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**HE MARAMARA MŌ TE AHI:  
EXPLORING THE POSSIBILITIES FOR  
TREATY PARTNERSHIPS**

**A thesis presented in  
fulfilment of the requirements for the degree  
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## ABSTRACT

The thesis takes as its starting point, the aspiration of Māori to be self-determining and to have this authority recognised and engaged in Treaty partnerships with the Crown in its own evolving terms. This prospect is examined in relation to the tertiary education environment, with a particular focus on the possibilities that kaupapa Māori spaces and structures presently being developed at various universities offer to advancing just forms of Treaty partnership. Its methodological journey to posit how Treaty partnerships might be conceived of and made possible draws on concepts from kaupapa Māori theory, supported by deconstructive insights as both seek to question and transform totalising colonial bicultural identities and discourses of sovereignty. Current political and legal bicultural arrangements are examined and critiqued as inadequate vehicles through which partnership might be advanced as they do not sufficiently question the sovereign position of the state. Significantly, this failure allows a reconsideration of the very meaning of partnership, bringing forth the possibility of recognition being given to both authoritative partners to Te Tiriti o Waitangi/The Treaty of Waitangi, Māori and the Crown. Through the lines of critical questioning, consideration is given to the structural arrangements, relational resources and ethical principles that might rejuvenate the notion of partnership. Central to the thesis is the notion that Treaty partnerships become possible by and through each partner recognising and engaging with the limits of their own authority to determine the nature and terms of partnership.

# HE MIHI

“Ka rere ana te wai o te awa  
ki roto i te moana, ka ngaro”

The fresh river waters that run into the ocean become lost in its vastness

*Te Aramau Lake*

This whakataukī provides a rich metaphorical reservoir through which to consider Māori identity in relation to the bicultural or global identities that neo-liberal discourses seek to prescribe. Perhaps the most immediate interpretation is that of a warning, that to accept the identities offered by and through neo-liberal discourses is to become disconnected and lost. The implicit reminder for Māori, through this whakataukī, is that identity remains in relation to the environment from which we originate – an identity that continues through a perpetual returning. Relationships with cultural Others do not then presume the transcendence of a Māori identity. Indeed, rivers sustain and are sustained by a network of whakapapa relationships between ngā atua, whenua and tangata whenua, a network that provides them with an eco-system which is both separate to and connected with the ocean. Thus a relationship with the ocean does not, and cannot, define the totality of a river as the ocean is not the only source of water supply nor is it the only destination of a river. Instead, tidal movements set up a symbiotic relationship wherein the identity of each remains. Narrated in and through such metaphorical whakataukī, traditional sources of Māori knowledge understand identity as both enduring and open, where whakapapa connections between the spiritual realms, people and the environment, always-already defy explanation in and through rationalistic Western-derived discourses.

Colonisation has seen a massive and unabated attack on Māori forms of identity. While the genocidal practices and fantasies of the nineteenth century are imagined as residing in the far recesses of the historical past, forgotten through celebrating the ‘birth of a

nation', transcended through the Crown apologies that accompany Treaty settlements to hapū and iwi, they are not as distant as popular bicultural discourses would have us believe. The call for Māori to be included through participation in the nation's mainstream, to imagine ourselves as first and foremost citizens of a sovereign New Zealand nation-state, as market-oriented entrepreneurs, most surely continues our genocide as much as mounted British soldiers and metal bullets. More recent claims that the Crown does in fact recognise and respect a Māori identity as tangata whenua and kaitiaki and can co-inhabit such an identity does not signal some 'progressive' post-colonial moment. Instead, it reveals an intensification of colonial desires to re-shape the very sources of our identity to the rational authority of governmental control – a re-scripting that again denies to Māori an identity in and through our own relational terms.

A Treaty-based partnership between Māori and the Crown, however, necessarily implies the continued existence of the two parties to the agreement. Thus the aspirations of Māori to be self-determining, to be authoritative partners with government in shaping the directions of Aotearoa/New Zealand and the nature of our on-going relationship, crucially revolve around the foregrounding of a Māori identity. Indeed, it forms the very basis of such claims. As such, the issue of identity is a key strand running through the discussions of the thesis chapters, and accounts for its central positioning in this mihi through which the thesis begins.

I would imagine that for many students embarking on lengthy projects such as doctoral study, the topic of choice would need to resonate at a deeply personal level in order to generate the energy and commitment to see it through to the end. My own identity as both Māori and Pākehā and the questions it has raised around cross-cultural relationships have profoundly shaped my life, and in turn, this thesis. Both of my families, Pākehā and Māori, through their respectful consideration of the other, each allow the other to be powerfully present for me. It is this which prevails through the myriad of tensions that continue to arise. While Māori and Pākehā are certainly not the same 'under the skin', that culture is a mere 'surface' penetrated and transcended through shared norms as liberals might believe, there can be enduring relational arrangements built through a deep and embodied sense of respect for difference and the importance for such difference to prevail un-reconciled to the terms of the other.

## ACKNOWLEDGEMENTS

Four posts have supported and sustained the construction of my thesis. These posts connect this work to the whenua of Aotearoa, the body of Papatūānuku, the place where I was formed, so firstly I acknowledge her awesome life-giving presence. Not only do rivers provide an understanding of Māori identity, they are also the network of veins that nourish the body of Papatūānuku and her descendants. I thus also acknowledge the life-sustaining force of the river that locates my identity, ko Mōkau te awa.

While it might be tempting to simply name these posts separately – emotional, intellectual, material, and spiritual – the contributions that have come from the four posts are not so starkly marked out. Indeed, the generosity, the wisdom, the support of many of the people associated with each post traverses such tidy definitions.

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Māori as a powerful foundation for living has contributed to many, and to myself in particular. So to you both, for the immense contributions you have made to me both personally and to the shaping of this thesis, many heartfelt thanks.

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The fourth and last post supporting the academic-personal journey of this thesis has been, of course, my quite considerable extended family. A huge and heartfelt thanks for the love, wisdom, fun, and generosity that you embody in guiding me in my life. I would like to particularly acknowledge our Uncle, Te Aramau Lake, for the many talks regarding the issues with which the thesis wrestles, culminating in the thesis title and the opening whakataukī. Thank you to our Nana and Manaaki Maestro, Te Amoroa Kurta (nee Lake), for her assistance with this also.

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# 1

## INTRODUCTION

### He Maramara mō te Ahi

The signing of Te Tiriti o Waitangi<sup>1</sup> in 1840 by more than 500 rangatira Māori<sup>2</sup> (Orange 1987: 260) was undertaken to safeguard the continuation of ahi ka for whānau<sup>3</sup>, hapū<sup>4</sup> and iwi<sup>5</sup> Māori. It was one means through which rangatira sought to ensure that ahi ka or the home fires that mark the authoritative occupation of land by tangata whenua<sup>6</sup> would continue to burn so that Māori could survive and prosper in the world to be (Jackson 2001). Through the early 1800s the incoming missionaries, settlers and traders began a flooding of the tribal territories of Aotearoa with Christianity, land acquisition, profit-drives and unregulated conduct that Māori wanted to curb. The first pan-tribal means to protect ahi ka and assert the mana<sup>7</sup> of Māori was the signing of the 1835 Declaration of Independence by rangatira, followed five years later by the signing of Te Tiriti o Waitangi (Walker 1990: 84-97).

As a means to maintain ahi ka, the signing of Te Tiriti brought forth a new vision: “a bi-cultural constitutional arrangement” between Māori and the Crown where Māori delegated authority to the Crown to govern over their own while “reserving the right to retain our authority for ourselves” (Jackson 2001). As such, Te Tiriti o Waitangi affirmed the pre-existing mana motuhake<sup>8</sup> of Māori (Henare and Douglas 1988: 90),

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<sup>1</sup> Te Tiriti o Waitangi refers to the Māori language version of The Treaty of Waitangi.

<sup>2</sup> Rangatira refers to those invested with chiefly authority.

<sup>3</sup> Whānau refers to the extended family.

<sup>4</sup> Hapū refers to sub-tribes.

<sup>5</sup> Iwi are tribal groupings.

<sup>6</sup> Tangata whenua refers to the host people, people of a given place, and collectively to Māori as the Indigenous People of the lands of Aotearoa. The term denotes the intimacy of the relationship between land and people in Māori identity where identity is necessarily in relation to land.

<sup>7</sup> Mana refers to the authority and power channelled to tangata whenua from the spiritual realm.

<sup>8</sup> Mana motuhake conveys the power and authority delegated to Māori as tangata whenua from the spiritual realm, through which to continue the expression of ancestral traditions in Māori social and political life (Marsden 1992: 118-119; Jenkins 2000: 243; Kohere 2002).

which would continue to be expressed through tino rangatiratanga<sup>9</sup>, and also signalled an hospitable openness to engage with and give recognition to the authority of the British Crown. Thus, this coming together of Māori and Pākehā in a Tiriti arrangement neither extinguished the mana of Māori forms of identity and authority, nor sacrificed Māori worldviews to the authority of the Crown (Jackson 1995c; Jenkins 2000). Indeed, the manaaki or respectful generosity extended to others is an expression of mana Māori – an expression that affirms and confirms its continued authoritative existence.

More recently, and precipitated by the 1987 Court of Appeal case brought forward by the New Zealand Māori Council, the vision for Te Tiriti o Waitangi has come to be articulated as a partnership of power-sharing. Significantly, however, taking up this notion of partnership does not presume a movement away from ahi ka. It allows for the Crown (government), “different ways of realising their sovereignty” and “for Māori to continue to realise their mana” (Kohere 2002). As my Uncle Te Aramau Lake explained when I talked with him about my thesis and asked him to advise a suitable title, any discussion of partnerships between Māori and the Crown necessarily centres around the continuance of ahi ka for Māori.

The English language version, The Treaty of Waitangi, however, enunciated not power-sharing but the sovereignty of the Crown as the basis for constructing a new nation (Mulgan, in Fleras and Spoonley 1999: 10). Thus, through the politico-legal discourse of indivisible sovereign authority that travelled to Aotearoa with representatives of the British Crown, this agreement to share the shaping of a new partnership relationship and the arrangements that would bring it into fruition, was instead interpreted as a totalising transfer of power from Māori to the Crown. In the face of sustained Māori activism over and criticism of government’s abdication of Te Tiriti o Waitangi, partnerships with Māori have come to be increasingly emphasised in governmental policy documents and practices in recent years.

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<sup>9</sup> Emanating from mana motuhake, tino rangatiratanga embodies practices of chiefly authority exercised in whānau, hapū, iwi territories through a network of spiritual-human-environmental relationships (Kohere 2002; Lake and Lake 2002).

While partnership has been emphasised, however, maintenance of the sovereign discourse that propelled The Treaty of Waitangi into life continues to enable successive governments to claim ultimate sovereign authority over the very meanings of the two texts. Through this they determine that Treaty partnerships with Māori do “not impose unreasonable restrictions on the right of a duly elected government to follow its chosen policy” (New Zealand Court of Appeal 1987: 40; Department of Justice 1989: 11). Drawing on the whakataukī that introduced this thesis, such discourse and its inculcation in a ‘vast ocean’ (Lake 2003) of assimilative and de-politicising ‘one nation, one people’ legislative statutes, official policies and ‘common-sense’ practices continues to funnel a flood of water over the continuous authoritative ahi ka of Māori as tangata whenua, and in so doing, over the very possibility of power-sharing partnerships.

The vision of tūpuna Māori<sup>10</sup> for non-assimilative relationships between Māori and the Crown (government) has, however, persisted. It continues to be kept alive in and through the many attempts by Māori to elaborate arrangements whereby Māori and government might come to engage as equally authoritative partners in shaping the directions of Aotearoa/New Zealand. For Māori, this vision is fuelled by the persisting ahi ka that signal the ongoing authoritative occupation of Māori as tangata whenua of Aotearoa/New Zealand. Ahi ka continue to be kept alight in and through the many ways in which Māori embody, maintain and invigorate a Māori worldview and strive for it to be recognised and expressed in its own evolving terms (Jackson 1998: 75). My general purpose for this thesis and expressed in its title – *He Maramara mō te Ahi* – is to contribute to the fuelling of the ahi ka of Māori as tangata whenua; fires that make the vision of power-sharing partnerships between Māori and government possible.

Fuelling ahi ka, are kaupapa Māori spaces and structures being developed at New Zealand universities, and illustrate the innovations by Māori to foreground and legitimise space for a Māori worldview. Pre-dating the signing of Te Tiriti/The Treaty<sup>11</sup>, the right to mana motuhake as tangata whenua and thus the right to author such spaces, was to continue through the guarantee of tino rangatiratanga over all valued resources. Thus the first particular purpose of this thesis is to generate an

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<sup>10</sup> Ancestors.

<sup>11</sup> When referring to both texts, this is written as ‘Te Tiriti (o Waitangi)/The Treaty (of Waitangi)’.

argument in support of these spaces, and to conceptualise them as spaces of mana Māori. These spaces and structures are part of the ahi ka that signify Māori as the tangata whenua of Aotearoa.

These kaupapa Māori spaces and structures variously operate across sites of institutional governance, management, operations, research, and academic teaching, and are grounded by their relationships with authoritative whānau, hapū, iwi structures that lie outside university boundaries. While providing Māori students, staff and researchers with culturally relevant educational spaces, these spaces and structures also variously foreground and attempt to make manifest partnerships with institutions where Māori forms of authority are engaged in institutional decision-making and strategic policy-setting forums. The impetus for this draws from Te Tiriti o Waitangi and the power-sharing partnerships it signalled through the relationship between Māori tino rangatiratanga and Crown kāwanatanga<sup>12</sup>: a relationship whereby the authority of each partner limits totalisation by the other.

The development and operationalisation of kaupapa Māori spaces and structures at universities thus have the *potential to destabilise* institutional discourses of sovereignty that propel The Treaty of Waitangi and marginalise the authority of Te Tiriti o Waitangi. In privileging Te Tiriti, such spaces and structures present the possibility of transformative change – a new non-assimilatory choreography of cultural difference where the authority of two partners may be engaged and expressed. Thus the second central purpose of this thesis is to offer an overview of these developments and to review the possibility they offer for displacing current hegemonic sovereign arrangements and the assimilatory forms of Treaty partnership they give rise to.

My third central purpose, building throughout the thesis and addressed specifically in the final chapter, is to point to the conceptual resources, structural arrangements and ethical principles that are required to alter current colonising Treaty partnership meanings and arrangements. Through fuelling ahi ka, they generate the possibility of realising the vision of power-sharing partnerships between Māori and the Crown.

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<sup>12</sup> Governance.

This introductory chapter now turns to provide an overview of the current colonising context within which attempts to elaborate and operationalise power-sharing Tiriti/Treaty partnerships are attempted. The following section provides an overview of the current tertiary education reforms that contextualise the empirical inquiries of the thesis. Through both sections, therefore, my purpose is to provide specificity and detail to the multiple layers of the thesis concerns.

## **New Business, Old Business, But Always the Same Business<sup>13</sup>:**

### **The Current Treaty Partnership Paradigm**

The media reportage that was generated around New Zealand's General Election of 27 July 2002 provides a useful platform through which to map out the contours of the current Treaty partnership paradigm. While much attention was given to political party positioning<sup>14</sup>, the value of distinguishing between the political left and the political right, already questionable given their current convergence within the restrictive parameters of a global market-driven economy (Kelsey 2002: 49-50), seems even less applicable when issues surrounding Te Tiriti o Waitangi/The Treaty of Waitangi are brought to the fore. All political parties represented in the newly elected Parliament assume that inclusion-through-participation of Māori in 'the nation's' mainstream, supplemented by the provision of state services through "by Māori for Māori" agencies, squarely meets any Treaty-based partnership obligations that the Crown has towards Māori. This is manifested through the generalised support for an overarching, equalising and final identity as 'New Zealanders'<sup>15</sup>. Moreover, with the result of twenty Māori Members of Parliament, Māori representation in Parliament is, for the first time since legislation has permitted entry<sup>16</sup>, about equivalent to the Māori proportion of the population. This presence and activity of Māori in Parliament provides 'evidence' of an increasingly successful and advancing bicultural nation coming of age, where Māori are finally coming to take their place alongside their non-Māori counterparts. It may be interpreted as evidence of successful inclusion-through-participation of Māori in the

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<sup>13</sup> From *Baby No Eyes*, Patricia Grace (1998: 188).

<sup>14</sup> See, for instance, *The New Zealand Herald* and *The Dominion Post*, Monday 29 July 2002.

<sup>15</sup> The policy statements of these political parties can be viewed on their respective web-pages: [www.\[partyname\].org.nz](http://www.[partyname].org.nz).

<sup>16</sup> Through the Māori Representation Act 1867 (in Durie, M. 1998: 97).

(political) mainstream and as the best (and perhaps only proper) way to give voice to Māori. Any serious consideration of the implications that flow from guarantees of tino rangatiratanga, as declared in Te Tiriti o Waitangi and as emerges from the mana Māori motuhake that emanates from the status of Māori as tangata whenua<sup>17</sup>, have been (or have been thought to be) subsumed by this political rhetoric of ‘full participation’. Alternatively, official deliberation of those implications has been resolutely refused.

By and through marginalising tino rangatiratanga and mana motuhake, whether through (strategic) re-routing or direct disavowal, the lie of ‘our’ superior cross-cultural relations endures. Accordingly, Tiriti/Treaty issues have become largely reduced to debates about settling on efficient procedures through which to resolve grievances through the Waitangi Tribunal. Significantly, this diversion of attention has allowed Te Tiriti/The Treaty to be altered by some protagonists (particularly the ACT and New Zealand First political parties) into a negative force which magnifies or even creates socio-cultural division and disharmony. Following this line of argument, Te Tiriti/The Treaty, ‘for the good of the nation’, should be effectively ended or finally settled with some urgency (in Jackson 2002: 40). The implication here is that once settled, ‘we’ can get on with being this ‘great little country’ because Te Tiriti/The Treaty will be ‘done with’ – freeing Māori from grievance mode and freeing the Crown (and by implication, Pākehā) as the ‘targets’ of such grievance – finally allowing all to *be* New Zealanders, to be assimilated as one nation without impediment. The pervasive power of such a purportedly reasonable and forward-looking discourse resonates deeply with the potent popular belief in ‘ourselves’ as an essentially harmonious and pragmatic nation. The unexpectedly impressive performance of parties such as United Future and New Zealand First throughout the campaign and in the election results, aptly demonstrates the continuing appeal of such colonial discourse.

While the Labour Party Leader, Helen Clark, condemned New Zealand First’s Treaty policy, in particular, as intolerable (Small 2002: A1), and offensive (Venter 2002: A1), Labour’s own campaign could be characterised by its *silence* on Tiriti/Treaty issues – where engagement was restricted to merely debating (and defending) the timing issues involved in processing claims through the Waitangi Tribunal.

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<sup>17</sup> Recognised in the 1835 Declaration of Independence, which was, in turn, acknowledged and accepted by the British Crown (in Durie, M. 1998: 2-3).

Such a politically expedient silence is motivated by the deep discontent, frustration and anger that frequently erupts from both Māori and Pākehā when debates around Te Tiriti o Waitangi/The Treaty of Waitangi are brought to the fore – eruptions that seriously challenge the belief in an existing, if a little battered, national unity. This silence, however, is not Labour's province alone. It is a silence widely shared by the political parties that have come to hold seats in the current Parliament. That silence is operationalised predominantly through what has become the common-place reduction of Te Tiriti/The Treaty to issues of settlement process and compensation, excluding and *silencing* the many germane, challenging, and potentially exciting social, cultural, economic, legal, political and ethical questions that the two texts give rise to. Thus, although the printed policy statements of Labour and The Green Party express commitments to Treaty partnerships and inclusive dialogue, they join with others in the mainstream political spectrum through their shared unwillingness, their ideological inability, and perhaps their political fearfulness to broach the issues of tino rangatiratanga and mana motuhake in the latter's own evolving terms.

It would seem that the combined effect of mainstream party-political activity, supported and endorsed by the majority of the voting public, produce what might be termed a 'fusing' of the ends of a 'Treaty circle' – a circle through which attempts are made to legitimate particular discussions and debates around Te Tiriti/The Treaty, and cast others as being 'beyond reason'. It is a circle whose closure seriously belies the nation's claim to democracy (Tie 2000: 86). It is in this tension-ridden and contradictory environment that Tiriti/Treaty partnerships are deliberated and attempted.

Most disturbing, wrote Moana Jackson (2002: 40) following the General Election, was the continued failure of (almost all) politicians and media commentators to acknowledge the on-going existence and impact of colonisation in this country, and that it is *this* issue which urgently needs 'settling'. Moreover, while the current settlements process attempts to redress some of the violations of colonisation on Te Tiriti/The Treaty, broader and arguably more challenging breaches were not engaged or confronted by any of the mainstream parties. Of particular concern to many Māori, asserts Jackson (*ibid.*), is the silence surrounding questions about how the sharing of political authority might come to be manifested, giving just expression to the guarantee

made in Te Tiriti o Waitangi and The Treaty of Waitangi of the continuance of tino rangatiratanga.

Unsurprisingly then, the issue of Tiriti/Treaty partnerships and what might be required to begin a serious consideration of power-sharing arrangements in Aotearoa/New Zealand, was at no point engaged with during the election campaign or in any of the post-election discussion forums. Yet again, politicians and media commentators have passed up critical opportunities to contribute to and wrestle with some of the most important socio-political questions of this time: how Māori forms of authority might come to be engaged with, and what bi-cultural power-sharing arrangements might be required to give Tiriti/Treaty partnerships expression.

As Jackson laments (*ibid.*), when spoken of in the election campaign, tino rangatiratanga continued to be reduced and subordinated to fit within the limits of “one nation, one people” colonial discourse. This continued framing of tino rangatiratanga as a form of authority that is inherently less than and subservient to the authority of state-held sovereignty, as that measure of authority which the state as the sovereign power determines to delegate or devolve to Māori, maintains the colonial viewpoint that the Treaty partnership naturally consists of the Crown (government) partner as the main actor and the Māori partner as its auxiliary supplement. It maintains the rightness of colonial discourse which positions government as the host while simultaneously marginalising Māori, as tangata whenua, to the position of guest (Johnston 1998: 161). Thus within the prevailing liberal politico-legal discourse, “the notion that the Māori partner could reclaim its own political and judicial authority remains anathema” (Jackson 1995a: 261). This effectively disallows the entry of versions of Tiriti-based partnership into the ‘Treaty circle’ for consideration.

Significantly contributing to this closure is the discourse of neo-liberalism. In this discursive framework, Treaty partnerships are operationalised through the market. Governmental obligations under The Treaty are thus to provide the conditions for its efficient operation. Some commentators, such as political scientist Dr Raymond Millar, explained Labour’s re-election success as, in part, a result of their successful purging of the neo-liberal economic programme (Young 2002: A3).

However, writers such as Jane Kelsey (2002: 49-53), assert that the previous Labour-coalition Government's proclamations of a new 'third way' era that strives to achieve a better balance between a market economy and an inclusive society of opportunities for all, did not bring forth a 'successful purging' of neo-liberalism. In and through highlighting policy changes that seemingly deliver on the promise of a more 'human face', government has been able to claim an abandoning of neo-liberalism. Instead, asserts Kelsey (ibid.), advancing such claims when the 'economic fundamentals' have remained unchanged result in a more deeply embedded form of neo-liberalism. Indeed, policy changes made to address the most serious market failures and socially disruptive effects continue to be authored within neo-liberal parameters, consolidating and stabilising the very conditions for its continuation. Furthermore, continues Kelsey (ibid.: 53), this consolidation is most effective when undertaken by a nominally social democratic government whose 'inclusive' rhetoric co-opts its likely opponents and marginalises its critics. The 'third way' might then be understood as a variant of liberalism whose neo-liberal impetus overwhelms and subsumes its social-democratic goals. As such, neo-liberalism is retained throughout this thesis as the hegemonic discourse in and through which governmental sovereignty is currently expressed and made operational.

One of the central pillars of (neo) liberal economic and political ideology is the claim to offer and provide freedom for all citizens, allowing (neo) liberal regimes of government to resolutely refute accusations of oppression. Within (neo) liberal discourse then, explains Charles Taylor (1994a: 57), the socially valued 'good' of human dignity is defined primarily through autonomy; in the *freedom* of each person to determine or choose for themselves a view of 'the good life'. Further, governments do not respect this fundamental freedom equally in all people when they intervene to give priority to the collective or 'common good' over the rights of the individual. Thus (neo) liberal forms of rule assert *neutrality* on what constitutes the 'good life', which it does through a purportedly neutral legal order that allows *all* citizens to freely choose and pursue their lives (Habermas 1994: 111).

Challenging (neo) liberal claims to offer freedom to all, and citing Paulo Freire, Leonie Pihama (2001: 20) draws attention to the Marxist-inspired notion that the oppressor – in this context the neo-liberal colonial state – is incapable of bringing about the degree and

types of freedom apparently promised for those that it oppresses. In this vein, Indigenous and Women of Colour theorists, activists and writers (amongst others) have long critiqued the emancipationist claims of liberalism, arguing that the claimed cultural neutrality is in fact a homogenising and silencing colonial blindness that subsumes difference in and through the assumption of its universal recognition. It is argued that this illusory transcendence of cultural difference, while “understood to be a graceful, even generous liberal gesture” enforces its “invisibility through silence” allowing the “black body a shadowless participation in the dominant cultural body” (Toni Morrison, in *ibid.*: 146).

In Aotearoa/New Zealand, continues Pihama (*ibid.*: 146), the assumed transcendence of cultural difference in and through the neo-liberal claim of neutrality and freedom is incongruous with persisting colonial governmental discourses which continue to assert sovereign authority over the legal and political dimensions of the state, and the subjectivities of its citizens. In the current ‘third way’ era, where government remains the facilitator and normalising agent of the market (Dean 1999; Kelsey 2002), this traversal of cultural difference, and thus its universal recognition, is to be operationalised in and through particularistic market-oriented terms. Accordingly, government maintains that Māori are indeed ‘free to choose’ to ‘be Māori’. Importantly, however, the legitimate expression of such an identity is to be determined not in its own evolving terms, but is increasingly required to be enunciated within a state-authored neo-liberal discursive framework.

As outlined above, the neo-liberal notion of freedom is predicated on limiting the interventions made by government, giving rise to an ideal of minimal government. Of significance here is the way this ideal appears to align and cohere with Māori aspirations and demands for greater autonomy and for less (colonising) governmental interference and control. This seemingly complementary critique of governmental power mounted by both neo-liberals and Māori has been noted by Graham Hingangaroa Smith and Linda Tuhiwai Smith (1996) and has led to the development of what they term the ‘myth of rangatiratanga’: that neo-liberal freedom, operationalised through the autonomous citizen of ‘choice’ and the state-independent organising power of ‘the market’, equates with the quest of various groups of Māori for tino rangatiratanga. In and through re-defining tino rangatiratanga as market development in the name of

positive 'progress' for Māori, neo-liberal regimes of government attempt to resolve the profound cultural differences between them and the futures each makes real and imaginable (Mikaere 2000: 17-23). In so doing, such discursive closure subsumes and prescribes the legitimate expression of tino rangatiratanga within the narrow parameters of the market, making apparent that the neo-liberal claim of freedom is not the *absence* of government, but is instead an *artefact* of its sovereign power to determine the very meaning of freedom (Dean 1999: 165; Rose 1999: 54-55).

## **The Current Paradigm in a Tertiary Education Context**

Tertiary education is crucial to the formation of a 'knowledge-driven society' which has become a central strategy through which the current government's 'third way' vision of an inclusive and prosperous nation is being promoted (Kelsey 2002: 55). Building on the 'third way' discussion of the previous section, participation in tertiary education becomes a pivotal mechanism through which government strives to include and subsume all citizens, and all sources of knowledge, to the national and global market economy. Māori claims for recognition and educational aspirations are assumed to be duly provided for in and through governmental programmes that attempt to bolster the inclusion-through-participation of all citizens in the nation's economy. This assumption, where cultural difference is traversed through market activity, allows Māori to be unproblematically subsumed as the same, as New Zealanders. These intentions are elaborated in the following excerpt from the Ministry of Education's *Tertiary Education Strategy 2002-2007* (2002b: 10).

“The world's economy is undergoing significant change, with an increasing emphasis on the creation and application of knowledge as the foundation for prosperity and social inclusion. For New Zealand, the development of a prosperous and confident knowledge society must build on this nation's uniqueness and its strengths. To create, market and sell high-value products and services will require a strong focus on the global marketplace, and sophisticated new skills and knowledge. It will also require a culture of continuous inquiry, innovation and improvement – and of risk-taking and entrepreneurship.”

The programme espoused by both the previous and current Labour-coalition Government, to turn the above rhetoric into reality, involves the co-ordination of a host of departments and agencies, particularly – Education; Research Science and Technology; Social Development; Health; Māori Affairs; Pacific Island Affairs, Economic Development; Labour and Employment – and the alignment of such activity with the government’s six “National Development Goals” – Economic Transformation; Social Development; Māori Development and Advancement; Environmental Sustainability; Infrastructural Development and Innovation (ibid.: 4-14). Ostensibly, the pursuit of these goals will ensure that New Zealand is well positioned to ‘catch’ the knowledge wave – a wave which shores up economic prosperity, international interest and admiration, and which will ensure the development of a “dynamic and socially-harmonious” knowledge society (Biggs, in ibid.: 9), where all can be included and valued through their participation in the knowledge economy<sup>18</sup>. Thus propelled in part by this apparent ‘information revolution’, there is pressure to reform the country’s tertiary education system.

Indeed, the tertiary education system has been under almost constant reform since the mid 1980s when the incoming Labour Government sought to implement changes in line with its rapidly ascending neo-liberal informed array of reforms. Philosophical tensions abounded between providing and funding tertiary education through an intervention-free competitive market model, and their simultaneously expressed concern to provide for educational quality and equality of opportunity. Such tensions were assumed to be resolved, however, through the more vigorous embracing of market philosophy by the National Government elected in 1990. Such discourse asserted that a competitive environment created the pressure for educational quality and demanded institutional efficiency, which meant that funding per student could be reduced. Indeed, this move was justified through a redefinition of tertiary education as primarily a personal investment as opposed to an entitlement of citizenship or as a social ‘good’ with merit in itself (Patterson 1996; Easton 2002). In turn, some of these cost savings could be reinvested to provide for an increase in the number of funded places, paving the way for increased participation (Patterson 1996).

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<sup>18</sup> This notion ‘came of age’ in New Zealand with the ‘Catching the Knowledge Wave’ Conference in Auckland, August 2001 (refer to [www.knowledgewave.org.nz](http://www.knowledgewave.org.nz)).

While participation in the tertiary education environment did increase through the 1990s – argued by some to be more attributable to an irresponsibly open access to the state’s (revenue-generating) 1992 student loan scheme than to any specific government policy<sup>19</sup> - there have been persistent and vociferous critiques of the change. Among the concerns were the following: the continued erosion of institutional funding and its effects on educational quality in both teaching and research; the impacts of increased duplication of courses as institutions strove to compete; student retention and completion rates (particularly of under-represented groups); and the implications of rising student debt (ibid.). These issues became increasingly critical as escalating numbers of Private Training Establishments entered the market, particularly with some qualifying to receive public funding. The application of an intervention-free competitive market model ironically required greater governmental control over a myriad of academic, financial and administrative activities for its operation, so that previously autonomous institutional enclaves became increasingly permeated by neo-liberal administrative rationalities. Moreover, the market model did not necessarily align educational developments and outcomes with national goals and objectives (ibid.).

The incoming Labour-coalition Government of 1999 thus inherited a significantly expanded tertiary education sector, but one which they have described as ill-served by the competitive focus (Maharey 2000a). Such a narrow focus on competition had left the sector without a shared system-wide strategic direction, without a focus on quality educational outcomes, and without a responsiveness to the needs of the economy and society at large, all of which needed to be addressed if New Zealand was to successfully harness and ride the knowledge wave (Maharey 2002).

Accordingly, in its previous term of office, the Labour-coalition Government established a Tertiary Education Advisory Commission (TEAC) to provide the Ministers of Education with advice on developing a more widely shared strategic direction and understanding of the tertiary education system as a whole<sup>20</sup>. This was to be a reformed system characterised by institutional and provider co-operation and

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<sup>19</sup> See for instance, New Zealand Universities Students’ Association (2002) ‘Student Loan Scheme: Key Facts’. Keynote address at the Student Debt Summit 2002, Auckland University of Technology, Auckland, July 2002.

collaboration rather than competition. Together with the public submissions received on the *Draft Tertiary Education Strategy 2002/07* (Ministry of Education 2002a), this advice resulted in the launch of the *Tertiary Education Strategy 2002/2007* in May 2002 (Ministry of Education 2002b). The Terms of Reference (Ministry of Education 2000) driving TEAC and the subsequent *Tertiary Education Strategy 2002/07* were based on a broader definition of tertiary education which would now include business-based education, industry training, and indeed any learning beyond the compulsory school sector.

Moreover, the Terms of Reference (ibid.) required the TEAC Commissioners to provide links both within the sector and between tertiary education providers and wider government economic, social and regional development policy initiatives, and with business, community and Māori 'stakeholder' groups. These co-operative 'stakeholder partnerships' with government reflect and highlight the overarching 'third way' goal of a fully inclusive and cohesive society. Particularly in relation to community groups and Māori collectives, co-operative partnerships present an apparent radical and transformative openness of government to engage with voices other than business in the formation of national policies and the strategic programmes through which they are to be actualised (Kelsey 2002: 79-80). Undercutting this vision of 'community-based government', however, Kelsey (ibid.) rigorously and repeatedly asserts the undeterred commitment of government to neo-liberal economic philosophy and the restoration of business supervision of government, where social inclusion and cohesion are always and finally a function of the buying and selling contractual relations of the market.

Furthermore, and significantly, while seemingly addressing the issue of Treaty partnerships with Māori, being positioned as one stakeholder group amongst many merely maintains the socio-political status quo where Māori are to be rightfully managed by government.

