched and well-known context of the United States, the peculiarity of New Zealand’s scant attention to the history of racial segregation deserves scholarly consideration. Moreover, New Zealand is in denial about the reality that these events even occurred. Understanding the reasons behind this denial and its possible connection to the events is important to this present study. For instance, the publication of *No Māori Allowed* in 2020 triggered backlash in Pukekohe and nationwide, which deserves examination within the context of power structures. Thus, exploring the perennial suppression of this history offers insight into ideologies of whiteness akin to other settler contexts (Bartholomew, 2020).

The primary data source for this research is Robert Bartholomew’s book, *No Māori Allowed*, which meticulously explores the historical aspects of racial segregation in Pukekohe and is the only comprehensive text exploring this history. The decision to use this book as

the primary data set for this case study was determined by two key factors: (1) This book addresses a period of racial violence that dropped out of our national consciousness. As a result, there is limited scholarly or public information available about this event. (2) The book provides access to comprehensive data from various sources that cannot be found elsewhere. This text provides a comprehensive collection of data collected from academic literature, newspapers, magazines, council archives, New Zealand archives, New Zealand death register, parliamentary debates, theses, governmental reports and interviews.

Furthermore, the contents of Bartholomew's *No Māori Allowed* are well referenced, offering opportunity for further clarity and research. The comprehensive work that Bartholomew put towards publishing *No Māori Allowed* offers a unique opportunity for this thesis to go into depth exploring facets of the state of exception within the New Zealand context. This is of particular importance due to the time constraints for this research. Additionally, the use of this work also demonstrates acknowledgement and appreciation for the prior contributions made by Robert Bartholomew.

Rationale for secondary data

The decision to primarily rely on a secondary data source is strategic and stems from the nature of the research objectives, which aimed to test and refine an existing theory, the state of exception, in a New Zealand context. By leveraging an existing source that has not yet been used in academic research, this study aims to conduct an in-depth examination of historical events and systematic issues relating to racial segregation in Pukekohe. The scope of this study also considers and examines laws and policies, reports, and other data sources available that provide insight into this period of time. Secondary data also offers a wealth of historical context and varied perspectives that contribute to a comprehensive understanding

of this phenomenon. Additionally, using existing data allows for an efficient exploration of the research questions within the timeframe of a master's thesis.

Data Analysis

Thematic Analysis

The method of data analysis was a thematic analysis, as described by Braun and Clarke (2006), used to identify, analyse, and report patterns and themes within data. A thematic analysis provides a systematic approach to analysing data. It allows researchers to not only examine the meanings within the data but also to integrate these meanings within the specific context being studied (Braun & Clarke, 2006; 2012; Vaismoradi et al., 2013). There are various methods of thematic analysis; hence, it is important to identify that a reflexive thematic analysis was used in this research. A reflexive thematic analysis recognises the “subjectiveness of the analysis process” and recognises the intricate interplay between the researcher's knowledge, the data set, and interpretation of that data (Ayton, 2023, p. 202). As an exploratory method, a reflexive thematic analysis allows for a more organic approach to coding and theme development. Moreover, in a thematic analysis the importance of a theme is not necessarily dependent on the frequency with which it was mentioned, but instead whether it captures something important in relation to the overall research question (Braun & Clarke, 2006; 2012).

Following Braun and Clarke's (2006) approach, the first stage of analysis was the familiarisation of the data, carried out through reading literature and the book *No Maori Allowed* multiple times, consulting with my chief supervisor, and then transcribing data while noting down initial ideas throughout. This was followed by the generation of initial

codes, which was informed by both my theoretical framework and initial notes (this will be described in further detail in the following section). During this process, data was categorised based on its relevance, context, and what relevant questions it helped to answer (Braun & Clarke, 2006; Vaismoradi et al., 2013).

Codebook

Unlike an applied thematic analysis, a codebook is not a critical element of a reflexive thematic analysis (Ayton, 2023). This is due to the more open and unstructured method of coding. However, I decided to incorporate a codebook to ensure consistency during the coding process. My initial codes were broad and derived from the review of extant literature. This process also provided an instrument to ensure trustworthiness of the data and reduce researcher subjectivity and bias. In alignment with MacQueen et al. (1998), I developed a codebook to provide a structured approach to data analysis. This served as a comprehensive guide that ensured consistency during the coding process and allowed for a systematic exploration of patterns and themes within the data (Ayton, 2023; Tsindo, 2023). The process of coding used both inductive and deductive coding approaches. While an initial set of codes was created from the literature, it became apparent that the data set required a more inductive approach. Therefore, both methods of coding were utilised to allow for the best use of the data set (Tsindo, 2023).

Due to the nature of a reflexive thematic analysis, codes were developed throughout all stages of the analysis process and, for the purpose of clarity, have been organised in the table below relating to the three key themes.

Initial Codes		
Code	Symbol	Description of code
<i>Housing</i>		
Housing access to rent	HAR	Instances of access to rental housing in relation to Māori
Access to loans	AL	Instances of access to loans, mortgages, financial assistance and banks in relation to Māori
Housing access to buy	HAB	Instances of access to purchasing housing or land in relation to Māori
Housing condition	HC	Information relating to the condition of housing for Māori
Housing location	HL	Relates to the location of housing for Māori
Housing location - attitudes	HLA	Relates to the attitudes surrounding the location of housing for Māori
Housing health impacts	HHI	All health impacts relating to housing, including death
Housing policy - local	HPL	Local government and policy which impacted housing for Māori. Action and inaction.
Housing policy - national	HPN	National government and policy which impacted housing for Māori. Action and inaction.
Housing security	HS	Instances of housing security and insecurity and the impact of this
Economic exploitation		Relates to the economic demand which drove housing for Māori
Blame - housing	HB	Blaming Māori for housing conditions/situation
<i>Policing</i>		
Lack of morality	LM	This relates to views that Māori lacked morals, sexually promiscuous and thieves
Well- behaved	WB	All mentions of behaviour in relation to Māori
Well-dressed	WD	All instances of how clothing and appearance in relation to Māori
Lack of hygiene	LH	All instances of hygiene in relation to Māori
Alcohol consumption	AC	All instances of alcohol in relation to Māori
Segregation – de jure	SDJ	Specifically relating to any legal mechanisms of segregation
Colourism	CO	Mentions of how much someone may 'look' Māori or how 'dark' someone is
Employment discrimination	ED	Racial discrimination in relation to employment, this also includes mentions of what type of employment was accessible
Housing discrimination	HD	Racial discrimination in relation to housing

Intimidation	IN	Acts of intimidation towards Māori by agents of the law or community
Racialised surveillance	RS	Any method of racialised surveillance e.g., observation and tracking
Language	LG	Acts of policing te reo Māori e.g., how and when people could speak Māori
Whiteness		
Colonisation - attitudes	CS	Attitudes surrounding colonisation by white people
Colonisation - myths	CM	Myths created to justify, minimise or explain the need for colonisation
Infantilisation/ Paternalism	IP	Use of language which implies a view of Māori as children or needing something from white people
Eugenics	EU	Attitudes and stories surrounding racial hierarchies and what was the ideal, or not ideal type of human.
White saviour complex	WSC	Any narratives, myths or stories which imply white saviourism
White supremacy	WS	Relates to blatant acts, quotes or arguments of white supremacy
Protecting reputation	PR	Instances where the truth has been forgotten/suppressed to retain
Moral panic - immigration	MPI	Instances of moral panic relating to immigration of people from China and India
Moral panic - Māori	MPM	Instances of moral panic relating to Māori e.g., the 'urban drift'
National belief	NB	Narratives of who New Zealand is as a country e.g., "racially harmonious"
Individualism	IN	Narratives that relate to meritocracy or the ability of an individual to make something of their life

Key themes

Once data was coded and grouped, three key themes emerged:

- Housing
- Policing
- Whiteness

Throughout the next stages of research, these themes were reviewed, defined, and interrogated to ensure that they represented the entire set of data collected (Ayton, 2023;

Braun & Clarke, 2006). Furthermore, the coded data was organised into subthemes. These are discussed in detail in the following chapter.