One of the most significant recommendations emerging from TEAC and accepted by government to achieve the desired co-ordination and alignment within the tertiary

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<sup>20</sup> Presented through the four Tertiary Education Advisory Commission reports: *Shaping a Shared Vision* (July 2000); *Shaping the System* (February 2001); *Shaping the Strategy* (July 2001); and *Shaping the Funding Framework* (November 2001).

education system and with the wider economy and society, was the establishment of a Tertiary Education Commission. The purpose of this Commission is to both steer the tertiary education system in line with the *Strategy*, and to distribute the apportioned public funds to the institutions and providers within it. Steerage of the system is to be operationalised through the negotiation of charters and profiles that specify and implement the strategic direction and contribution of each provider. Further, in steering the sector as if it were a coherent system, the Commission also carries the role of building both the capability and the co-operative relationships of the sector (Ministry of Education 2002b: 6). This move towards a more overt intervention by government has been largely justified by the entrepreneurial opportunities that are perceived to exist for individuals as a consequence of being included as members of a 'knowledge nation'.

Clearly, to continue an earlier line of argument, the existence of this perception challenges the idea that there has occurred a notable movement away from neo-liberal strategies of governance. Indeed, the continued mobilisation of neo-liberal discourse undermines the government rhetoric of co-operation and collaboration so that competition between institutions/providers prevails as the operational logic of the tertiary education sector.

The goal of becoming a knowledge nation is not merely advanced as a means to secure personal wealth and national economic growth, but also provides additional impetus to the desire to 'truly be' a nation (ibid.). To this end, the tertiary education reform programme encourages New Zealanders to contribute to themselves, and, importantly, to the identity of New Zealand as a successful nation (now seen as aligned goals) through the vehicle of tertiary education. Through making such a contribution, so the lines of rhetoric elaborate, those individuals will too be able to be included in the knowledge society, to be 'truly' connected to and part of the whole prosperous ensemble.

What is becoming clear through the discussion of this section is that there is no 'reasonable' outside to the market economy: all people, all difference, all forms of knowledge are to be subsumed within its rationalistic and acquisitive grasp. Indeed, within the Ministry of Education's (2002b) national strategic direction of knowledge creation and application, Māori cultural knowledge is framed as a state asset with which

to generate advantageous commercial innovations for exploitation in the global marketplace. Existing concerns around the legitimacy of Māori forms of authority to determine accessibility, application, ownership, and protection of traditional forms of knowledge powerfully re-emerge (Mead, L.T. 1997: 329-330). Illustrated here, it would seem that the social-democratic goals of a third way government, where protection of Māori knowledge is to be guaranteed under the terms of Te Tiriti o Waitangi/The Treaty of Waitangi, are again overwhelmed by the precedence given to the unimpeded activity of the market.

As intimated above, however, it is not only Māori cultural knowledge that is to be acquired. Māori as under-represented or as a 'problem' group within the population, are to be particularly targeted for inclusion within the market. Re-fashioning Māori identity as neo-liberal subjects of choice through governmental desires to create a nation of self-sufficient entrepreneurial individuals, can then leave 'third way' governments unencumbered to more thoroughly pursue the neo-liberal economic conditions that will secure such a 'vision'. Thus the neo-liberal dream continues and is indeed invigorated in 'third way' incarnations, despite the fact that the injustices and dislocations it seeks to correct are "not independent of the capitalism they admire, but result from its operation" (Kelsey 2002: 117).

To this end, a desire has developed within government to 'close the gaps' or address disparities between Māori and non-Māori<sup>21</sup> performance along a host of social, economic and educational indicators. This desire has been fuelled by demographic studies which point to the growing proportion of potentially 'risky' Māori in the population (in Ministry of Māori Development 1998). The desire has resulted in the establishment of 'Māori Development and Advancement' as a particular ambition of government, as identified in the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b).

To help facilitate inclusion of Māori into the neo-liberal vision through participation in tertiary education, there is a recognition within both the Ministry of Education and institutions, of the need to develop educational environments where Māori requirements and aspirations for development can be supported, and which gives recognition to the

principles of The Treaty of Waitangi (Ministry of Education 2000; Ministry of Education 2002b). Pressure for such environmental change, however, comes from a myriad of locations: from Māori (whānau, hapū, iwi, communities, organisations, tertiary education staff and students) as part of a wider concern for just expression of tino rangatiratanga where Māori forms of authority can come to share in the shaping of educational directions and institutional practices; from an increasing need for mainstream tertiary education institutions to be positioned to also provide kaupapa Māori or Māori-centred and immersed (te reo me ona tikanga Māori<sup>22</sup>) learning streams or contexts in order to attract the growing number of Māori learners who are seeking such modes of delivery; and from the government's goal of successfully including Māori in the 'knowledge nation'. Given the diverging nature of these interests, viewpoints differ strongly on what these developing environments might consist of in terms of their purpose and function, the form of their relationship with the institution they are connected to, and thus how they might be best or justly proceeded.

From these various discursive locations, a number of different approaches are being advanced in the tertiary education setting through which a Treaty/Tiriti-based partnership between institutions and Māori might be articulated. Briefly, the general approach taken by government and institutions in supporting the development of 'Māori-friendly'<sup>23</sup> environments and kaupapa Māori spaces is for such developments to manage the academic performance of Māori students and thus assist institutions in delivering successful outcomes for Māori. In so doing, institutions and government will be better positioned to meet their obligations to Treaty principles by enabling Māori to more fully participate and thus be included in the nation's mainstream. The relationship between Māori and institutions/government on offer here maintains the politico-legal status quo – where Māori remain positioned as a subsection that institutions and government have the sovereign authority and legal responsibility to pre-determine towards particular ends.

For many Māori, however, a central purpose of developing kaupapa Māori spaces and structures in institutional settings is to exceed the assimilating relational terms on offer

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<sup>21</sup> Pacific peoples are similarly targeted, and are thus excluded from measures of non-Māori performance.

<sup>22</sup> This phrase refers to Māori language and customary practices, and expresses the irreducible relationship between 'saying and 'doing' in Māori worldviews.

<sup>23</sup> From Johnston (1998).

(see for example Mead, L.T. 1997; Smith, G.H. 1997a; Johnston 1998; Morrison 1999; and Pihama 2001). Alongside the purpose of providing culturally relevant educational spaces that support Māori students in achieving academic goals, such spaces and structures also seek to foreground and operationalise relationships with institutions where Māori forms of authority are engaged in institutional decision-making and policy-setting forums. From this approach, the text of Te Tiriti o Waitangi is privileged so that institutional obligations to Māori under its terms are addressed when Māori contribute an equally legitimate and authoritative viewpoint to determining institutional directions. Thus it is an approach that strongly challenges institutional (and governmental) claims to sovereign authority, and seeks instead a Tiriti-based partnership of power-sharing.

## **Generating the Methodology of Inquiry**

As outlined in the first section of this chapter, it is my overarching purpose to contribute to wider struggles to make manifest power-sharing Tiriti partnerships, with the actual thesis inquiry taking the tertiary education sector as its particular focus, and more specifically the activities in and around universities. That the thesis came to take this particular form, occurred as a direct consequence of my own location as a Māori student at Massey University's Oteha Rohe Albany Campus, and as a member of Te Waka o Ngā Ākonga Māori, the Māori Students' Association on campus. Over the period of drafting my thesis proposal, a number of Māori staff at the Oteha Rohe Albany Campus were exploring the idea of developing a Māori student support centre along the lines of the Maia Māori Development Centre at Unitech, Auckland, and the virtual 'wānanga within the wānanga'<sup>24</sup> concept being developed at the University of Auckland. The first Te Toi Tauira mō te Matariki National Conference, hosted by the University of Auckland's Māori Studies Department at Waipapa Marae in November 1999, gave much impetus to this idea and was instrumental in helping me begin to determine the empirical focus of my thesis.

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<sup>24</sup> Wānanga refers to places of learning and knowledge.

Significantly, these groupings of Māori staff and students into ‘centres’ or ‘wānanga’ have sought to not only reform the institutional context to make ‘space’ for Māori students, staff and whānau, hapū, iwi educational aspirations, but have also sought to transform the structures of decision-making and operational processes through which strategic policies are made and enacted. The idea at the Massey University Oteha Rohe Albany Campus to develop a centre for Māori student support has also come to be conceptualised in this frame, and has been evolved over time by members of Te Waka o Ngā Ākonga Māori and Matawhānui-ki-Oteha, a whānau of, respectively, Māori students and Māori staff at the Oteha Rohe Albany Campus of Massey University.

Thus a central plan being advanced by this whānau is the development of a wānanga complex, currently being negotiated through those local iwi who hold mana whenua<sup>25</sup> in relation to Oteha or Albany: Te Kawerau-ā-Maki, Ngāti Whātua ki Kaipara, Ngāti Paoa, and Ngā Puhī. While the building of a marae<sup>26</sup> complex had, for some years, been an aspect of the campus’ plan for itself, the terms of this project have become radically transformed through the interventions of Māori staff, student and whānau, hapū, iwi aspirations. Much of the force for this galvanised in response to the Massey University repositioning project of 2000 which effected a dis-establishment of the School of Māori Studies at the Oteha Rohe Albany Campus. This project relocated language and tikanga education within a newly formed grouping of humanities and social science disciplines, subsequently named the School of Social and Cultural Studies. This relocation further entrenched Māori Studies as a mere ‘subject option’, diminishing the status of Māori language, culture, knowledge and indeed a Māori identity through a positioning subsumed by Western knowledge classifications and protocols. Moreover, the removal of a visible Māori ‘entity’ from the campus further disenfranchised Māori sources of authority and knowledge from roles which might shape and contribute to future (Māori) policy, teaching, curriculum and research directions of the campus. The envisioned wānanga complex, and the relationships with whānau, hapū, iwi, Māori community groups and organisations, Māori staff and students, the Oteha Rohe Albany Campus Principal’s Office, academic colleges and support centres, through which it will be located and operationalised, is an attempt to address these critical concerns.

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<sup>25</sup> Mana whenua refers to customary rights in relation to ancestral lands.

<sup>26</sup> Marae are traditional Māori meeting spaces, consisting of buildings and courtyard(s).

Crucially then, this thesis has been substantially shaped and informed by the myriad of hui and collective efforts made by our whānau to generate productive conceptual resources, ethical practices and possible structural arrangements through which a Tiriti partnership propelled by non-assimilatory Māori-Pākehā relationships might be expressed and advanced at both the Oteha Rohe Albany Campus and the wider Massey University multi-campus system<sup>27</sup>. These hui – gatherings or meetings – proceed by and through tikanga Māori. While not necessarily preceded by a formal powhiri, they do proceed through karakia and mihimihi which acknowledge mana atua<sup>28</sup>, mana whenua and the mana of each persons whakapapa. In so doing, they form both a whare<sup>29</sup> of knowledge, information and creativity, and reciprocally respectful processes of engaging. These hui have been a central source of information and inspiration that have grounded both my conceptualising of the thesis purpose and the directions of its inquiries. Indeed, hui as a means to generate and frame research questions that resonate with Māori concerns and aspirations, and which thus carry the purpose of bringing about self-determination for Māori, are a core aspect of kaupapa Māori methodological processes (Smith, L.T. 1999). Informed out of a kaupapa Māori methodological framework, the primary method utilised in gathering and accessing the information or ‘data’ for my thesis has, as the rest of this section makes clear, been that of hui.

Unfurling from this fertile location, have come relationships that provided the second information source for the thesis inquiry. Through my involvement with Te Mana Ākonga, the National Māori University Students’ Association, I was elected as a Te Mana Ākonga representative on two Māori Reference Groups. The first of these was established by the Ministry of Education in relation to the Special Supplementary Grant funding initiative, and the second was set up outside the Ministry of Education to develop a Māori Tertiary Education Framework that would be used to contribute to, in particular, the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b) and the terms and operation of the Tertiary Education Commission. These memberships assisted in both identifying and accessing the plethora of information produced by both the Ministry of Education and the Tertiary Education Commission through this current period of tertiary education reform.

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<sup>27</sup> For further elaboration see the interview with Rarawa Kohere (2002) in chapter six.

<sup>28</sup> The authority of the spiritual domain.

<sup>29</sup> House, habitation, context.

As outlined in the previous section, this current period of reform started with the establishment of the Tertiary Education Advisory Commission (TEAC) by the Ministry of Education. Accordingly, the Ministry of Education published a *Terms of Reference for the Tertiary Education Advisory Commission* (2000), and subsequently TEAC released four reports: *Shaping a Shared Vision* (July 2000); *Shaping the System* (February 2001); *Shaping the Strategy* (July 2001); and *Shaping the Funding Framework* (November 2001). Arising from the second report in particular, was the assertion that the tertiary education system required ‘steerage’ as a ‘whole’ through charter and profile mechanisms, and resulted in both the establishment of a Ministry of Education Working Party on Charters and Profiles, and the release of the *Report of the Working Party on Charters and Profiles* (Ministry of Education 2001).

The overarching purpose of all this activity was to produce a clear strategic direction for the sector, and through the TEAC reports’ recommendations and the public submissions received in response to them, a *Draft Tertiary Education Strategy 2002/07* (Ministry of Education 2002a) was published. As a result of the concern expressed by Māori both inside and outside the Ministry of Education that strategic directions for Māori tertiary education were being developed without substantive Māori input, a Māori Tertiary Education Reference Group was established outside of the Ministry to develop a *Māori Tertiary Education Framework*. While not officially released by the Ministry of Education until December 2003, this *Framework* along with public submissions received in response to the *Draft Strategy*, contributed to the public release of the central document of the tertiary education reforms – the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b).

Alongside this strategic policy development, and arising out of TEACs recommendation for the establishment of a Tertiary Education Commission to both fund and steer the tertiary education system, was the drafting of a *Tertiary Education Reform Bill* and from there its statutory expression in the *Education Amendment Act 2002 (Tertiary Reform)*. Subsequently, the Tertiary Education Commission published a report entitled *Charter Guidelines* (2003).

These documents that mark the current reforms have been examined and critiqued in the course of my thesis inquiries, and specifically those sections that refer to the Treaty of

Waitangi and Treaty partnerships. I have given particular attention, however, to the content of the central document of the tertiary education reforms, namely the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b) given its central strategic status. Moreover, particular attention has also been given to the processes through which the *Māori Tertiary Education Framework* (Ministry of Education 2003) came to fruition as they exemplified the problematic sovereign discourse that articulates Māori as a mere adjunct to governmental policy processes.

The methodology of critique applied to these governmental documents has been that of discourse analysis. Arising out of post-structuralist theory, which questions authoritative truth and knowledge claims and within which 'what is real' is understood as a construct of power-relations rather than the 'natural' order of things, discourse analysis yields an understanding of how meanings or discourses are constructed and reproduced in society. It also yields an understanding of how these discourses serve the interests of particular groups by and through limiting and directing what can be conceived of as real and possible (Bell 1991).

As the previous two contextualising sections mapped out, the hegemonic discourse targeted for analysis in the documents is that of Treaty partnerships along with the state-advanced discourses of biculturalism and sovereignty that underpin and legitimate the government position as the only conceivable way of determining the meaning and practice of Tiriti/Treaty partnership. Extending the analysis of state discourse which occurs in chapter two, chapter three undertakes an analysis of political power derived from Michel Foucault's work on governmentality, to describe the assimilative form that Treaty partnerships presently take. The analysis focuses on the manner in which the discourse of freedom reshapes subjectivity in line with neo-liberal regimes of governance. In a similar manner, the post-structuralist methodology incites questions about the sense of necessity with which current meanings and practices of Tiriti/Treaty partnerships are enveloped, for the purpose of opening up space through which those meanings and practices might be rearticulated. Such analyses make clear that governmental assertions on what constitutes a Treaty partnership is a construct of colonial power and are oppressive to both Māori claims of tino rangatiratanga and the identity status of Māori as tangata whenua upon which such claims are based.

There are, however, limitations to such ‘deconstructive’ methodologies. A thoroughgoing deconstruction potentially reduces any truth claims or meanings advanced as mere fictions of the human mind – including identity, cultural worldviews and the realm of the spiritual – that are not able to be grounded by any wider reality outside of the words that are spoken. While I have not approached my deconstructive analyses in such an extreme manner, indeed to erase the very possibility of a Māori identity and an authoritative Māori worldview would effectively cancel the purpose of this thesis, it does usefully point out that the analyses I make of the texts are but one possible interpretation. It is, however, an interpretation that warrants attention in that it seeks to open up the ‘sovereign circle’ that currently encapsulates Tiriti/Treaty partnerships and excludes the text of Te Tiriti o Waitangi and its whānau, hapū, iwi proponents. As gestured to in the previous paragraph, discourse analysis underscores that textual analyses are always already a political activity that intervenes to promote changes that advance particular interests.

The third source of information that provides more specific details concerning the ongoing developments at both Massey University Oteha Rohe Albany Campus and other universities to give effect to notions of Tiriti/Treaty partnership – namely The University of Auckland, The University of Waikato, Massey University, and Victoria University of Wellington – were gathered through five interviews with those people currently holding senior management Māori positions at each of these institutions<sup>30 31</sup>. The decision to focus on these positions was based on the fact that a specific term of their employment is to develop Treaty policy at their respective institutions. As such, it was assumed they would be appropriately informed of the current discourses and organisational practices through which Treaty partnership arrangements are being facilitated. Moreover, a ‘closer look’ at these particular institutions and their attempts to operationalise a commitment to a Treaty partnership is not intended to suggest that other universities are not also poignantly wrestling with this issue. I have also sought to analyse the discourses through which the interviewees discussed their respective

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<sup>30</sup> Those interviewed were: Pro Vice-Chancellor Māori – Professor Graham Smith, The University of Auckland; Pro Vice-Chancellor Māori – Professor Tamati Reedy, The University of Waikato; Assistant Vice-Chancellor Māori – Piri Sciascia, Victoria University of Wellington; Assistant Vice-Chancellor Māori – Professor Mason Durie, Massey University; and Te Kaiwawao – Rarawa Kohere, Massey University Oteha Rohe Albany Campus.

institutions' Treaty partnership developments. This analysis – particularly in relation to the discourses of self-determination that invoke limits to institutional authority, and to the developments, both actual and planned, that are sought to give it material expression – contributed much to generating and solidifying what might be required to transform current colonising Treaty partnership meanings and arrangements into power-sharing Tiriti relationships between Māori and institutions (government).

## **Leading the Way: Kaupapa Māori**

The journey of this thesis is essentially a methodological one in that I utilise a range of theoretical concepts to posit how Tiriti partnerships of power-sharing might be conceived of and enacted. Emerging through the thesis discussion are a number of concepts that emanate from a Māori worldview, and which have been given recent expression in academic contexts through the development of kaupapa Māori theory. They significantly form the basis of possible 'answers' to the questions that are raised around how Aotearoa/New Zealand might become a bi-cultural nation organised around power-sharing Tiriti partnerships between Māori and government. Given their central importance to the thesis, this section provides an overview of the core concepts to be employed. Before doing so, however, I would like to give an overview of the development and intentions of kaupapa Māori theory.

Pihama (2001: 77-83) provides a useful exploration of the expression 'kaupapa Māori theory'. Arising from a Māori worldview, have come forms and ways of knowing through which Māori understand and explain our experiences of the world around us. These bodies of knowledge (Nepe, in *ibid.*: 77-78) as a foundational framework, are expressed through the term kaupapa Māori which denotes a process of holding firmly to them. In a colonising context, kaupapa Māori is thus necessarily and inherently political: it is a resistive and transformative activity that grounds community-based initiatives in fields such as Māori education and health services. Appending the term 'theory' to 'kaupapa Māori' is part of this resistive and transformative intent as it

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<sup>31</sup> Ethics approval for conducting these interviews was sought and granted by the Massey University Albany Campus Human Ethics Committee. The research information sheet, consent form, and interview guide for the interviews are included in the appendices as appendix one.

challenges dominant notions of theory by and through providing counter-hegemonic understandings of how theory might be constructed and practised. Similarly, appending the term 'kaupapa Māori' to 'theory' engages theory as a set of tools to be directed towards overarching struggles for self-determination (Smith, G.H., in *ibid*: 80). Thus a key notion within kaupapa Māori theory, and elaborated upon by Graham Smith (1997a), is the necessity of both theory and praxis in the quest for socio-political transformation; that an evolving kaupapa Māori theory is made and re-made through a constant interplay between theorising and whānau, hapū, iwi based practices and interventions.

The ongoing theoretical and methodological developments and utilisation of kaupapa Māori as a powerful framework for resistance and transformation, beginning with the foundational work of Graham Hingangaroa Smith (1997a) and Linda Tuhiwai Mead (1997), can be found in a plethora of academic work including that of Russell Bishop (1996), Mereana Taki (1996), Patricia Maringi Johnston (1998), Te Ahukaramū Charles Royal (1998), Margie Hohepa (1999), Andrea Morrison (1999), Kuni Jenkins (2000), Te Kawehau Hoskins (2001), and Leonie Pihama (2001). These supplement and further extend previous works by Māori academics, researchers and activists such as Donna Awatere (1984), Moana Jackson (1988), Ranginui Walker (1990), Rose Pere (1991), Mason Durie (1994), and Ani Mikaere (1995). The recent acceleration in Māori academic theorising, suggests Hoskins (2001: 40), illustrates how kaupapa Māori theory has increased Māori access to and participation in theorisation in and through refashioning the alienating environment of academia.

Kaupapa Māori theoretical and methodological developments can thus be understood as a set of tools employed to make manifest the aspiration of Māori to be self-determining; for tino rangatiratanga and mana Māori motuhake through which it is expressed, to be engaged in Tiriti-based partnerships with the Crown (government, institutions) where it remains unassimilated to the terms of sovereign closure. Such developments inspire the vision of tūpuna Māori who signed Te Tiriti o Waitangi/The Treaty of Waitangi, and in so doing, disrupt or reject colonising sovereign discourses that give recognition to Māori merely by and through a difference-denying inclusion-through-participation in the nation's mainstream. For theorists and activists so located, what is required is an attentiveness, a "looking to the underside" (Grace 1998: 156, 201), to be on guard

against the offering of accounts or practices that co-opt and re-locate kaupapa Māori activities (theoretical, methodological, political, research) within universalising and difference-erasing (neo) liberal frameworks. In and through interrogating mechanisms of power, hegemony and resistance, the developments within this field generate and provide powerful critiques of colonising constructs and processes (Mead, L.T. 1997; Smith, G.H. 1997a)

This refusal to accede to the closure of the 'Treaty partnership' circle upon which state-authored bicultural discourse draws, occurs through the foregrounding of space for a Māori worldview, the development of a discursive territorial realm which is understood as culturally *different* to the colonising liberalism from which it stands apart. Thus the insights being generated from a burgeoning kaupapa Māori theory coalesce around moves to invigorate a Māori cultural worldview, and thus subjectivity, and to strive for it to be recognised and expressed *in its own evolving terms* (Jackson 1998: 75). It takes for granted the validity and legitimacy of Māori language, knowledge and culture (Smith, G.H. 1997a: 41, 97). Thus, alongside critiques of colonisation, and through the emancipatory focus of self-determination for Māori, kaupapa Māori theory also advances and supports innovations that offer pathways through its destructive and oppressive effects. These include the development of kaupapa Māori spaces for Māori voices, hopes and possibilities (Smith, L.T. 1999: 98-99); the promotion of Māori ownership, control and management of Māori resources; the use and development of te reo Māori; 'For Māori, By Māori' programmes; kaupapa Māori services in the fields of education, health and justice; and guardianship over Māori knowledge (Durie, M. 1998: 418-419). In and through invoking a Māori framework or worldview, such initiatives confer to it an ongoing validity and legitimacy (Sharples 1999).

Kaupapa Māori is thus a political, discursive and psychic turning-away from the 'imagined' national community and the Western cultural values and norms it espouses, as it is (increasingly) clear that social transformation as tino rangatiratanga and mana motuhake will not be 'found' within its sovereign terms. Crucially, however, this turn towards te ao Māori<sup>32</sup> should not be simply interpreted as a wholesale refusal by Māori to engage with Pākehā or a desire to be wholly separate. Instead, what it enables is a turning towards government and institutions as an equally authoritative partner to Te

Tiriti/The Treaty, a turning that offers the possibility for a new non-assimilatory future (Jenkins 2000). Thus the assertion, made throughout the thesis, is that a pre-requisite for Māori to *be* a partner to Te Tiriti/The Treaty is to have authoritative space for Māori worldviews.

Gestured to throughout this introductory chapter have been those kaupapa Māori concepts that will be employed and further elaborated on throughout the thesis as both tools of critique and as a basis for developing power-sharing Tiriti partnerships. Drawing from the evolving archive of kaupapa Māori theoretical literature outlined above, the core concepts to be utilised are whakapapa, Te Tiriti o Waitangi, tino rangatiratanga, mana, and manaaki. My assertion is thus that these concepts, in particular, have a capacity to generate just alternatives to and pathways through present colonising realities.

It seems appropriate to start with whakapapa given it provides the epistemological framework of understanding te ao Māori as organised by a complex network of relationships. Elaborating on this, Cheryl Waerea-i-te-rangi Smith (1998: 4-5) explains that whakapapa maps out Māori views of existence by showing the interrelated connections between the human, natural and spiritual worlds, and articulates the role of humans and thus our reciprocal responsibilities within that complex existence. The centrality of whakapapa is constantly remembered in and through karakia, tauparapara, waiata, mōteatea, karanga, whaikōrero and mihimihi<sup>33</sup>. As such it is also a mechanism of both knowledge transmission and of individual and collective identity formation. Whakapapa, states Taki (1996), is a relational framework that articulates both whānau, hapū, iwi knowledges and the identities within and between such groupings. In so doing, whakapapa provides the means to be located by both a particular identity, and the means through which to generate connections to other hapū and iwi; it is simultaneously alive to difference and specificity, while affirming collectivities. Māori identity as formed through a complexity of whakapapa interrelationships is employed throughout the thesis to emphasise a thoroughgoing difference to the individualistic, (neo) liberal subjectivities that assume human transcendence of the natural and spiritual on offer

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<sup>32</sup> Māori world, Māori worldviews.

<sup>33</sup> These refer to incantations, invocations, songs, chants, calls of welcome, formal speeches, and greetings.

through state-advanced discourses of biculturalism. Also, and significantly, such an identity is deployed to counter essential-decentred identity debates.

The identity or status of Māori as tangata whenua of Aotearoa was articulated in Te Tiriti o Waitangi (Turangawaewae Marae Hui 1984, in Henare and Douglas 1988: 90). As previously outlined in the first section of this chapter, the text of Te Tiriti o Waitangi and the intentions of tūpuna Māori who signed it, are privileged in kaupapa Māori theoretical frameworks and initiatives. While it might be argued that the intentions held by Māori signatories can only be

“speculative ... it has not generally been seen by them as ceding sovereignty ... It seems more likely that Māori saw themselves as entering into an alliance with the Queen in which the Queen would govern for the maintenance of peace and the control of unruly settlers, while Māori would continue, as before, to govern themselves” (Durie, E.T. 1991: 157).

Such a privileging thus emphatically challenges the sovereign claims in the text of The Treaty of Waitangi, and opens lines of critical questioning and resistance around current politico-legal interpretations of Tiriti/Treaty partnership that overwhelm the terrain (Pihama 2001: 119-120). Thus despite the apparent reconciliation of the two texts in the *Principles for Crown Action on the Treaty of Waitangi* (Department of Justice 1989), kaupapa Māori interventions assert their difference and argue that a legal liberalist discourse is insufficient in determining just expression of Te Tiriti (Jackson 2000). Asserting the reo Māori text of Te Tiriti, and the tikanga that is expressed through it, foregrounds the pressing need to challenge and disrupt the discursive notions of a unified singular national community and indivisible sovereignty of the English text so that new bi-cultural constitutional arrangements might be developed that express a power-sharing partnership (Jackson 2001).

Discourses around Te Tiriti o Waitangi are necessarily linked to the concept of tino rangatiratanga (Smith, L.T. 1997: 216): the assertion by Māori of the right to self-determination. Indeed, tino rangatiratanga relates explicitly to its signing in that it affirmed rangatiratanga ‘absolutely’ (Hoskins 2001: 36). What was affirmed by its signing was the localised authority of a people over their territory. Rangatira or leaders of locales, accorded the mana of leadership by the people or through whakapapa, exercised their rangatiratanga or chiefly authority in accordance with the collective they

represented. The ranga or weaving of this relationship between tira or the collective and their rangatira confers to the exercise of rangatiratanga an inherent and reciprocal responsibility (Lake and Lake 2002). Given this collective nature of leadership, where the mana or status as rangatiratanga is retained through acts of generosity, caring and respect for others, or manaaki (Walker 1990), rangatiratanga is necessarily a form of authority that is determined by and expressed through relationships. This notion is also reinforced by understandings of rangatiratanga as only authoritative within the acknowledged boundaries of the collective (Jackson 1995a: 260). Moreover, the previous discussion on whakapapa, where human authority is limited by respectful relationships with the natural and spiritual realms, again reinforces the notion of authority as operating within relational parameters as the common-sense practice of socio-political power.

This reading of tino rangatiratanga is not to undermine the absolute right of Māori to self-determination or to suggest that rangatira do not speak and act with a forceful authority. Indeed, considerable power is attached to the practice of rangatiratanga given that it carries the collective mana accorded by and through these relationships. The purpose of pointing to the relationships within which tino rangatiratanga is necessarily enmeshed, is to signal that the inculcation of a shared cross-cultural commitment to a notion of authority as limited by and through relationships, is a crucial aspect of generating new bases for Tiriti/Treaty partnerships between Māori and government (universities).

Also to remain absolutely for Māori through the signing of Te Tiriti o Waitangi was mana Māori motuhake – the right to an autonomous and independent existence; that the mana or power and authority delegated to Māori as tangata whenua from the spiritual realm would continue to be used to give expression to ancestral traditions in social and political life (Marsden 1992: 118-119; Jenkins 2000: 243; Kohere 2002). While not directly referred to in Te Tiriti o Waitangi, Claudia Orange (1987: 42) explains that the guarantee of tino rangatiratanga, in emanating from the mana of rangatira, was thus also a guarantee of the ongoing recognition of mana Māori. Mana is also necessarily in relation to land, to the whenua which is the body of Papatūānuku<sup>34</sup>, where the land provides both an authoritative place to stand, to be turangawaewae, and a means

through which to nourish one's own and manaaki others (Lake and Lake 2002). Significantly, explains Jenkins (2000: 167-170), one's mana is not diminished in and through forming relationships with others. Instead, manaaki, those practices of generating, fostering and enacting relationships on a broad scale, are an expression of one's mana (ibid.: 57-58). Reciprocally, and as pointed to in the discussion of rangatiratanga above, the respectful care of others and generosity towards them as the appropriate expression of mana, affirms one's mana (Marsden 1992: 118-119; Walker 1990).

Drawing from these understandings, kaupapa Māori spaces as a means to give expression to Māori ways of being and doing, are conceptualised through the thesis as spaces of mana Māori. It is from these spaces that manaaki – the ability to generously provide and care for others, to form reciprocal relationships with others – becomes possible. Thus without spaces of Māori mana, without the authority to be self-determining, the possibilities for partnership with the Crown become compromised and problematic. The dynamic relationship between mana and manaaki, is considered here as particularly instructive in thinking through possible Tiriti partnership structural arrangements and resources that privilege this dynamic.

### **In Support of the Methodological Journey: Post-Hegelian Theories**

While the purpose and concerns are animated from a kaupapa Māori location, some of the methods of critique also draw from European philosophical traditions of thought, namely those post-Hegelian strands that also seek to disrupt and displace totalising colonial meta-narratives. The deconstructive methodology of Jacques Derrida, and particularly their interpretation by Drucilla Cornell (1992), along with the psychoanalytic theoretical concepts of Jacques Lacan and their more recent development through the work of Slavoj Žižek, have been significantly instructive for this purpose. They are thus positioned as 'hoa mahi' or 'companions in work' (Taina and Hariata Pohatu, in Pihama 2001: 31).

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<sup>34</sup> Mother earth.

I propose then, a negotiated relationship between kaupapa Māori theory and its methodologies of critique and a particular reading of deconstructive methodological insights given this convergence in interrogating and interrupting the universalising and oppressive claims of colonial philosophies and identities. Taking heed of the cautions pointed to by Jenkins (2000) and Pihama (1997, 2001) that such relationships potentially undercut kaupapa Māori intents and re-colonise theoretical spaces with yet more Western voices, I do pose limits to this relationship. Indeed, there have been many pertinent criticisms advanced that question the efficacy of ‘post’ theorising to deliver on the promise to indeed make space for Indigenous subjectivities, imaginings and worldviews (hooks 1990; Spivak, in Soja 1996: 151; Smith, L.T. 1999). Accordingly, deconstructive methods and psychoanalytic insights are employed and limited to disrupting *colonising* notions of identity and practices of sovereign authority. The intention then, and as outlined in the previous section, is that the concepts of relational forms of authority that limit totalisation, and of mana and manaaki which emanate from Māori worldviews and subjectivities come to have a powerful voice in shaping Māori-Crown partnerships based on Te Tiriti o Waitangi. Thus the relationship between the theoretical and methodological strands is negotiated in and through kaupapa Māori.

Such a relationship is not unprecedented in recent kaupapa Māori theoretical and methodological developments. As Hoskins (2001) observes, kaupapa Māori based initiatives emerging from both Māori communities and in academia have been supplemented by the conceptual resources of Western-derived critical theories in analysing and asserting critiques of oppressive colonial social, political and economic constructions (see for instance the work of Mead, L.T. 1997 and Smith, G.H. 1997a). This is a coupling that may not only speak productively to the relationship between theory and the diversity of Māori-lived realities and its (transformative) intentions, but may also help propel the ‘attentiveness’ discussed above as each position works to ‘interrupt’ totalisation by the other (Lather, in Hoskins 2001: 68). Indeed, there are many stories – both ancient and contemporary – that speak of the willingness and the expertise with which Māori picked up the ‘tools’ of others in order to put them to use for the projects that were (are) the concerns of the day. As Jenkins (2000) elaborates, this engagement with and openness to new ideas with the purpose of addressing enduring issues of concern, was and continues as an embodied attitude that pervades

Māori relationships both within Māori collectives, and between Māori and cultural others. It is part of the manaaki that confirms the mana of 'who we are'.

Moreover, the responsibility for pursuing just forms of Tiriti/Treaty relationships between Māori and the Crown (government, institutions) does not lie with Māori alone. The possibility of new partnerships of power-sharing also requires that Pākehā come to strongly question and re-consider current politico-legal sovereign closures around Te Tiriti/The Treaty and the subordinated and unethical forms of relationships such closure specifies.