Credibility, Quality and Trustworthiness

To enhance the credibility of this research, I utilised the suggestions put forward by Cousin (2005): triangulation, thick descriptions; sharing provisional analysis, and the ethic of caution regarding generalisations. Researcher triangulation was employed to ensure the validity of the data and codes by ensuring that coding and themes were discussed and overseen by my chief supervisor. Triangulation was also used to compare and verify data from various sources, particularly those related to law, policy, and reports. Ayton (2023b) emphasises the need for thick descriptions in research, which provides contextual information. This is particularly important for ensuring the transferability of the research and reduces the risk of making sweeping generalisations that are detached from the context. Context is also a crucial consideration as it provides information about the relationship between power and knowledge, especially as it pertains to people who have been systematically marginalised.

Limitations

To rely on Robert Bartholomew's book, *No Māori Allowed*, as the primary source introduces a potential limitation of researcher bias and untrustworthy data. To reduce this risk, in many cases information was validated through other sources (such as the Pukekohe Historical Survey, law and legislation, other articles). However, it is important to recognise that the book itself may be influenced by the author's biases and research gaps, which may have left other relevant content unexplored. Additionally, historical records often contain

inherent biases or omissions that can impact the reliability of the analysis, potentially leading to gaps in the understanding of the events and their implications.

Another limitation is that the findings in this study were only discussed with my chief supervisor, whereas it would have been beneficial to have these findings validated by another researcher. Furthermore, it is essential to recognise that the use of a case study focusing on Pukekohe, New Zealand may restrict the generalisation of the findings to other regions and contexts. Consequently, it is crucial to view this study as offering a historical perspective and understanding of the carceral state in New Zealand. However, the characteristics examined through the case study may not fully encompass the broader New Zealand experience (Ayton, 2023b).

Chapter Four: Findings

Introduction

In the 1950s, Māori in many locations, including South Auckland were facing apartheid-like racial segregation (Bartholomew, 2020). From 1920 through to 1960, Māori living in Pukekohe endured racism on a pervasive scale that ranged from segregated toilets and seats in the cinema to the refusal to rent out any property to Māori, thus leaving them with no option but to live at the market gardens on the outskirts of town. The enforcement of segregation, enacted by white settlers or Pākeha, entrenched in white supremacist logic across the entire region, although not formally codified, was widely acknowledged and deemed as the norm (Norris & Nandedker, 2022).

This chapter will include the themes and subthemes outlined in the table below.

Themes	Sub-themes
Housing	Housing conditions Policy/Government Access
Policing	Segregation Controlling narratives Control/Surveillance
Whiteness	White saviourism/Infantilisation White supremacy

Housing

Housing in Pukekohe played a significant role towards the segregation of Māori because as Bonds (2019) notes housing is a race-making institution. The housing situation in Pukekohe between 1920 and 1960 was created due to economic exploitation and

discriminatory practices. Māori living in Pukekohe had very few options in relation to their housing, which led to many Māori with no other option than to live in accommodation at the market gardens where they worked (Bartholomew, 2020). This analysis revealed three key aspects of housing that created the crisis and segregation that took place between 1920 – 1960. These are housing conditions, the government/policy and access.

Housing conditions

The examination of historical housing conditions for Māori in the Pukekohe market gardens between 1920 and 1960 unveils a stark narrative of exploitation. In Pukekohe, Māori were relegated to living at the housing provided at the market gardens which led to range of fatal health problems linked primarily to housing. Housing at the market gardens was originally established to accommodate seasonal workers, primarily Māori who came for the harvest periods. Over time, due to the lack of alternative housing options, it gradually transformed into permanent housing for Māori, who were able to rent it as long as they remained employed by the grower. However, these dwellings were not suitable for long-term and year-round living as they were not weatherproof and had no ventilation or lighting. Bartholomew writes that often “owners got permit to build a potato or manure shed and then used this for accommodation for Māori” (2020, p. 30). Four major government investigations occurred between 1920 and 1960, due to the significant rate of measles, typhoid, tuberculosis and other respiratory diseases faced by Māori living at the gardens. One of these reports in 1937 documented deplorable conditions of the structures used to house Māori workers:

They are sleeping under sacks (that is, sacks sutured together as ‘houses’), alongside hedges and in all sorts of unsanitary conditions. They live, too, in

galvanized iron sheds, with low roofs, no ventilation and dirt floors. The sanitary accommodation in most cases was of a very poor type, and in some cases none at all. In such instances the ground surrounding habitation can only be described as filthy” (Bartholomew, 2020, p. 40)

One of the most shocking outcomes from prolonged relegation to substandard dwellings was the very high Māori mortality rate. From 1925 to 1961 73% of all Māori deaths recorded were children fourteen and under who died of preventable conditions linked to poor housing (Bartholomew, 2020). This also draws attention to the incredibly high infant mortality rate for Māori nationally. Between 1925 and 1933 mortality rate in the first year of life was 106 per 1,000 births for Māori compared to 35 per 1,000 births for Europeans (Statistics NZ, 1935).

Despite accommodation for the Māori workers at the market gardens being covered by the *Agricultural Labourers’ Accommodation Act* of 1907 and then *Agricultural Workers Act* of 1936, in 1937 it was noted that out of the 102 growers in Pukekohe, only 47 provided any shelters, of which only three shelters were good (Bartholomew, 2020; Paterson, 2021). Rangi Royal’s 1944 *Economic and Domestic Survey of the Pukekohe Market Garden Areas* shed light on the extent of poor dwellings, identifying that out of 126 buildings, which housed 779 people, only thirteen were found to be in good condition. At the extreme end, 47 of these dwellings were identified to be primitive (Bartholomew, 2020). These reports made clear links between the state of housing at the market gardens and the high rates of respiratory diseases (Bartholomew, 2020). Furthermore, the housing conditions and significant rates of death and disease were not unseen issues. On the contrary, they were visible in both news and within Parliament prompting four government investigations into the housing conditions, which will be discussed in the next section. Included in these reports is

documentation of the extreme level of disease found rampant among the Pukekohe market gardens:

- In August 1931, a Health Department investigator placed the infection rate of tuberculosis at 75% and highlighted that this was due to the poor housing.
- On June 28, 1938, the New Zealand Herald reported that since May 1st of the same year, seventeen Māori children and infants had died in Pukekohe. Meanwhile since the 1st of January 1938, only 10 Māori births had been registered in the town. The culprits were tuberculosis, pneumonia, measles and bronchitis. By the end of 1938, 29 Māori infants and children would die from sickness when there were only a few hundred Māori in living in Pukekohe.

In response to the major health crisis in 1938, in June, the government moved 50 Māori families from their dwellings at the market gardens to tent camps as an emergency measure. In response, the Pukekohe Council, who were unimpressed with what they referred to as Māori squatters now residing in tent camps on the side of the road, forced them to move their tents so that they were outside of the town's boundaries. This response from the Pukekohe Council highlights the position of the council, which were more concerned with the "Māori squatters" within the town boundaries than they were about the Māori families who were now residing in tent camps during winter, most likely grieving the loss of children due to the dire conditions of housing that they were forced to live in (Bartholomew, 2020, p. 45).

Māori were lured to the market gardens for work under the agreement that they would be provided with accommodation, a sanctioned practiced. However, upon arrival with their families, Māori workers realised that the housing which they had access too was little

more than a “dingy hut” (p. 56). They also faced housing insecurity with their accommodation dependant on their continued employment with the grower. This housing arrangement was structured where the growers retained complete power, meaning that the Māori labourers risked being kicked out of their house if they sought other work without the approval of the grower whose land on which they resided. They were completely subjected to the will of the growers even though in 1938 it was estimated that “95% of labourers paid rent, yet 75% did not receive any record of payment” (Bartholomew, 2020, p. 50). Therefore, Māori labourers were left in a state of precariousness – unable to find any accommodation elsewhere, living in unsafe conditions and at risk of eviction at any point with no documentation indicating they have rights to their housing. The lack of housing security for Māori at the market gardens and the lack to access to other forms of housing within Pukekohe highlights the multifaceted dimensions of economic exploitation of Māori farm labourers that extend beyond an analysis of class.