While a non-totalising ethic is pre-figured in much Māori philosophical thought and practice, as outlined above, challenges to the notion of the unlimited or totalising sovereign authority of government do not only come from Māori and non-Western sources. Instead, there have been many vociferous critiques of the notion of universal (Western) 'truths' that propels colonising discourses from Western philosophers (Solomon and Higgins 1996). While such critiques have been marginalised in European understandings and practices of authority, they do offer a very germane path through which Pākehā or non-Māori readers may engage in the thesis discussion without the requirement that they privilege Māori philosophies over Western, and without the requirement that non-Māori need to somehow assume a Māori identity. Indeed, to presume that they should or could be so positioned would be to substantially undercut the intentions of this thesis to give recognition and expression to the deeply pervasive differences between cultural identities and forms of authority.

The theoretical fields engaged in this thesis then, are put to use to enhance and support 'recognition of difference' – that there are discursive *limits* to that which one culture is able to represent, claim authoritative knowledge of, and understand, regarding cultures which are shaped by and through a different, and *incommensurably different*, worldview. From this position, the challenge of forming productive cross-cultural relationships involves the development of shared recognition of and commitment to a notion of the *limited authority* of governments and tertiary education institutions to understand and determine both the future directions for Māori and the nature of our (on-going) relationships. This offers the possibility of transformative change: a new *non-*

*assimilatory* choreography of cultural difference where the authority of two Tiriti/Treaty partners may be expressed and engaged.

## **Weaving the Theoretical Strands**

These two different paths through which to interrogate and challenge current oppressive sovereign interpretations of Treaty partnership and to thus develop a shared recognition and commitment to limited or relational authority as an ethical basis to possible structural arrangements, give rise to a 'dual-voice' approach to the thesis presentation. The purpose for this is to attempt to speak meaningfully to the presumed cross-cultural audience given the focus on Tiriti/Treaty partnerships. I am aware that this methodological approach might present certain difficulties for readers to get both a firm grasp of where I am positioned in relation to the thesis discussions, and to obtain a coherent reading when the theoretical positions necessarily 'disturb' the other. It is, however, emblematic of the very notion of limiting the authority of one to totalise the other; it is my 'walking the talk' of the thesis. Thus partnership is understood not as working towards some final (assimilative) reconciliation of two partners into one system, but foregrounds partnership as an always already confrontation of and between two.

This oscillation is also illustrative of the dynamic nature of Māori identity expressed in the opening whakataukī: being both connected to a particular place through whakapapa relationships (e rere ana te wai o te awa), and open to new connections and relationships (ki roto i te moana). As I sought to elaborate in the previous section, the danger of drowning or becoming lost (ka ngaro) is heeded by a constant returning to kaupapa Māori in which this thesis is located.

Gestured to throughout this introductory chapter and made explicit here, limiting the possibility of a thoroughgoing deconstructionist reading to reduce all identities, reality and meaning as mere human constructed discourse, including those of kaupapa Māori, is the concept of 'worldview'. Developed in sociological narratives by Karl Mannheim (1936, 1971), worldviews or 'weltanschauung' are advanced as conceptual schema of

how things work in the world; they are primordial layers of consciousness or fundamental attitudes about the world that underpin the socio-cultural practices and interpretations of a given society (Mannheim, in Naugle 2002: 222-227). Moreover, posits Mannheim (1936), their power to mould thinking and practices over time and space marks them as inherently political, whereby conflicts within and between societies might usefully be understood as differences or incommensurabilities in underlying worldviews (Naugle 2002: 211). Colonial power to exert a particular cultural worldview as a universal “design for living” (Jackson 2001), thereby marginalising Māori worldviews by assimilating them within its own conceptual framework or excluding them from engagement, illustrates this understanding. Thus, while assertions of a Māori worldview limit and contain totalising deconstructive readings, deconstructive insights are employed as interventions to limit the totalising pretensions of (neo) liberal politico-cultural constructs. This negotiated relationship between Māori worldviews and an ethically inspired reading of deconstructionism, allows both theoretical strands to be deployed.

The journey this thesis takes in disrupting Western meta-narratives of truth, meaning and reality has also been applied to the traditional disciplinary approach of sociological thesis writing where clear distinctions are made between the object of inquiry, theoretical conceptualisation, method, and data in the interests of legitimising and validating lineal scientific protocols of investigation. Thus instead of compartmentalising them into separate chapters, my approach seeks to foreground their inter-relationships while also giving them distinctiveness. Generated out of my desire to privilege Māori narrative structures of knowledge transmission and production, and to thus again ‘walk’ the words of the thesis, the structure of *kōwhaiwhai* organises the argument to be advanced. These painted bilateral scrolls that adorn the rafters of many *whareniui*<sup>35</sup>, use repeating motifs to visually express the intricacies of *whakapapa* and, often, colonial transgressions of it (Adsett and Whiting 1996: 58). As such, the thesis reads as a series of repeating and multi-dimensional discussions covering a number of discursive terrains, threaded together by and through analyses of identity and authority generated by the theoretical strands.

## **In Summary: The Thesis Journey**

In thinking through how to map out the chapter sequence of the thesis, I particularly wanted to emphasise the necessity of and possibilities for different directions to current neo-liberal politico-legal positions on Treaty/Tiriti partnerships. The koru or spiral is such a metaphor for possibilities, and in tracing its outline, it presents a journey that travels through layers, through a transformative transition, and then spirals back to a similar place, but crucially, a place that faces in a different direction. Being oriented in a different direction, brings a different view with different possibilities. Moreover, that the spiral movement of the koru produces a reverse, resistive space; it transforms both linear (context-free) and circular (closed, specified in advance) assimilative notions of progression (and identity) in that there is always already the presence of two narratives. This then is the journey that I attempt to map out in my thesis.

In so doing chapter two begins the journey by considering the wider discursive bicultural context that has come to be elaborated by government and universities, and within which Tiriti partnerships of power-sharing are presently stifled by their reliance on sovereign discourses and deeply pervasive assimilative desires. Deepening this analysis, chapter three takes a closer look into how bicultural discourse is given mobility in and through its articulation as 'freedom' in neo-liberal regimes of (institutional) governance. Supporting an oppressive although seemingly progressive biculturalism as freedom of choice for Māori, are publicly disavowed mechanisms of assimilative control that direct and specify an identity and rangatiratanga for Māori and thus Tiriti/Treaty partnerships in a neo-liberal market-oriented and rationalised administrative logic. Indeed, the metaphor of koru as a spiral movement that produces a reverse, resistive space was crucial in generating my understanding of the relationship between rationally-advanced discourse and the psychical-emotional that subverts it, and thus the importance of 'looking to the underside' (Grace 1998) when analysing discursive formations.

While there are numerous transformative transitions throughout the thesis, chapters four and five significantly transform current hegemonic discourses of a national bicultural

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<sup>35</sup> Meeting houses.

identity and sovereign authority by asserting the difference and persistence of Māori whakapapa identities and forms of authority embedded in the notion of mana motuhake and practices of tino rangatiratanga that resist and disrupt colonising closures. In so doing, they bring readings of Te Tiriti o Waitangi to the foreground. As part of the spiral 'back' (and back to the empirical field of inquiry), chapter six elaborates on the theorising and development of kaupapa Māori spaces as spaces of mana Māori and thus as spaces of manaaki and relationship formation with cultural others. It is here that the interview material enters into the journey. Drawing on the kaupapa Māori theoretical concepts and the deconstructive techniques developed through the thesis, the interview material is analysed in chapter seven to bring their disruptive, transformative discourses to the fore.

From this position, the structural arrangements, ethical principles and relational resources that are pointed to, when turning back to the dilemma of current assimilating Treaty partnerships in chapter eight, bring a different view. What is asserted then is not absolute state sovereignty but authority as delimited by and through the Tiriti/Treaty relationship; not singular bicultural spaces that maintain governmental/institutional sovereignty over authority and identity, but spaces of mana Māori and manaakitanga that both affirm Māori identities and authority and value reciprocal relationships; not the cold distance of an assimilative administrative rationality but a generosity to decouple Te Tiriti o Waitangi from an assimilative national unity. These insights powerfully invigorate the terrain of Tiriti/Treaty partnership debates and possibilities with 'answers' different to the neo-liberal politico-legal certainties that unjustly oppress Māori worldviews. In fuelling ahi ka, they offer the possibility of Tiriti partnership.

## THE BICULTURAL STATE

### Introduction

Throughout the last two decades, state-advanced discourses have re-positioned Aotearoa/New Zealand as a bicultural nation. For Jackson (2001), however, the form of biculturalism on offer is a “Crown invention”. He calls it an invention or fabrication because the two cultures of this biculturalism are not Māori and Pākehā as might ordinarily be assumed, but are instead the culture of colonisation that came from Europe, and the developing culture of a unique New Zealand or Kiwi identity. That New Zealand culture continues to function through colonial sensibilities means that the current state discourse of biculturalism, while proclaiming to acknowledge the unique status of Māori, obscures the reality that it is a status which is still confined in a position subordinate to that of the Crown (ibid.). From this critical position then, the creation of what Juan Tauri (1999: 161) terms a state-sponsored biculturalisation project, does not work to acknowledge Māori as a self-determining and authoritative Treaty partner. Instead, the state-produced discourse of biculturalism operates as a contemporary form of colonial-inspired assimilation, appropriating and subsuming selected aspects of te ao Māori (and through such dislocation rendering them politically benign), in the quest to create and specify a unified and unifying nation and a New Zealand ‘bicultural’, ‘post-colonial’ identity for all (Kelsey 1996: 184-185; Smith and Smith 1996: 217-218; Durie, M. 1998: 222-223).

The purpose of this chapter is to broadly map some of the dimensions of the state-produced discourse of biculturalism, as it is constitutive of the wider assimilative national context against which the animating questions of this thesis are posed. This mapping begins with an overview of the development of bicultural discourse in Aotearoa/New Zealand in order to offer a sense of the pre-existing socio-political tensions to which biculturalism is posed as a remedy. What is then laid out for discussion are the assumptions which underpin state attempts to operationalise

biculturalism: that the quest to translate between cultures is unproblematic, and that its prevailing notions of culture and identity are culturally neutral. In response to Māori opposition to such assumptions, the state endeavours to relieve the tensions that arise and maintain a hegemonic position over the bicultural discursive field, by and through *extending* its discursive reach. That is, state-advanced bicultural discourse expands its scope to shape and control ‘bicultural’ policies, practices and subjectivities by and through the emergence of biculturalism as ‘risk management’ – an approach which both displaces and supplements biculturalism as ‘the utopian dream’. The last section of this chapter turns to discuss the operation of this relationship in the current tertiary education reform context and process. Significantly, it is a relationship whose oscillation marginalises the consideration of versions of biculturalism that admit the presence of two authoritative Tiriti/Treaty partners.

As the discussion proceeds, it becomes clear that marginalisation of Māori forms of identity, and authority through *tino rangatiratanga*, may not only proceed through a refusal to engage with, or through a dismissal and ridiculing of such ideas as ‘beyond reason’. Marginalisation may also be effected by an engagement that seeks to somehow traverse or ‘appropriate through biculturalisation’ such irreconcilable understandings in order to re-articulate these visions within its own logic. What this signals is that at the ideological level there are limits to the range of understandings that may be legitimated – the totalising confinement of liberalism’s closed circle – and in so doing, enables (neo) liberalism to offer itself as the only reasonable answering ‘voice’ to on-going inter-cultural tensions, thereby silencing other potentially contributing discourse that might exist beyond itself (Tie 2000: 73).

Disruption of (neo) liberalism’s circle – a circle that marks out the binarism of a truthful legitimate centre on its inside and an unreasonable illogical margin that is to be continually excluded – proceeds not only by and through conferring legitimacy to discourses of *tino rangatiratanga* and *mana motuhake*. Disruption of its closure is also provoked by the ‘unsettling’ insights generated from post-Lacanian psychoanalytic theories that interrupt the sense-making and organising power of hegemonic discourse. As the ‘underside’ to rational explanations, state-authored biculturalisms are enabled not merely because of the way they coalesce with other legitimated key ideas (e.g. state sovereignty), but because certain ideas also have an *emotional resonance* that meshes

with collectively (and culturally) held fantasies and emotional commitments. As Žižek (1997: 21) points out,

“in every ideological edifice, there is a kind of ‘trans-ideological’ kernel, since, if an ideology is to become operative and effectively ‘seize’ individuals, it *has* to batten on and manipulate some kind of ‘trans-ideological’ vision which cannot be reduced to a simple instrument of legitimizing pretensions to power (notions and sentiments of solidarity, justice, belonging to a community, etc.).”

Widely shared (and perhaps culturally-specific) ideas then, are not themselves the kernel. Instead, the kernel is something prior to language, akin to Lacan’s domain of the Real, which is mediated through fantasy and then comes to be articulated in language through attempts to give it a socially (and culturally) acceptable rationalised expression. The destabilisation of prevailing state-advanced bicultural discourse from its emotional underside occurs when the fantasy or “trans-ideological kernel which makes an ideology workable” (ibid.: 21) is revealed or exposed as somehow problematic and disturbing. Prefiguring Patricia Grace’s (1998: 156, 201) “looking at the underside”, this psychoanalytic insight signals the need to attend to both the rational-discursive and the affective-emotional when seeking to both explain and alter understandings of biculturalism.

## **Contextualising Biculturalism**

The imagining of Aotearoa/New Zealand as a harmonious and unified bicultural nation has been powerfully shaped by nationalist discourses that articulate an egalitarian national identity, a land of equal opportunity for all, a land of exemplary race relations (Beatson, in Walker 1987: 9; Harker 1994: 283-284). In support of this discursive construction, the signing of Te Tiriti o Waitangi/The Treaty of Waitangi between Māori and the Crown is taken as evidence of a unified and cohesive nation characterised by co-operation, openness and partnership amongst equals. Harking back to the paragraph above, this discursive identity as a unified nation of equals resonates with the deep emotional desire of subjects to achieve a sense of wholeness from the world ‘out there’. Through providing this fictive or fantasmatic sense of wholeness, through ‘answering’

the desire for identity of its members, the nationalist discourse of unified equality becomes operable.

Securing such a unifying national identity or symbolic order so that the nation forms a unitary whole of one people in one territory, explains David Pearson (1990), required from the outset of colonisation, a plethora of suppressive political policies and legislative statues with the official objective of assimilating Māori to the national monocultural order. While Pearson (*ibid.*) and Ranginui Walker (1990) stress forms of historical and ongoing Māori resistance to the developing colonial order, this monologue of assimilation continued basically unimpeded until the 1960s. With the 1960 release of the Hunn Report, the official racial policy instead became one of 'integration' where Māori and Pākehā elements would be 'combined' to form 'one nation', but within which Māori culture would remain distinct (Hunn 1960: 15). Significantly, notes Paul Spoonley (1993: 66), the Hunn Report presented statistical evidence of Māori as a disadvantaged group, and in questioning the myth of racial equality that supported assimilation, an official policy shift from assimilation to integration was required to re-legitimate discourses of national unity (Mead, L.T. 1997: 348).

However, and foreshadowing similar critiques that would be later levelled towards bicultural policies, those cultural aspects of *te ao Māori* integrated into nation-building endeavours were those that posed no challenge to the national symbolic order (Simon 1986; Pearson 1990). As pointed out by both Pearson (*ibid.*) and Linda Tuhiwai Mead (1997), integration merely legitimised further state-driven assimilation of Māori and provided further impetus to its inevitability as it was implemented by and through the belief that such policies not intervene in what was essentially a 'natural' evolutionary process (*ibid.*: 349). Once again, Māori expectations and aspirations for cultural recognition and a legitimate place in the policies and practices that shape national life were subordinated to an overarching assimilation.

Although Māori initially encouraged integration, explains Durie (1995: 37), concerns arose around both the appropriation of Māori (people, culture, perspectives) into the nation's mainstream, and the lack of results from the policy change. Arising out of Māori resistance to and frustration with the stultifying effects of assimilation, and

through a developing consciousness of the tokenism of integration, biculturalism came to be articulated as a mode of socio-political organisation that would deliver both equality and recognition of the particular rights of tangata whenua (Walker 1987, 1990; Durie 1995; Mead, L.T. 1997).

As noted by Spoonley (1993: 91-92, 1994: 90), Māori activism throughout the 1960s and 1970s generated intense public debate about the possibility of New Zealand becoming a functional bicultural society. These debates, and the changes they have heralded in the national arenas of policy and law, have been marked by the significantly different understandings of biculturalism advanced by Māori and by the state (Durie 1995: 35; Spoonley 1995a: 53). They have also been marked by the need for successive governments to maintain the discourse of national unity in the face of both sustained Māori activism and ongoing Pākehā backlash to the threat that such activism poses to their desire for a singular nationhood.

### **Biculturalism and the Assumption of Cultural Translation**

While initially promoted by Māori, by the mid to late 1980s the state had come to articulate and advance a discourse of biculturalism. As briefly outlined above, bicultural discourse emerged, and continues to operate, amidst significant socio-political tensions. The tensions occur between liberal notions of equity and equality where Māori and Pākehā would come to share equally in the goods of life, and Māori demands both for such a fairer distribution of goods and for legitimate expression for Māori of tino rangatiratanga and mana motuhake (Sharp 1997). As such, and against liberal requirements for an overarching politico-legal order that seeks to specify the accommodation of special rights to Māori from within its own logic(s), expectations of Māori from a bicultural relationship are shaped around notions of the existence, protection and operationalisation of dual sources of independent authority – Māori and Crown. This form of bicultural relationship allows, on the one hand, power-sharing and partnership with the state, and on the other, freedom and autonomy from the state. The right to retain such authority and independence is grounded in the fact of original occupation as tangata whenua, and from there, through Te Tiriti o Waitangi which established the framework for a constitutional arrangement of biculturalism in

Aotearoa/New Zealand (*Te Atiawa Report*, in *ibid.*: 231; Jackson 2001). The tensions that arise from differently positioned Māori and Western (liberal) notions of how bicultural relationships might be expressed and actualised, are reflected in and through official and quasi-official policy documents (and practices) from the mid 1980s onwards, where they are approached for the purpose of resolving cultural differences (Sharp 1997: 236-245). It is this process of reconciliation, the reduction of Māori within liberal logics, that I wish to explore and critique within this section.

This current state-produced discursive ideal of biculturalism as *the reconciliation of Māori demands for recognition reduced to the requirements of liberalism* arguably came of age in the Royal Commission on Social Policy's 1988 four volume report entitled *The April Report*. In the introduction of 'Volume II: Future Directions' (1988: 5), the following comment attempts to operationalise this ideal through providing the overarching framework in which to conceptualise and advance the development of a Treaty-based bicultural partnership:

“the important point [is] that while in theory and in principle the Māori and Western traditions seem to be some distance apart, in everyday life the differences may well be more apparent than real ... In short, *the ties that bind us as New Zealanders are much greater than the differences which divide us*. But that does not lessen the importance of recognising and valuing and giving expression to those differences”.<sup>1</sup>

The assumption that, *in reality*, cross-cultural differences can be subsumed to affinities, that being located within culturally-specific worldviews is somehow irrelevant or becomes transcended in and through the activities that constitute our daily life, allowed the Commission to unproblematically amalgamate Māori and Western value systems into a set of presumably culturally-neutral shared norms as the basis for partnership in the construction and delivery of a shared social policy (Turner 1995: 82-84).

However, given that the shared norms of fairness, equality, and justice are central tenets of liberal political philosophy, it can reasonably be asked 'to what extent are these norms – their naming, their meanings and their appropriate expression – actually shared cross-culturally?'. Theorists such as Taylor (1994a: 43-44) critique liberalism's foregrounding of shared norms or universal 'truths', suggesting that it amounts to

“particularism masquerading as the universal”. In reflecting hegemonic (liberal) cultural values and precepts, this foregrounding suppresses or denies difference while at the same time claiming that difference is being justly recognised. In this way, the intentional “recognising and valuing and giving expression to those differences”, actually confines or re-defines or limits ‘difference’ to those that attain legitimacy and can be made to fit within liberalist logics established by and through these norms. This ability to advance shared norms or universal truths rests on the liberalist assumption that human reason and rational dialogue can transcend culturally-located differences (Tully 1995; Solomon and Higgins 1996), that ‘talking things through’ will and should lead to a singular ‘enlightened’ position. Against this central liberal ideal, a plethora of theorists<sup>2</sup> question the viability and justness of such an assumption, which leads to a further question: ‘is it possible (or just) to advance the existence of overarching shared norms?’.

The state-produced discourse of biculturalism both arises from and operates through this assumed possibility of cultural translation: that we can transcend our particular cultural differences and establish shared pathways forward through cross-cultural dialogue. Speaking from within this discursively constructed position, Andrew Sharp (1995: 126) and Kaye Turner (1995: 78, 93) claim that diverse Māori and Pākehā worldviews can come to be expressed together in a ‘dialogic community’ by and through establishing shared (inclusive) political processes which can express and mediate contested versions of public policy. Echoing Jackson (2001), what is *denied* through this Habermasian<sup>3</sup> claim that language can potentially be made transparent and universally valid, and through which the goal of cross-cultural consensus is to operationalised, is the incommensurability of cultural and language differences (Jameson, in Lyotard 1989: x). In so doing, the appearance of free and open dialogue conceals a will to power, as the concepts and values of the ‘final vocabularies’ within which cross-cultural dialogue is required to take place, are inevitably shaped in and through (Western Enlightenment) liberal philosophical terms, which requires a reconciled consensus with and to itself (Bhabha, in Moore-Gilbert 1997: 125-126).

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<sup>1</sup> Emphasis added.

<sup>2</sup> For example: Lyotard (1989); Bhabha (1990); Derrida, Levinas, Lacan, Adorno (in Cornell, 1992).

<sup>3</sup> See Habermas (1994).

Moreover, Žižek (1997: 26-27) suggests that the Foucauldian reading of power, as invoked above, is insufficient. This is because the 'will to power' assumes power to be of one internally coherent form, suggesting that the state might well translate difference as the same in a manner that results in a single, shared outcome. In so doing, it imputes power with a singularity which it does not possess. Quoting Žižek (ibid.: 26-27) in detail on this point, it is not only that

“resistance is immanent to Power ... that power is inextricably linked to counter-power, generating it and being itself conditioned by it: in a self-reflective way, the split [between power and resistance] is always-already mirrored back into the power edifice itself, splitting it from within, so that the gesture of self-censorship is consubstantial with the exercise of power.”

For the state to retain its power to translate, for its bicultural ideology to remain operative, Žižek (ibid.) suggests that it must censor the assimilationist fantasies that underpin its power. The point to be made here is that such censorship is never able to be completely managed or achieved so that in any state-advanced bicultural statement (policy, practice), the unconscious fantasy of assimilationist universal 'Truths' will erupt into visibility (ibid.: 25). So, despite attempts to repress, deny or somehow leave assimilation behind by and through claims to 'be bicultural', the unconscious assimilationist supplement is revealed as being “outside, not hidden in any unfathomable depths – or, to quote the *X Files* motto: ‘The truth is out there’” (ibid.: 3).

What this points to is the danger of assuming that cross-cultural dialogue can be an innocently transparent means with which to productively negotiate or translate intercultural understandings. Such critiques signal that the *fantasmical claim of intercultural translation* upon and through which a state-produced bicultural discourse gains its legitimacy and is attempted to be actualised, cannot be guaranteed or prescribed in and through liberal attempts to secure and legitimate shared normative ideals (Derrida, in Cornell 1992). This is not to deny, however, that there can be no shared basis upon which to proceed a bicultural relationship, but instead asks that we acknowledge the interminable provisionality of any 'bicultural' truth or meaning (or identity) that insists on the final reconciliation of difference (ibid.: 60).

In addition to these critiques of the Habermasian expectation that an actual or possible communicational consensus can occur through which undistorted cross-cultural

dialogue will emerge, is an interrogation of the assumption of the Other as an homogenous subject in dialogue. While Jürgen Habermas (1994) insists on differently positioned cultural subjects as partners in dialogue, on inter-subjectivity proper which confers the capacity to (fully) imagine being in the Others shoes, for Emmanuel Levinas (in Cornell 1992: 66), however, there is “always a trace of otherness that cannot be captured by my “identifying” with the Other in relations of mutual recognition ... [so that] ... the basis of ethics is not *identification with* ... , instead ... my relationship to her is necessarily asymmetrical”. Heterogeneity is always-already present between subjects in dialogue.

Lacanian-inspired insights also interrupt the Habermasian view of communication by exposing it as a fantasy of an impossible and narcissistic assimilating sameness – a fantasy which represses the dialogical intersection as being heterogeneous, where the other subject remains unincorporated (Žižek 1997: 10; Žižek 2001). Thus what precedes a fantasmatic inter-subjectivity is not a singular, in this instance, ‘bicultural’ subjectivity, but an ‘impossible’ relation to an Other which is the *real* (impenetrable, unknowable) Other (in Žižek 1997: 10). For post-Lacanian theorists such as Žižek (ibid.) then, inter-subjective or cross-cultural dialogical impossibility and misunderstanding is the norm with which all attempts to negotiate the ‘truth’ must wrestle.

The fantasmatic claim of the possibility for inter-cultural dialogical translation is underpinned by, and proceeds through, a denial of incommensurability between cultural worldviews: a denial of “difference that remains different” (Cornell 1992: 141). Writers such as Sharp (1995: 117-119) seek to deride the existence of inter-cultural incommensurability as it “mistakes the nature of human rationality” and is “too pessimistic about the possibility of translation across cultures and ‘conceptual schemes’”. For him then, “in the real world” culture is best conceptualised as “leaky vessels, created, renewed and transformed in endless contact with others“, as “the ensemble of complicated ways of living that people just happen to have, and share. It might be possible to present them as coherent systems, but such systems are in fact only summary descriptions of something much more messy and permeable”. This view is juxtaposed with his (caricaturised) understanding of Māori-advanced conceptions of culture as existing in philosophically different realms – “other, separate, whole”.

Sharp's criticism of such an understanding of culture, and so the bicultural formations it makes possible, seems to be two-fold: on the one hand it is "logically incoherent" (disruptive to) with the state-produced discourse of biculturalism; and on the other, it is impossible and wrong because it demands that Pākehā privilege Māori philosophies over Western, and demands that Pākehā become "monocultural Māori" (ibid.: 128-130).

What Sharp leaves out, however, in his binarist conception of culture as either indistinct (Pākehā calls for inclusiveness) or self-contained (Sharp's interpretation of Māori claims as demands for exclusivity and separatism), are the possibilities for cross-cultural or bi-cultural relational formations that may emerge from a suspension of belief in the possibility and necessity for an intellectually reasoned universal and overarching truth and identity (Derrida, in Cornell 1992). It is to this vision of socio-cultural life that this thesis is dedicated and seeks to advance.

## **Operationalising State-produced Discourses of Biculturalism**

A critique of hegemonic biculturalist discourse as a *process of reconciling and reducing* Māori within liberalist logics through an assumption of cross-cultural dialogical translation, is shared by many theorists and writers who seek to foreground its assimilationist and appropriating design (including Kelsey 1996; Pearson 1996; Durie, M. 1998; Tauri 1999; and Jackson 2001). Accordingly, for Tauri (1999: 154-156), the state-sponsored biculturalisation project might be best described as signalling a continuation of the colonial process – as the latest version of an (incomplete) project that attempts assimilation by pulling Māori (both culturally and as subjects) deeper into civil-societal structures such as education, religion and law, through government policy and procedures<sup>4</sup>. At the same time, however, persistent Māori resistance to assimilation has meant that governments have had to try and accommodate Māori claims for recognition, in order to 'manage' such conflict and attempt to legitimise its processes in the eyes of Māori dissenters (Pearson 1996: 249; Smith and Smith 1996: 217-218). Such accommodation has become to be operationalised by and through the inflecting of state-advanced bicultural discourse with 'risk management'.

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<sup>4</sup> Also see Sissons (1989).

In this discursive mode, biculturalism might be understood as a particular governance strategy of neo-liberal administrative regimes given their concurrent development in Aotearoa/New Zealand from the mid 1980s onwards. In seeking to respond to Māori claims for recognition of tino rangatiratanga, the re-configured neo-liberal state utilised biculturalism as a means through which to capitalise on the desire to explore new policy directions (Spoonley 1995a: 51). For instance, the devolution of operational authority so that Māori could provide social services in a culturally appropriate manner has meant that the state could meet its own agenda of reducing the size of its operations and thus its financial commitments (Spoonley 1994; Smith and Smith 1996). Accordingly, the state has sought to divest itself of the responsibility to provide security against risk by positing the individual as the rightful locus of responsibility (Dean 1999). Providing Māori with some ability to be self-managing resonates strongly with such orthodox neo-liberal policies and has thus necessitated the promotion and development of a self-responsible prudential subjectivity<sup>5</sup>. In taking up this form of subjectivity, Māori dissent might be de-politicised and thus its 'risk' to the overarching unity and sovereignty of the nation-state be effectively 'managed'.

What this points to is that a state-advanced biculturalism attempts to extend its discursive reach, and so its ability to speak meaningfully and legitimately to differently positioned citizens of the 'nation', by and through moves to both displace and supplement the invocation of biculturalism as an (assimilationist) 'utopian dream' with biculturalism as a form of 'risk management'. To elaborate on this 'displacing-supplementing' relationship, it is important to explain them both as *different* discourses while being, at the same time, mutually complementary *in effect*. Their opposition would seem to lie in their ability to recognise and tolerate difference, where biculturalism as risk management appears at ease with a certain non-reconciliation of cultural difference, allowing 'space' for Māori (language, culture, knowledge) to emerge and be operative. In working to alleviate inter-cultural tensions emanating from Māori dissent to the 'utopian dream' of a unified and Euro-centric nation, such discourse highlights, for instance, the importance of engaging with Māori as a Treaty partner and the provision of "For Māori, By Māori" services.

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<sup>5</sup> For a discussion on the rise of the prudential subject, see O'Malley (1996).

However, given that such recognition of difference is made in order to manage and so *contain* the risks associated with Māori resistance – namely the formation of secessionist movements, demands for power-sharing arrangements, non-negotiable stances on Treaty of Waitangi settlement claims, and so on – *while at the same time proceeding towards* the ultimate horizon or utopian dream of a harmonious nation of ‘New Zealanders’, such recognition is granted within highly contested and tension-ridden operative limits. Thus any notion of a progressive displacement of the ‘utopian dream’ is fallacious as both discourses are propelled by the same assimilationist fantasy of rationally ‘uncovering’ universal truths that can and/or should transcend and finally settle cultural differences. This gives rise to the pervasive unconscious-but-visible state-held view that recognition of difference is pursued as merely a means to an end, as that which is (temporarily) required *in order to* pave for Māori the road to successful inclusion-through-participation in the nation’s mainstream. Moreover, while ‘risk management’ supplements ‘utopian dream’ biculturalist discourse, this supplementation may be said to be reversed when the utopian dream is re-invoked whenever state ideologues begin to fear the consequences of their own liberal tolerance (Glutz, in Habermas 1989: 24). In this way these two state-authored approaches to biculturalism are both reinforcing and mutually-compensatory, enabling them to be both discussed together as a singular coherent discourse, and separately as their constituent and discordant parts.

Operationalisation of bicultural discourse came increasingly to the fore in the mid 1980s when government departments, their officials and policy-makers, began to conceive of and promote themselves as bicultural entities (Wilson and Yeatman 1995: xv; Tauri 1999: 155). In 1988 this burgeoning biculturalism became official government policy through the State Sector Act, and from this, guidelines were issued to all government departments on how to become bicultural (Kelsey 1996: 185). This entailed the elaboration of a plethora of discursive devices, including:

“the employment of departmental ‘Māori advisors’; the establishment of Cultural Advisory, Māori Perspective or ‘Partnership Response’ units by various government departments (including Inland Revenue and Social Welfare); the adoption by departments of a Māori name (which was then displayed on buildings and official documentation), Māori motifs on letterheads; the organisation of in-house ‘cultural sensitivity’ training sessions, and cultural and

Treaty of Waitangi awareness programs such as marae .. visits and stay-overs ..”  
(Sissons and Tauri, in Tauri 1999: 155-156).

This process of the “rationalisation of Māori tradition”, explains Tauri (ibid.: 156), achieves two interwoven ends: to enable government to signify its commitment to biculturalism (and Māori demands for recognition); and further, more than just government or departmental ‘image politics’, it enables the continued colonisation of Māori life-worlds – ends through which the self-conscious and unconscious promotion of assimilative colonisation intersect, illustrating the complementary and subsumptive effects to Māori of bicultural discourse played out as both ‘utopian dream’ and ‘risk management’. For Tauri (ibid.: 156), this program of ‘colonisation as biculturalism’ involves two interrelated processes. The first is the *bureaucratic rationalisation* of Māori social relations. This is operationalised through a whole range of government interventions (policies, programs, laws, initiatives), translated by and through rhizome-like networks of power that, in linking state-determined objectives to those advanced by authoritative experts in the realms that lie outside its legitimate scope (private enterprise, civil society, family, community), attempt to shape or assimilate the conduct and subjectivities of *all Māori everywhere* in line with (neo) liberal ethical norms i.e. as autonomous responsible entrepreneurial individuals (Rose 1999). However, this penetration of state-determined (liberal) ideals, norms, programs, and procedures into the life-worlds of Māori, argues Tauri (1999: 156), necessitates an increased need for state legitimisation, in order to ‘give evidence’ to the claim of ‘bicultural’ authority upon which such interventions are made. This is facilitated through an over-identification of Māori with the state-produced discourse of biculturalism, through an *instrumentalisation* process of symbol utilisation, where Māori cultural meanings, symbols, traditions and identity (and personnel) become reduced to bureaucratic resources (Sissons, in ibid.: 156).