Policy/Government

The government’s response to the housing conditions of Māori living at the market gardens in Pukekohe can be characterised by a pattern of panic, political posturing, and inaction. Housing for agricultural workers was covered by the *Agricultural Labourers’ Accommodation Act* of 1907, which stipulated that “employers were required to provide adequate housing in ‘cleanly and sanitary condition’” followed by the *Agricultural Workers Act* of 1936 (Bartholomew, 2020, p. 37; Paterson, 2021). However, there is no evidence that either of these acts, designed to ensure housing standards, were ever enforced. The condition of housing at the market gardens was a well-known issue throughout the 1900s, and documented through stories which made the national and local news headlines throughout

this period. For example, in June 28, 1938, the New Zealand Herald reported on the state of Māori housing at the Pukekohe market gardens detailing the deaths of seventeen Māori infants and children within a two-month period. With a population of a few hundred, only ten Māori births had been registered in the previous six months (Bartholomew, 2020).

By 1950, two decades after the first Parliamentary investigation into the state of housing at the market gardens and twenty-five years after the crisis made national headlines, the housing situation for Māori at the market gardens remained dire (Bartholomew, 2020). Understanding the widespread nature of this type of state violence that went unproblematised, it is important to explore the power dynamics of this region and the economic power of the local white residents, local government, and the market garden growers. This analysis revealed three main institutions that created a cycle of panic and inaction: the central government, the Pukekohe Borough Council, and the Pukekohe Growers' Association. Throughout this period, there were many ideas thrown around by the local and national government of how to address the housing crisis, which was framed through the lens of the poor living conditions of Māori, but these were ultimately stalled due to a few key reasons: (1) economic power of the Pukekohe Growers' Association; (2) Pukekohe Borough Council refusal to allow any housing for Māori to be built within the township. Enforcement of the *Agricultural Labourers' Accommodation Act* of 1907 and *Agricultural Workers Act* of 1936 would have resulted in significant costs to the growers, a fact they avoided by denying responsibility for the housing and stalling the meetings (Bartholomew, 2020; Paterson, 2021). Despite disregarding Labour Department laws, there were no repercussions citing the economic necessity of the Pukekohe growers on providing fresh produce to Auckland. Due to the lack of change after two decades, in 1940 the Minister

of Native Affairs offered 20,000 pounds to build houses for garden workers under the condition that these houses would be “scattered throughout the garden area and include a section of land inside the borough on Victoria St” (Bartholomew, 2020, p. 52). The Pukekohe Borough Council eventually squashed this plan as it was “met with public outcry by European residents” (Bartholomew, 2020, p. 52). The Growers’ Association wielded considerable influence in Pukekohe most noticeably observed in the power to consistently oppose measures that threatened their economic interests. The Pukekohe Borough Council upheld this interest and ensured to stall and block any measures that provided a housing solution under the pretence of angering the European/white residents. This cycle of investigation—stalling and inaction— was not solely rooted in negligence, but was rather a calculated effort to maintain a cheap and exploitable labour force for the market gardens (Bartholomew, 2020). In 1944, in the *Economic and Domestic Survey of the Pukekohe Market Garden Areas*, Rangi Royal notes that any attempt to place Māori labourers in a stronger position through housing increases their power to choose their employer whereas currently they are being exploited as tenant-employees (Smith, 1985, as cited in Bartholomew, 2020). This example illustrates how race was inextricably linked to housing and employment exploitation.

The State by means of complacency and inaction, allowed for Māori to be housed in unsafe dwellings for over four decades. In Apirana Ngata’s 1929 report, *Employment of Maoris on Market Gardens 1929*, a suggestion was offered to amend this issue:

Suitable accommodation similar to that required under the Agricultural Labourers’ Act should be provided for all workers employed on the market gardens, whether controlled by Europeans or Asiatics, and that the case of Asiatic gardens the site of

such accommodation shall be approved by the local authority in co-operation with an officer of the Native Affairs Department (p. 5).

Again in 1934, when the housing situation was again in the news, George Graham, founder of Te Akarana Māori Association, expressed that “what was needed was strict enforcement of existing sanitary and housing by-laws” (Bartholomew, 2020, p. 42). Moreover, race is very salient in these reports revealing how the local white community, as well as the country, did not prioritise Māori workers/families in having access to standard housing. In 1938, Prime Minister Joseph Savage rejected the idea of building a Māori hostel and “opted for strict enforcement of the existing housing regulation under the Agricultural Labourers Act” (Bartholomew, 2020, p. 48). Again, in October 1950, a plan was raised to enforce the existing by-laws on the market garden housing, but after five years the same huts remained (Bartholomew, 2020). The housing at the Pukekohe gardens was widely acknowledged as a breach of law on the part of the employers but was permitted to operate as an exception to the rule in the case of Māori.

Access

Access to housing left Māori with few choices. As discussed earlier, the Pukekohe Borough Council ensured that land within the borough could not be bought for the use of Māori housing. In relation to access, there are two key findings: firstly, the lack of access to housing overall tethered them to exploitative work/employment that worked in the interest of white owners, and secondly, the blame placed on Māori for their inability to provide their own housing. In Apirana Ngata’s 1929 report, *Employment of Maoris on Market Gardens 1929*, he identified that market gardens in Otaki, Auckland, Oahu, Foxton and Wanganui did not face the same housing issues as Pukekohe. This was due to the fact that Māori in these areas

had access to housing, whether on their owned land, iwi land or through rental properties. Thus, Māori in Pukekohe were faced with a unique situation – iwi land had been dispossessed by the Crown, and they were barred from purchasing or renting property (Bartholomew, 2020). In July 1938, the Labour Department released the findings on Pukekohe housing stating that it influenced by the fact that “natives have difficulty in obtaining dwellings in which to live” (as cited in Bartholomew, 2020, p. 50). However, instead of rectifying the situation by holding white landlords accountable, who did not rent to Māori, and white communities who did not want Māori as neighbours, it was Māori who were blamed for their dire situation. This report also expressed that “whenever possible natives should be induced to obtain homes for themselves away from the gardens” due to fear of “immoral behaviour” between young Māori women and Chinese growers, even though there were only seven Chinese growers residing in Pukekohe at the time (as cited in Bartholomew, 2020, p. 50).

Restricting access to housing was two-pronged approach, sanctioned by both the Pukekohe Borough Council and the white community. An example of the council restricting access can be seen by their response to the 20,000 pounds put forth by the Minister of Native Affairs to build housing for Māori. Despite the local council, growers and community bearing none of the financial burden, the plan was still squashed due to one section of land, which was inside the borough. The 1950 plan by the Ministry of Māori Affairs to construct Māori houses on Victoria St. faced not only logistical hurdles but also public white outrage, highlighting the prevailing societal resistance to Māori presence in the town (Bartholomew, 2020). For the individuals, a prominent justification of denying access for housing was the justification that Māori did not keep their house to the standards of Europeans/whites, a

sentiment which was still prevalent in 1955 when the New Zealand Herald reported that “many Māoris who are aware of the effects of bad environment on health and behaviour are content to live under bad conditions indefinitely” (as cited in Bartholomew, 2020, p. 58). Again in 1952, when faced with a government push to integrate Māori into a predominantly white housing block, Mayor Childs said the “hostility and discrimination against Māori would be open, constant and all embracing” then followed this up by saying there would be an “outcast community within a community” (as cited in Bartholomew, 2020, p. 65). Despite significant change to housing access for Māori throughout the 1950s in Pukekohe, the 1961 report by the Department of Māori Affairs found that “during the 1950s, the Borough Council adopted a policy preventing Māori from purchasing adjoining sections of property to prevent the development of ‘Maori Pa’ areas” (Bartholomew, 2020, p.136). It's also important to note that the lack of access affected the ability for Māori to rent out property that was still a significant issue in 1986.

Policing

I draw on Hattery and Smith's (2021) concept of policing which encompasses the broader mechanisms of control, regulation, and surveillance imposed upon black and Indigenous bodies by the community. In Hattery and Smith's book *Policing Black Bodies* they define policing as “[t]he control, regulation and surveilling of Black bodies: how and when Black people are allowed to “be”, where Black people are allowed to go and when, and what choices Black people are allowed to make” (p. 8). Using this definition of policing, I will explore how Māori in Pukekohe were managed by a combination of systems aiming to control and regulate their lives. All these aspects of policing are connected – social policing

and the surveillance of racialised populations are part of the broader policing project, with only the tip resembling conventional police officers and arrests.

Segregation

Throughout the first half of the 20th century, racial segregation in Pukekohe could be seen at the community pools, toilets, bars, cinema, shops and even school. In 1938 a restroom and health clinic for Māori were opened in Pukekohe. These facilities were “intended to stop Māori being a nuisance in the township” (Bartholomew, 2020, p. 97). Even into the 1950s segregation was practiced as reported by New Zealand Herald in 1950.

Unless better conditions are provided segregation in its most objectionable form will of necessity continue in Pukekohe. Maoris who are regarded as dirty with sores are not allowed to use public swimming baths and the school baths are available to them only on Fridays. They are not admitted to the upstairs part of picture theatres and are not permitted beyond a certain row of seats downstairs. Because of their apparent unhygienic condition Maoris are not welcomed in the European community (Bartholomew, 2020, p. 63)

Racial segregation was practiced in a selective way throughout the community – technically this was unsupported by the law, but so widespread and supported by agents of the law that Māori were unable to report this to authorities as their employment and housing were often dependant on them staying on the ‘right’ side of white members of the community (Bartholomew, 2020). Racial segregation was so embedded within Pukekohe that in 1950 the mayor, Max Grierson, even said that “segregation was necessary” (Bartholomew, 2020, p. 63)

Schools were not exempt. Māori children were targeted and viewed as being carriers of diseases, hence the need for separate schools. In the 1960s a psychologist expressed that using health grounds to justify a separate school for Māori was “morally indefensible” due to the relative ease of actually solving the problem through “DDT powder, antibiotic ointments, simple preventative nursing, sanitary engineering, and modern housing” (Bartholomew, 2020, p. 105). The communities focus on a separate school as the solution highlights that the Pukekohe community was “content to let these conditions remain as long as the victims were properly isolated and could not contaminate their own children” (Bartholomew, 2020, p. 105).

Controlling images

Controlling images, as defined by Collins (1990) are socially constructed images by the dominant group used to maintain another group's subordination. (Collins, 1990). In Pukekohe throughout the early-mid 1900s, controlling images advanced by the white community and legitimised by the local and nation government served as a vital factor in both the reason to and the justification for segregation based on race. Some of the controlling images produced about Māori in Pukekohe, as identified by Bartholomew (2020), are Māori women as sexually deviant, bad/unloving parents, drunks, dirty, retarded, thieves, prone to misbehaving, lazy. Controlling images of Māori as described by Bartholomew (2020) fall under three key ideas: (1) Māori as lazy and dependant; (2) Māori as dirty and unloving; and (3) Māori as deviant or criminal. Controlling images work in different ways to ostracise Māori to the position of the racial other—vulnerable to subordination and extreme social exclusion. The white elite simultaneously created the oppressive conditions that constrained Māori agency without punishment while manipulating negative images of Māori to maintain

Māori oppression and white domination. Narratives of Māori as lazy and dependant situates them as dependant on the white man for sustenance and life. This narrative creates the justification of decisions to be made on their behalf in a 'paternalistic' way. By identifying Māori as dirty and unloving, justification is created to separate them from society as their hygiene and morals pose a risk to the white community. Furthermore, this controlling image validates the need for the control and surveillance of Māori. Moreover, Māori being cast as the deviant or criminal justifies the use of state violence as they are positioned as volatile and destructive to white individuals and the white economy.

These narratives about Māori in Pukekohe were used as the basis for the racial segregation as well as providing the moral superiority to the white population rationalising their right to make decisions *for the wellbeing of* Māori. These narratives intertwine with each other, for example being bad/unloving parents as seen in 1943 when mayor Max Grierson "met with a group of local Māori elders and officers from various government departments and essentially blamed Māori for failing to look after the welfare of their children and improve the hygiene in their 'houses'" (Bartholomew, 2020, p. 54). The Hunn Report of 1961 outlined that "Māori loved their children until 6 or 7 and then interest waned" (Bartholomew, 2020, p. 120). Thus, it created the opportunity to blame Māori parents for the sickness and death that was caused by bad housing conditions. The authority to define and manipulate these controlling images to fashion narratives of a problem population is a major instrument of power used to mystify or disguise an issue (Collins, 1990). As seen in Pukekohe, these images acted to reinforce each other, drawing attention towards the individual actions of the parents and away from the growers who were allowed to relegate Māori labourers to unsafe housing. Māori were often labelled as prone to drunkenness as

seen in a 1953 survey by the Health Department, where nurses were asked their views on Māori drinking and whether it should be banned. The nurses, who had not necessarily had any contact with Māori communities, concluded that Māori had a “dependence on alcohol” and that they “have a greater problem with alcohol than non-Māori and that restrictions should be imposed” (Bartholomew, 2020, p. 99).

These narratives were used to position Māori as less moral in regard to the white population and this served to justify the perception that mixing with them would “contaminate” the white community (Bartholomew, 2020, p. 105). There was an underlying perception among these controlling narratives Bartholomew (2020) writes of the 1961 Hunn report. The report describes how Māori “did not plan and scheme to bring to his children the benefits of a better life that motivates most Europeans” (p. 120). Statements such as these were widespread used to exonerate white/Europeans from their violence by seeing themselves as agents of morality as opposed to agents of death, which was the reality. The consistent and interwoven images that lived in the white imagination made visible through white cultural imperialism positioned Māori in Pukekohe as what Collins (1990) describes as the “other” deserving racialised control and containment (p. 70). These images further solidified Māori position in relation to its counterpart, the moral white citizen, which further operationalised race and whiteness and the marking of Māori as the “other” (Collins, 1990, p. 70).

Control/Surveillance

Racial segregation was policed through a system of control and surveillance. Māori were ‘marked’, resulting in the surveillance and control of how, when and where they could be. During the flu epidemic in 1918 -1919, in which Māori were seven times more likely to

die from the epidemic than white/Pākeha, a system of control was enacted upon Māori in Pukekohe (Wanhalla, 2006 as cited Auckland Council Heritage Unit, 2014). Instead of addressing the housing and health issues causing such a high death rate, Māori were required to carry proof of vaccination when leaving their homes (Kernot, 1972 as cited Auckland Council Heritage Unit, 2014). This surveillance of Māori further marked their bodies not only as racialised, but also infected and dirty. As mentioned in the section above, the controlling narratives about hygiene was used to justify the segregation of Māori within Pukekohe. This system of control and surveillance during the flu epidemic provided the foundation for Māori to be separated and surveilled country-wide under the guise of health concerns, which was then used to undergird segregation for the next thirty years.

Policing was practiced all throughout Pukekohe and there are many examples of Māori youth being arrested for being in the proximity of white/European businesses or sitting in the 'white' section of the cinema. Behind the overt and formal law enforcement, community members of Pukekohe ensured that Māori lived under constant intimidation and surveillance (Bartholomew, 2020). This was a step further than merely segregating Māori but subjugated them to strict enforcement through intimidation and punishment. An example of this is in the 1950s, when Massey Hiku recalls the cinema owner "routinely intimidating Māori youths by physically pushing them to one side as they entered the theatre to direct them to the 'proper' seating area" (Bartholomew, 2020, p. 106). Despite the lack of signs to outline the segregation, strict surveillance of Māori ensured the de facto system of racial segregation. In 1934, Herakerei Tamihana was arrested in Pukekohe and charged with disorderly conduct. The disorderly conduct she was charged for was standing in the doorway of a white business. After she was convicted, the police officer remarked that she was

charged as a warning to other Māori. Ordinary white citizens were deputised to surveil, intimate, and violate a Māori person in Pukekohe without penalty and with the support of law enforcement.