It is argued that the state-produced discourse of biculturalism does little to satisfy Māori demands for recognition of tino rangatiratanga and mana motuhake, to be co-authors and decision-makers in a Tiriti-based partnership, because the processes and policies it operationalises are formulated on the continuing monoculturalist assumption that the present liberal system can *adequately translate* (subsume, reduce, assimilate) such different demands into or from within its own logics (ibid.: 161). In this way, the

state's assumed right to power, to be the final and sovereign author of the laws and policies and interventions in the lives of *all* its citizens, effectively remains avoided and unchallenged by and through the uptake of biculturalist discourse (Kelsey 1996: 185-186). It is a right formed in and through subscribing to a discourse of sovereignty which gains unconscious ideological support from collectively (and culturally) held assimilationist fantasies of the state as an authoritative arbiter of universal truths. As Turner (1995: 92) and Durie (1998: 232-236) observe, the situation remains that most policies for Māori are shaped and approved by the state, with Māori participation, if deemed required, being relegated to the 'contribution of a viewpoint' in the form of advice and submissions. Similarly, devolution to iwi partners – where tino rangatiratanga has been re-interpreted to mean self-management – reduces iwi to mere service-delivery agents of the state, who retain ultimate power over decision-making and funds (Kelsey 1996: 188)<sup>6</sup>. Indeed, liberalism seems unable to recognise sources of politico-legal authority that lie and remain outside its discursive limits, except through attempts to incorporate them as the same – a process of translation that maintains itself as the only reasonable answering 'voice' (Jackson 1998: 74; Tie 2000: 73).

The differences that biculturalist discourse includes and respects are those that do not pose serious challenges to the normative standard of (neo) liberalism: that maintain the view of the world and society as a single reality, knowable and explainable through rationally-achieved (and unconsciously supported fantasies of) overarching universal moral and legal truths. By way of example, Turner (1995: 84-85) outlines how in *The April Report*, the Royal Commission on Social Policy (1988) emphasised the symbolism of the Treaty as a potentially unifying social force in both their analysis and recommendations, rather than focussing on more meaningful questions around possible changes in politico-legal structures that might give expression to the Treaty's partnership potential. Instead, the state-produced discourse helps to construct and extend the myth of a unique bicultural New Zealand or Kiwi national identity, where selective and unproblematic aspects of te ao Māori and Māori taonga<sup>7</sup> are incorporated to represent and make manifest this vision. As Jackson (2001) advances, biculturalism is about "a real sense of respect for difference – and not just difference in the form of

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<sup>6</sup> For an example of this 'at work', see the Department of Social Welfare's 1994 publication entitled *Te Punga: Our Bicultural Strategy for the Nineties*.

<sup>7</sup> Valued items, resources.

music and art – but difference in the form of the ways that power may be expressed, constitutional orders may be constructed, and self-determination may be pursued, because culture does not consist just of music and art, but is shaped by the power which gives those things life, vibrancy and meaning”.

The liberal notion of a one-world, one-(politico-legal) logic reality, where cultural difference can be incorporated or translated into the same, helps to sustain (and is sustained by) the ideal of a ‘bicultural’ identity – an identity that transcends being Māori or Pākehā. Accordingly, the state-produced discourse of biculturalism, manifested in such documents as *The April Report* (Royal Commission on Social Policy 1988), asks for us to shape our identities firstly as bicultural New Zealand citizens, and then secondly, in terms of our membership in special interest groups of which Māori might merely be one (from Sharp 1997: 243-244). Further to this, the indigenising of the public sphere that biculturalist discourse attempts to operationalise, works to construct the view that Māori taonga (including te reo Māori<sup>8</sup>, tikanga Māori<sup>9</sup> and mātauranga Māori<sup>10</sup>) are national treasures and resources for the nation as a whole, and as such, legitimates the asking of us to shape our identities in a similarly inclusive (subsumptive) manner: as bicultural persons. As Patricia Johnston (1998: 149) explains, as a specific aim of government policy and practice, biculturalism is to become the personal attribute of all New Zealanders. The expressed hope here is of biculturalism as a means or mechanism to move to inclusive relationships between Māori and Pākehā (from *Puao-Te-Ata-Tu* and the WARAG report in Spoonley 1995b: 102; Meredith 1998), that competing versions of socio-political life can come to be articulated together in a logically coherent manner through a shared commitment to ‘being bicultural’.

The claim of an ability or capacity to ‘be bicultural’ by government officials and policy-makers, is used to justify and sustain the belief that the state infra-structure can rightly determine the lives of Māori, the place of Te Tiriti/The Treaty, and the nature of our ongoing cross-cultural relationships (Kelsey 1996: 178-179). A ‘bicultural identity’ is also used to deny Māori demands for forms of separate representation or structures, as

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<sup>8</sup> Māori language.

<sup>9</sup> Māori customary practices.

<sup>10</sup> Traditional Māori knowledge.

all (bicultural) representatives or structures are capable of representing and attending to Māori interests (Sharp 1997: 237). What this signifies is that the uptake of a commitment to a state-produced discourse of biculturalism has meant that the ultimate sovereignty of the state has remained unchallenged, and further, has been extended through underpinning biculturalist discourse. Thus, in a near twenty year period of talk about 'Treaty partnerships' and 'Treaty rights', minimal inroads have been made in the quest of Māori for self-determination (Tauri 1999: 161), revealing the extensive discursive reach of a state-authored biculturalism as both 'utopian dream' and 'risk management', and the capacity of the supporting trans-ideological fantasy of cultural translation, through which both discourses are rendered operable, to effectively 'seize' subjects and shape the desired form of biculturalism (Žižek 1997). 'Talking up' biculturalism then, particularly in the form of an endless procession of policy documents, seems to have enabled the avoidance or evasion of attempting to actualise how culturally different sources of (politico-legal) authority might come to be expressed in power-sharing bi-cultural arrangements.

## **Biculturalism and the Current Reforms of the Tertiary Education System**

State-advanced biculturalist discourse has been made manifest in the purpose, content, and development process of the central tertiary education system reform document – the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b). Some of the specific components of the reform programme, namely institutional charters that articulate strategic direction and system contribution, profiles that operationalise and monitor charter commitments (Ministry of Education 2001), and the establishment of a Tertiary Education Commission to 'steer' the sector and actualise the *Strategy* through this system of charters and profiles, will be analysed in the following chapter.

The *Tertiary Education Strategy 2002/07* is emblematic of the issues which are most at stake in so far as it seeks to align or 'connect' the tertiary education sector with government-determined national goals of economic and social development, including the goal of Māori development, and as such paves the way for greater governmental

control and involvement in the direction of tertiary education and institutional accountability. To articulate in a coherent overarching strategy the (often) differently positioned educational goals and aspirations of Māori communities with both governmental educational goals in general, and governmental educational goals for Māori in particular, requires the assumption of a high level of shared goals, visions, and aspirations between ‘New Zealanders’. By and through denying those cultural differences that remain different, the *Tertiary Education Strategy 2002/07* works to construct a view of unity through its continual invocation. As such the *Strategy* abounds with the collective pronouns we, us all, our, and speaks of our national goals, our community, shared visions, joint identification, alignment, cohesion, partnerships, relationships, connectivity, inclusion, and the system as a whole.

One of the purposes of the *Strategy* is thus to position current Māori participation and Māori education initiatives as smoothly and unproblematically part of (or co-opted by) the state-system, and further to this, determines that Māori need to be more included within and ‘enabled’ by this system – that this is *the only possible path* by which Māori can become fully capable (national and global) citizens, and indeed, fully ‘human’. One way to specify such a unified national future – where cultural difference is reduced to or translated as the same – is by and through the claiming of a singular “unique, complex and enduring identity” (ibid.: 12). Accordingly, Māori and government are to be viewed as a singular and harmonious ‘empowering’ unit, through which the whole nation may join together to “enable Māori” to aspire to self-development and advancement, allowing Māori to contribute to “New Zealand’s identity and future prosperity .. [with] increasing significance” (ibid.: 13). Moreover, a further way to specify an aligned national future, and which forms another key focus of the *Strategy* with respect to Māori, is the positioning of Māori traditions and sources of knowledge as a *national resource* both for signifying a distinctive and competitively advantageous national cultural identity in the international marketplace or ‘global village’, and as the basis of an innovative capability for economic growth (ibid.: 11-14). As outlined in the introductory chapter, the goal of an all pervasive unified and coherent national identity is a key discourse through which the current ‘third way’ regime of government is manifested.

This advancing of biculturalism as the ‘utopian dream’, while ‘in play’ throughout the *Tertiary Education Strategy 2002/07*, is most clearly articulated in chapters two and four – respectively and appropriately entitled “The New Zealand Context: Our Development as a Prosperous and Confident Nation” and “The Change in Focus: A Connected Tertiary Education System” – supported by the aptly chosen photographs of a distantly peaceful but productive rural-coastal scene (ibid.: 9) and inter-connecting cogs (ibid.: 17). Of significance is that in seeking to emphasise national *togetherness*, the Treaty of Waitangi, given its association with division and disharmony, is mentioned but once in these chapters (ibid.: 18), and is utilised there to underscore that government, Māori and the tertiary education system will work smoothly together to successfully “accommodate Māori”. These attempts to foreground consensus, however, do not necessarily obscure the on-going presence of conflicting and sometimes incommensurate interests, cultural identities and worldviews, particularly when domesticated farm land may act as a key signifier to the military and legal violence inherent in colonial processes, and when subjects may see themselves reflected as mere ‘cogs’ in an exploitative capitalist ‘machine’. Thus, in the desire to project harmony and connectedness, the ‘truth’ of conflict – as its irrepressible unconscious underside – erupts to ‘inherently transgress’ the assimilative terms on offer (Žižek 1997: 25-27).

Following up on ideas developed in the last section – where biculturalism as ‘risk management’ displaces-supplements the workings of the ‘utopian dream’ as a means through which to respond to and manage Māori resistance to assimilation and appropriation – the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b) provides a fitting example of this ‘displacing-supplementing’ relationship. As indicated above, while chapters two and four of the four ‘mapping’ chapters, that lead into the discussion of the six constituent strategies, articulate the ‘utopian dream’, the other two intersecting chapters, one and three, play out biculturalism as ‘risk management’. Reiterating from the previous section, in order to ‘manage’ and thus contain the ‘risk’ of conflict (and the potential socio-political consequences) that arise from Māori opposition to cultural assimilation, space is made to accommodate Māori claims for recognition. Accordingly, in chapter one the *Strategy* boldly states that:

“The Treaty relationship with Māori is a central element of the tertiary education reforms. In preparing this *Strategy*, the Government has recognised that Māori are not just another stakeholder group .. ensur[ing] that Māori experiences and

aspirations have been reflected in the development of this document and the wider reform package.” (ibid.: 5-6).

Further to this, chapters one and three emphasise ‘extensive’ dialogical engagement between the Ministry of Education and Māori (whānau, hapū, iwi, communities, groups), and chapter one makes note of pertinent feedback from such consultation – feedback which asserts the need for a strong and genuine partnership between the Crown and Māori (ibid.: 6). Agreement with this need is made throughout these two chapters, with chapter three listing as a key change, the need for “Effective partnership arrangements with Māori communities” (ibid.: 16). The apparent progressiveness of these statements is, however, highly questionable when they are made in order to manage and palliate ‘risky’ Māori dissent, allowing a more thoroughgoing assimilating inclusion of Māori into the nation’s mainstream to be successfully advanced.

This oscillation between the two approaches to biculturalism throughout the *Strategy*, and in the four ‘mapping’ chapters in particular, by and through attempting to speak to differently positioned citizens in a legitimate way, extends the reach of a state-advanced biculturalism to author and shape government policy and practice, and ‘bicultural’ subjectivities. Borrowing from Warwick Tie’s (2000: 73-76) discussion of the relationship between law and politics<sup>11</sup>, this movement between the state-advanced discourses of biculturalism in the *Tertiary Education Strategy 2002/07* allows each to compensate for the deficiencies of the other without those inadequacies becoming prominent in a manner that might undermine their discursive authority. Thus at points where the incredulity of one discourse threatens its legitimacy, the divergent discourse lends support. Such a mutuality or sense of totality, through their very opposition, creates an ‘operative compatibility’ by challenging the truth-claims each makes while simultaneously lending support to the claim of each to be beyond the limitations that are gestured towards in such questioning. This sense of wholeness – of being the complete scope within which biculturalism might be thought, practised and openly debated – belies its negotiated manner.

Moreover, in the face of oppositional understandings that challenge how biculturalism might be imagined and expressed, such as those associated with Māori interpretations of

tino rangatiratanga and mana motuhake, the supportive mutuality that exists between 'utopian dream' and 'risk management' discursive approaches emerges invigorated so as to suggest that the foundations of such interpretations are

*"totally beyond that which can be reasonably entertained. At such points the uneasy tension between the discourses is restrained and the negotiated nature of the existence between them forgotten in favour of a sense that they are wholly compatible, on the same side. Their own relationship of otherness to one another is thereby repressed, along with the prospect of a mediated co-existence between themselves and points of view that exist beyond themselves."* (Tie 2000: 76).

However, as Žižek (1997: 19-21) might interject, the pursuit of particular state-authored biculturalisms are enabled not merely because of the totalising appearance of the utopian dream-risk management relationship, but because the very nature of this oscillating relationship allows the maintenance of distance between fantasy and the discourses which are sustained by it. Because for Žižek (ibid.: 20) "fantasy itself is a 'primordial lie', a screen masking the fundamental *impossibility*", in order for it to operate at the level of ideology, to shape our materiality and the horizons of our imaginations, there must be *distance* between the lie of the fantasy (of assimilatory sameness) and a too-literal identification with it. Thus the gaps or inadequacies in either of the 'utopian dream' and 'risk management' discursive approaches, rather than undermining their successful mutual operation, work to enable its internalisation and expression, as an ideological identification is able to exert its hold precisely when an awareness is maintained that "we are not fully identical to it, that there is a rich human person beneath it: 'not all is ideology, beneath the ideological mask, I am also a human person'" (ibid.: 21). Thus the failure of 'discursive-closure' creates the very substance which sustains the fantasy that we are more than the ideas we express. For Žižek, this very distance *is* ideology (ibid.: 20), and, moreover, it constitutes the 'unconscious supplement' that sustains the prevailing constellation of ideas (Žižek 1994).

In engaging with the *Tertiary Education Strategy 2002/07*, what kind of Treaty partnership may then be imagined within the fantasmically supported overarching goal of national alignment? The change in focus to a 'connected' tertiary education system

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<sup>11</sup> A discussion which is largely informed by the work of legal theorist Peter Fitzpatrick (1992).

that the *Strategy* seeks to map-out, where all manner of linkages and networks are to be strengthened between the tertiary education system and other sectors of society and the economy, allows the notion of Treaty partnerships with Māori to be positioned similarly – as merely one of a plethora of ‘stakeholder’ relationships that the state as sovereign is legitimately charged with managing and negotiating – despite a claim to the contrary early on in the *Strategy* (ibid.: 5). The state, however, is unable to allow for “difference that remains different’ (Cornell 1992: 141). Instead, it promulgates the inability by making ‘special provision for’ or accommodating Māori *within* the existing-reformed system. This effectively maintains the view that a Treaty partnership is rightly one where the Crown-state-government-Ministry of Education holds the role as lead actor with Māori cast as its auxillary support. In providing no framing background as to how the Treaty of Waitangi might be understood, and thus marginalising Te Tiriti o Waitangi and the competing versions of reality that it potentiates, this reduced status in the *Strategy* gets to stand as the only version of Treaty partnerships to be reasonably considered. Partnerships and relationships with Māori are therefore assumed to be part of the mechanics of operationalising the ‘third way’ project of ‘bicultural’ nation-building, and as such, do not delimit this pursuit in any way. Conceived of in this way, Treaty partnerships are (to be) put to use as a mechanism by which to legitimately assimilate Māori (more firmly) within liberal logics – where Māori are to help the Crown help Māori to become New Zealanders. Again, the overarching ‘third way’ governmental desire for an all pervasive, all inclusive society comes to the fore, where ‘partnerships’ with Māori are to assist with its materialisation (Kelsey 2002: 79-82).

In the manner of an interjection from the ‘unconscious underside’, the truth of assimilatory sameness is ‘out there’, unable to be filtered out by the colonial liberal state’s rational efforts to recognise difference. The *Strategy* cannot ultimately sustain the sense of commensurability which it seeks to develop between the various positions. Its failure to do so discloses the ideology, the ‘unconscious supplement’, which sustains the document – the fantasy of assimilatory sameness. Thus the form of Treaty partnership the *Strategy* underscores is supported and propelled by the fantasy of assimilation, and in so doing, does not potentiate any transformation of the socio-political status quo.

Exemplifying this, Objective 8 in the *Strategy* entitled “Te Rautaki Mātauranga Māori – Contribute to the Achievement of Māori Development Aspirations” (2002b: 29-35), makes a stand for “Tertiary education leadership that is effectively accountable to Māori communities”, whereby “Māori will share authority and responsibility in partnership arrangements”, be “increasingly involved in the delivery of education”, and by 2007 have available “structures and processes of governance that can more effectively meet the expectations of Māori communities”. While these may be read as positive developments, there seems to be little in the surrounding text to support and validate such sentiments, revealed in statements such as “Space will exist *within* the system for ... Māori”<sup>12</sup> (ibid.: 30), and that “Ability to participate in governance, management, and leadership roles” is listed as the outcome that will signal ‘progress’ for Māori (ibid.: 63). Moreover, no mention is made of tino rangatiratanga and mana Māori motuhake and their possible implications, nor of what partnership might mean or how it might come to be decided upon. As a ‘shared value’ the assumption is that ‘partnership’ is settled upon, known, that it holds a unitary form for both Māori and the Crown. Thus in re-reading the content of Objective 8 it is possible to see the maintenance of Māori as the ‘other’ partner, who in being required to engage and participate and be accommodated (entirely) within the government-determined tertiary education system and its national goals (there being no ‘outside’ deemed ‘reasonable’), remain the *unheard* partner, the obliterated ‘othered’ other on the periphery. The always-already assimilative neo-liberal terms of engagement prescribe not an openness to Māori that allows us to remain in our own evolving terms, but is instead an engagement that fantasmically projects the inclusory discourses of the state onto Māori and then hears them reflected back. Tiriti/Treaty partnerships between Māori and Pākehā thus remain fully authored by the Crown, and in so doing, the Crown supersedes or displaces the very concept of *partnership*.

One final point to make about Treaty partnerships and the content of the *Tertiary Education Strategy 2002/07* at this stage – a point which clearly illuminates the ever-present fantasmical assimilative underside of Crown-authored Māori-Crown relationships – centres around the quest to operate a tertiary education system that “will be consistent with the Treaty of Waitangi at all levels of operation” (ibid.: 31). What occurs, however, whenever Māori are not the specific ‘target audience’, is a seemingly

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<sup>12</sup> Emphasis added.

total sidelining or forgetting of the Treaty. For instance, mention in the *Strategy* of issues surrounding institutional leadership, governance and management (Objective 1) outside of the Māori focused section, are distinguishable by their total silence on the fact that Māori engagement in institutional decision-making forums crucially interface with implications that flow from Te Tiriti/The Treaty (ibid.: 22). This unconsciously persistent forgetting is no better evidenced in the *Strategy* than in the excerpts, reproduced in the document, that were collected from submissions to the *Draft Tertiary Education Strategy 2002/07* (Ministry of Education 2002a) and from stakeholder consultations. Excluding the Māori strategy section, *none* of the excerpts are from Māori individuals, whānau, hapū, iwi, groups or organisations, and *none* mention the Treaty of Waitangi. Thus despite the rhetoric of genuine partnership, the propelling underlying image is that Māori have *no wider brief* than to ensure an economically advantageous and culturally authentic contribution to the nation as one of its constituent parts – to ensure assimilation to the neo-liberal ideals of entrepreneurship and the global market. Trinh Minh-ha (in Johnston 1999: 147) puts this best when she says:

“we may bloom in our garden .... I am tolerated in my difference as long as I conform with the established rules. Don't overstep the line. Considered both a dangerous species ... and an endangered species (suffering pathetically from a 'loss of authenticity'), I am to remain behind the safety grille for the visitors' security and marvel.”

## **Biculturalism in Action in the Tertiary Education Reform Process**

The process by which the *Tertiary Education Strategy 2002/07* was prepared is entirely concordant with its purpose and content as outlined above. The first *Draft Tertiary Education Strategy 2002/07* was formulated upon the advice of the Ministry of Education and without a requirement for any direct involvement by Māori, the assumption perhaps being that all 'New Zealand' policy-writers should be capable of the task. The *Draft Strategy* (ibid.), unsurprisingly, had all the hallmarks of this monocultural process – including an overarching tone that comprehended Māori communities as lacking in the skills and aspirations required for future development. This lack, it is perceived, can be filled or met (only) through an engagement with the

tertiary education system, through inclusion in the nation-state. What is most immediately noticeable, however, is the total lack of the 'bicultural' signifiers that characterise previous and subsequent Ministry of Education documents: *te reo Māori mihi* (introduction) and sub-titles, the inclusion of *whakataukī* (proverbial sayings) and photos of Māori students and staff 'at work'. The omission of these bicultural signifiers, now included in the 'final product', may be explained as *the outcome of a process* that develops policies in isolation from Māori, and then adds in a Māori or bicultural 'gloss' upon completion – a step that was not completed given the short time-frame given for releasing this document (to fit with the Ministers' General Election campaign requirements). This process occurred despite the Ministry of Education having in employment a Manager Māori Tertiary Education, who as part of their job profile was to develop a Māori Tertiary Education Strategy.

In response to the unsatisfactory nature of this situation for Māori, the Manager Māori Tertiary Education put together a sector-wide Māori Tertiary Reference Group (the first convened of its kind) to write an alternative and stand-alone 'Māori Tertiary Education Framework'<sup>13</sup>. The decision to work at a distance from the Ministry of Education came out of the Group's intentions to write a Framework driven by Māori aspirations, needs, ideas, priorities and input – unmediated or uncompromised by Ministry (governmental) requirements and expectations of Māori. Much negotiation was conducted between the Ministry of Education and the Māori Reference Group in order to gain some assurances that this Māori Tertiary Education Framework would somehow be taken up by the Ministry. This resulted in an arrangement whereby Ministry policy-writers were to draw from this Framework in finalising the *Tertiary Education Strategy 2002/07*. It was reported back to the Māori Tertiary Reference Group that while some aspects would be included (those that do not challenge current state-authored bicultural discursive limits), others would remain side-lined for further consideration (those that do pose such a challenge).

While there are perhaps some minor signs of influence from the Māori Reference Group and the regional hui series that the group facilitated for the Ministry – the 'dropping in' of the diagrammatic summary of the Group's work (*ibid.*: 29), some mention of the

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<sup>13</sup> It is envisaged that this Framework will also be used to, amongst other tasks, inform the development and operation of the Tertiary Education Commission.

need to support regional/iwi specificity (ibid.: 34-35), and a general ‘toning-down’ of some of the more offensively patronising statements – the *Tertiary Education Strategy 2002/07*, as the ‘centrepiece’ of the tertiary education system reforms, clearly remains positioned as yet another mechanism through which to assimilate Māori to the needs of the nation and the ‘wider’ neo-liberal world.

Further to this, a significant impediment to the work of the Māori Reference Group was the unreasonable time constraints imposed by the Ministry of Education, in order to comply with their need to have the *Strategy* completed for election-year campaigning. Priority is clearly given to such needs over and above adopting appropriate processes through which to develop, or consider developing, tertiary education policies. Thus the series of regional and sector-based hui facilitated by the Māori Tertiary Reference Group were much too rushed to deliver the quality of dynamic interaction and engagement that would have been preferred by those involved.

Another serious limitation to both the Māori Tertiary Education Framework produced by the Group and its possible reception by Māori communities, is the way potentially productive relationships between iwi and the Māori Tertiary Reference Group were obfuscated by the relationship structures that the Ministry of Education imposes. Given that some iwi, for example Ngāti Porou and Ngai Tahu, have partnerships or contractually-based agreements with the Ministers of Education, it would have made sense for iwi partners (at least) and the Māori Reference Group to, in some way, discuss the terms of the Māori Tertiary Education Framework. That this did not occur, that all official interaction and dialogue had to be channelled through the Ministry of Education, exemplifies their assumed role as sole orchestrator of what it assumes to own as its ‘component’ parts. This assumption is further illustrated in the *Tertiary Education Strategy 2002/07* through the claiming of the Māori Reference Group, which sat ‘outside’ the Ministry, as “the Ministry of Education’s Māori Tertiary Reference Group” (2002: 6)<sup>14</sup>.

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<sup>14</sup> It could also be said that the annual ‘Hui Taumata Mātauranga’, first instigated and hosted by Ngati Tuwharetoa in February 2001 to facilitate national dialogue on issues pertaining to Māori education in general, have similarly been ‘claimed’ by government officials and Ministers.

As an aside, a problematic ‘deficit’ model, consistently applied by a whole plethora of education officials and experts to ‘Māori education’ and clearly embraced in the Ministry of Education’s mission statement “Raising Achievement, Reducing Disparities”, forms the basis of the Crown’s education iwi partnerships<sup>15</sup>. Thus despite such partnerships engendering in iwi an expectation that such a relationship would work at *all* levels, actual ‘activation’ of the partnership is only able to occur in response to identified operational ‘problems’. Given that the writing of strategies (and frameworks) is considered to be more about medium- to long-term strategic decision-making, the exclusion of iwi by the Ministry of Education may be interpreted as their assumption that iwi have nothing substantial to offer at such a level. It would seem that iwi-Crown partnerships, alongside their ‘gains’, re-introduce the worst of patronising and paternalistic colonialism. Regardless then, of repeated statements throughout the *Tertiary Education Strategy 2002/07* that speak of partnerships and working with iwi, iwi are clearly not envisioned as an equal partner but as a mere ‘stakeholder’ group that can provide useful advice on how to make the government’s ‘plan’ work.

Given these tensions and dissatisfactions that surrounded both the formulation of the *Tertiary Education Strategy 2002/07* and the Māori Tertiary Education Framework, it is disconcerting to read the comments made in the *Strategy’s* appendix. In analysing the submissions received from the *Draft Strategy*, gained through various consultative mechanisms, the appendix has translated substantial disagreement into a generalised support for a set of reforms that are framed up as being headed in the right direction. For example, the *Strategy* has translated repeated assertions of power-sharing arrangements from Māori in mainstream institutions and demands for autonomy from Māori institutions, into the benign “need to recognise Te Tiriti o Waitangi obligations when considering Māori participation in tertiary education” (2002b: 68). The assertion of a ‘deceptive denial’ (Jackson 2001) that opened this chapter, could not be more apparent.

This difference-erasing process has been again exemplified in and through the *Māori Tertiary Education Framework* (Ministry of Education 2003), published some eighteen months after the Māori Tertiary Reference Group last met, where much of the ‘irreconcilable’ aspects of the group’s discussions have either been translated into

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<sup>15</sup> Further information is available from [www.tki.org.nz](http://www.tki.org.nz).

government discourse or left out altogether. The initial intentions to produce a document driven by Māori aspirations, needs, ideas, priorities and input, unencumbered by governmental requirements and expectations of Māori, has been significantly compromised by control of the text being located within the Ministry of Education. The *Framework* is thus highly vulnerable to being dismissed by Māori as yet another government document. As such, Māori participation in the policy process remains captured in a replay of a modernist binarist choice between being assimilated to the centre or being relegated to the position of voiceless outsiders. Within this binarism, the terms of engagement offered to the Māori Reference Group – terms that assume understanding between Māori and the Crown can be developed primarily through the rational exchange of ideas, that ‘talking things through’ will transport us to *that* place of shared values that transcends ‘surface’ cultural differences – pre-conditioned an outcome that merely produced *more of the same*. It is not to say that the *Framework* is without value, but the point which needs to be (re) made is that such fantasmatic reconciliation of enduring culturally-located differences or points of dispute, circumvents the possibility of Tiriti/Treaty partnerships where Māori remain unassimilated, where Māori remain as a *partner* and not a mere part of the whole.

It is this fantasy of the *reconciliation of difference through dialogical exchange* that this thesis hopes to challenge. As long as it remains unproblematic and undisturbing in its effects, inclusion-through-participation in the nation’s mainstream will continue to be imagined as the best or only reasonable horizon for Māori.

## THE 'GIFT OF FREEDOM'

### Introduction

The achievement of a successful state-authored biculturalism is currently envisaged as the proper 'arrangement' or 'end' (Foucault 1994: 211) of governmental policy for Māori. Moreover, given that the 'third way' goal of becoming a 'knowledge nation' is being articulated as a key mechanism through which to include previously 'marginalised' Māori and thus realise a 'cohesive society', biculturalism as inclusion-through-participation in mainstream society for Māori may be understood as a central aspect of the "matrix of ends and purposes" (Dean 1999: 22) for tertiary education policy in particular. Accordingly, recent governments have highlighted the 'problem' of under-representation and under-achievement of Māori in tertiary institutions, and in seeking to address or 'solve' this defined 'problem space', they have attempted to devise strategies, programmes and techniques to improve Māori educational performance and development, including the Ministry of Education's *Tertiary Education Strategy 2002/07* (2002b). Such forms of knowledge, organised by and through the logic of a liberal (reductive and assimilative) biculturalism, renders Māori as a specific 'problematic' target of governmental programmes of tertiary education reform (Dean 1999: 21). For the current government, successful resolution of such objectives, proclaimed in the Terms of Reference for the Tertiary Education Advisory Commission (Ministry of Education 2000), will be secured when the 'gaps' between Māori and non-Māori participation and achievement rates are 'closed'. Such a project is being undertaken in relation to a certain 'truth' of *freedom*.

The purpose of this discussion then, is to offer a diagnosis of how such a 'truth' of bicultural freedom is being thought out and translated into programmatic form for Māori in tertiary education, and to also offer a critique as to what the costs of such a truth of freedom might be. This 'governmentality' methodology of analysis of political power – developed from Michel Foucault's 1978 essay of the same name and

articulated by such writers as Pat O'Malley (1996), Mitchell Dean (1999), Nikolas Rose (1999), and George Pavlich (2000) – thus attempts to open spaces of critical thought: to “contest regimes of authority that seek to govern us in the name of our own good ... in the name of [our] freedom” (Rose 1999: 60). Such critical openings, made by and through the creation of knowledge that disrupts and destabilises the taken-for-grantedness, inevitability and coherence of current governmentalised ways of thinking and acting, offer up spaces in which to think how it might be possible to do things differently (Dean 1999: 36), to allow for transformation as that which is different from the present (Barry, Osborne, and Rose 1996: 5), to consider the possibility of going beyond present imposed limits, and so asking not the prescriptive question of ‘how to govern’ but to instead confront the issue ‘how not to be governed thus’ (Pavlich 2000: 96).

As with the previous chapter that sought to map out some of the dimensions of an assimilatory state-authored biculturalism and potentially transformative ‘circle-opening’ theoretical interventions, consideration of the ‘illiberal’ rationalities of neo-liberal government and the attendant techniques and technologies of such rule that are the focus of a governmentality approach, might be fruitfully assisted in the quest to effect transformation by post-Lacanian psychoanalytic insights. Indeed, as Tie (2004) advances, modes of regulatory power might be better understood by and through consideration of the *unconscious supplements* which sustain and support them. The unconscious nature of those supplements requires a form of political intervention that goes beyond the development of rational ‘open’ dialogue for the purpose of ‘resolving’ points of cross-cultural dispute. Rather than reconciliation, the goal becomes the amplification of problematic modes of bicultural regulation so that it becomes an obdurately contestable public issue rather than a plausible governmental strategy. The exposure of the problematic and disturbing nature of the unconscious underside to a rationally-constructed bicultural freedom may thus assist the aim of a governmentality-inspired analysis to “locate the ‘dark side’ of liberal governance” (Valverde, in O'Malley, Weir, and Shearing 1997: 514), so that forms of governance and expressions of freedom for Māori in the future, may become dislodged from the assimilative requirement for Māori to ‘come up to par’ as envisaged through a ‘closing the gaps’ (govern)mentality.

## Freedom and Government

In *Powers of Freedom*, Rose (1999: 4) differentiates between the exercise of power in the form of liberal government and domination. In contrast to political dominance, the 'art' of governing pre-supposes the *freedom* of those governed, and so does not crush their capacity to act, but instead acknowledges this capacity, utilising and shaping it to *achieve certain desired outcomes*. The liberal dream, explains Rose (ibid.: 78), is to *produce* individuals who do not need to be governed by others (i.e. an intervening state), but who would be free to govern themselves through introspection, foresight, calculation and judgement *according to certain ethical norms*. Such ideal individuals would *fuse* state-advanced national objectives with autonomous personal aspirations: this would be the state called freedom. From this view then, freedom can be understood not as the antithesis of liberal government, but as an *artefact* or product of it (ibid.: 62). Governmental power then, has increasingly come to operate through images of individual freedom, where subjects are to actively choose paths of action from a range of politically acceptable choices, allowing governance to operate inconspicuously in the shaping of the identities and mentalities of both rulers and those ruled (Pavlich 2000: 9). Understandings, experiences and conduct, in relation to the notion of freedom, are thus (attempted to be) *constructed* by and through a whole range of material, technical, practical, and governmental devices, interventions and technologies (Rose 1999: 63-65). This shaping of conduct is mobilised not only by and through the government of the day, but by and through heterogeneous rhizome-like networks of power that 'make things happen': those affiliated networks that connect (macro) state power with the normative (micro) power of authoritative 'experts' in the realms that (necessarily) lie outside the legitimate scope of the state (the market, civil society, family, community) (ibid.: 69). These networks, as translation mechanisms, seek to align governmental, community and individual interests.

Accordingly, the advanced or neo-liberal forms of government that have come to proliferate at this time, and including 'third way' variants, endeavour to operationalise, through such networks of power, the belief that individuals can best fulfil their political obligations in relation to the well-being of their nation, not when they are bound into relations of dependency and obligation as the welfare state attempted, but when they

seek to fulfil their own individual desires. Freedom is thus redefined from 'freedom from want' to the active 'capacity for self-realisation': the freedom to be whatever and whoever you choose (ibid.: 145). Individual freedom, explains Zygmunt Bauman (in May 1997: 117-118), once a liability and a problem for 'order-builders', has now become their major asset and resource. The ethical commitments to be operationalised by and through the newly reconfigured 'enabling bicultural state' and affiliated networks of power in order to achieve this newly valorised self-actualised subjectivity, are that of the virtuous, disciplined and responsibly autonomous individual (Dean 1999: 155). To be free then, one must have the autonomy to determine, pursue and realise one's own identity, one's own goals and potential, the course of one's own existence through acts of (consumer) choice (Rose 1999: 84).