Whiteness

White saviourism/Infantilisation

One of the ways that whiteness manifested in colonial New Zealand was through the view of the white saviour in contrast to the infantilised Māori. This manifestation of whiteness positioned the white person as the moral guide for Māori, who were unable to make their own decisions or know what they needed (Smith, 2012). White saviourism and infantilisation were prevalent in Pukekohe, reflecting not only racist attitudes, but also exposes attitudes used to control Māori. Figures like George Parvin, an influential member of the community and deputy mayor from 1929 to 1950 perceived Māori as “white mans burden” (pg. 51). This view didn’t merely express a prejudiced position, it laid the foundation for the imposition of external control under the guise of paternalistic care. The 1929 *Employment of Maoris on Market Gardens* report was undertaken because of the so called ‘immoral relationships’ between Māori and Chinese – white settlers. However, the *Employment of Maoris on Market Gardens 1929* report states that Māori prefer working for Chinese and Hindu employers:

[H]e [Chinese and Hindu employer] is more considerate in the way of making financial advances on prospective earnings, giving financial assistance, and supplying vegetables free in slack periods. For the above reasons it was shown that Maoris would leave the employ of Europeans in order to work for Chinamen and Hindus (p. 3).

The report also discusses that, in 1929, Pukekohe only had seven Chinese and five Hindu market gardeners, and that the Māori working on these gardens only reached up to fifty in the busy periods. Later in the report it reveals the real intentions:

The indiscriminate intermingling of the lower types of races- I.e., Maoris, Chinese and Hindus - will, in the opinion of the Committee, have an effect that must eventually cause deterioration not only in the family and national life of the Māori race, but also in the national life of this country, by the induction of a hybrid race, the successful absorption of which is problematical.(p. 5).

This example highlights the paternalistic attitude to conceal racism and dismiss Māori preference for working for Chinese and Hindu employers.

The infantilisation of Māori was a strategic tool to concurrently retain control of Māori and facilitating the vilification of Chinese and Indian market gardeners. By portraying Māori as individual's incapable of agency over their own lives and decisions, space was created to identify Chinese and Hindu market gardeners as the reason for all housing and employment problems Māori face. This narrative positioned the white community as compassionate 'parental' figures, assuming the role of saviours. White farmers were quick to point out the "Asiatic threat" and how "Indian and Asian growers were corrupting local Māori" (Bartholomew, 2020, p. 35). Apirana Ngata's 1929 *Employment of Maoris on Market Gardens* report emphasises this by asserting that the sole avenue of employment available to Māori women was the market gardens, which were purportedly "controlled almost entirely by Chinese, and to a lesser extent Hindus" (p. 5). However, this claim contrasts with the reality of a very limited number of market gardens operated by Chinese and Hindu growers. Furthermore, the report reinforces the infantilisation/paternalism dynamic by suggesting

the enforcement of the *Agricultural Labourers' Accommodation Act* of 1907 but stating that “in the case of Asiatic gardens the site of such accommodation shall be approved by the local authority in co-operation with an officer of the Native Affairs Department” (p. 5). This recommendation vilified Chinese and Indian farmers and was used as a strategy to benefit the white population twofold: Firstly, it positions white people as the saviours intervening because of their paternalistic care, and secondly it addresses the economic threat that Chinese and Hindu growers pose by positioning them as a “threat to the moral and financial order” (Bartholomew, 2020, p. 74). These instances exemplify how the construction of an infantilised Māori identity was strategically used to perpetuate control and advance racist narratives against Chinese and Indian market gardeners, ultimately serving the interests of the white population.

White supremacy

White supremacy in Pukekohe’s history was not just a collection of isolated incidents, but it was a deeply ingrained ideology in Pukekohe, which was evident in both explicit language and systemic practices. Pukekohe Māori were treated like landless migrants, while European migrants were treated like the rightful legal occupants of Māori land (Bartholomew, 2020). When looking at white supremacy, it is important to firstly look at how this was seen across New Zealand, and then draw from specific examples in Pukekohe. Therefore, this section will address: (1) dehumanising language; (2) eugenics; (3) the White New Zealand League. During the 1930s, many prominent New Zealanders were influenced by the global eugenics’ movement, which purported that “persons of European heritage were socially and genetically superior to Māori” (p. 88). Johannes Anderson, editor of the influential *Journal of Polynesian Society*, expressed white supremacist sentiments:

[I]t is significant that every Māori who has been able to overcome the inertia of taihoa [wait; later], for instance, who has been able to enter into and understand the activities of the European, who has been able to enter more or less fully into our complex civilization, is Māori with a dash of Pakeha blood...This slight admixture gives the tenacity of purpose and oneness of aim that is less apparent in the Maori than in Pakeha (p. 88).

This idea Māori can 'enter' white society if they have a 'dash of Pakeha blood' is a shift from the views of the mid-19th century. One example is in the influential book *Information Relative to New Zealand for the use of Colonists* by John Wards, first published in 1839, which described Māori as "physically powerful, but had the intellect of children, and in moral principle are too often little above the level of brute creation" (as cited in Bartholomew, 2020, p. 82). Derogatory language was discussed in James Fitzgerald's 1862 speech to Parliament when he noted that there were "complaints by chiefs that some of the settlers are in the habit of speaking to them as 'black n*****' and 'bloody Māori'" (Bartholomew, 2020, p. 85). Another example is Reverend Richard Taylor who wrote that around the Māori king movement, white New Zealanders "were neither ashamed nor afraid to express their wish to 'polish off the black n*****'" (Bartholomew, 2020, p. 85). Language that describes Māori as 'n*****' was so engrained that even the Minister of Native Affairs, Francis Dillon Bell used it to refer to Māori in the mid- 19th century. While aspects of the segregationist views were still prominent during the 1900s, such as the lack of response to the high death rates of Māori children in Pukekohe and the rising imprisonment of Māori, the assimilationist view took hold. An example of this is when Dame Ranimarie Naida Glavish describes being strapped for speaking Māori and was told to "disregard my Māori heritage and Māori language

because it wasn't going to get me very far in life" (as cited in Bartholomew, 2020, p. 103).

Whiteness is built upon the notion of the inferior other, and the media's depictions of Māori served as a means of effectively disseminating these ideas to a broader audience.

Bartholomew (2020) explains:

The early New Zealand press was filled with descriptions of Māori in stereotypically negative terms with the common use of such words as 'native,' 'primitive,' and 'half-caste' to portray Indigenous inhabitants. These descriptions suggest inadequacy and inferiority. An 1867 issue of the *Daily Southern Cross* refers to Māori as a "vicious" race of "barbarians" in need of saving from missionaries. In 1903 the *Patea Mail* described them as "lazy and indolent," "physically weaker" than Europeans and "unsanitary" as a people. A 1911 story in the *New Zealand Herald* depicts them as "pampered parasites". Early newspapers also gave a distorted view of Māori as inherently prone to criminality. (p. 150)

Among negative stereotypes in the press in the 1950s Māori were portrayed as lazy, irresponsible, dole-bludgers, morally-inferior, socially irresponsible, prone to committing sexual offences, inclined to perpetuate crime, and superstitious. (p. 151)

A white organisation emerged in Pukekohe to address perceived threats that expanded beyond Māori to include Chinese and Indian immigration. Founded in 1926, the White New Zealand League's founding members were all from Pukekohe, mostly farmers, and its headquarters was located at the home of Pukekohe's deputy mayor, George Parvin (Bartholomew, 2020). The overall objectives of the White New Zealand League was to "assist our own race to live and rear families under wholesome conditions and fair competition" (Bartholomew, 2020, p. 76). However, white people in Pukekohe were concerned that they would be soon overrun with

non-white people. This panic was driven by the “concern over large numbers of Māori garden workers” coming to Pukekohe alongside Chinese and Indian immigration (Bartholomew, 2020, p. 74). The ideas of the White New Zealand League and similar organisations were not contained to a scatter of people but represent wide spread ideology prevalent in New Zealand at the time. For example, on January 1926 a Franklin Times articles wrote about “the peril of the dark-skinned races” and discusses the Asiatic invasion and the “mongrol off-spring unable to bear the burden of civilisation” (as cited in Bartholomew, 2020, p. 104).

Conclusion

The examination of housing, policing, and whiteness in Pukekohe reveals a deeply unsettling narrative of extreme marginalisation. The findings highlight the systemic nature of these injustices, demonstrating a disturbing continuity of state-sanctioned practices that spanned over four decades. The analysis of housing in Pukekohe brings to light the deplorable housing conditions that resulted in decades of death and disease. It also highlights the notable lack of government intervention and the compounding factor of restricted access to alternative housing options in Pukekohe, exacerbating the housing crisis faced by Māori. Despite these issues, no remedial measures were taken. The examination of policing reveals how racial segregation was perpetuated, positioning Māori as the racialised other through controlling narratives. Furthermore, it addresses how these narratives justified the surveillance and control of Māori by the white racial polity. Whiteness emerges as a fundamental factor that provided access and power in Pukekohe, acting as a foundational pillar in perpetuating systemic marginalisation. These findings begin to unpack the state-sanctioned violence and historical injustice endured by Māori in Pukekohe.

Chapter Five: Discussion

This chapter discusses racial segregation in Pukekohe with particular attention devoted to ways systems of housing and policing Māori were upheld through ideologies of whiteness. This section draws on the state of exception as a framework to explain segregation as a form of state sanctioned violence toward a population designed as “the problem,” thus falling outside the legal protection. Furthermore, it will ground the state of exception as framework operationalised within the New Zealand historical context, which offers insight into the mechanisms of the carceral state and its relationship to housing and imprisonment today.

The focus then shifts to exploring the implication for incarceration, addressing what we can glean from the state of exception and how a broader understanding of whiteness continues to shape, policy and outcomes within the criminal legal system today by addressing this study’s research questions:

- How can the historical context of racial segregation in Pukekohe help us understand the mechanisms of the carceral state in New Zealand?
- What role do ideologies of whiteness play in justifying these mechanisms?
- How does the historical policing of ‘marked’ (marked racially/culturally Indigenous) bodies and controlling images about Māori impact the modern-day phenomena of Māori hyper-incarceration?

Grounding a state of exception in Pukekohe

Agamben's framework of the state of exception, as explained in Chapter two, focuses on the relationship between *homo sacer* and the sovereign. As Madhok (2018) discussed, Agamben's theorisation of the state of exception was framed in the context of post-war Europe. Therefore, to apply this framework to a settler-colonial and democratic context, it is necessary to consider how scholars have advanced the state of exception to consider race, coloniality, continuity and the 'camp' (Amarasinghe & Rajhans, 2020; Carbado, 2019; Everuss, 2023; Grieves, 2017; Valdez et al, 2020; Rifkin, 2009; Weheliye, 2014; Whitley, 2017). As Wilkerson (2020) discusses, sovereign power manifests in different ways depending on the initial racial makeup of a country. In simple terms, do the colonisers need a labour force to build the country they have colonised? Thus, it is imperative to understand the ways racialised bodies have always been unequally positioned concerning the law and how this inequality has persisted throughout history. The segregation imposed on the Māori population in Pukekohe from 1920 to 1960 exemplifies a deeply entrenched system of white racial hostility, with the backing of the law, within the settler-colonial context.

By analysing Pukekohe through the lens of the state of exception, a systematic exclusion is apparent that treats Māori bodies as *homo sacer*, which echoes similar patterns observed in the treatment of Indigenous Australians (Everuss, 2023; Grieves, 2017), Indigenous Americans (Rifkin, 2009), Roma people in Europe (Fejzula, 2019), and Black Americans (Carbado, 2019; Valdez et al., 2020). The first part of this section examines the concept of *homo sacer* within the context of Pukekohe, followed by how the market gardens housing can be seen as a form of 'border space'. In concluding this section, the role of both policy and the police will be examined in how they upheld bias against Māori, which

advances our understanding of the role of the carceral state in upholding a state of exception in Pukekohe.

Homo sacer in Pukekohe

As explained in chapter two, *homo sacer* is a person which has been stripped of everything but bare life and can be exposed to violence in many forms (Grievés, 2017; Ziarek, 2008). Populations reduced to *homo sacer* are exposed to legal exclusion, biopolitical control, spatial arrangements, controlling images, and are at the mercy of sovereign power (Everuss, 2023; Grievés, 2017; Rifkin, 2009; Taylor, 2009; Valdez et al, 2020). The positioning of Māori as *homo sacer* extends beyond individual occurrences and is indicative of a larger institutional framework. Furthermore, in Pukekohe, patterns of exclusion were evident in the policing and segregation of Māori individuals across multiple domains including housing, education, healthcare, employment, and overall access. The conclusions drawn in chapter four highlight a prevalent infantilisation of Māori, coupled with the construction of controlling images that portray them as a threat. This in turn, allows the white polity to position and treat Māori as *homo sacer*.

Biopolitical control sits at the intersection of power (political, economic, judicial) and an individual's bodily autonomy (Schirato & Danaher, 2012). In Pukekohe, white settlers who held political, economic and judicial power used these to regulate and control Māori. This was evidenced not only with the designation of where Māori were allowed to live, but also seen in the white community's power to reject proposals to provide adequate housing after dilapidated structures were deemed in violation of the law. Sovereign control that extended from the state to ordinary white citizens manifested through dictating the housing,

employment, and space Māori were allowed. Ordinary white people were deputised to act as agents of the state to ensure Māori followed the law of the land (e.g., seating in movie theatre, access to pools and shops).

One tool of sovereign power was infantilisation, which was used to strip Māori of their political rights and authority, diminishing their authority to have agency over their bodies and decisions. The notion of biopolitical control arises at the nexus of different forms of power (political, economic, and judicial) and an individual's autonomy over their own body (Schirato & Danaher, 2012). In Pukekohe, the white population in positions of political, economic, and judicial influence used their power to regulate and control the lives of Māori. This is evidenced by white people determining where Māori could reside, restricting their access to suitable housing, dictating their employment prospects, and enforcing measures to police and monitor their bodies (Bartholomew, 2020). The practice of infantilisation, within the context of Pukekohe, aimed to disempower Māori politically and undermine their ability to exercise agency over their bodies and decisions. Rifkin's (2009) article, *Indigenizing Agamben: Rethinking sovereignty in light of the 'peculiar' status of Native peoples*, states that the strategic infantilisation of Indigenous people grants the sovereign with unparalleled and potentially limitless authority to govern over them. Through the framing of saving Māori from themselves, the white citizens of Pukekohe legitimised structural violence (Bartholomew, 2020; Fejzula, 2019).

Furthermore, the spatial control of Māori in Pukekohe extended to various aspects, including physical locations and the more traditional concept of a camp (Agamben, 1998; Arnold, 2018; 2024; Everuss, 2023; Minca, 2006; Rifkin, 2009; Valdez et al., 2020). Exclusion at the level of the body was enforced through surveillance, policing, and segregation. While

there were no explicit legal barriers to accessing the Pukekohe township, Bartholomew's (2020) interviews and stories documented a consistent risk of exclusion faced by Māori, corroborating Everuss' (2023) observation that "people are not excluded because they enter an excised space, but an excised space is created because they are excluded" (p. 6). The mere presence of Māori in proximity to white businesses, on buses, along sidewalks, or elsewhere in the township rendered them vulnerable to violence, exclusion, and intimidation (Bartholomew, 2020). Additionally, Māori in Pukekohe were subjected to a form of 'camp' in the sense that they were confined to substandard dwellings at the market gardens in conditions that were unsuitable for humans. This resulted in the consistently high level of deaths of Māori children over several decades, a topic to be explored further in the subsequent section (Bartholomew, 2020, p. 42).

Māori relegation to the status of *homo sacer* was facilitated and maintained using controlling images. This study's findings reveal that the controlling images in Pukekohe depicted Māori as lazy and dependent, deviant or criminal, and dirty and unloving. These controlling images functioned to characterise Māori as a threat to the white population. Moreover, controlling images reignited anti-Māori sentiments as more Māori settled in Pukekohe in the early 1900s and were no longer just "a sentimental abstraction on a remote pa but his fellow-townsmen and fellow-employee at the mill, flocked into the bar, requested accommodation at the hotel, waited his turn at the hairdressing salon, and sent his children to school" (Ausbel, 1960, as cited in Bartholomew, 2020, p. 88). Positioned as the racialised other, Māori became further entrenched into an exceptional category as controlling images permeated political discourse, policies, and practices.. Furthermore, they acted to justify segregation by capitalising on white fear (Proulx, 2014).

Market garden housing as 'border space'

In Silvia Grinberg's chapter, *Colonial Histories: Biopolitics and Shantytowns in the Buenos Aires Metropolitan Area* (2012), she argues that Buenos Aires shantytowns can be considered as a border space due to their precarious nature. Grinberg uses the state of exception as a framework to elucidate the dynamics involved in these housing situations. Following Grinberg's analysis, this analysis shows that the housing available to Māori in Pukekohe placed them in a status of citizenship that can be described as both inside/outside. This is evident in the housing they were confined to, situated on the outskirts of town, lacking proper documentation of rent payment, and was unfit for human habitation. Consequently, housing in Pukekohe can also be viewed as a form of 'border space' (Grinberg, 2012).