However, the imperative to maximise the successful outcomes of such choice, where choice is the key mechanism through which freedom is to be enacted and secured, means becoming bound to expertise in new ways, as it is experts and professionals who are to educate individuals in how they are to *responsibly* assume their freedom. As Rose (ibid.: 88) explains, disciplinary techniques and moral injunctions become somewhat backgrounded as the project of responsible citizenship has become fused with individuals projects for themselves. It thus becomes possible to govern without governing society, but to govern through the 'responsibilised' and 'educated' anxieties and aspirations of autonomous individuals. Accordingly, the techniques and technologies of neo-liberal governance work on 'responsibilised' individuals to accept a form of freedom that obliges them to personally take charge of those aspects of life exposed by a retreating welfare state (Pavlich 2000: 135).

As modern citizens then, the now congruent political and individual responsibilities are to choose well, choose correctly, and *to choose responsibly*, that is, in accordance with the 'truth' advanced by authoritative experts and professionals. These 'truths' come to be known via a plethora of sources 'from above', and also 'from below', and are to become internalised and repossessed as 'our own' subjective passions, values and demands (Rose 1999: 92). Those who will not or cannot choose such a path for themselves, become amenable to (ever new) modes of political and authoritative intervention, where experts use a 'tool-bag' of strategies and techniques to attempt to instil such capacities for self-determination and mastery. These 'technologies of

agency', to use Dean's terminology (1999: 167-168), have as their object, the transformation of targeted 'at risk' (of exclusion) groups into active (included) bicultural citizens who are free, informed and responsible consumers capable of managing their own risk. What this has come to mean is that subjects are not merely 'free to choose', but are instead *obliged* to be free, to understand and enact their lives in terms of (responsible) free choice (Rose 1999: 87-89). Moreover, through the mechanism of autonomously enacted free choice, an individual's fate is recast as the outcome of their personal acts of choice, so that they alone take responsibility for the choices that lead to their failures (ibid.: 93), that they alone take responsibility for managing their own risks (of unemployment, of poor educational performance) (Dean 1999: 166). Advancing this idea further, O'Malley (1996: 199-202) outlines that 'liberation' from reliance on the state has also necessitated the rise of the *prudential subject*, where rational and responsible individuals take prudent risk-managing measures so that risk-management becomes an everyday practice of the self. This is backed up by a moral responsibility, a duty to the self, to take care of oneself and not be a burden on others.

Further to this, in neo-liberal or 'third way' regimes of government, the model of the free or responsible autonomous citizen is also that of the active 'self-enabled' citizen. Individuals are required to adopt a new relation to themselves, where the self is to be the object of knowledge, and freedom-as-autonomy is to be achieved through a continual activity of self-improvement through the learning and application of techniques of self-scrutiny and evaluation (Rose 1999: 93). Individuals are thus to become *entrepreneurial selves* and conduct their lives as a kind of enterprise, where they seek to enhance and capitalise on their own existence through calculated acts and investments (ibid.: 161, 165). This has become manifested in the demand for continual training, learning, improvement, assessment, reflection on, and management of the self, in order to ensure one's continual participation in the labour market which has become *the* principle mechanism for inclusion in (neo) liberal ('third way') societies (ibid.: 164; Kelsey 2002). Entrepreneurialism has also become necessary for the active construction of *an ethical life*. An ethical life is now one that is determined according to autonomously and responsibly chosen values and principles, rather than one where the self is formed from externally imposed and validated morals and obligations (such as from the church, tradition, culture) (Rose 1999: 190-191). Instead, individuals are to be

freed from all external authoritative constraints. The new relation between the state and the people, within neo-liberal styles of government, is that responsabilised, prudent and entrepreneurialised citizens would govern themselves within a state-secured framework of law and order, in and through the tacit agreement that their value-choices will not subvert its authority (ibid.: 139). Thus the underpinning auspice through which individuals are enabled to make such value-choices remains the mythical 'rule of law'. The tension between law and freedom of choice, however, is obfuscated when freedom to choose is shaped towards particular market-oriented ends and the politico-legal framework is increasingly designed to give such choices priority (Kelsey 2002: 51-52).

Given this relationship between power and freedom, Rose (1999: 94-95) urges us to abandon the privileging of subjectivity as the authentic and natural locus of moral autonomy, as individuals are governed as much through their subjectification as they are through their objectification. This is because power also acts through, not against, the practices that construct subjects as free persons (Foucault, in Rose 1996: 151). The argument that Rose (1999: 54-55) puts forward then suggests that

“modern forms of subjectivity, contemporary conceptions of agency and will, the present-day ethics of freedom itself – are not antithetical to power and technique but actually are the resultants of specific configurations of power, certain technological inventions, certain more or less rationalized techniques of relating to ourselves ... what we have come to understand as our freedom is the mobile outcome of a multitude of human technologies”.

As Dean (1999: 165) reiterates, neo-liberal regimes of government work by and through multiple ways to attempt to *construct a world of autonomous 'free' subjects*, making clear the full ambivalence of liberalism regarding the self-determining individual: it is a subject whose freedom is a condition of subjection. Thus while the freedom of individuals may indeed act as a principle of philosophical critique of government, it is, at the same time, an artefact of multiple practices of government. Freedom then, may be seen as not so much a state or quality that arises in the absence of power, but as a kind of power one brings to bear upon oneself, and a mode of bringing power to bear upon others. As authority is the inescapable (and unmentioned) other side of responsible liberty, to (demand to) be governed in the name of freedom is to be (wilfully) subordinated to the authority and control of particular authorities of conduct (Rose 1999: 187).

Using insights developed by Žižek, Tie (2004) seeks to stress the importance of identifying the form(s) of ‘unconscious supplement’ that are at work within current neo-liberal governmental practice – that it is a form of analysis which allows an enriched understanding of social regulation through demonstrating the deeper complexity of control at work. Following the leads given by Dean (1999) and Rose (1999) above, and drawing from the analysis in chapter two, it would seem that an unconscious underside sustaining the ‘gift’ of a bicultural freedom for Māori is that of an authoritative assimilative control. This ‘disavowed’ foundation which renders governmental practice operative, explains Žižek (1997: 27), has to remain undetectable if such regulatory power, here enunciated as bicultural freedom, is to function normally. Nevertheless, such complete censorship is never quite possible, allowing assimilationist control (as the underside of freedom) to spontaneously erupt into view (ibid.: 25).

Importantly, neo-liberal discourses of freedom, particularly in the construction of subjects as freely choosing autonomous individuals, provide a powerful sense of security and thus protection from such eruptions. In so doing, what is revealed is the deep obsession with the pursuit of freedom – being the psychical economy of capitalist (neo-liberal) modes of regulation – through which rational governance relies for its successful survival (Žižek 2001). The unconscious and denied workings of assimilative control, through its continual and irrepressible ruptures, thus induces in neo-liberal subjects the need to continually secure their freedom through acts that speak the truth of its uncompromisable presence. Accordingly, subjects are to be ‘made free’ from relationships which may limit their freedom – culture, tradition and the natural environment. In so doing, rationalised neo-liberal discourses of bicultural identity, and the fantasy of assimilative control that propels it into being, displace and deny Māori forms of identity – whānau, hapū, iwi, tangata whenua, kaitiaki o te whenua<sup>1</sup> – that are formed and operate *through* material, environmental and spiritual whakapapa<sup>2</sup> relationships (Johnston and Pihama 1995). Thus the neo-liberal claim that Māori are free to ‘be Māori’ becomes highly suspect when the very relational sources of such an identity are rationalised into non-existence.

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<sup>1</sup> Guardians of a given place, guardians of the lands of Aotearoa.

<sup>2</sup> Genealogical inter-connections between the spiritual, human and environmental realms through which te ao Māori is given existence.

Moreover, and significantly for the purposes of this thesis, the neo-liberal obsession with freedom has a profound colonising effect on the possibilities for Māori-Pākehā cross-cultural relationships. While relationships are apparently foregrounded in ‘third way’ rationalities of governance (Kelsey 2002), they remain a source of threat to one’s freedom, requiring that they be conducted ‘at a safe distance’. This paradox is assumed resolved by and through the market economy and legalistic modes of relating which provides both the required ‘appropriate distance’ and the illusion of ‘real’ connection with Māori (Žižek 2001). Such practices allow the fantasy of sameness to remain operative. What thus also remains, is a prescriptive and assimilative governmental control over sites of cross-cultural engagement.

Further to this, Tie (2004) discusses Žižek’s (1994) proposition that the unconscious supplement takes different forms when different modes of social authority are at work (‘traditional’ and ‘totalitarian’). As discussed above, the unconscious underside of traditional authority is active ‘disavowedly’, rendering assimilation and racism publicly unacceptable and officially unlawful, legitimating official ‘progressive’ bicultural discourses. Conversely, in a totalitarian order the unconscious supplement takes over the public space and is structurally supported by the ‘socially acceptable’ values of a bicultural freedom. In and through such a reversal, an authoritative, assimilationist racism (and publicly racist self) is no longer fully clandestine, giving rise to an especially pernicious social order that is obscene to a degree unimaginable when they remained technically illegal (ibid.).

In seeking to characterise current governmental practice as having totalitarian attributes – that is, where such a reversal is operable – Tie (ibid.) points to the potentially less acceptable public face of governmental practice that currently entails the increasing surveillance and monitoring of whole populations, and the populist appeal of its private face in so far as its primary concern is the pursuit of security (interpreted here in the political terms of bicultural freedom). Indeed there have been significant and widespread criticisms levelled at the current tertiary education reforms, particularly from universities, regarding the increased monitoring and accountability requirements of institutions through the Tertiary Education Commission (in Codd 2002). The argument here is that the increased intervention and control as ‘steerage’, severely compromises and erodes the independence and academic freedom of universities. Such

moves, ostensibly made to ensure the proper spending of public funds and to meet the needs of a new global knowledge economy, are defended by government as necessary to the 'public's interest' (ibid.). As Dean (1999: 171) and Kelsey (2002) comment, ('third way') governmental practice, while becoming more facilitative and empowering, is also more disciplinary, stringent and punitive.

Moreover, this dynamic of reversal can also be seen within the neo-liberal requirement that subjects be self-actualised, responsible and prudent entrepreneurs, which is now framed as a public as opposed to merely a private or personal good<sup>3</sup>. Through this capacity to so thoroughly shape subjectivities without limit, the 'individual freedom' of neo-liberalism potentially becomes a totalising discourse (Tie 2004). In the current totalitarian regime of neo-liberal governance then, freedom as biculturalism is offered to Māori as the "consummate supplement" (ibid.) to the assimilative control of contemporary governance, as the core aspect or 'proper end' which is to *justify and compensate for* the illiberal disciplinary techniques of those strategies, programmes and policies which strive to 'close the gaps'.

## **The Construction of Freedom for Māori in Education**

Education is a key mechanism through which freedom is constructed in (neo)liberal societies; through which (future) autonomous, responsible and active subjects of freedom *are to be produced* through a host of rationalised technologies, devices, techniques, and interventions, that will shape and mould their aspirations, thoughts, morals, passions, and conduct in accordance with the regulatory practices of normality, rationality, and civility (Rose 1999: 76-78). Through such 'training of the will' (ibid.: 44), future citizens would successfully attach to liberal society, a society in which they are able to enact their liberties and freedoms in a well-regulated, prudent and responsible manner. Not only can education be seen as a kind of 'machine for assembling civilisation' (ibid.: 72), it also acts as a *translation mechanism* which aligns the objectives of the governing authorities for a 'prosperous', 'well educated' and 'cohesive' nation with the personal projects of self-advancement to be 'chosen' by

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<sup>3</sup> See for instance the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b).

families and individuals who are the subjects of government<sup>4</sup>. Translation mechanisms are of particular significance in neo-liberal styles of government as they allow for nationally and individually desired outcomes to be articulated together without destroying the autonomy of the family or individual (Rose 1999: 48-49). Importantly, resistance to the interventions and operations of centralised (state) political power are able to be minimised as in respecting, protecting and even enhancing individual autonomy, government can indeed be at a distance (ibid.: 74). Through choosing to pursue further tertiary education then, active autonomous subjects are able to link together their political and individual responsibilities for entrepreneurship with their own ambitions and desires for self-fulfilment and happiness.

Some commentators, such as John Codd (2002) and Millar (in Young 2002), claim that the increased emphasis on social cohesion (sector collaboration) and the increased interventionist role for the state that characterise current tertiary education reforms, signal a *decreased commitment to neo-liberalism*. As Wendy Larner (1998) points out, however, while neo-liberalism presses for minimal or less government, it does not necessarily follow that there will in fact be less governance, where governance is conceptualised as those activities of a wide range of forces and groups which include, but are not exclusively confined to, those within the state government system. Thus, it needs to be noted that the neo-liberal inspired tertiary education reforms of the 1990s necessitated the installation of a vast plethora of legislative, monitoring and accountability requirements, through which the change to a competitive market system of provision was effected or imposed. What this meant was more, rather than less, government intervention due to both the increased centralisation of control and the increased strengthening of the power of state bureaucracy (Patterson 1996: 240).

As was outlined by Kelsey (2002) in the introductory chapter to this thesis, that left-of-centre or 'third way' political parties "appear more likely to represent their objectives in terms of 'active citizenship' and the 'active society'" (Dean 1999: 161), does not herald a 'turning-back' of neo-liberalism but instead makes manifest the diversity of political perspectives and ideological standpoints through which it is able to be articulated,

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<sup>4</sup> Outlined in: the Tertiary Education Review's *Green Paper* (1997: 3) and *White Paper* (1998: 2); the Tertiary Education Commission's *Shaping the System* (February 2001: 1); and the Ministry of Education's *Tertiary Education Strategy 2002/07* (2002b: 10).

including conservative impulses (Larner 1998; Dean 1999). Codd (2002: 40) too concedes, despite his overall position that government has backed away from a neo-liberal agenda, that 'third way' discourse is perhaps not so much an "alternative as an intersection of various social democratic discourse with an underlying neo-liberal sub-text". Crucially, however, this neo-liberal sub-text overwhelms the social-democratic tenets, maintaining its hegemony (Kelsey 2002). Indeed, the *rationalised construction* of autonomously responsible and prudent subjects is the *very basis* of neo-liberal regimes of governance – an 'arrangement' which makes possible the governance of society as a 'cohesive nation' through the (homogenising) formation of its citizens as neo-liberal 'free' subjects. This is the aim of an authoritative and totalising neo-liberal governmental control for Māori, justified and compensated for by the 'promise of bicultural freedom' that acts as its unconscious supplement.

The 'invitation' that tertiary education makes to Māori is two-fold. Firstly, as 'New Zealanders' Māori are to be compelled to be responsible, prudent and active entrepreneurial neo-liberal subjects, compelled to choose to be part of this quest for (now aligned) national and self advancement, a capacity to be realised by and through the taking up of tertiary education. Many Māori commentators have long commented upon the assimilationist aspects within the function and purpose of state education, that its authoritative material and discursive practices have been brought to bear on Māori *specifically* in order to re-create and re-produce Māori subjectivities as Western-imagined autonomous individuals, in order to 'fit into' and 'become part of' the (colonial) liberal society and developing 'bicultural' polity. This acknowledgement of its assimilationist capacity and desire to re-shape Māori subjectivities stands as a major motivation to some Māori educationalists to develop Māori systems of schooling and education (including Smith, G.H. 1997a; Sharples 1999; Smith, L.T. 1999; Jenkins 2000). What I want to highlight here, however, are some of the current devices, interventions and technologies that are being utilised to attempt to (further) compel Māori to make such choices, to define ourselves as autonomous subjects of freedom, and so become the emblematic achievement of a (presumed) post-colonial society.

In order to fulfil one of the central goals of the current tertiary education reforms, that of contributing to the formation of an inclusive and cohesive knowledge-based society, it is viewed as a necessary strategic goal that Māori as an 'under-represented group'

achieve higher rates of participation and success in tertiary education. Such a goal, articulated in the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b), is to be put into effect through a ‘steering’ system of institutional charters and profiles which are to be developed by all tertiary education providers. Recognition by the Ministry of Education that such outcomes for Māori are crucially tied to learning environments that provide for Māori educational aspirations, and which put into effect Treaty-based partnerships with Māori, has meant the increased inclusion of ‘Māori’ and ‘Treaty’ based clauses and targeted outcomes through which all institutions will be monitored and held accountable. Accordingly, in the *Report of the Working Party on Charters and Profiles* (Ministry of Education 2001: 22), institutional charters are to outline and describe their approach to fulfilling Treaty of Waitangi obligations towards Māori by identifying how they will give effect to relationships with Māori collectives, and how they see their particular organisation making a “difference to the achievement of Māori aspirations for tertiary education”<sup>5</sup>. Further to this, institutional profiles are to identify “the goals that they set with regard to Māori and, critically, how they plan to achieve those goals .... Two fundamental expectations ... are (i) how the organisation plans to work with Māori, and (ii) performance indicators for Māori participation, retention, completion, achievement and success” (ibid.: 33).

There is much to commend in this document. It underscores the need for a Treaty-based partnership between providers and Māori (ibid.: 6, 13, 17), that as Treaty-partners Māori have a role in governance and decision-making (ibid.: 13, 22, 23), and that institutions need to develop their charter-profile system in consultation with Māori (ibid.: 23, 36). Such statements, however, cannot be evaluated in isolation from a ‘third way’ context that understands Māori as a specific ‘problematic’ target of tertiary education reform, as one particularly ‘risky’ partner amongst many that requires management by government agencies (Kelsey 2002).

Moreover, the *Report of the Working Party on Charters and Profiles* pivots on the assimilative fantasy of a ‘unified nation’. Instead of Māori as indeed a *partner* to government and institutions, Māori are again offered the role as its auxiliary actor, whereby it is institutions who are to assume the role of developing “meaningful mechanisms for enabling Māori participation in governance and decision making”

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<sup>5</sup> These directives are reiterated in *Charter Guidelines* (Tertiary Education Commission 2003: 11).

(ibid.: 13). Not only are Māori offered a subsumptive and demeaning inclusion-through-participation as the route to becoming 'bicultural subjects of freedom' (with the appropriate mechanism to be decided upon by institutional decision-makers themselves), the inference made here is that any such 'allowance' is done so with the operating assumption that Māori need to be 'enabled' and thus encouraged or 'helped up' into such roles, and into becoming an 'appropriate' subject. That such assimilationist, discriminatory and illiberal statements are able to be 'acceptably' made in public documents, aptly demonstrates Žižek's totalitarian characterisation of neo-liberal regimes of governance (in Tie 2004), particularly when their racist intent is denied or justified as necessary to the greater good of achieving an 'inclusive bicultural nation' of 'enabled and free' citizens. They are particularly galling when coupled with a lack of understanding of the colonial context that has denied Māori access to decision-making (Jackson 2001), and despite historical and ongoing Māori assertions for involvement (Walker 1990; Johnston 1999).

'Guarantees' of such a partnership taking effect are offered by the statutory duty of institutional councils to merely 'acknowledge' the Treaty principles in performing their functions and exercising their powers (*Education Amendment Act 1990*: 167), and from the expectations placed on the Tertiary Education Commission to monitor providers in meeting the Crown's Treaty obligations. However, and ironically, in reviewing a draft of the *Tertiary Education Reform Bill* (2001: 6-12) which provided the necessary legislation to bring the Commission into legal effect (*Education Amendment Act 2002* (Tertiary Reform)), the establishment, powers, duties, functions, and accountabilities of the Tertiary Education Commission are framed up without any mention of obligations or responsibilities under the (principles of) the Treaty of Waitangi. Through this omission it would seem that it could potentially operate without any legal requirement to consider Treaty implications.

Further, guarantees of partnership with Māori, engendered by Ministry of Education 'consultation' processes, continue to persist despite widespread dissatisfaction expressed by many Māori over the lack of productive outcomes it generates through marginalising Māori authorship (Johnston 1998). Following on from the discussion of the previous chapter then, transformation of the assimilative present requires disruption of the Enlightenment fantasy that enduring culturally-based points of dispute can be

reconciled through mere rational dialogical exchange, as such dialogical arrangements presume the engagement of Māori and Crown agents as identical neo-liberal subjects.

The compulsion to come to view oneself in neo-liberal terms is, in part, operationalised by and through technologies of consumption, such as advertising and market research findings, that are used to exacerbate anxieties about one's future and the future of one's family, and in so doing, seek to emphasise the increasingly inadequate consequences of benefit culture that is the alternative to personal security (Rose 1999: 159). Consequently, there has been a virtual boom of television, radio, billboard, and movie theatre, advertisements, often employing the authority of statistics, and often pinpointing Māori as a particularly vulnerable 'category'. These ask us to consider: what is the security of my employment? Am I (or will I remain) employable? Maybe doing some (further) study or training will improve my chances? Can I maintain my 'lifestyle' (or do I have a lifestyle)? Will I be financially secure in my old age? What would happen if I got sick?

One strategy that is being heavily marketed to Māori as a new solution to such uncertainties and insecurities is the taking up of tertiary training or study (Smith and Smith 1996: 232). For example, the 'Te Mana' advertisements showcase tertiary educated and therefore happily and successfully employed Māori who would otherwise have 'no future'. Indeed one such apparent role-model claims that they would be "nothing without education". Again, that such statements can be made in public forums – statements that deny the existence of whakapapa relationships that always make Māori 'somebody' – 'in order to' project the fantasy of a share-able blissful inclusive society (of the employed and employable), exemplifies the deep and pervasive racism which is widely sanctioned despite claims to the contrary. However, while Terence Grier (1997: 614-615) rightly advances that university education has an increasing and explicit job focus, and that the relative shift towards applied programmes suggests a stronger tie between studies and the employment market, these changes do not necessarily translate tertiary qualifications into secure, happily harassment-free, or well-paid jobs (Maani, in Codd 2002: 35). For example, recent research reveals that pay gaps between men and women actually increase when women have tertiary qualifications – results which are exacerbated for Māori women (from the Ministry of Women's Affairs, in New Zealand University Students' Association 2002).

O'Malley (1996) terms such strategies the 'new prudentialism': strategies that encourage us to invest in ourselves in order to master our own and our family's fate, providing security against the uncertainty of risk (of exclusion, of unemployment), through increasing our 'human capital'. In the terms suggested by Jean Francois Lyotard (1989: 6), learning has now come to circulate along the same lines as money, where 'payment' or day-to-day exchangeable knowledge and 'investment' knowledge, is to be put to use to optimise the performance of a project. This logic of 'cultural capital plus intellectual capital equals economic capital' is also coming to be espoused by some Māori, revealing perhaps the deep and pervasive resonance the promise of an inclusive prosperity has for many Māori who seek an alternative to the exclusion and poverty that colonisation has brought (and continues to bring) in its wake, and that neo-liberalism ironically exacerbates.

The second invitation that tertiary education extends to Māori, particularly evident in the current reforms, is the opportunity for the re-attachment of 'excluded' citizens to the freedoms of liberal society. As Rose (1999: 164) points out, tertiary education and training has become the major technology for the re-attachment of the unemployed or unemployable "to the inclusory lines of control immanent in the activity of paid labour", as "the labour market has become the principle machine for inclusion". Thus social policies, by and through operationalising what Dean (1999: 167-168) terms 'technologies of agency' and 'technologies of citizenship', including current tertiary educational policies aimed at Māori, can be understood as policies that are to generate interventions to effect (re)alignment with paid work, "to connect the excluded individual with the modalities of control which have come to be termed 'freedom' and 'choice'" (Rose 1999: 164).

As 'excluded' citizens, Māori have been, until very recently, almost exclusively referred to in tertiary educational policy documents, political speeches and statements as 'the educationally disadvantaged'<sup>6</sup>. While a change in language seems to have developed through the work of the Tertiary Education Advisory Commission, reflected in their four reports and subsequent reform documents, so that Māori are now referred to in

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<sup>6</sup> See for instance: the *Watts Report*, in Patterson (1996: 34); the Tertiary Education Review's *Green Paper* (1997) and *White Paper* (1998); the Ministry of Māori Development's *Progress Towards Closing Social and Economic Gaps Between Māori and Non-Māori* (1998); the New Zealand Government's *He Pūtahitanga Hōu: Labour on Māori Development* (1999); and Maharey (2000b).

terms of needing to be 'full participants' in an 'inclusive knowledge society', the net effect is much the same because of the neo-liberal nature of the terms in which the discourse remains couched. That is, Māori remain 'deficient' in relation to the hegemonic market ethos. As such, Māori continue to be amenable to (ever new) modes of political and authoritative interventionist reforms that seek to establish a market-oriented norm as a means of regulating the entire population. This norm is operationalised and enforced by and through strategies and disciplinary techniques that attempt to increase Māori involvement and success rates in tertiary educational institutions, in order to make possible the transformation from 'excluded' citizen into an 'included' bicultural (assimilated) citizen who can be 'made free' as a responsibly autonomous and entrepreneurial subject of choice.

Emblematic of this governmental effect is a recent policy initiative ('strategy of inclusion' or 'technology of agency/citizenship') which first came into existence in 2001 under the name 'Closing the Gaps', and is now termed the 'Special Supplementary Grant' (SSG)<sup>7</sup>. As outlined by the Associate Minister of Education (Tertiary Education), Steve Maharey (2000b), the additional funding to tertiary education institutions was to be targeted towards initiatives that improved Māori student support, increased Māori educational achievement levels, and encouraged Māori participation in areas of under-representation. Significantly, initiatives were required to be developed through institutional engagement with Māori staff and students, and with iwi. While the funds were to be initially calculated on a per Māori student basis, funding would be provided to institutions on a performance basis after two years (Norton 2000). Through interventionist devices such of this, the ongoing 'problem' of the lack of Māori 'inclusion' into the colonial liberal socio-political structure – specifically defined in the realm of tertiary education by key Ministers and officials in the Ministry of Education as statistically inadequate levels of participation and achievement – is to be 'solved'.

Such a scheme has, however, continued to raise more issues than it seeks to address, as in many institutions it has compounded existing problems relating to, for instance, definitions and understandings surrounding 'due consultation' and the pathways through

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<sup>7</sup> The government jettisoned its specifically Māori focus due to disgruntlement from various groups who saw Māori as getting ever more additional 'privileges', and was re-launched as an exercise in the generic reduction of poverty and market exclusion (Kelsey 2002: 69, 91).

which it is to proceed, Māori staff and student work overload, and the re-directing of funds to fill institutional 'budget gaps'. The deficit-based thinking and assimilatory fantasies which propel such initiatives has exacerbated existing tensions between Māori and institutions by maintaining institutional control in the face of Māori expectations that initiatives be developed in and through partnership arrangements (Te Mana Ākonga 2001, 2002). Strategies such as this that aim to 'close the (statistical) gaps' between Māori and non-Māori, in order to legitimise governmental claims of an increasingly inclusive bicultural society, will continue to be haphazard in effect in the absence of working Treaty-partnerships between institutions and Māori (staff, students, iwi).

While I certainly do not dispute the need for developing (further) support and initiatives and environmental 'spaces' for Māori tertiary students, I do take major issue with the *discourse of freedom constructed for Māori* through which the 'problem' has been defined and presented and *limited* by, and thus also with the solutions that such a prescriptive discursive problematization makes thinkable and practicable. The assimilatory desire or 'invitation' to 'include' Māori, through rationalised schemes which attempt to (re)construct and normalise us as responsibly autonomous entrepreneurial subjects within the colonial liberal order, is not the freedom that many Māori envisage. Statistical comparisons between Māori and non-Māori, where Māori are to 'come up' to the levels set by non-Māori, helps to authorise, facilitate and so 'make possible' the colonial liberal desire to include Māori as 'one of us'. While some Māori do take up programmes of tertiary study, and many more are continuously encouraged to do so by a network of (Māori and non-Māori) authoritative experts and professionals, whānau and friends, many Māori seek to frame their aspirations and motivations, and 'measure' their successes and achievements according to values or tikanga that speak of and imagine freedom in ways that are antithetical to, or incommensurate with, those determined by and through neo-liberalism's individualistic discourse of freedom.

## The Costs to Māori of Liberalism's Discourse of Freedom

Liberal government, where rule is to be 'at a distance' in both constitutional and spatial senses, is *dependent upon the orchestration of actions* of the independent entities and authorities (the market, the family, civil society, community) that provide its counter-weight and limit. Such 'rule at a distance' thus becomes possible when the values of each domain can be *translated* in similar or the same terms, such that they can be articulated together to provide the norms and standards of ambitions, judgements and conduct in their own legitimate sphere. The resulting networks of power allow government and civil subjects to construe their goals and fates as inextricable, where common modes of perception and shared interests are formed through similar vocabularies and logics. Translation occurs only when there is significant agreement, when things are similar or when they can be made to be similar. Mechanisms of translation, and the networks that it links together, are thus *tenuous, risky and reversible* (Rose 1999: 49-51). However, as intimated in the previous section, translation between Māori and governmental developmental aspirations is also supported at the psychic level by the presence of compelling fantasies that offer the promise of inclusion, prosperity and the valuing of Māori worldviews. Such fantasies are particularly powerful to many Māori given current exclusions and a colonial history that continues to operate through marginalising irreconcilable forms of Māori identity, authority and knowledge.

Māori-centred discourses of (political) authority and freedom, articulated by whānau, hapū, iwi, lecturers, educationalists, writers, and film-makers, thwart such power-networks through disrupting the translation process, as they have not been (wholly) 'made similar'. Moreover, the failure of government to repress the always-already assimilative intent of inclusory fantasies continues to displace the fantasmatic screen of translation. By and through Māori exceeding the assimilative neo-liberal terms on offer, space remains open through which to consider the costs to Māori of the discourse of freedom.

In their chapter 'New Mythologies in Māori Education', Smith and Smith (1996) discuss the networks of power through which the domestication or co-option of Māori

dissent to previous educational reforms have been attempted, and how the liberal ideals of choice and freedom (devolution) have been endeavoured to be reconstructed, through such networks, as tino rangatiratanga for Māori. The apparently culturally-neutral context of free consumer choice, operationalised through the market, belies the fantasmic assimilatory tendencies at work to (re)construct Māori subjectivity in the liberal (colonial) form of autonomous entrepreneurial and prudently responsible citizens of the nation/world. The assumption that is rigorously contested is the expectation that tino rangatiratanga for Māori will be materialised and 'secured' through the free market. The cost to Māori then, is that the political, cultural, social, and economic goals envisioned through tino rangatiratanga, become reduced (assimilated, incorporated) to the logics of the free market, that an identity as Māori becomes reduced (assimilated, incorporated) to that of lifestyle consumers of choice. While the present 'third way' Labour-coalition Government, through the instruments of the current tertiary education reforms, seeks to stress 'active citizenship' for Māori in terms of 'full participation' in an 'inclusive' and 'cohesive' bicultural society – notions which encompass but go beyond participation in the market alone (Dean 1999: 161) – assimilation is still both the means and the 'end' of bicultural freedom. Thus again, tino rangatiratanga is to be made possible for Māori, not by and through culturally-relevant processes decided upon and legitimated by Māori and so *in its own evolving terms*, but by and through an 'enabling' bicultural state that articulates an understanding of tino rangatiratanga through translating it into its own (neo) liberal terms. Furthermore, in order to act out such a prescriptive re-write of tino rangatiratanga, Māori continue to be compelled to be(come) neo-liberal autonomous subjects.

Necessarily then, this impacts directly on the form of Treaty partnerships that such an individualised understanding and expression of subjectivity makes possible. In a draft of the *Tertiary Education Reform Bill* (2001: 55), for example, section 13 (2) states that "No member, when exercising powers or performing duties as a member, may act as a representative of, or promote the views of, any particular person or group of persons". This requirement for Tertiary Education Commission members to participate as autonomous (neo-liberal) individuals stands in direct opposition to the representative capacity that Māori members are often invested with by Māori collectives and communities. As such, the notion of a Treaty partnership that accords to Māori and Pākehā (or non-Māori) members the *status of equal partners* is inherently

compromised. Instead, minority numbers of Māori within such arrangements are invited to contribute their own viewpoint, which are easily subsumed by 'majority rules' decision-making. The cost of inclusion-through-participation for Māori is thus the forfeiting of being a Treaty partner, displacing the very notion of partnership that such forums claim to put into effect.

By and through such technologies of agency and citizenship, Māori are enjoined to become 'self-managing' communities of enterprising individuals and active citizens, who in forming 'partnerships' with Crown agencies, become readily co-opted into the rhizomous networks through which governmental strategies are enacted (Dean 1999: 170-171). From such a positioning, Māori are thus able to be put to work to help the Crown help Māori to become 'free'.

It would seem then that the obsessive neo-liberal desire to be made as 'free' subjects, free from that (culture, tradition, nature, relationships) which may limit or threaten its 'truthful' expression – operationalised by and through legalistic instruments – allows cross-cultural relationships to be conducted at a distance. Reliance on the formulating and writing of laws, policies, and charters becomes *their very enactment*, displacing and disabling modes of cross-cultural relationship that may be made and re-made through encounters that privilege, not writing, but doing. Moreover, in legally-constituted neo-liberal societies such as New Zealand, relationships not invested or endorsed with a legal identity are assumed to be without identity or status. Such legalistic modes of relating come increasingly to the fore when there is little emotional relational resource (mutual trust, reciprocal respect, intimacy) to draw upon. The cost of neo-liberalism's rationalistic 'freedom', in closing off space in which to imagine and perform other forms and bases of cross-cultural relationship, seems indeed high.

Bauman (1990, 1992, 1997) too has strenuously critiqued the liberal notion of freedom. He purports that the reduction of freedom to an individualised consumerism, where it has become 'true' that the issue of freedom is resolved once you offer individuals the freedom to choose (an institution of tertiary education, a degree programme, a career), is a pretence – a duplicitous freedom (1992: 225). For Bauman (1997: 196), freedom of choice is a graduated quality, and as such an individual's (or group's) access to freedom has become arguably the major stratifying variable in (neo) liberal society. Choosing

has become everybody's fate, but the ranges of realistic choices differ and so too do the supplies of resources needed to make them. While an individual's responsibility to prudently choose is equally distributed, the individually owned means to act on that responsibility is not. "The duty of freedom without the resources that permit a truly free choice is for many a recipe for life without dignity" (1997: 196). These criticisms are obviously highly pertinent to Māori, who, as an enduring symptom of colonisation's acquisitive capitalistic zeal, often have limited economic means to 'purchase' their freedom as consumers of choice.