The insecurity of housing was a key component of the segregation in Pukekohe, which is in line with Bond's (2019) assertion that housing is an essential race making institution, perpetuating labour exploitation. Housing served to sustain and reinforce an imbalanced power dynamic between the growers and the labourers. It is vital to note here that individual growers did not hold the power, but rather the all-white Pukekohe Growers Council, which advocated to the government to veto or delay solutions to the housing crisis, ensuring the growers' supremacy (Bartholomew, 2020). Access to alternative housing options, as market garden labourers had in other parts of the country would have disrupted the exploitative relationship between white growers and Māori labourers in Pukekohe.

In Pukekohe, Māori faced overt institutional and interpersonal racism, and as Agamben puts it, Māori were "relegated to separateness while consigned to the mercy of the one who abandons— at once excluded and included, removed and at the same time captured" (Agamben, 1998, p. 110). Akin to 19th-century colonisers who determined the legal terms of

occupation, white settlers in early 20th-century Pukekohe dictated the terms of housing. White people used various means to maintain housing segregation, including refusing to sell or rent houses or land to Māori within the Pukekohe township, forming alliances with property owners and neighbours to prevent Māori access to properties, and more explicitly, in 1938, relocating some Māori to living in the market gardens or to tent camps within the Pukekohe Borough, only to have the council force them to move outside of the township (Bartholomew, 2020). These exclusionary practices were driven by anti-Māori sentiment within the township, which was further reinforced by negative portrayals of Māori as deviant and dependent (Bartholomew, 2020).

Extant housing literature recognises that housing exclusion and precarity acts as a force to deny the fundamental elements of modern democratic rights, such as access to decent education, employment, healthcare, and fair treatment by law enforcement (Alexander, 2012; Madden & Marcuse, 2016; Richie, 2017; Rothstein, 2017; Vilencia et al., 2022). Consequently, a twofold situation of precarity emerged, stemming from living in unsafe housing conditions and the resulting impact on all other aspects of their lives (Grinberg, 2012). Drawing from Grinberg's study of shantytowns, the concept of "homicide" in Agamben's framework should be replaced with the idea of "dramatically decayed living conditions" that result in premature death (Grinberg, 2012, p. 217).

Racialised surveillance of Māori is intricately linked to racial segregation. Māori faced heightened surveillance and were perceived as out of place in the Pukekohe township. Consistent with the work of Hattery and Smith (2020), Māori were "marked" due to their Indigeneity (and darker skin colour), which led to widespread policing by the white community when they entered 'white' spaces like the Pukekohe township. Māori were

surveilled and controlled, which determined when, where, and how they could be in certain spaces. The case of Herakerei Tamihana is a powerful illustration of how Māori were policed "for being seen – for being seen in 'white' spaces, for transgressing mainstream norms of behaviour" (Hattery & Smith, 2018, p. 212; Bartholomew, 2020).

Policy and politicians: upholding exception

Another crucial aspect of the state of exception in Pukekohe is that control manifested not only in the policies the government enforced and implemented but also in what they chose not to enforce. When examining the literature on the state of exception, it becomes clear that the sovereign not only possesses the power to enact laws but also has the authority to choose inaction, which consequently exposes a population to a state of exception. Consistent with the perspectives of Gouws (2021) and Pratt (2005), this decision to refrain from utilising government power to uphold policy served as a means to exclude Māori from the protection of the law. This exclusion is evident in Pukekohe where four government investigations acknowledged the dire housing conditions and the resulting disease and death. However, no action was taken to enforce the *Agricultural Labourers' Accommodation Act of 1907* and the *Agricultural Workers Act of 1936* (Bartholomew, 2020). This lack of action condemned Māori labourers living in the market garden to prolonged exposure to conditions that have been directly linked to the community's suffering from diseases and deaths (Bartholomew, 2020). By connecting inaction to the extended period of disease and death that devastated the Māori community in the market gardens, it highlights the biopower vested in the sovereign, a concept defined by Foucault (1990) as "to foster life or disallow it to the point of death" (p. 138). As previously discussed, the government's inaction and choice not to enforce policies aimed at upholding the living standards of labourers,

coupled with the failure to address access to alternative forms of accommodation, ensured that life for Māori in Pukekohe was disallowed to the point of disease and death (Foucault, 1990; Bartholomew, 2020).

In 1882, less than fifty years before the housing crisis in Pukekohe was first recognised, A.K. Newman, a doctor and Wellington City Councillor, published "A study of the causes leading to the extinction of the Māori," in which he portrayed Māori as diseased, depraved, and brutal (Stenhouse, 1996). Furthermore, he expressed the belief that "[t]aking all things into consideration, the disappearance of the [Māori] race is scarcely a subject for much regret. They are dying out in a quick, easy way and are being supplanted by a superior race" (as cited in Smale, 2023, para. 31). This statement reflects a deliberate strategy of inaction, opting to allow death rather than addressing the underlying factors. One might argue that this statement was made decades ago and, therefore, lacks relevance. However, these sentiments propelled A.K. Newman further in his political career, serving as the mayor of Wellington from 1909 to 1910 and as a Member of Parliament for Wellington East from 1911 to 1922. In 1856, Isaac Featherston, the Wellington provincial superintendent, acknowledged the fast rate at which Māori were dying and asserted that "[o]ur plain duty as good, compassionate colonists, is to smooth down their dying pillow. Then history will have nothing to reproach us with" (as cited in Smale, 2023, para. 31).

When addressing the government's lack of action, it is crucial to contextualise the government, both local and national, within colonial New Zealand, where exposing Māori to conditions that lead to death, was not only accepted but also advantageous to a political career. In the case of Pukekohe, despite government investigations, a petition led by the Pukekohe Māori Women's Club detailing the housing conditions, and numerous statements

by government officials, including Prime Minister Savage in 1938 dismissing the idea of a Māori hostel and instead emphasising "strict enforcement of existing housing regulations under the Agricultural Labourers Act," no action was taken for four decades (Bartholomew, 2020, p. 48).

Whiteness in Pukekohe

The political community of the non-excluded

Understanding power and its entanglement with whiteness is very salient in the state of exception framework. In countries whose landscape has been shaped by the structure of settler colonialism, whiteness is one of the key requirements to access power (Everuss, 2023; Mbembé, 2003; Wolfe, 2001). Attention must therefore be directed towards the political community of the non-excluded (Everuss, 2023). Louis Everuss (2023) uses this phrase to capture the ways in which sovereign states are racially defined and even constructed as white. Additionally, it is essential to draw from Harris' (1993) on whiteness as property to analyse the role in which whiteness was operationalised to retain control at a social, political, and institutional level.

Pukekohe lends itself to a critical analysis of whiteness, as seen in the way which whiteness was operationalised to relegate, segregate, and enact state-violence on Māori. Moreover, in Pukekohe, average white citizens were deputised as agents of the sovereign state. Thus, they had the authority to police Māori, alongside law enforcement, which was allowed and upheld by the State. This case illustrates the ways being white allowed access to political power and gives the white State the "moral and legal authority over those who fall under its jurisdiction. It is granted a monopoly over the use of violence in society, so the use

of violence is generally seen as legitimate” (Everuss, 2023, p. 397). In this sense, state violence needs to be understood in the way it takes place to protect the non-excluded from the excluded, the “us” from “them” (Maynard, 2017; Wagner, 2009). An extreme example of this is the formation of the segregated Māori school, which was driven by white parents who did not want Māori to be in classes with their children over claims of health (Bartholomew, 2020).