However, it is this very *problem* of 'lack of access' (backed by the authority of statistical measures) to the (neo) liberal discourse of freedom, that leads some (Māori and non-Māori) educational officials, experts and professionals to devise the assimilationist interventions, technologies and strategies that have been discussed above, as the *solutions*. Not only are costs paid by Māori in the form of assimilationist interventions on our very identities and the political projects that are mooted in the name of such an identity, but also in the power such a discourse has to define 'the problem of Māori' and 'the (only possible and logical) solutions'. Significantly and problematically, these problems and solutions are asserted without addressing the wider context of colonisation and its ongoing oppressive effects.

Key questions that Rose's (1999: 20-22) methodology 'Analytics of Governmentality' thus poses, centre around interrogating the problematizations through which 'being' has been shaped, to which techniques and devices have been invented or applied as their solution. Answers, reminds Rose (*ibid.*: 58), are dependent on the existence of a set of questions. What if the 'problem' of under-representation and under-achievement of Māori in tertiary education institutions was reconfigured? What might that problem space look like, how might its existence be understood? And importantly, what might possible solutions be, and how might they be advanced – solutions that do not seek to set Māori 'free' as liberal subjects of a bicultural freedom?

## The Problem Space Reconfigured

Re-invoking the notion through which this thesis is animated – that governmental/institutional engagement with Māori forms of identity and authority in their own evolving terms is the basis of a just Tiriti/Treaty partnership – offers up neo-liberal regimes of governance and their inculcation in the tertiary education environment as the problem space to be ‘acted upon’. In reviewing those documents of the current tertiary education reform process<sup>8</sup>, prior reports and documents<sup>9</sup>, along with communication on the Special Supplementary Grant<sup>10</sup>, it is clear that the government and Ministry of Education officials, along with institutional administrators, are in agreement that the tertiary education environment needs to be reformed in order to increase the participation, retention and educational success of Māori. Such reformations, it is stated, are to be operationalised through a commitment to the ‘principles of the Treaty of Waitangi’. Given, however, the pervasiveness of subsumptive state-authored bicultural discourse and the assimilationist fantasies which supports it, inclusion of and deliberation on such a statement throughout the 1990s has failed to produce meaningful transformations in the tertiary education sector *for* Māori, in terms of institutional engagement with te tino rangatiratanga of Māori in power-sharing arrangements, and *between* Māori and non-Māori with respect to ‘closing the gaps’. The current tertiary education reforms are similarly limited by operating with the same prescriptive politico-legal framework.

By way of explanation, many legal theorists and academics understand the five Treaty principles as a move by the Crown to assert control over the very meaning of the Treaty, a move which (further) sidelines the Māori text and its ‘disruptive’ and ‘irreconcilable’ claims to tino rangatiratanga (Durie, E.T. 1991: 165-166; Havemann 1995: 92-93; Kelsey 1996: 184-185). Thus as with previous attempts to ‘adhere’ to the principles of

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<sup>8</sup> Including: the *Tertiary Education Reform Bill* (2001); the *Report of the Working Party on Charters and Profiles* (Ministry of Education 2001); the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b); *Charter Guidelines* (Tertiary Education Commission 2003); and the four Tertiary Education Advisory Commission reports – *Shaping a Shared Vision* (July 2000); *Shaping the System* (February 2001); *Shaping the Strategy* (July 2001); and *Shaping the Funding Framework* (November 2001).

<sup>9</sup> See for example: *Progress Towards Closing the Social and Economic Gaps Between Māori and Non-Māori: A Report to the Minister of Māori Affairs* (Ministry of Māori Development: Te Puni Kōkiri 1998); *He Pūtahitanga Hōu: Labour on Māori Development* (New Zealand Government 1999).

<sup>10</sup> See for example: Maharey (2000b); Norton (2000).

the Treaty by and through reducing tino rangatiratanga to self-management within neo-liberal parameters, equality to 'closing the gaps', and co-operation to permission to do so – current 'third way' attempts to do so remain as unlikely to result in the development of power-sharing arrangements between Māori and institutions. Significantly, it is these transformations that are required for many Māori to view and experience the general institutional environment in a more favourable light.

Statements emblematic of the current 'third way' reforms such as Māori 'leading change' (Ministry of Education 2002b: 13) and Māori 'find[ing] their own solutions' (New Zealand Government 1999: 1) are not the strived for self-determination or tino rangatiratanga for Māori on 'Māori terms', but are merely the expectation (or demand) that Māori follow the state-authored path to the idealised liberal state of bicultural freedom. This is because the strategies and administrative techniques for operationalising Treaty principles remain inherently limited to increasing (measurable) enrolment and completion statistics, and to moves that merely make provision for Māori participation *within* existing governance and management structures. There is thus an inability, through these current 'steering' mechanisms and the politico-legal discourses of freedom upon which they depend, for administrative and educational authorities and networks of experts and professionals to seriously consider and engage with the possibilities for and potentialities from governmental (institutional) *and* Māori sources of authority and governance, both generally, and for the tertiary education sector in particular (Kelsey 1999: 374). To this end, they continue to articulate an orthodox monist conception of sovereignty, albeit one in which the notion of selfhood is given 'sovereign' status. However, as the preceding discussion offers, such a rendition of sovereign selfhood – as neo-liberal bicultural subjects of freedom – bolsters rather than challenges neo-liberal power.

Moreover, despite a plethora of statements within the current reform documents that speak of governmental and institutional intentions to effect Treaty-based partnerships for both the delivery of education for Māori and its possible applications, they discuss the operationalisation of governance and accountability structures, strategic directions and approaches, with either no or very minimal further mention of their previously claimed obligations to the principles of the Treaty of Waitangi. While Meredith Edwards' (2003) very recent *Review of New Zealand Tertiary Education Institution*

*Governance*, commissioned by the Ministry of Education, draws attention to the issue of Māori involvement in tertiary education governance as an aspect of fulfilling Treaty obligations to Māori, the emphasis remains on Māori inclusion *within* current arrangements. The invitation to 'include' Māori in the tertiary education environment does not extend to the inherently more challenging and just task of being considered as equally-authoritative decision-makers, which for many Māori is what was guaranteed in the articles of Te Tiriti o Waitangi. Instead, Māori remain significantly positioned as a 'target market' for educational administrators and experts to encourage to participate and graduate, as in the administrative regime of neo-liberalism it is actual conduct that is all important: the aim of improving statistical performance and thus compliance with the (neo) liberal dream of freedom (Readings 1996: 119; Rose 1999: 236).

This inability to engage with issues of Māori political authority can be explained in a number of inter-related ways which have the effect of legitimating an inertia to change: the belief that this can be best and wholly met through the Treaty principle of self-management/autonomy that an 'enabling' neo-liberalism purports commitment to (Smith and Smith 1996: 222); and the reduction of cultural (political) pluralism to an economic logic that invisibilises its own particular (Western) culturally-based commitments and standardising norms, and so is able to present its operations as outside of, and irrelevant or inconsequential to, the domain of culture (Readings 1996: 140-144; Varaharajan 1997: 626). In being 'non-prescriptive' in the domain of culture, reductive economic logic can be presented as enabling citizens or 'groups' to live their lives and govern themselves as free subjects. The status of Māori as tangata whenua, guaranteed in te Tiriti o Waitangi/the Treaty of Waitangi, along with protections of tino rangatiratanga, become radically distorted when Māori are considered or assimilated as a particular 'life-style' group.

However, the quest to limit the scope and power of central government that is a hallmark of neo-liberalism, so that responsabilised and entrepreneurialised autonomous individuals and 'culturally-identified groups' (and tertiary institutions) govern themselves, has in fact meant an *increase in government intervention in order to create the conditions* to produce such subjects who will govern themselves in accordance with the demands of neo-liberal freedom (Patterson 1996: 160-162; Rose 1999: 139-145; Kelsey 2002). The reforms of the tertiary education sector over the last decade and a

half, have thus increased government control over their operation by introducing such measures and devices as increased mandatory reporting requirements, prescribed structures for councils, corporate organisational structures, legislative provision for EFTS-based funding, involvement of the New Zealand Qualifications Authority in course approval and entrance, the requirement to prepare a regulatory charter in line with Ministry specifications, centralised quality assurance arrangements, and expanded powers for Ministerial intervention in the event of poor financial performance. These interventionist strategies and devices have been imposed to meet (ever) more stringent demands for accountability in the use of public funds (Patterson 1996: 160-162; Codd 2002; Thomson 2002: 9). The current round of tertiary education reforms, through the materialisation of the Tertiary Education Commission and their additional requirement to operate the sector in line with a government-determined 'national interest', continues the increase of government intervention into institutional practices (Codd 2002).

This expanded demand for accountability has become bound to the requirements and rationalities of financial accounting, which link political aspirations with individual actions and judgements in new ways, and so stands as a powerful technology for acting 'at a distance' upon the actions of others. The central mechanism through which this accountability is now performed is that of the audit, which creates accountability to one set of (financial) norms at the expense of others (Rose 1999: 151-154; Readings 1996: 119-134). Such a 'technology of performance' (Dean 1999: 168-170), designed to penetrate domains of institutional expertise and subsume them to new formal calculative regimes, is a means for locking the moral and political requirements of the shaping of conduct into the *optimisation of performance*. Utilised 'from above' as an indirect means of regulating tertiary education institutions, of transforming those assumed to be located in such midsts into 'calculating individuals' within 'calculable spaces' subject to particular 'calculative regimes', the audit is presented as a technique of restoring trust (i.e. accountability, transparency and democratic control) in the activities of providing tertiary education. However, as Dean (1999: 169) points out, technologies of performance presuppose a culture of mistrust that they themselves contribute to, produce and intensify. Their normalisation shapes institutions to be wary of making 'risky' changes that cannot be measured and counted as (financially) successful, so that the fear of failure to produce 'real results' and of the punitive governmental and legal action that it potentially shores up permeates current practices.

What this has meant, on the one hand, is that the 'risky' demands made by many Māori for increased accountability to te Tiriti o Waitangi, are marginalised by the priority of such calculative (financial) requirements. Thus despite the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b: 29) prioritising partnership arrangements with Māori which will invest a greater system accountability to 'Māori realities', the 'Reporting and Accountability' section of the *Report of the Working Party on Charters and Profiles* (Ministry of Education 2001) contains no discussion or acknowledgement of partnership issues. On the other hand, however, because 'commitment' and 'adherence' to the principles of the Treaty are incorporated in and are attempted to be operationalised through measurable goals and objectives in institutional charters and profiles, they too have become amenable to audit, and thus become subsumed to the administrative rationalities of financial accountability (accounting). To be instituted, Treaty-based initiatives and any subsequent partnership arrangements are thus required to be presented as both measurable and lucrative, poignantly illuminating the way in which the neo-liberal impetus of 'third way' discourse overwhelms and re-authors its social-democratic goals to fulfil Treaty obligations to Māori. In so doing, the mechanism of audit works to construct and maintain 'progress' for Māori in line with reductive neo-liberal discourses of a bicultural freedom, which are propelled by and through the assimilatory desire to include Māori within a unified (colonial) society. Such administrative closure effectively excludes engagement with, and consideration of, bicultural freedom for Māori as expressed through rangatiratanga and mana motuhake. This is the reconfigured 'problem space' to be acted upon.

Through the discussion offered in this chapter, it may be argued that an assimilatory 'closing the gaps' governmentality pervades the environment of tertiary education reform for Māori, and thus fantasmically both drives and supports the specific strategies, interventions, technologies, and devices through which such reforms are to be operationalised. Here again appears liberalism's constitutive circle, where assimilative and authoritative reforms of control are compensated for by the 'truth' of a bicultural freedom as its unconscious supplement. It is a freedom, however, which is itself supported by the unconscious fantasy of a Eurocentric universalism, so that the future envisioned by these reforms inevitably comes to be reduced to the terms of the assimilative present (Tie 2004). Significantly, this operation of liberalism's circle attempts to incorporate and re-route kaupapa Māori-based resistance and contestation,

as simply an innovative source of programmatic re-design, limiting reform agendas for Māori to that which will address its previous programmatic failure to both re-configure Māori as neo-liberal subjects of freedom, and to reform the tertiary education environment in line with the state-authored project of a unified (and assimilative) biculturalism (O'Malley *et.al.* 1997: 505). Indeed, it would seem that mounting critiques in the name of a Māori identity in a similarly rationalistic manner, or alternatively, having them translated into such terms, effectively shuts down discussion of possibilities for cross-cultural relationships that might disrupt the logic of neo-liberalism's constitutive 'circle'.

What is being signalled here is a challenge to the Foucauldian notion of power and resistance through which a governmentality approach proceeds. Using post-Lacanian insights on the radical decentredness of power generated by Žižek (1997), Tie (2004) offers that power and resistance are not merely conjoined within a circuitous linear state of 'coupleted immanence' whereby acts of (kaupapa Māori) resistance are generated in response to acts of (governmental) power, and that such resistance then generates further expressions of power. Instead, and *at the same time*, power (to enact, for example, freedom for Māori as state-authored biculturalism) always already assumes the existence of its opposition (an assimilative and authoritative control) and only ever emerges through the suppressive self-censorship of such acts of resistance. As such, power has *always already subsumed resistance within the conditions of its own being*. That is, governmental power to advance its particular version of biculturalism is rendered operational by silencing the assimilative fantasy that underpins it.

Given the possibility that kaupapa Māori resistive discourse may be similarly rendered silent, a post-Lacanian reading of power suggests forms of resistance to regimes of bicultural governance that make *highly visible* the problematic and disturbing aspects of the fantasmical unconscious supplement of an assimilative control upon which it is founded and which "has to remain invisible if power is to function normally" (Žižek 1997: 27). In the current totalitarian environment where this dynamic also operates in reverse, the obsession with unlimited freedom too needs to be interrogated as deeply problematic and destructive. Strategies for political resistance thus need to both include and go beyond rational linear interventions (that is, 'reasoned debate'), so that the

assimilative unconscious supports to bicultural strategies of governance that are not amenable to such logic, are also able to be disrupted.

## **Imagining New Solutions**

Such a re-configured problem space makes different 'solutions' or paths thinkable and possible. While attempts to operationalise Treaty principles – through such current 'steering' mechanisms as institutional charters and profiles, and through increased interventionist funding initiatives such as the Special Supplementary Grant – have the potential to increase the services and support structures to Māori tertiary students, their capacity to stimulate the development of non-assimilatory Treaty partnership arrangements between Māori and institutional sources of authority in the areas of governance, accountability, operational structures, and strategic direction, is at present limited. As Jackson (2001) points out, transformations desired by Māori, for Māori, will not be authorised by and through Parliament, they will be 'made to happen' in other sites and places, in and through even small changes in the routines of our daily life – changes that express our freedom to evolve our own subjectivities as Māori – changes that displace the assumed sovereignty of the state, and its unconscious underside, to be the final, if 'distant', authors and directors of an assimilatory bicultural freedom.

In line with this agentic idea, a productive avenue advanced by Māori staff and students at various institutions has been to begin developing kaupapa Māori educational spaces that are discursively located in cultural-spiritual spaces that rationalistic (neo) liberal discourses can neither (finally) penetrate nor decipher (Jackson 1995c; Smith, L.T. 1999: 72-74). Echoing Bill Readings' (1996: 180-192) notion of a 'community of dissensus' for tertiary education institutions – a community which is not dedicated to the project of a communicational consensus as to the nature of its unity – such developments offer the capacity to think about cross-cultural relationships without recourse to the unifying and stultifying idea of a national culture or of sovereign institutions. Against Habermas' vision of a communicational community of consensus (1994), collectives of Māori staff and students, along with writers such as Readings (1996) and Lyotard (1989: 65- 66), put forward that consensus is an outmoded and

suspect value as it misguidedly assumes that communication can be made through agreed upon universally valid language games, and that the goal of cross-cultural dialogue should be consensus. Not only are languages, and the cultures they express heteromorphous, the requirement of consensus is an unethical remnant of totalising Western Enlightenment philosophical traditions (Jameson, in Lyotard 1989: x). It is to these kaupapa Māori developments that I return in chapters six through to eight. Before doing so, however, it would seem indicated to explore the notions of identity and authority through which they are both articulated and contested.

## TE WAI O TE AWA

# CHALLENGING BICULTURAL IDENTITY

### Introduction

The introductory chapter to the thesis offered a brief overview of the July 2002 General Election, some of the political commentary that surrounded it, and some seemingly paradoxical observations around the issue of national identity that emerged through the election process. They are paradoxical because, on the one hand, the resulting largest-ever proportion of Māori Members of Parliament seemed to lend credence to the claim that Aotearoa/New Zealand is indeed ‘well on its way’ to becoming a successful bicultural nation. At the same time, however, generalised support both from political parties and from the voting public for an overarching, equalising and final identity as ‘New Zealanders’, indicated the ongoing presence of a powerful monocultural conservatism. That political leaders are aware of the crucially important relationship that exists between national identity positioning and political party popularity, is evidenced in the myriad of debates that fuel attempts to find an acceptable resolution that will accommodate the tension-ridden positions of Māori claims for due recognition as tangata whenua and kaitiaki o te whenua and the discourse of ‘one nation, one people’ that characterises current state bicultural arrangements. One of the latest incarnations of this search (for both a ‘resolution’ and popular support) was posited by the former leader of the National Party, Bill English.

In response to a particularly poor election result, and amidst personal criticisms of lacking boldness and failing to provide strategic direction and focus for both his party and the nation’s voters, English sought to address his critics by taking a firm stand against what he terms the current Labour Government’s “politically correct approach to the Treaty of Waitangi”. In asserting his “one rule for all” position, he signalled the possible reversal of National Party support for the separate Māori seats in Parliament (of

which there are seven), viewing them as one of a plethora of “separatist” bicultural arrangements that currently contribute to Māori having the potential to veto decision-making and thus corrupt the equality, democracy, and “one sovereignty” that the Treaty of Waitangi established (in Young 2003: A24). Renaming existing state bicultural arrangements ‘separatist’ moves them into alignment with what are publicly viewed as the more ‘radical’ and ‘dangerous’ claims of Māori for tino rangatiratanga and mana motuhake. Not only do such sleights-of-hand unnecessarily and irresponsibly provoke already flammable tensions between Māori advancing such claims and those who are fearful about the future implications of such claims, it potentially regenerates the conservative ‘one nation, one people’ position as the preferable and perhaps rightful middle-ground. Moves that establish the terms of debate as between a purportedly ‘separatist’ biculturalism and a conservative monoculturalism obfuscate their supplementary and circuitous relationship. As outlined in the previous two chapters, it is a relationship generated by and through the assimilationist monocultural fantasies that unconsciously support state-advanced biculturalism. Moreover and significantly, debates around the just recognition and expression of Māori claims again become marginalised as being ‘beyond reason’, as beyond any conception of good sense and good government, and thus as a position to be actively and vociferously denied.

What is also of particular interest for the discussions of this chapter around identity, is that these statements were made by English to (re)produce political support and interest in the National Party. His confidence in this as a successful strategy would seem reasonably justified given the overwhelming and unanticipated success of New Zealand First and the United Future Party in the 2002 General Election – both parties who placed the ‘one nation, one people’ notion at the centre of their election campaigns. Indeed, as Glotz (in Habermas 1989: 24) points out “neo-conservatism is the net into which the liberal can fall when he [sic] begins to fear his own liberalism” – a safety net, in this instance, of an imagined unifying national identity which many ‘New Zealanders’ have felt, and continue to feel, compelled to seek out or retreat into and be grounded by. The metaphor of a net in relation to national identity here is very apt, for they both require attention, maintenance and repair to remain effective despite the apparent ‘hardiness’ of the materials, and both are made up of ‘gaps’ that are able to accommodate significant resistance.

The point to be made here is that the assertion by English of a singular 'bicultural' New Zealand nation, and the subsequent criticisms of and challenges to such a position, particularly those interjected by Māori claims, highlights the *centrality of competing notions of identity* that are at play in the current 'biculturalism' debates – debates that have become a constant and key site of political contestation in the country's media. Importantly then, a claimed national identity is never merely that which is 'self-evident' but is more an effect or product of specific modalities of (discursive and fantasmatic) power (Hall 1996: 4). Moreover, these acts of power sustain popular fantasies about the possibility of a harmonious social or natural 'bicultural' national identity. They do so by disallowing or incorporating the 'disturbing intrusion' of a Māori identity which could lead to its dislocation (Žižek, in Stavrakakis 1999: 65). This fantasy was particularly evident in the print and television media surrounding this year's Treaty of Waitangi 'celebrations' that claimed the start of new 'more peaceful' era of biculturalism in Aotearoa/New Zealand. Not present in media reports, however, was the heavier than usual police presence and the highest number of protester arrests in at least five years (Sykes 2003).

Given the political power of a national 'bicultural' New Zealand identity that operates both as hegemonic discourse and psychically through powerful unconscious popular fantasies to subsume a Māori identity within and to itself, bolstered by the law which specifies an equality through common citizenship, questions arise as to how such a subsumption might be challenged and disrupted, and significantly, *why* such an endeavour might be important and indeed, necessary. As Wendy Larner (1996: 162) points out, many authors, politicians and activists recognise the importance of identity because it is understood to be the *basis* of political claims. Thus for Māori, the aspiration for tino rangatiratanga and mana motuhake to be understood and expressed in their own culturally-located terms, are underpinned and propelled by and through claims to a *Māori identity* (Jackson 1998; Smith, L.T. 1999: 72-74). It is an identity that emerges in and through a myriad of spiritual-human-environmental whakapapa relationships. The title of this chapter then – 'te wai o te awa' – re-invoking the metaphor of the opening whakataukī (Lake 2003), speaks to such an understanding of identity that is both enduring and open, always-already beyond the colonising grasp of rational explanation. Necessarily then, the claim is to an identity that is undetermined by, or emancipated from, colonising (neo) liberal conceptions of nationhood, selfhood

and development that have been imposed by and prescribed within the euro-centric institutions of science and law that have been part of Aotearoa/New Zealand's colonial inheritance (Tie 1999: 4, 256-257). Thus it is a claim for a Māori identity that exceeds the reductive rationalistic terms on offer from a 'knowledge society' which government and tertiary education institutions offer as a 'gift' of 'bicultural freedom'.

The questions raised above – which coalesce around challenging and interrupting the assimilatory power of the modernist 'one-world' view that justifies nationally-imagined identities, and the possible socio-political consequences and effects of doing, or not doing so – provide the major strands of the discussions for this chapter. Before this, however, and taking heed of Stuart Hall's (1996: 4) reminder that debates around identity need to be situated within historically specific developments and practices, the discussion begins with an overview of the processes of colonisation which have disturbed and traumatised whānau, hapū, iwi structures and the whakapapa relationships between ngā atua<sup>1</sup>, tangata whenua and whenua through which Māori culture and identity are articulated.

## **Colonisation and the Generation of 'Otherness'**

It may seem to some readers unnecessary to bring up the fact of Aotearoa/New Zealand's colonising past, given that past 'exclusions' on the basis of racial/ethnic identity have been *superseded* by an inclusory biculturalism which 'confirms' the equality and recognition of Māori as New Zealand citizens in what may be termed a 'post-colonial' present. It is this assumption of an achieved or at least achievable 'progressive shift' – the transcendence of the oppressive regulatory binarism of coloniser/colonised by and through the creation of a new singular bicultural identity as 'New Zealanders' – that justifies claims such as those made by English that 'we' can indeed be one nation and one people, and do so without recourse to 'corrupting' illiberal protections. Given that such an assumption has been roundly critiqued in the previous chapters of this thesis as a contemporary form of colonial-inspired assimilation, it would then seem that a discussion of colonial processes that sought to generate an excluded

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<sup>1</sup> Spiritual beings, deities, gods.

and reviled 'Other' is warranted because such processes have not been (and cannot be) superseded by a reductive bicultural national identity that purports to be inclusive. The invitation or expectation, made by and through a state-advanced biculturalism, that Māori should come to enunciate a shared and 'liberating' national identity as included subjects of (neo-liberal) freedom, or alternatively remain stuck in the impoverished margins of mainstream society, does not transcend any centre/margin dichotomy, it reconstitutes and confirms its oppressive racist existence.

In *Barbaric Others: A Manifesto on Western Racism* (1993), Ziauddin Sardar, Ashis Nandy and Merryl Wyn Davies identify a long Western tradition of generating Otherness centred around an analysis of the texts of its two constitutive pillars, Christianity and classicism, who "each invented Otherness" to define their own "triumphalist self image" (ibid.: 38). The attitudes toward nature and to people living beyond the West's frontiers were, in large part, shaped by the Old Testament's hostile view of nature as a "cursed adversary ... not a power with which one could establish a celebratory, reverential relationship. On the contrary, it was a power from which one sought deliverance. Nature had to be subdued, controlled and put to better use by man's [sic] efforts" (ibid.: 25). Inherited by Christianity, it mandated a similarly hostile attitude towards the gods and sacred notions of Other cultures, which as adversaries to the 'true' god, were to be destroyed (ibid.: 26). The teachings derived from classical Greece were seen to contain similar distinctions, particularly regarding separateness from Other People and, note the authors, served to reinforce the pillar of Christianity. The word barbarian, often used to denote the inferior Other, comes from the Greek word *barbaroi* which was used to describe all non-Greek speakers. The inference here was that this inability betrayed a person or race as vastly inferior in reason, logic and intellect, and as such, unable to control their passions (ibid.: 26-27).

Through such strands of scholarship have come enduring Western notions, supported by anthropological and scientific 'knowledge', of a defining civilised and Christian human nature at the European centre that exists in sharp contrast to an uncivilised, inferior, irrational, and heathen sub-human Other located in the 'wilderness' beyond Europe's borders. Importantly, however, point out the authors, arising from the idea that the Other could exist within the bounds of Europe itself and threaten its self-image, came a powerful suppressive impetus for the Other's civilisation. Conversion to Christianity,

through a doctrine of ‘constructive persecution’, came to provide the vehicle for the transformation of the barbarian to that of the fully human citizen (ibid.: 27-39).

By the century of Christopher Columbus then, Western civilisation was possessed of deeply entrenched and long established ‘knowledge’ of the inferior and demonic ‘Other’ – which sailed with Columbus and his contemporaries to the ‘New World’ that came to be known as the Americas. With this journey, the process of generating Otherness made a new departure: it became a mass-repeated *global project* of violent destruction of both the ‘uncivilised’ ways of Other Peoples and their ‘non-productive’ natural environments (ibid.: 40, 51-52). It is a project that accompanied European explorers, missionaries, officials of the British Colonial Office, and settlers who sailed to the shores of Aotearoa in the eighteenth and nineteenth centuries.

In Aotearoa/New Zealand, as with elsewhere, the coalescing of ‘truthful’ and ‘righteous’ Eurocentric binarisms – civilised/uncivilised, reason/nature, christian/heathen, master/slave, teacher/student, independent/dependent, centre/margin – sanctioned by both established ‘knowledge’ and the church, propelled and justified Māori being offered the (non) choice between being assimilated through conversion to Christianity or remaining excluded (ibid.: 71-75). Conversion, however, did not put the new Christians on par with their ‘natural’ superiors, it would make them merely second-class citizens, not fully-human, so that in reality, “the masters perennially deferred the passing-out examination” (ibid.: 72). The truthfulness of Māori as ‘by nature’ inferior and dependent slaves or children, was also crucial in justifying the elaboration and imposition of a European sovereignty over newly acquired territories and peoples. In being so defined, through that which they lacked, Māori were able to be located intellectually and legally outside the bounds of civil society, and thus as having no rights to determine either their lands and resources or their selves (ibid.: 48-49, 62).

The dispossession of the rights of Māori to self-determination is thus founded on and justified by the dehumanising definition of being sub-human, that there is in fact ‘no-self’ to determine, and as such are to be granted merely sub-rights (Jackson 2001) – including the right to be ‘well governed’ by Europeans (Walker 1990: 143). It is here that the intersection between definitions of identity and political claims comes

powerfully to the fore, in this case, the power of a hegemonic liberalism to advance particular political ends (colonisation) through a particular 'truth' about Māori identity.

Such colonial discourse has more recently become, for liberal governments such as those operating in Aotearoa/New Zealand, a "source of deep embarrassment and concern" (Jackson 2001). Assertions of a progressive inclusive biculturalism, based around an ostensible Treaty 'partnership', does not supplant its destructive assimilatory effects on a Māori identity and the claims to self-determination that are made in its name, as such claims are still resolutely denied serious consideration. Indeed, many Māori writers have sought to point out that a relationship exists between a state-advanced biculturalism and the "culture of colonisation which has made it possible", such that the bicultural state "grew out of and is still sustained by, and benefits from" what is now a repudiated colonial discourse (Jackson 2001; and also Mead, L.T. 1997; Johnston 1998). Thus, while it is important to note that the development of state discourses of biculturalism in Aotearoa/New Zealand are given distinctiveness through the signing of Te Tiriti o Waitangi/The Treaty of Waitangi and their irreconcilable terms<sup>2</sup>, they remain continuous with "the culture of colonisation".

The desire of both governments and mainstream society to suppress and divorce themselves from a history, and present, of colonial violence through forms of "social amnesia" (Bell 1996: 153) was most poignantly demonstrated when Prime Minister Clark, in her last term of office, placed a public ban on the word 'colonisation' after MP Tariana Turia (2000) talked publicly of the "holocaust of colonisation" in Aotearoa. The massive destruction or loss of life that holocaust describes apparently refers only to those horrendous events in places other than here. The current state-advanced biculturalism, in specifying a singular and overarching bicultural national identity, however, continues this destruction by disallowing recognition of a Māori identity in its own evolving terms, and instead translates such quests for recognition into a reductive and culture-blind notion of equality.

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<sup>2</sup> See for instance the discussion in Pearson (1996).

## **'Progress' and the Ideal of the Liberal Subject**

The invention of Other Peoples that had remained static and 'unenlightened' confirmed Europe's view of its own spiritual, intellectual and physical 'progression' into a new modernist era (Sardar *et.al.* 1993: 70). A prevailing European view was that prescriptive and debilitating traditions had been 'overcome' by an increasing focus on the 'complete' individual subject, who in being essentially endowed with the capacities of reason, consciousness and action, was able to 'objectively' come to know the world and thus be 'freed from' rather than merely being defined by it (Hall 1992b: 275-276; Solomon and Higgins 1996: 175-178). In this play, explain Sardar *et.al.* (1993: 84-85), Europe's past was systematically represented as the present of the non-Western world, and necessarily then that Europe's present was rewritten as the future of Other Peoples. Accordingly, such a theory of progress specified that the Other could indeed achieve this goal of self-mastery provided they were able to attain a level of rational maturity through the internalising of Western values and conventions, through transforming themselves into the self-identical subjects of liberal humanism. While governments such as New Zealand's, operating within the frameworks of such colonial discourse, continue to interpret this offer to become 'fully human' or 'one of us' as a "graceful, even generous liberal gesture" (Morrison, in Pihama 2001: 146), it might also be interpreted as perhaps the most insidious of colonising intentions – the destruction of the Other's self. Moreover, the colonial discourse of a 'progressively' objective Western gaze allows it a superior understanding of the rest of the world, for the rest live only in their present which the West has transcended, allowing the West to authoritatively 'know' the Other's future better than they do themselves (Sardar *et.al.* 1993: 85).

The modernist investing of history with a singular and purposeful notion of progressive change or development works to entrench the ideal of a universal and thus unified (or at least able to be unified) humanity existing in one common world. Leading this charge into the future would be the idealised liberal subject who, once unencumbered from the stifling limitations and obligations dictated by culture, tradition, religion, and the natural environment, would embody the liberal virtues of equality and individual freedom – particularly the freedom to rationally choose their own version of the good life

(Kymlicka 1989; Taylor 1994a). As outlined in chapter three, this would be a subject both free to be self-governing, and capable of doing so through rationally-gained introspection, foresight, calculation, and judgement (Rose 1999: 78). Such sovereign selves would form an orderly and consensual national community of self-determining citizens, but one where the self is deontological, i.e. fundamentally irreducible to notions of community (Behabib 1992: 71).

The neo-liberal subject of today – argued by post-Foucauldian writers on governmentality to be more the effect of governmental powers to *produce* such a sovereign subjectivity than as emanating from some fallacious notion of autonomy as a pre-given and ‘true’ quality of humankind – continues this charge towards securing a harmonious and upwardly progressive one-world order by responsibly and prudently exercising their freedom of choice. Importantly in neo-liberal discourse, progress will be procured by entrepreneurial selves who advance their life through rationally calculated acts of self-improvement (O’Malley 1996; Dean 1999; Rose 1999). In the terms of this discourse then, Māori are indeed free to be Māori, but its legitimate expression is to be determined in neo-liberal terms. The fulfilment of a national community of neo-liberal subjects, formed by and through the alignment of such ‘freely chosen’ personal ambitions with government objectives, assumes the ultimate traversal of the self/other binarism. Assimilation of difference is denied by and through its universal recognition.

While the sovereign individual has remained the pivotal figure underpinning and propelling a hegemonic modernist (neo) liberal discourse, it has not been so without substantive challenge (Hall 1992b: 284). One source of contestation has been the series of critiques posed by communitarians who argue that identity is subjectively formed not merely *within* ourselves, but in continuous dialogical interaction with the societies in which we live. Thus liberal accounts of identity formation are both ontologically false and inadequate, because they describe and prescribe the ideal of the disengaged subject (Sandel, and MacIntyre, in Avineri and de-Shalit 1992; Taylor 1994a).

In his *Philosophical Papers* (volume 1, 1985), Taylor shows that this ideal exalts a quite unreal model of self-clarity, rationality, objectivity, and control – an ideal given great credence and normalcy by the practices within liberalism’s central institutions of

economics, law and science (ibid.: 5-11). Further, he puts forward the view that attraction to such an ideal comes not only from the sense of mastery that flows from submitting society and nature to instrumental reason, but from an age-old aspiration to spiritual freedom, to transcend the human context of emotions, relationships and obligations and be free to determine what is 'truly' important (ibid.: 112-113). What gets hidden in such of view of selfhood, however, says Taylor (ibid.: 8, 16), is the way in which we are constituted by the language and culture of the communities into which we are born and belong. In providing the background distinctions used to qualitatively evaluate 'worth', the ideal of being 'free to choose' becomes an impossibility. Moreover, the reality of interdependence with others is rendered either invisible or as a limit to be kept at a minimum (Taylor 1994b: 230). While autonomy has come to be viewed as part of the self's very constitution, understanding of oneself and others is only possible through monological 'inner' representations (Taylor 1992: 171-172). Instead, asserts Taylor (1991: 308-311), the 'real' locus of understanding is in dialogue with others, so that our identity is never simply defined in terms of individual properties but is embedded in relation to others.

Importantly for the discussion at hand, Taylor (1994a: 25-26) also sees that identity is powerfully shaped by the reciprocal *recognition* from others as equals<sup>3</sup>. As *mis*-recognition causes real damage to the person or collective – oppressing them, imprisoning them in a false, distorted and reduced mode of being – *recognition* must be acknowledged as a vital human need. He explains that the development of the notion of identity has given rise to a 'politics of difference', the universal right to form and define one's own identity as an individual or collective, which thus recognises and fosters particularity. Thus Taylor (ibid.: 39-44) criticises the liberal notion of a 'politics of universal dignity' for working to assimilate these differences into the seemingly transcendental, and yet particularistic dominant (neo) liberal identity. What is thus rejected is the liberal requirement for a universalising identity, confirmed within law's specification for equality and neutrality, which, in reflecting a particular hegemonic culture, suppresses the expression of other cultural forms. The rationalised desire for 'sameness' highlights the blindness of (neo) liberalism to difference because it suppresses 'true' identity. 'True' recognition of cultural difference then, does not

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<sup>3</sup> From Hegel's 'we' that is 'I', and 'I' that is 'we' (in Taylor 1994a: 50).

follow from merely allowing individuals to freely choose their own version of the good life, as liberals would have it, because an understanding of our identities as essentially formed and nurtured within communities remains under-developed. Further, explains Taylor (ibid.: 43-44), a supposedly equal and neutral liberal society that in fact reflects a particular hegemonic culture, is not able to guarantee that difference will be equally recognised. Instead, it unconsciously discriminates in favour of its own particular version of the good life.

In response to such critiques, Will Kymlicka (1989: 254-255) acknowledges that Indigenous group identities pose political challenges for liberalism as their claims for recognition challenges the constitutional guarantee of equality under the law, and thus sees it as an issue that liberalism needs to rework.

Traversal of the self/other, or in the terms of this discussion the universal/difference binarism, is asserted by Habermas (1994) to be wholly possible within liberalism's theory of universal rights, when properly understood. The mechanism for doing so is the development of "a well functioning public sphere with open communication structures that [will] permit and promote discussions oriented to self-understanding", allowing "the democratic process of actualizing equal individual rights ... [to] ... extend to guaranteeing different ethnic groups and their cultural forms of life equal rights to co-existence" (ibid.: 128-129). The basis of this is a system of law that remains ethically neutral on differently positioned values and conceptions of 'good', and instead holds society together 'merely' by a consensus on the *procedures* for the legitimate enactment of laws and exercise of power. This permits the transcendental 'non-assimilatory' political integration of all citizens, who in having an ability to communicate in the political public sphere and through recourse to a democratic process for resolving conflicts, can develop a loyalty to and confidence in the common political culture (ibid.: 134-135). Sympathetic to liberal conceptions of agency, Taylor (1991) is also a firm believer in the power of dialogical exchange, which, through the activity of interlocutors each clearly articulating their view-point or world view, has the capacity to lead differently-located speakers from presumed incommensurate positions to a more reconciled one. For Taylor (1994a: 69-70), that we have not yet achieved mutual recognition does not mean that it is not possible, we just have to 'keep conversing'.

There are a number of pertinent critiques to be made of the liberal-communitarian debate, not least of which is the way the binary oppositions (agency/structure, self/other, universal/difference) through which they operate encircle the domain of identity formation in a possibly totalising manner, marginalising other potentially fruitful and germane contributions and significantly for this discussion, those advanced by Māori. Moreover, their apparent opposition belies the considerable points of convergence (gestured to in the paragraph above) that are shared by virtue of their articulation within a modernist universalising discursive framework. Accordingly, while Taylor argues that the disengaged subject presumes an unreal model of self clarity, rationality, objectivity, and control, he too employs the possibility of ‘escaping ourselves’ in order to describe the ‘totality’ of our social embodiment (1985: 7), and in his hopes that through an ‘uncompromising realism’ we can come to ‘truly know’ the objective world-out-there in its totality (1990). Taylor then, along with liberal philosophers, imagines that ‘we’ can rationally come to a common world of dialogically reconciled selves through a constantly progressing ‘true’ knowledge of ourselves and Others.

It would seem that the Eurocentric Enlightenment ideal of a fully mastered and mastering objective self, that propels a mis-recognising assimilation, remains. While recognising and affirming the irreducible plurality of cultural identities, there remains ultimately one true unifying form of being (and knowing). This intellectual colonialism, the reduction of subjective realities into a singular overarching and assimilative logic by and through the discourse of liberal pluralism, operates “by implicitly constructing cultures as essentially equivalent and therefore interchangeable in their various parts, leading inevitably to an emphasis on assimilation to ... the authority of the dominant culture” (Bhabha, in Moore-Gilbert 1997: 125).

Further to this, the potentially resistant force of communitarian discourse in Aotearoa/New Zealand has become subsumed and limited by (neo) liberalism itself, by and through the shared belief that solutions to the crises posed by the demand from Māori for the just recognition of difference (and the political claims advanced in its name) are possible within its discursive ‘bicultural’ limits. Thus (neo) liberals and communitarians can be seen to occupy a similar discursive position: a *reformist* discursive position, which argues that the current (neo) liberal regime of governance (with its capitalist, monoculturalist, and individualistic commitments) is both wholly

adequate and sufficient to meet such demands, albeit with certain 'bicultural' modifications. In unacknowledged contradiction to the claimed values of inclusion and recognition, both discourses operate through imposing a totalising and universalising regime – politically, economically, socially, culturally, and morally. Thus the shared fantasmatic desire and discursive prescription for a harmonious and consensual bicultural society of identically equal and included citizens, in an ongoing state of evolutionary progress and development, forecloses any potentially transformative prospects for Māori from communitarian-inspired resistance.

A final critique of liberalism and communitarianism is that they lack any theories of power (Frazer and Lacey 1993). Both Habermas (1994) and Taylor (1991, 1994a) attempt to traverse the self/other binarism by and through asserting the notion of an achievable uncoerced dialogical space, without consideration of the (discursive and psychical) power-relations that threaten its possibility. In considering their effects, Iris Young (in Tully 1995: 134) suggests that the posited reciprocal intercultural language of understanding is able to be “reduced to a mere stepping stone to a monological”, and so monocultural, “overview of the ensemble”. To briefly reiterate a prior line of argument from chapter two, such discourses of dialogical based recognition, explains Homi Bhabha (in Moore-Gilbert 1997: 125-126), assumes the prior existence of, or consensual agreement to, ‘final vocabularies’, which different cultures must mutually assent to in order to engage dialogically in the first place. Crucially, however, such concepts and values are inevitably shaped in and through *Western* (liberal) philosophical terms, undercutting the assumption of free and open dialogue. The argument that Bhabha makes is that the narratives and symbols through which a given culture represents and understands itself are not amenable to attempts to translate them ‘transparently’ into the terms of another culture. Thus there are political dangers implicit in the assumption of an uncoerced space of cross-cultural dialogical exchange, where, by and through the reductive expectation to converse in the same liberal (Eurocentric) terms, the risk of being ignored, of being beyond comprehension, or of being mis-read, run high – all of which allows the maintenance of the political status quo. What is being gestured towards here are the difficulties in assuming that intercultural dialogue can be an innocently transparent means through which to negotiate or translate ‘final’ understandings (these points will be expanded upon later in this chapter).

The discussion above has given some broad brush-strokes of the discourses of a liberal-humanism, whose Western-derived values and forms of knowledge have underpinned and justified the (ongoing) destructive colonisation of Other Peoples and places on a global scale. To summarise before moving on to the next section, the ‘truth’ of a universal human nature that specifies a unified, rational, all-knowing subject propels the belief in a similarly fashioned harmonious and coherent ‘one-world’ for all. Through the (discursive and psychical) totalising force of this gaze, European colonials ‘invited’ “the sub-men to become human, and to take as their prototype Western humanity as incarnated in the Western bourgeoisie” (Fanon, in Young 1992: 246-247). In so doing, the West attempted to (and continues to make attempts to) consolidate itself politically as the *sovereign subject of the world*, here called ‘progress’, transcending all cultural differences on the basis of a presumed unity and essence among humanity. In binaristic replay, both liberal-humanism’s ‘universal man’ and neo-liberalism’s ‘entrepreneurial subject of choice’ are predicated on the exclusion and marginalisation of the difference of Other Peoples (ibid.). These same Peoples are offered a way out of such banishment through inclusion within (neo) liberalism’s constitutive and assimilative circle.

Since the moment of colonial contact, however, such descriptions and prescriptions of ‘what it means to be human’ have been resisted by those positioned as ‘Other’. Māori have both rejected and resisted the reductive modernist Western assumption that a claim to ‘know’ the ‘totality’ of oneself, and indeed of ‘the world out there’, confers the means to arrive at a self-same knowing of all people and all cultures, existing at all times and in all places, and importantly, the ‘correct’ form of the Other’s ‘progressive’ future socio-political developments. This challenge is being mounted substantially by and through the assertion of a Māori identity *in its own evolving terms* (Jackson 1998: 75) – a claim that necessarily stands as one of the central tenets of a burgeoning kaupapa Māori theoretical and political reclamation<sup>4</sup>. The desire is to resist and reject as ontologically fallacious all colonial definitions and representations of Māori identity (ibid.: 75). This is due to the objectifying containment within, and distorted mis-recognition of a Māori identity (and political claims) as able to be ‘wholly’ accommodated and enunciated through modernist Western knowledge protocols, which

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<sup>4</sup> See for instance: Jackson 1988; Mikaere 1995; Smith, G.H. 1997; Mead, L.T. 1997; Johnston 1998; Royal 1998; Smith, L.T. 1999; Jenkins 2000; Hoskins 2001; and Pihama 2001.

in privileging the liberal ideal of the sovereign (individualised) self, denies the possibility of a non-reconcilable or irreducible Māori identity.

## **Interrogating Recognition Through Inclusion**

How do bicultural quests to recognise and make space for the difference of 'Other' cultural worldviews, identities and meanings end up *assimilating* such difference into a confining sameness of non-recognition? Using the theories of Franz Fanon, Diana Fuss (1994: 23) claims that the problem stems from the fact that the concept of 'Other' that Western theorising often utilises in attempting to recognise cultural difference, is a form of knowledge *based upon incorporation*. In the context of Aotearoa/New Zealand, the outline of Fanon's theory of "colonial psychopathology" (ibid.: 20) is that within the regulatory framework imposed by colonial discourse, a Māori identity effectively becomes *appropriated and subjugated* to a European identity through a process of racial Othering, where Māori become Māori *in relation to* the European, so that Māori is 'not European'. However, 'European', in possessing the position as transcendental signifier, is never 'not Māori' and so has *no relational dependency* on the sign 'Māori' for its symbolic constitution. The appropriated term 'Māori', then, functions not in *reciprocal recognition* with the term 'European', but within a racist discourse where it is contained and retained for comparison (ibid.: 22). As Hall (1992c: 279) explains, the identities of Māori (as not-European) and European become related elements in the same colonial discourse – "different parts of one Western-imagined global, economic and cultural system, one interdependent world, one language". Thus the notion of a 'Māori' identity can be located within, reduced to, and so *explained* by and through, a Western-derived universalising fantasmatic and discursive framework of an inclusive and assimilatory biculturalism. The possibility of a Māori identity outside the totalising self/other binarism is closed-off, beyond consideration, beyond 'Truth'.

It would seem then, that the very concept of identity formation outlined above – as an ongoing process whereby the Other is mis-recognised and so comes to be transformed into the same, and is then assimilated into the domain of the Self – could be interpreted as a replay of imperial processes which commanded the wholesale conquest,

destruction, transformation, and absorption of the non-European world by the West (Fuss 1994: 23). Furthermore, the Eurocentric expectation is that all humans experience identity formation as a process of ongoing struggle to achieve a 'delusional' state of unified selfhood through the dissolution and possession of their 'Other', via the reduction of all difference to sameness, resemblance and self-replication that is to be ceaselessly engulfed (Lacan, in Bowie 1991: 91-92). Such an expectation universalises and perpetuates a colonial mind-set as the norm. The coloniser thus commands that the colonised is also a coloniser, that this is the *only* path to subjectivity – the ongoing attempt to obliterate difference and consume it as sameness.

Further to this, at a deeper, more insidious level, explains Fuss (1994), Fanon argued that colonial regimes of representation also attempt to *exclusively appropriate* the 'Otherness' assigned to Māori, thereby excluding Māori from the very self-other dynamic that is assumed to make subjectivity possible. So while Māori are co-opted to represent the imaginary Other of the self that allows the European to access a fictive sense of a unified self, Māori are sealed into a dehumanising objecthood (ibid.: 21). Māori become neither an 'I' nor a 'not-I' but simply "an object in the midst of other objects" (Fanon, in ibid.: 21). Fanon, states Fuss (ibid.: 22-23), "sees the Other for what it is: an ideological construct designed to uphold and to consolidate imperialist definitions of selfhood" so that while "the existence of The Other may be correct, their application to a black [Māori] consciousness proves fallacious. That is because the white man is not only The Other but also the master". Put another way, by Sardar *et.al.* (1993: 88), the

"eye of the West ... was blind when it turned to observe what was not European or Western. When it observed the Other, *oculus mundi* was blinded, paradoxically, by its own perceptions and pre-visions. It not merely helped falsify the Other, but in fact invented it out of Europe's own inner demons – Europe's fears, anxieties, and disowned self".

This explanation of Māori identity offers a second position as Other of the 'Other', a location as the fixed and static *silent* object of colonial (mis)representations, which requires Māori to be (and remain) 'authentic' (Griffiths 1995: 238).

## Disrupting Liberalism's Totalising Identities

Given that challenges to the totalising meta-narratives of liberalism, and in particular the ideal of sovereign selfhood, are being advanced here by and through both Māori identity claims and the theoretical insights of various strands of post-Hegelian Western philosophy, there would seem value in exploring what the latter may productively offer to the identity-based political claims of Māori to self-determination. Reiterating from the introductory chapter, a crucially valuable aspect of foregrounding these marginalised strands of Western philosophy is that they offer a very germane path through which Pākehā or non-Māori readers might come to question and re-consider (neo) liberal bicultural identities, without the requirement that they privilege Māori philosophies over Western, and significantly, without re-invoking the very shared identity claims that are being challenged.

Against the grain of the modernist discursive attempts above at a “moral openness to Otherness”, Tie (1999: vii) outlines that deconstructive accounts question that such an openness can simply be “the product of an intended [bicultural] ‘good will’ ... as the tacitly intentionalist ‘recognition of difference’ discourse [espoused by Taylor (1994a)] appears to suggest”. Receptiveness to the culturally-located differences of Otherness does not necessarily come about “through the calculated inhabitation” of a Habermasian (1994) intersubjective space of self-same ‘free and open dialogue’. What is being critiqued is the assimilative outcomes and desires that such ‘solutions’ reinscribe. In ‘making space’ for Māori *within* liberal institutional (political, legal, educational) frameworks, the totalising meta-narratives that constitute liberalism’s colonising circle and the self/other, centre/margin binarisms upon which it characteristically relies to legitimate its power, remain effectively unchallenged (Jackson 2001).

Deconstructive accounts, however, attempt their disruption in the ethically-inspired hope to destabilise the very authority of colonial knowledge to transcendently ‘know’ the world (Spivak, in Moore-Gilbert 1997: 85). By and through such efforts at unsettling, what emerges is the possibility of subject positions that are not fully determined by the colonising either/or options of incorporation in the ‘centre’ as ‘entrepreneurial neo-liberal subject of choice’, or exclusion in the ‘margins’ as the not-

yet-human 'barbaric Other' (or as the Other's other 'authentic object') that is to be offered 'protection' and thus controlled.

Deconstruction of the foundations for the truth claims made by the colonial West proceeds on the assumption that materiality can never be sufficiently known outside of language, but only experienced through the (mis)representations made of it. What this undermines is the possibility of discovering an *a priori* overarching truth or logic with which we might come to understand the world in its entirety (Tie 1999: 77). Such a quest necessitates that the ideal of the unified, fully conscious subject as 'Master of himself' (and also of Others), which exists at the centre of colonial knowledge, be destabilised (Hall 1992b: 281-282).

From the contributions of Derrida, who in re-working the "limitations" of Saussurean structuralism, comes the view that signifiers (words, sounds, images) and signifieds (subjects, meanings) do not cohere to form complete and stable signs that are 'fixed' within language chains (Weedon 1987). Both structuralism and Derridean deconstructionism share the view that subjectivity and meaning are *constituted in language*, dissolving and decentring notions of the fully-conscious individualised Sovereign Subject and the 'naturally given' meanings of (neo) liberalism which language merely 'reflects'. Derrida, however, further posits that a final signified can never be arrived at that is not a signifier itself, constantly deferring the arrival of a stable 'true' identity (and meaning) (Sarup 1988). Lacan too insists on the commutability of the signified, where "slippage along the signifying chain", from signifier to signifier, allows merely "provisional" identities as signification is never closed, "never satisfied" (ibid.: 12-13).

Understanding identity in this *discursive* way reveals they are illusory constructions where a signifier is 'impossibly' read as signified, as a stable sign, foreclosing in advance on that which remains left unsaid, on the "endless play of signification" (ibid.: 44). In a similar fashion, the binarisms inscribed in modernist and colonising forms of identity and knowledge that privilege the first term (self, centre, subject), depend upon the *exclusion* of its "accomplice" (other, margin, object) in order to claim the position of universal 'truth' and absolute 'knowledge' (ibid.: 56). Thus for Derrida (in ibid.: 56), primacy belongs not to the dominant term of any binarist opposition, but the

subordinate term instead, because its disruptive presence reveals that the claim to self as signified is an impossibility, an illusory form of closure.

While these contributions from Derrida may be taken as denying the possibility of identity, what is being gestured towards is the difficulty in ascribing definitive identities and meanings as they are never fully identical with themselves; never fully present in any one sign alone. Instead, they are altered by and through the contexts in which they are enunciated. They are made conditional and provisional by the various chains of signifiers in which they are entangled (ibid.: 35-37, 57-58). This point is reiterated by Gayatri Chakravorty Spivak (in Moore-Gilbert 1997: 112), when she cautions that “deconstructionism does not say there is no subject, there is no truth, there is no history. It simply questions the privileging of identity so that someone is believed to have the truth”.

In the terms of the discussion at hand, what deconstruction offers is the dislocation of identity understood as self-presence, and offers instead the view of identity as ‘difference’, where an assimilatory (liberal, national, bicultural) identity always contains the specter of that which is non-identical (Māori) within it. As such, the illusory homogenised ‘bicultural’ (neo) liberal subject generated and espoused within the terms of colonial nationalistic discourse, is always divided against itself and destabilised, as the claim to identity is purchased at the price of exclusion of Māori (as Other) which is repressed and repudiated (Fuss 1989: 18). Any suggestion of a complete and final integration or merging of difference is, in fact, explains Hall (1996: 2-3), a fantasy of incorporation. Instead, the making and marking of ‘identification’ of Māori as bicultural national subjects, the process of subjectification to hegemonic liberalist discursive practices, is always ‘in process’. As such, discursive (and fantasmatical) attempts to assimilate Māori are never a proper fit or a totality, as they are subject to deferral, to the play of difference. Māori always-already exceed the (neo) liberal terms on offer.

Accordingly, the process of identification as ‘bicultural national subjects of choice’ requires, and indeed *depends upon* for its premature (if temporary) closure as ‘signified’, for the successful ‘chaining’ of ‘bicultural’ Māori into the flow of discourse (ibid.: 6), that which is excluded, unacceptable, its constitutive repudiated outside i.e.

that which it avowedly *is not* (Māori as 'Other' than bicultural New Zealanders). Hall (ibid.: 4) asserts this as the crucial insight of deconstruction, that "[a]bove all, and directly contrary to the form in which they are constantly invoked, identities are constructed *through*, not outside, difference. This entails the radically disturbing recognition that it is through the relation to the Other, the relation to what it is not, to precisely what it lacks, to what has been called its constitutive outside, that the 'positive' meaning of any term, and thus its 'identity, can be constructed". Hence, suggests Derrida (in Sarup 1988: 43, 56), the binarist terms of self/other are not so much opposing as relational, in that each derives its meaning from the other (Weedon 1987: 23).

Hall (1996: 4-5) offers that particular identities (bicultural national subjects of choice) emerge within the context of specific modalities of (neo-liberal) *power*, where they are more the product of the marking of difference and exclusion, than they are a stable 'sign' that indicates an unchanging and naturally-constituted unity. This unity, which claims a bicultural national identity as foundational, is not an 'already given'. It is a form of closure constructed by and through hegemonic power that represses and excludes that which threatens its objective 'given-ness' (Māori as 'Other' than bicultural New Zealanders). Such exclusion establishes a "violent hierarchy" (Laclau, in ibid.: 5) between the resultant polar positions of included and recognised bicultural national subjects, and excluded and marginalised 'rebellious Māori'. As Minh-ha (1995: 216) reiterates, there cannot be any grand totalising integration (of Māori) to a (neo) liberal discursive framework without massive suppression of cultural difference, and *particularly* those identity-based socio-political differences that reveal the discursive limits of ostensibly inclusive and pluralistic neo-liberal regimes of governance.

Importantly, from Lacanian insights on power, for such repressive power to remain hegemonic, for the ideology of a 'difference-recognising' bicultural national identity to remain operative, such power must also attempt the masking of its repressive desires, censoring from view the assimilatory fantasies that act as its unconscious supplement (Žižek 1997: 25). The achievement of closure is, however, constantly destabilised by and through the very impossibility of a total censorship of assimilatory fantasies, so that their constant and unpredictable eruption unsettles the social salience and coherent

‘appealing’ appearance of state-advanced bicultural discourse (ibid.: 21, 25). Moreover, closure is also problematised by the *ceaseless return* of those non-representable cultural differences that are required to be suppressed or left out (Hall 1996: 5). Through the play of *différance*, where irreducible differences yield the constant deferral of closure (Norris 1991: 32), the ‘Other’ is never finally transformed into the same.

Alluded to already in this section, the contributions from psychoanalytic theory have been influential to post-structuralist theorising on subjectivity, and particularly through the developments made on Freud’s concept of the unconscious (1915) by Lacan (Weedon 1987: 44). Psychoanalytic insights too destabilise the essentialist all-knowing, pre-given and unified human subject that occupies centre stage in the universalising grand theories of liberalism, but do so by and through interjecting a radically decentred subjectivity (Rose, J. 1990: 234). For Lacan, the reduction of subjectivity to the conscious ego cannot be sustained or fixed in place, as the subject is fundamentally and irreducibly split from within by the agency of the unconscious, the effects of which disrupt intentionality in unpredictable ways. Neo-liberalism’s fantasy of autonomy, of a self-controlled, responsibly and rationally choosing subject, is thus a “profoundly delusional character” (Lacan, in Stavrakakis 1999: 15-16). In being alienated from possessing a stable complete sense of self *within*, the subject then becomes the locus of an impossible quest *outside itself* in the socio-political domain to achieve ‘fullness’. What is posited by Lacan is that ‘we’ are *necessarily engaged in* a continual process of identification with and against others, precisely because it is impossible to achieve that which is desired – final and ‘truthful’ closure (Jagose 1997: 79; Stavrakakis 1999: 4, 13;). As Stephen Frosh (1997: 42) elaborates, identities are, at most, provisional.

This alienation, according to Lacan (in Stavrakakis, 1999: 18-35), occurs at both the imaginary and the symbolic level, as both reveal to the subject the gap or lack between themselves and that which ‘stands in’ (mirror image and language respectively) to represent them. There is always something ‘other than’ the self of the mirror image or its linguistic representations which remain beyond capture in the imaginary or the symbolic. This is the unconscious, or in Lacanian terms, ‘the Real’, which, in being ultimately *unrepresentable*, produces a constitutive lack in the subject that can never be eliminated and thus unsettles any claim of fullness. At the imaginary level then, the ego, the image (or ‘Other’) in which we recognise ourselves, is always an alien *alter*

*ego*. This is because the imaginary unity of the self based on its mirror image (by and through incorporating the 'Other') is founded on an irreducible gap – the gap between the real and the image – which can never be erased or resolved, so that what is supposed to be 'ours' is itself a source of alienation. In subverting the achievement of a unified identity, what remains is the desire for its achievement, which propels the thwarted ego towards language, the symbolic, as a source of stability within itself. Instead of transgressing alienation, however, the subject (signified), as an effect of the signifier, becomes alienated by the subordinating power of the laws of language (ibid.: 17-20). Through Lacan's encounter with Saussurean linguistics in developing the symbolic, he too critiqued the unity of signification as illusory. For Lacan then, the bar between signifier/signified acts as a barrier *resisting* signification, a limit between the symbolic and the Real, or more accurately, between the symbolic and the constitutive lack effected by the irreducible absence that is the Real, an enduring lack which the play of signifiers can never eliminate.

Identity is thus an impossible illusion because signification is never complete, there is no point of closure, there is no signified possible but lack. We are "doomed" to symbolise through language, but it can never fully capture or represent the totality of the real body. The limits of language to constitute 'who we are', emerges in every failed representation (Bowie 1991: 28; Žižek 1994: 30; Stavrakakis 1999: 25-29, 52). Lack is ever emerging where identity is sought, which brings to the fore the irreducible character of lack which, crucially, serves to *reinforce the desire to fill it* (ibid.: 35).

Like post-structuralism, psychoanalytic theory interjects the provisionality of, and the repressive violence in claiming a bicultural national identity, unsettling (neo) liberalism's claim to an achieved, or at least achievable, totalising and harmonious notion of selfhood and bicultural nationhood. The significant contribution that Lacanian theory makes, however, is that the subject's constitutive and alienating lack retrospectively produces an endless search for an impossible and fantasmatical but 'lost' fullness, the *desire* to fill this absence with something 'out there' in the socio-political world, a something that *needs* to be there in order to recapture a sense of wholeness that was never present (Žižek 1994; Stavrakakis 1999: 36-38, 43-44).

Significantly, what this signals is the *powerful emotive desire* that drives discursive attempts to assimilate Māori into the same, so that the delusional liberal fantasy of a bicultural unity can be ‘real’-ised (Bowie 1991: 37). The mastering of the Real through such a harmonious fantasy is, however, never fully actualised. There is always a certain destabilising element that defies (Western) representations, the non-representable differences interjected by and through Māori identity claims, which, although repressed and stigmatised or incorporated, nevertheless *remain* (Stavrakakis 1999: 63-64).

## **Resisting Bicultural Identification**

The discussion now turns to consider what might be productive from deconstructive and psychoanalytic accounts of subjectivity to the claim of a Māori identity in its own terms, and the political claims of *mana motuhake* and *tino rangatiratanga* that are advanced in its name. Specifically, what might such accounts signal or offer in terms of *resistance to* the hegemonic discourse of a state-advanced bicultural national identity?

For Hall (1996: 5-7), the process of becoming a (political, discursive) subject occurs at the point of intersection between (neo) liberal discourses and practices which attempt to interpellate individuals into place as its subjects (from Foucault), *and*, the psychic drive or desire for a full identity, the fantasy of which will compensate for the subject’s inherent lack (from Lacan). An effective suturing of the subject to the hegemonic discourse of a bicultural national identity thus requires that the subject is both successfully and repeatedly *hailed*, and that the subject *invests* in the discursive identity offered up, and continues to do so. Importantly then, it is not a one-sided process of subjectification to the colonising power of liberalism; capacity exists for non-recognition within its discursive framework and resistance against it. Maintaining such an identity at this intersection is thus inherently difficult as it is a site where the repressed unrepresentable differences of a Māori identity ceaselessly return to destabilise the fantasy of fullness as bicultural national subjects, making its reconciliation only temporary or provisional. Accordingly, questions around identities and their political significance, states Hall (*ibid.*: 16), are “advanced when both the

necessity and the ‘impossibility’ of identities, and the suturing of the psychic and the discursive in their constitution, are ... acknowledged”.

Thus, for a discourse to ‘do its work’, to successfully suture Māori into “the flow of discourse” (ibid.: 6), it has to appear to be and maintain a sense of coherency and truthfulness, it has to provide a sense of identity or closure in order for Māori to invest in it, to believe that it has the capacity to meaningfully reflect back a sense of fullness. There would seem indicated within this understanding, at the tenuous and power-saturated intersection of ‘becoming’, numerous points at which resistance could arise or be provoked into being. The attempt made here then, to enunciate the possibilities for resistance to bicultural discourse, proceeds through submitting the discourse to both a rationalised questioning or Derridean-style ‘close reading’ and an analysis at the affective emotional level of fantasy – lines of enquiry that work to disrupt and subvert its sense-making and organising power.

Crucially, such resistance is being proposed in the name of a Māori identity, to assist in wider kaupapa Māori-based efforts to advance understandings that this claim be recognised *in its own evolving terms* (see for instance Jackson 1995c; Smith, G.H. 1997; Mead, L.T. 1997; Jackson 1998; Johnston 1998; and Pihama 2001). Such a statement is re-made here to put distance between resistance ‘in the name of Māori’ and resistance ‘in the name of (neo) liberalism’. It seems to be necessary given the extensive assimilative reach of liberal discourse that attempts the incorporation and re-routing of resistance by positing it as simply an innovative source with which to specify further ‘bicultural’ modifications (O’Malley *et.al* 1997: 505). Indeed and ironically, through this capacity to re-write resistance as a ‘biculturalising resource’, limiting reform agendas Māori to those which address previous failures at interpellating Māori as bicultural subjects of choice, liberalism becomes in fact *strengthened*. In this way, the potentially disruptive force of resistive works and projects to spark new modes of non-assimilatory recognition of Māori, becomes muted. It would seem then, that mounting resistance in the name of a Māori identity in a rationalistic manner, or having it translated into such terms, may work to thwart the possibility of its recognition. Moreover, given that the assumption of a reductive inter-cultural translation (through which an identity claim as Māori is assumed to be ‘provided for’ in the call to be bicultural national subjects) is a key mechanism in operationalising biculturalism, it

would seem difficult to render resistive efforts by Māori 'outside' the range of its assimilative effects (from Butler 1997: 94).

Resistive moves to keep the meaning of a 'Māori identity' indeterminate and unpredictable, and so out of liberalism's pervasive rationalistic reach, however, potentially elude the subsumption of Māori identity narratives within the state-advanced discourse of biculturalism (Smith, L.T. 1999: 74). Writers such as Jackson (1995c), and Johnston and Pihama (1995: 84-85), achieve this by locating the meaning of 'Māori' within a cultural or spiritual home that this 'Other' finds inaccessible and impenetrable. The title 'Ko Taranaki te Maunga' used by Pihama (1997) in challenging Pākehā writers' claim to a 'shared' post-colonial bicultural identity is a fitting illustration of such resistance, and is one that I have sought to deploy in and through the title of this chapter also.

To reiterate from previous discussions, an identity-led Māori resistance claims that irreducible and incommensurate differences are violated by and through 'knowledgeable' Western representations and state desires for a bicultural future. Assisting this claim are post-structuralist accounts that are put to use here to mount a challenge of state biculturalism at the rational discursive level. Foucault (in Hall 1992c: 293) offers the reminder that deconstruction conceptualises reality as a discursive construct which is produced in and through relations of power. What gets to be validated as a 'real' (bicultural national) identity is not confirmed by the 'objective facts', but is rather the *effect* of colonial (neo) liberal power to construct closure at a particular juncture (signifier) in the discursive field (chains of signifiers).

Building on what has previously been outlined, the binarist structures at work – bicultural/Māori, included/excluded, centre/margin, universality/difference, progress/past – which by foreclosing in advance on an identity that privileges and consolidates the first term as 'truthful' or at least 'progressive' (i.e. *where it's at*), necessarily represses and marginalises the second. The claim to an inclusive bicultural national identity that is able to recognise the difference of Māori is open to significant questioning through its constitutive dependence on *the obliteration of difference* for its claim 'to be'. Instead, such a purportedly 'inclusive' identity contains Māori in a

totalising universalism (liberalism's closed circle), effectively disallowing the political claims advanced in its name.

Significantly, however, there is resistance to this containment. The culturally-located differences of Māori that can never be totally and irrevocably translated into the same, return and disrupt the illusory closure of a bicultural identity. An *irreducible* Māori identity, and the *incommensurate* political claims that such an identity shores up, remains beyond and defies final (and an impossible) capture in what can only be liberal colonial *mis*-representations. The ability of bicultural discourse to offer up coherent and complete representations, in order to successfully interpellate and subjectify Māori, is forever escaping. The schizophrenic positioning of inclusion-through-violation would seem eminently resistable.

What this signals is that the differences that enhance the claim to 'be bicultural', that do not pose serious challenges to the normative standard of (neo) liberalism, are able to be included – albeit in a reduced form through their location as bureaucratic bicultural 'signifiers' and resources for reform. Emblematic of this are the inclusions of whakataukī, te reo Māori sub-titles in government documents, and the employment of Māori advisers and endorsements that confer legitimacy to their programmatic effects. As discussed in the previous two chapters, illustrative of this translation into a rhetoric of bicultural Treaty partnership is the *Tertiary Education Strategy* (Ministry of Education 2002b). Those differences that expose its discursive limits, however, such as the demand for tino rangatiratanga in its own evolving terms, are absent – excluded and 'beyond reason'. The proponents of such claims remain 'pathologised' and dismissed as 'dangerous radicals' due to refusing to conduct their life around the single model of appropriate subjectivity as articulated through neo-liberal discourses of self-advancement and market-based entrepreneurship (Rose 1996).

In an aptly titled paper *The Silencing of Liberalism's Other*, Tie (2000: 86) thus articulates that the dominant political discourse of liberalism – despite representing itself through notions of inclusion, tolerance and *openness* to the Other – in being unable to recognise and translate or transform Māori demands for tino rangatiratanga into a reduced form that allows liberalism to remain 'what it is', works to *exclude* such claims from the 'mediatorial ring'. The assimilatory compulsion of (neo) liberalism is

thwarted in this instance, which results in the current political stalemate between the partners of Te Tiriti o Waitangi/The Treaty of Waitangi (ibid.). Indicated then, are resistive projects that bring this inclusion-through-violation dynamic resoundingly to the fore, in the quest to destabilise the regulatory structures that are constructed by and through and thus allow the continuance of such exclusions.