Thus, whiteness allowed unchecked violence against Māori under the narrative of a fear of safety, even though white children in Pukekohe never faced the rates of disease and death that Māori children did. The impact of whiteness is twofold, firstly it allowed for unchecked racialised violence which led to material disadvantage for Māori, and secondly it created the means and justification for segregation. Pukekohe as a case study identifies the more routine exceptionalism that has occurred in modern government, thus highlighting the deep roots of race and coloniality that permeates every layer of our modern society. Furthermore, it draws attention to how white cultural imperialism was upheld by all members of the community (Awatere, 1984). The white racial polity united and used their power to ensure that Māori were policed and controlled. Institutions like housing, education, transport, social and child services and the formal law enforcement were used as state mechanisms to uphold and perpetuate the racialised state violence on the lives of Māori. Whiteness was further deployed as a tool in Pukekohe through constant surveillance and a life “lived under constant intimidation” from the white population (Bartholomew, 2020, p. 96).

Examining the carceral state

Locating the state of exception framework in Pukekohe provides us with a valuable perspective to analyse the extent and consequences of the power rooted in whiteness. Moreover, it forces us to acknowledge how whiteness is operationalised to surveil, control, and police Māori. Thus, it leads to an important analysis of the carceral state through the lens of Pukekohe from 1920 to 1960, offering insight into the pervasive nature of systemic control and surveillance that extends beyond formal institutions and the criminal legal system (Beckett & Murakawa, 2012).

This examination also brings to light the racialised nature of state violence, revealing how power was wielded to shape the everyday experiences of Māori. As a result, it unveils the formation of the carceral state in New Zealand and the role in which many of the institutions are implicated in the control and confinement of Māori. Donna Awatere (1984) contends that housing and education are gatekeeping institutions in New Zealand intended to keep the physical distance between white people and Māori. However, these institutions not only gatekeep, but also create a system of control and confinement which determines where Māori can live and go to school. In Pukekohe, housing and education were identified as foundational systems of the carceral state to control the physical space and impose an expansive system of control on Māori that not only impacted their physical space, but also their access to healthcare, and life. These systems created the conditions for life to be denied through state negligence and inaction. Furthermore, these systems relegated Māori under a state of constant surveillance by their employers, the white community and the State.

Furthermore, policing in Pukekohe was characterised by the authority of white civilians, who determined who was considered a threat and who needed protection

(Maynard, 2017; Proulx, 2014). Hence, the policing of racialised Indigenous bodies was not solely the responsibility of law enforcement but also a community-led strategy, resulting in Māori being perpetually at risk (Bartholomew, 2020). Importantly, the policing of Māori was both the product and producer of white fear, which became the default justification for segregation in Pukekohe for many decades. White fear of safety upheld a racially segregated system.

Chapter Six: Conclusion

Following the scholarly contributions of Michelle Alexander's *The New Jim Crow* (2010) and Robyn Maynard's *Policing Black Lives* (2017), this thesis explores how New Zealand's racialised history informs our understanding of the current carceral state. Understanding the hyper-incarceration of Māori required an understanding of the intertwined nature of whiteness and state-violence. Furthermore, by conceptualising the carceral state as a set of extensive mechanisms of control, we can contextualise the pervasive presence of structural violence in various aspects of society, including housing, education, policing, and surveillance. Therefore, comprehending the hyper-incarceration of Māori requires an initial comprehension of the historical context, such as racialised surveillance practices, strategies of confinement and control, and systemic violence. Through this analytical lens, we come to recognise that whiteness not only generates but also upholds racialised state-inflicted violence.

As stated earlier, it is important to contextualise the role of whiteness in obscuring history and systems created to fulfil its demands. National amnesia, within the context of exploring the contours of the carceral state in New Zealand, is important to recognize. Unlike Australia and the United States, widely known for their racist and violent history, New Zealand has long espoused the idea of racial harmony (Awatere, 1984; MacDonald, 2018). This study, similar to Awatere's 1984 analysis, situates white amnesia as a function of whiteness that helps protect the structures of whiteness that are deeply ingrained in the system. By having the power to obscure reality such as racial segregation, allows the State and white hegemony to continue perpetrating racialised violence through systems of

confinement, surveillance, and control. By shifting the focus away from whiteness and towards racialised populations through the use of controlling images, we see how mechanisms of control and surveillance are justified within the carceral state.

Pukekohe serves as a prime example of how myths can permeate the consciousness of the settler population and justify Māori relegation to a state of *homo sacer*. The fear of safety became deeply embedded in the consciousness and history of white settlers in Pukekohe. Proulx (2014) explains how white fear is used to justify the political rationality of colonialism, painting Indigenous people as the threat to white settler's good lives. Similarly, hooks (1995) noted that cultivating white fear was another neo-colonial strategy as it obscures the reality that it is white violence that dominates the relationship between whites and the racialised other. Moreover, the ability to "project fear when there is no danger is an act of denial that indicates their complicity with white supremacist thinking" (hooks, 1995, p. 268).

The historical ambition to control Māori bodies during the 19th and 20th centuries did not vanish; instead, it became more sophisticated and hidden (Bonilla-Silva, 2015; 2018). White amnesia or national amnesia enables contemporary white individuals to remain ignorant of the systemic injustices inflicted upon Māori (Awatere, 1985; Norris, de Saxe, & Cooper, 2023). This intentional ignorance perpetuates the silence surrounding racism in the present day, silencing the role of race in issues of housing, healthcare, incarceration, and poverty (Bonilla-Silva, 2000 de Saxe, 2021). Essentially, obscuring history serves as a powerful tool in maintaining the status quo and perpetuating systemic injustices. As discussed in the works of Maynard (2017), Fejzula (2019), and Madhok (2018), the lack of attention towards the silencing of racialised violence allows for the continuous reproduction

of that very violence that created the myth of an Indigenous threat, which in turn gave rise to the carceral state. By erasing or distorting the historical record, the prevailing narrative of heroism and victimhood among white settlers becomes imbedded into the national consciousness. This mythologised version of history serves as a powerful tool for maintaining white dominance. As seen in Pukekohe, historical amnesia protects whiteness from being held accountable for violent actions against Māori. Furthermore, perpetuating these historical myths works to criminalise and dehumanise Māori, while also justifying the need for the surveillance and control of this population for the safety of everyone else (Proulx, 2014). Robert Bartholomew's acknowledgment of encountering resistance while gathering information about segregation for his book *No Māori Allowed* underscores a pervasive problem in addressing a racist past, such as racial segregation in Pukekohe. The resistance to discussing these events, in the pursuit of racial harmony, reveals a deeper problem – the reluctance to confront uncomfortable truths and reckon with the structural violence that has an embedded legacy. Yet, the refusal to engage and unpack this part of Pukekohe's history becomes a form of complicity in the structural violence that Māori in Pukekohe endured.

Thus, it is imperative to examine instances of structural violence, segregation, and the emergence of controlling images in Pukekohe in order to gain insights into a crucial period when the proportion of Māori within the prison system began to surge. This analysis also highlights the profound influence of controlling images that shaped the way in which Māori were policed by formal law enforcement as well as the broader community. By focusing on the years between 1920 and 1960, a pivotal era characterised by a significant spike in Māori imprisonment rates, we situate the rise in Māori imprisonment within the broader historical

context of the carceral state. However, the objective here is not to explain the causes behind this surge in incarceration but rather to provide a contextual framework that enriches our understanding of a scarcely discussed historical period.

By using the state of exception, which considered the influence of race, colonialism, continuity, and the spatially bounded camp, this study showed how the power of the State and its violence towards individuals designated as *homo sacer* was applied in New Zealand. In the case study of Pukekohe revealed that Māori were categorised and treated as *homo sacer*. However, the crucial aspect that this analysis highlights is the role played by white individuals as deputised agents of the State, responsible for enforcing, controlling, and perpetrating violence against the Māori community.

Discussing segregation and state violence in Pukekohe serves to reintroduce these topics into our collective consciousness, providing an opportunity to address and examine this history instead of disregarding it. The Whakatika Report (2021) includes a quote from a survey participant who reflects on experiencing racism, stating that "[i]t always feels more impactful when you see it overseas. Like I feel more of my white friends relate to it more when it's overseas, yet it's a huge problem here in New Zealand (their home)" (p. 54). Statements such as this highlight the effectiveness of New Zealand's strategy of historical amnesia and underscore the importance of discussing the racialised history that has moulded and continues to shape the country. The fact that white New Zealanders can better understand and empathise with racialised violence abroad serves as a poignant example of why Pukekohe must be brought back into New Zealand's collective awareness.

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