The limits of bicultural discourse, of linguistic representations that constitute 'who Māori are' and 'what Māori might become', emerges in every failed attempt at a 'truthful' translation of Māori socio-political understandings into a shared and unified bicultural blueprint with which to conduct national political life. No final merging of Māori within bicultural discourse is possible. Any appearance of final identities and meanings are an illusory form of closure that is only ever the effect of colonial power. The 'free and open' communication spaces that Habermas (1994) and Taylor (1994a) imagine are thus problematic not only because of the colonial power-relations that permeate speaking environments, but because of the subordination of Māori to the oppressive (colonising) binarist regulatory structures within liberal discourse itself.

Against the (neo) liberal illusory fantasy that *enduring* cultural differences are merely 'temporary points of dispute' that can be reconciled through rational cross-cultural dialogical exchange, what becomes indicated then, through this discussion, is resistance in the form of the *impossibility of cultural translation*, the impossibility of inhabiting or establishing a 'progressive' intersubjective domain that will provide (final) closure on contested identities and meanings. As Bhabha (1990: 209-210) points out, this difference is not something that can be smoothly or ultimately accommodated within a universalist liberal framework, as such difference in *remaining beyond* that which is representable by and through liberal discourse, sets up points of *irreconcilable incommensurability*.

This does not mean that there can be no cross-cultural communicational consensus. As Lacan (in Stavrakakis 1999: 63-64) acknowledges, a substantially shared and potent fantasy may indeed appear to successfully master the 'real' and provide an illusory point of closure. What must also be acknowledged, however, is the *interminable provisionality* of any claim to a 'true' bicultural reality, as such closure is unsettled by

the spontaneous return of the Real, destabilised and deferred by the ceaseless return of unrepresentable cultural difference (Culler 1982: 189).

In engaging with these insights, Spivak (in Moore-Gilbert 1997: 91) too affirms that the assumption to (come to) 'know' or 'speak for' the Other, subsumes that Other within the speaker's cultural worldview. Knowledge of the Other necessitates to some extent their incorporation through mis-recognition. Instead, she says, it is better to preserve the subaltern experience as the 'inaccessible blankness' which serves instead to reveal the horizon and limits of liberal discourse. This stance, however, notes Bart Moore-Gilbert (ibid.: 101), brings up a whole host of other problems, not least of which is the placing of the non-subaltern in an impossible predicament – either maximally respecting the difference of the subaltern, thus leaving the status quo of colonial power relations and structures of rule intact; or attempting the impossible feat of 'opening up' to the subaltern without assimilating them. From the position of 'maximally-respected' and 'wholly Other', the subaltern cannot actually speak or be heard by the non-subaltern. This effectively reconstitutes one of the most fundamental and enduring of colonial binarisms – the speaking centre and the silenced margin (ibid.: 104).

The crucial issue of *how* cultural difference might come to be recognised in ways that do not subvert resistive accounts and reiterate colonial assimilatory tendencies, thus again comes to the fore. A way out of this current impasse in the field of political discourse, potentially transforming the assimilatory present into a non-assimilative future, is offered by and through a notion of limited authority – that the *limits* of liberal bicultural discourse and the institutions through which it is operationalised, to represent and determine a socio-political future for Māori, be rigorously engaged with. By 'engagement' I do not mean the search for some intercultural space through which 'unifying' cross-cultural identities and agreements can be established, where liberal rule is reformed and extended to *allow for* instances of Māori socio-political expression. Instead, and echoing Hall (1996: 16), what is proposed is a form of engagement that acknowledges the *necessity and impossibility of dialogical exchange* in the construction of identity and socio-political meanings and futures. The insight of Derrida then, explains Spivak (in Hawthorn, Aronson, and Dunn 1990: 18-19) is that while we *cannot but narrate*, the impulse to narrate is not necessarily a solution to a colonised present, and instead he looks to the *limitations* of dialogue.

Thus against the hope for consensual liberal procedures through which a bicultural society might be held together, perhaps Tiriti/Treaty partnerships can be built upon the shared recognition of the need for ethical commitments to a notion of *irreconcilable limits* to liberal narratives of identity and socio-political futures. What this seems to signal is the need for forms of subjectivity that are able to work with and through such ambiguity.

The process of constructing Māori as bicultural national subjects may also be resisted by and through a Lacanian unsettling of the ‘fantasy of fullness’ that bicultural discourse is emotively powered by. One consequence of such an unsettling is to reveal as entirely problematic and disturbing the liberal illusion that a stable and fulfilling bicultural identity for Māori can be achieved through uncoerced spaces of intercultural dialogue, as it assumes an impossible *mastering* of the Real Other, the total engulfing or suppression of cultural difference that remains beyond liberalism’s comprehension. The fantasy of full bicultural identity made possible by a full inter-cultural dialogical encounter thus becomes recognisable as an abhorrent oppression and denial of difference. These impenetrable differences are, however, the *inextinguishable* ahi ka of Māori and continually erupt the surface of an ideological bicultural fullness. Moreover, by undermining the coherency of a state-advanced biculturalism that claims the just recognition of cultural difference, these ahi ka spark forms of resistance that invigorates its authority.

As discussed in the previous section, the insights of Lacan posit a (neo) liberal subject constituted by and through an alienating lack that hungers to ‘discover’, ‘out there’ in the socio-political domain, that which will provide the return of its ‘lost’ fullness, a fullness which is an impossible fantasy (Stavrakakis 1999). For the bicultural neo-liberal subject, that ‘something’ is Māori – which is desired to be engulfed in the quest to achieve a fullness of identity that is ultimately insatiable. It is an identity that offers the illusion of *fully belonging* (and contributing) in all places and spaces of Aotearoa/New Zealand *without limit*. In so doing, the assimilative fantasy that drives the desire of its possession, returns to unsettle the pleasing illusory appearance of biculturalism – that it recognises and affirms the value of indigeneity (Lattas, in Bell 2001: 52). A ceaseless consumption of ‘things Māori’ is required to maintain the deception of fullness, generating a seemingly limitless and often violating process of

commodification that is justified by Māori being positioned as ‘national’ (or global) treasures (Smith, L.T. 1999). This process, which graphically plays out Lattas’ (Bell 2001: 52) comment that the Other is positioned as “full of a significance” which the West lacks, is surely no more deplorably stated than in the following front page title from *The New York Times Magazine*: “The high tech future of medicine is encrypted in the blood of remote peoples. For the new intrepid gene hunters, there is treasure buried in those veins” (in Harry 2003).

In response to such public statements, Žižek (1997: 26) offers up the following resistive strategy: “in the face of the emergence of new racism and sexism, the strategy should be to *make such enunciations unutterable*”, with anyone relying on them being “automatically disqualifie[d]”. This strategy offered up by Žižek (ibid.) is not to (re) invigorate a simplistic regime of ‘political correctness’. Indeed, to more stringently repress and censor unconscious eruptions of assimilative intent, merely renders the ideology of biculturalism more plausible and thus operational. Instead, it points to an attendance, a “looking at the underside” (Grace 1998: 156, 201), to the manner in which state-authored bicultural discourse is repeatedly and unexpectedly interrupted by its assimilative unconscious. The strategy then becomes one of *constant non-negotiable criticism of that dynamic* as the continued presence of such statements renders racism as an acceptable aspect of mainstream ideologico-political discourse. As outlined in chapters two and three, this dynamic is particularly prevalent in the *Tertiary Education Strategy* (Ministry of Education 2002b) that persistently couples Treaty partnership with the desire for a singular national community, disallowing forms of partnership whereby Māori might remain unassimilated to the (neo) liberal terms on offer.

A question that arises at this point concerns Māori who have invested in the state-advanced discourse of biculturalism – what is it about the assimilationist fantasy that enables it to attract those whose interests it necessarily subverts? In response to such a question, one line of explanation might pose it as a *traumatic symptom* of the ‘post-colonial stress disorder’ that Turia (2000) has so ‘scandalously’ brought into the public domain. As the discussion of this chapter has outlined, a colonial-inspired destruction of a Māori subjectivity has not abated with the invitation for Māori to be included in a bicultural society of neo-liberal subjects of choice, it has merely been benignly renamed. Thus, despite a relatively recent period of Māori cultural resurgence and

rejuvenation (in Walker 1990), there remains in operation a powerful unconscious fantasy of an annihilating assimilation that undermines the significance and relevance of a differently-positioned Māori culture, profoundly disturbing both the ability of Māori to form a secure sense of identity in relation to it, and to be recognised as equals by Others. Indeed the ‘governmentality’ of ‘closing the gaps’, or its more ‘politically correct’ cousin ‘equity’, that drives current tertiary education reforms for Māori, seeks to highlight the ‘deficiencies’ of Māori socio-cultural life and to thus offer *the* way out. Establishing (neo) liberal-informed lifestyles as the norm for existence not only marginalises its deep complicity with the very ruptures it seeks to address, it also denies Māori worldviews and its emergent identities the respectful recognition that Taylor (1994a: 25-26) rightly notes is a vital human need.

It is perhaps not surprising then that the fantasmatical offer to be recognised and included by, and in dialogue with, those who have ‘previously’ denied your worth, has a strong and emotive pull – despite the violating assimilation that is its unconscious supplement. While not wanting to advance a Māori subjectivity as constituted through lack that Lacan problematically posits as a universal condition (in Bowie 1991: 91), perhaps the pervasive effects of a capitalist psychical economy induces *a form of lack* (of freedom, of self-determination) that is hoped to be filled by and through the pursuit of a fantasmatic bicultural identity that will confirm ones distance and freedom from assimilative racist control. Here again is liberalism’s constitutive ‘circle’ at work. In and through providing an illusory escape or resolution to its own totalising assimilative limits, the power of liberalism to shape Māori subjectivities remains effectively unchallenged. This attests to the urgent need for forms of resistance that destabilise and unsettle state-advanced bicultural discourse at both the level of its rational discursive expression and the fantasies through which it operates.

Part of this resistive work necessarily involves, as has been pointed out above, resistance to the demand for a Māori subjectivity to be enunciated, and thus contained and controlled, by and through rationalistic colonising (neo) liberal discourses. It is important also, note Paparangi Reid (1995: 29-30) and Johnston (1998: 360), that Māori do not replay this demand through constructing ‘all-knowing’ homogenising definitional lists of what and who gets to count as ‘real’. Not only does this suppress the (whānau, hapū, iwi, gender, class, sexuality ...) differences of Māori socio-cultural

realities, it also ignores the ‘epistemic violence’ of colonisation and the changes that have been made in and through attempts to counter and resist, and indeed survive, such violence (Spivak, in Moore-Gilbert 1997: 86; Smith, L.T. 1999). In re-circulating the oppressive colonising binarist categories of modernist Western knowledge and representation, such lists construct some Māori as recognised and included and others as marginalised. Moreover, explains Pihama (2001: 177-178), replaying binarist systems of identification continues the marginalisation of Māori cultural identification narratives that do not rely on binarisms as an organising logic, but instead understand identity as formed through a complex whakapapa network of environmental, spiritual and human relationships (Johnston and Pihama 1995: 84-85; Pihama 2001: 129-133).

What this signals is the need to continue to engage with difference, so that Māori identities do not become calcified around violating (neo) liberal demands for a fantasmatic singular ‘authentic’ Māori subject. Given that such a subject is often demanded by (neo) liberal governments to be ‘presented’ to justify Māori claims to self-determination, including the claim for control over cultural knowledge and resources – found in comments such as “there are no ‘true’ Māori left anyway, so why the need for ...” – it remains crucial to expose the assimilative control that unconsciously supports such demands. A central concern then is that a distinction is retained between emancipation and regulation, that emancipatory projects of identity (and political) reclamation do not collapse or become undermined through ‘aping’ static and oppressive systems of regulation and assimilative control (Mikaere 2000: 5).

## **Responding to Criticisms of Deconstructive Projects**

The deconstructive projects of post-structuralism and psychoanalysis which place the modernist notion of an essentialised identity ‘under erasure’ have attracted much criticism. My attempt here, to engage with and respond to some of these substantive and valuable critiques, is made in order to retain for critical use the forms of resistance and lines of questioning that such accounts offer to a discursively expressed and psychically desired assimilative biculturalism. What is sought to be retained are those deconstructive insights that, in and through problematising the inculcation of a

bicultural identity, have the capacity to act as 'hoa mahi' to kaupapa Māori struggles and innovations to maintain ahi ka for Māori.

Much of the critique arises from the way essential and decentred identities are often presented as binary opposites, such as in Bhabha (1990, 1995, 1996) and Hall (1992a, 1995, 1996), potentially reproducing totalising explanations and thus the political (colonial) status quo. In and through such readings, identification for Māori becomes effectively reduced to the same non-choice offered by and through modernist meta-narratives: between marginalisation (through retaining current oppressive modernist identity structures) or assimilation (through the rise of shared 'hybridised' formations that assumes the traversal of self/other, centre/margin binarisms). This dynamic potentiates, in Hegelian parlance (Solomon and Higgins 1996: 219-220), the recreation of another unifying dialectic and totalising circle of 'truthful' identification that again operates through suppressing and excluding Māori constructions of identification (Johnston and Pihama 1995: 77, 84-85).

The invitation by Bhabha and Hall to 'rethink' a Māori identity as not stabilised by a shared history or ancestry, that there is no collective 'true' self that can guarantee 'oneness' or belonging, is offered because the homogenising impulses of 'shared history and ancestry' operates by and through suppressing difference. What is preferred then are decentred accounts that, in recognising and engaging those differences both between and within constructed categories, offer identity as never singular but multiply constructed "across different, often intersecting and antagonistic, discourses, practices, and positions" (Hall 1996: 3-4). This recognition of the multiplicity of subject positions that both colonisers and colonised are constituted through, destabilises the coloniser/colonised binarism, making possible the formation of new 'traversable' identity categories and relations.

While not denying the usefulness of aspects of Hall's and Bhabha's interpretations, as the engagement with their ideas throughout this chapter attests to, what their 'final solution' proposes, however, is a mere replacement of liberal humanism's belief in a shared *essential* humanity that is able to rise above 'superficial' structurally-imposed cultural differences, with a shared *essentialised* difference that enables a similar traversal of problematic colonial power-relations.

As Fredric Jameson notes (in Wise 1995: 41), a decentred subjectivity, where any final identity is deferred through the constant unsettling effects of difference, offers the fragmentation of the individual as a social norm, which in operating uniformly, makes of heterogeneity a *homogenous and standardising* power. Emmanuel Wallerstein (in Hall 1992b: 295) concurs with this view, and offers that the reinvention of difference as a discursive formation, *universalises particularism*. In being made ultimately meaningless, difference again comes to be suppressed.

Moreover, the celebration of interminable plurality means that not only are differences innumerable, but that no criteria can exist for determining the significance of any particular (cultural) difference, effectively banalising important distinctions (Taylor 1994b: 222; Tie 1999: 79). Anthony Elliott (1996: 23) too remarks that if identity is destabilised and unsettled a great deal, what is left is merely the free play of discourses that are spoken without intent, where “the self simply mouths the words of others”. The ‘bottomlessness’ of different discursive interpretations, with no possible avenue to any meaning or truth, is an “abyss” (Merquior 1986: 222) that makes meaningless the claim to a Māori identity.

Not only does this invitation thus problematise claims of a Māori identity that seeks recognition and expression *in its own terms*, many writers (see for instance Wise 1995; Pihama 1997; Brydon 1991; and Jackson 2001) whose works seek to challenge and subvert the authority of colonial discourses and materiality, argue that such ambivalence – through rendering Indigenous subjects simultaneously ‘speechless’ and ‘without foundation’ – actually undercuts political projects for self-determination. This occurs by and through repeating modernism’s refusal to acknowledge that there is an Indigenous self to determine (Jackson 2001), allowing the maintenance of the oppressive colonial status quo. The terms ‘decentred’ and ‘destabilised’ are thus problematic terms for Māori identity claims given this relationship to dispossession of political rights (Johnston and Pihama 1995: 84).

By way of responding to such vigorous critiques of deconstructive and psychoanalytic accounts of subjectivity, Hall (1996: 1-2) asserts that what is distinctive about the deconstructive critique to which essentialist liberal concepts such as identity have been subjected, is that it:

“indicates that they are no longer serviceable – ‘good to think with’ – in their originary and unreconstructed form. But since they have not been superseded dialectically ... there is nothing to do but to continue to think with them – albeit now in their detotalised or deconstructed form, and no longer operating within the [modernist] paradigm in which they were originally generated .... The line which cancels them, paradoxically, permits them to go on being read. Identity is ... an idea that cannot be thought in the old way, but without which certain key questions cannot be thought at all”.

It is thus important to remember that the decentring of the subject is not the *destruction* of the subject (ibid.: 13). With regards to Foucault, the most often cited critiques of his work have been along the line that in “positing disciplinary power as a fully installed monolithic force which saturates all social relations” producing ‘docile bodies’ as its effect, there has been an overestimation of the efficacy of such power and thus an impoverished understanding of what might interrupt its unproblematic operation and account for experiences not explained by the realm of the docile body” (McNay, in ibid.: 12). However, points out Judith Butler (1997: 89-92), Foucault’s ‘body’ that is subordinated and even destroyed through the production of the subject in *Discipline and Punish*, is offered a different configuration in *The History of Sexuality*. In this work, Foucault suggests that power not only “produces the boundaries of a subject but pervades the interiority of that subject” so that there now appears “an “inside” to the body which exists before power’s invasion”, requiring a body to “maintain a materiality ontologically distinct from the power relations that take it as a site of investment” (in ibid.: 89-90). With this differently configured body, there is the recognition by Foucault that “the ‘centring’ of discursive practice cannot work without the constitution of subjects, the theoretical work cannot be fully accomplished without complementing the account of discursive and disciplinary regulation with an account of the practices of subjective self-constitution” (Hall 1996: 13). Thus the body (self) *returns* as an excess, a remainder – it is not held totally captive by discursive power after all.

For Derrida, it is not that a Māori identity would be obliterated in a ‘sea’ of signifiers with no meaning, but that for any meaning or truth of identity to be advanced there is always something more to say. Thus, deconstructionism does not *erase* a Māori identity, but provides an ethical reminder that no one account can claim to

unproblematically speak the truth and capture difference in singular understandings (Culler 1982: 189; Hall, 1996: 13; Spivak, in Moore-Gilbert 1997: 112). Moreover, the critical purchase of psychoanalysis lies in the way it refutes subjective certainties – “complete understandings, fixed ways of being or final comings-to-term” – even its own (Frosh 1997: 35). Thus Lacan, whose work underlines the *necessity* of identification, also questions that any identity is ever ‘simply’ achieved.

A distorting translation of these insights into a generalised and extremely problematic post-modern attitude of ‘anything goes’ has consequently meant, as critics rightly note, that ‘everything stays’. Through a shared emphasis on reflexivity, tolerance, diversity, and individualism, which undermines the presumed opposition between modernism and post-modernism, some, such as Jameson (in Tie 1999: 26) purport post-modernism to be the cultural logic which underwrites and supports (neo) liberalism. Thus in a replay of ‘psychic affirmation’ by the coloniser (Lacan, in Moore-Gilbert 1997: 149), irreducible cultural differences and incommensurable socio-political realities are mis-recognised as superficial ‘diversity’, and subordinated within liberal capitalism’s desire for a single consumer society. The incorporating of ‘things Māori’ confirms the nation’s ability to ‘be itself’: the ‘we’ of the nation becomes affirmed through a *commodified notion of difference* (from Ahmed 1999: 101). Post-modern subjectivities, along with their post-colonial counterparts – and particularly in those forms articulated above by Hall and Bhabha – do not seem to be able to effect the ethical recognition of difference that Cornell (1992: 1-12) strongly emphasises as Derrida’s central motivation, nor the ability to vigorously and productively contribute to contemporary political debates that Stavrakakis (1999) attributes to Lacanian theory.

Also distorted has been Derrida’s deconstructive insight that the binarist terms of self/other are more relational than opposing. Attempts to engage this notion of relational difference in Aotearoa/New Zealand have spurned a reductive and assimilative traversal of the terms coloniser/colonised and Pākehā/Māori through advancing a shared and singular identity as ‘post-colonial’ or ‘bicultural’ New Zealanders. This proceeds by and through the claim of (post-colonial) Pākehā writers, such as Michael King, Larner and Spoonley, to a universalised ‘hybridised sharing’ of indigeneity (King, in Bell 1996: 155; Larner 1996: 167 or of a colonised experience (Spoonley, in Bell 1996: 156 and Pihama 1997: 9-10) or) with Māori. Through

interpreting 'relational' as a means to fully move beyond oppositional positions and claim a new space of sameness, and thus regenerating totalising identities, such writers have also not heeded Derrida's ethical reminder to care for difference in a mode of openness that does not attempt to grasp what is Other as one's own (in Cornell 1992: 57). Reproduced here then, is the unconscious fantasy of colonial assimilation that 'erupts' (Žižek 1997: 25), despite the conscious intention to advance critiques that challenge its on-going operation (Spoonley 1995: 49).

Given these interpretations of the notion of relational difference, of mutual constitution, where each term derives its meaning from the other, further critiques have been mounted against deconstructive accounts: that they maintain liberalism's totalising impulses and thereby exclude accounts and understandings of a Māori identity that are not simply 'in relation to' Pākehā (Johnston and Pihama 1995: 86). The insufficiencies of the interpretations by Spoonley, King, and Lerner help address this criticism. Those interpretations do not engage with the situation wherein by each term containing "the specter of that which is non-identical within it" (Fuss 1989: 18), each is but *in part* constituted by the experience of colonisation. Necessarily then, there are *limitations* to that mutuality to define the totality of the other, as evidenced by and through the constant return of irreconcilable cultural differences that disrupt such bicultural appearances.

Significantly, and to again reiterate previous lines of discussion, the non-totalising ethic of deconstruction and psychoanalysis is also pre-figured in and through the plurality and diversity of Māori whakapapa identification narratives (Jackson 1995a: 260; Hoskins 2001: 1-19; Pihama 2001: 129-133). As an aside, so too are the forms of subjectivity that seem to be required to work with and through the ambiguities posed by the notion of irreducible limits to representation, dialogue and authority. In mis-recognising the complexities of Māori identity formation that are always-already alive to difference, accounts such as those offered by Hall and Bhabha thus *create and impose* the problem of an essential Māori identity.

Against such a projection, the desire to effect an authoritative and absolute Truth of the world and 'its Others' through assimilative processes of reduction and incorporation is an enduring *Enlightenment* fantasy that captures and propels the activities of its current

generation of ideological descendants. Given this, the challenge mounted here through the insights from deconstructionism and psychoanalysis against fantasmatic universalising accounts of identification, has sought to specifically destabilise and unsettle what are understood to be intensely disturbing *(neo) liberal* discursive 'bicultural' subjectivities. The value of applying such projects to Māori identification narratives would seem to be only indicated, as previously elaborated, when such non-totalising understandings become calcified around static prescriptions in response to (neo) liberal demands for a fantasmatic singular 'authentic' Māori subject.

It is not a matter of declaring, as Hall and Bhabha do above, that a (perhaps exaggerated) multiplicity of subject positions for Māori simply and irrevocably 'translates' Māori as belonging to a new bicultural national culture (Hall 1992b: 310); that there is no (longer a) notion of a collective essential self existing that has not been *superceded and replaced by* new 'hybrid' or 'bicultural' identities constituted through a 'shared' experience of colonisation (Spoonley 1995; King, in Bell 1996; Lerner 1996).

Instead, further interpretations of deconstructionism attempt to engage a respect for "difference that remains different" (Cornell 1992: 141), that understands the essential as not obliterated, but as that "which is always escaping the domain of appearance" (Butler, in Cheah and Grosz 1998: 22) so that it cannot be rigorously or fully comprehended or identified (Derrida, in Fuss 1989: 14). Such interpretations do not look for easy or simplistic solutions to the complexity of colonial power relations, and the *irreducibly different* experiences of Māori and Pākehā who have each come to be constituted, *in part*, by and through its continued playing out. As outlined through the whakataukī (Lake 2003) that opened this thesis, the ocean is not the only source of water supply to rivers, nor is the ocean their only destination. Instead, rivers sustain and are sustained by a myriad of relationships between atua and whenua and tangata whenua that provides them with an eco-system that is both separate to and connected with the ocean.

Deconstructionist analyses of modernist Western binarisms do not then aim for its entrenchment through reversing the values of opposing terms, nor does it even proclaim the possibility of a total and final reconciling traversal. It does, however, attempt the more modest and eminently worthwhile and ethically-inspired project of disrupting the

closed ends of liberalism's constitutive circle of identification (Easthope 1988: 188; Cornell 1992). This is not to render the terms Māori and Pākehā as no longer having a valid meaning or critical purpose as is proposed in the 'third space' of a hybridised or bicultural subjectivity (Hall 1992a and 1995; Bhabha 1990 and 1995), where the ends of the circle simply open and fold back onto one another and reform. Conversely, and crucially, such a disruption enacts an ethical aspiration to generate recognition of and space for the expression of Māori identities that are not authored by (neo) liberalism's reductive and relentlessly monocultural circle, a deferral of closure which admits in te wai o te awa that converges with the ocean while remaining its own dynamic ecosystem.

## TINO RANGATIRATANGA

### UNSETTLING SOVEREIGN FANTASIES

#### Introduction

Recasting Māori as neo-liberal bicultural subjects of choice allows government to assume that the state can be addressed as a relatively unified entity, a particular objective reality which can be known, and, moreover, that such a subjectivity can be established as a legal norm (Dean 1999). There is a sense then, explains Dean (*ibid.*: 106, 203), that governmental power remains a condition of the authority to ‘rule over things’. The preservation of state sovereignty might thus be understood as a particular ‘end’ of government (*ibid.*: 104), whose knowledge-producing practices and processes of the population “renders the state directly amenable and transparent to the exercise of sovereign authority” (*ibid.*: 201). This recasting, however, operates through the fantasmatic assumption that a total knowledge of Māori can be secured by and through rationalised and calculative technologies of government, by and through ‘open’ dialogue with Māori that assumes the possibility of enduring differences being reconciled within neo-liberal logics. As discussed in the previous chapter, such final knowledge of Māori is forever escaping. The irreconcilability of a Māori identity to neo-liberal terms, and the socio-political claims to tino rangatiratanga that are advanced through the irrepressible mana of Māori, remains, and in so doing, unsettles the fantasmatic claim of state sovereignty as an end of governmental power.

Following on from the discussions in the previous chapter then, this chapter also returns to a critique of state-advanced biculturalism as a (neo) liberal governance strategy through which to further assimilate Māori. The purpose this time, is to mount a challenge against the politico-legal discourses employed in such a strategy which continue to specify the absolute and indivisible sovereignty of the state. Such discourses operate to bolster, and indeed confirm, the fantasmatic rhetoric of “one

nation, one people” as the only reasonable and logical way for Aotearoa/New Zealand to advance as a harmonious ‘bicultural’ polity. The mono-sovereign New Zealand state is, however, neither an objective ‘given’ nor a non-negotiable constitutional ‘reality’. It is the effect of premature closure around a particular version of authority, constructed by and through the play of hegemonic (neo) liberal colonial power. It is a Eurocentric discourse that *gains its very existence* from denying the possibility of any contending Māori constitutional reality. Indeed, it has become a legitimate order by and through de-legitimizing the values and institutions of Māori socio-political life (Jackson 2000: 197). The deconstruction of this de-legitimation of Māori forms of authority necessitates an interrogation and critique of the (neo) liberal politico-legal discourse of mono-sovereign authority and an exposure of the difference-violating fantasy of a national utopia that supplements it. Moreover, it points to a need to re-examine the texts of both Te Tiriti o Waitangi and The Treaty of Waitangi, in order to bring to the fore the operation of colonial power in current bicultural formations that claim due recognition of Māori.

The importance of this challenge cannot be understated in the face of an increasing and mis-leading emphasis on partnership arrangements between Māori and the Crown in governmental policy documents and practices, including the tertiary education reform documents<sup>1</sup>. Given that the form of Treaty partnership being articulated in such documents seeks to merely reproduce the sovereign status of the Crown-state-government-Ministry of Education as the operative norm, with Māori forms of authority relegated to that of a constituent ‘special’ aspect that can be wholly and justly ‘accommodated’ within neo-liberal bicultural formations, claims of ‘progressiveness’ can be roundly critiqued as fictitious. With the Crown as *the* singular authoritative Treaty partner, the very claim of a partnership – which would logically imply an engagement between two authoritative parties – remains without foundation. In assuming that such a partnership can simply exist *prior to* forms of engagement that give voice to tino rangatiratanga, that give expression to its claims in its own evolving terms, the colonial status quo prevails as the only version of Treaty partnership that is workable and conceivable.

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<sup>1</sup> See for instance the *Report of the Working Party on Charters and Profiles* (Ministry of Education 2001); the *Tertiary Education Reform Bill* (2001); the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b); and *Charter Guidelines* (Tertiary Education Commission 2003).

To paraphrase from earlier discussions throughout this thesis, what again becomes marginalised and pathologised and thus disallowed from consideration are forms of Treaty partnership that acknowledge and activate the presence of *two sources of political authority* in the realms of governance and decision-making. The demands enunciated by Māori, however, for such recognition persist in and through the incommensurability of tino rangatiratanga with current difference-erasing bicultural formations that constantly return to unsettle and disrupt liberalism's 'Treaty circle', keeping alive the hope of transforming the colonial present. It is to this possibility that the discussion and critique of this chapter aims to contribute.

### **The Ideal of State Sovereignty**

Given this purpose of disruption and the hope for transformation, there would seem value in first exploring the ideal of the modern sovereign nation-state theorised and put into practice throughout the Western world from the eighteenth century onwards, in order to map out the myriad of externally and internally imposed fractures and limitations that challenge orthodox understandings of state sovereignty as a uniform, coherent, all-powerful, and *unchangeable* entity. As Richard Mansbach (1997: 27) asserts, the monolithic appearance of the ideal is given credence by confusing the aspirational and empirical dimensions of sovereignty, so that while it is *claimed*, it is rarely a *reality*. John Garnett (1997: 38) takes this point further by proposing that sovereign statehood exists only notionally, so that it is not a 'given' immutable fact or the "what is, is" that former Minister of Treaty Negotiations, Douglas Graham, has referred to it as (in Jackson 2000: 197), but is *alterable*. Thus state sovereignty may be understood, through these perspectives, as a discursive practice of governmental power, and as such it does not exist 'out there' as some 'timeless essence', but is constituted in and through the different ways it is routinely expressed. The relationship between the term, the concept and the practice of sovereignty is thus open, contingent and unstable. Its instantiation in a particular meaning or form of political expression is one that is continually negotiated and contested, where ambiguity is struggled to be silenced through the workings of the dominant ideal (Bartelson 1995: 2-3). When viewed as

such, the possibility of *transformative change to the way it might be thought out and practised* becomes permitted (Jackson 2000: 197).

To reiterate the introductory comments made above, there is no one ‘true’ inviolable order to the practice of state sovereignty, instead its ‘reality’ is the effect of colonial (neo) liberal governmental power to construct closure at a particular juncture in the discursive field, maintained by the dynamic negation of its ‘Other’. Rather than taking state sovereignty as a given then, a potentially more informative stance might be to consider the variety of ways in which the ideal of state sovereignty is constantly negotiated (Biersteker and Weber 1996: 11). Thus the presentation of sovereignty in this section is interlaced with a discussion of its necessarily negotiated operation.

To begin then, in his book *Strange Multiplicity: Constitutionalism in an age of diversity*, James Tully (1995: 62-70) outlines the ideal of state sovereignty through a discussion of the key features of its constitutional framework. In brief, the ideal is of a sovereign and culturally homogenous people for whom culture is irrelevant, capable of being transcended, or (to be, *desirably*, made) uniform. These now ‘free’ individuals rationally consent to delegate their political power to state governments, who in turn, represent the sovereignty of the people. Thus each individual as citizen recognises as intrinsically authoritative<sup>2</sup> a set of European institutions such as: representative government, separation of powers (the executive or cabinet, parliament and the judiciary), the rule of law, individual liberty, and a public sphere – which *define* the modern sovereign state – and traditions of interpretation, most notably (neo) liberalism, within which deliberation and agreement takes place on a constitution. This resulting constitution is legally and politically uniform, where ‘equal’ and nationally ‘unified’ citizens are treated identically. There is thus one sovereign national system of institutionalised legal and political authority which exists independently of, and is equal in status and authority to, that of all other modern sovereign nation-states. This formation and its constitutional arrangements, agreed on by the people at some founding moment, *universally and for all time*, thus stands behind and provides the rules for democratic politics; it is the *precondition* of democracy. The underlying assumption is that uniformity equates to unity, to a harmonious society and global order free of

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<sup>2</sup> But not authoritarian, as they are “open to reflection and amendment in the course of deliberation towards agreement on the constitution ...” (Tully 1995: 63).

conflict, resistance, chaos and war. Modern forms of rule thus articulate sovereignty in relation to the optimisation of the population's health, welfare and life (Dean 1999: 20, 203).

Two important capacities are claimed within this orthodox 'ideal' of absolute sovereignty. One is that sovereign nation-states, in being democratically conferred the sole author of law, are 'incapable' of acting unjustly towards the people because they themselves have freely and rationally authorised or consented to their own subjection. The people have no rights or access to, and so cannot appeal to, rules or values (that might exist or have been violated) outside of those made and enforced by the sovereign state (Sharp 1997: 250, 267). Further, because sovereignty is indivisible it cannot be eroded, only extinguished. If a state signs a treaty or passes a statute devolving authority to some other state or institution, it is not relinquishing, diminishing or losing its sovereignty, but is merely delegating the exercise of that sovereignty – so that such actions are *expressions*, not abrogations, of sovereignty. State sovereignty remains intact as it retains the authority to repeal or renounce those decisions (Garnett 1997: 40-41). Obviously both of these capacities are open to lines of questioning through the development of supra-national fora that potentially erode such claims, thus the discussion will return to address these in the following sections.

Further, it is important to note at this point that liberal theorists such as Kymlicka (1995) have sought to revise the totalising tenets of this ideal to accommodate the persisting disruptive claims advanced by Indigenous Peoples for self-determination, revisions that have allowed Māori forms of devolved authority (the current state positioning of tino rangatiratanga). In the face of such developments, it is nevertheless also important to stress that the desire to do so *in order to* prevent secessionist movements and maintain a national unity effectively leaves the assumption (and operation) of a singularly sovereign state unchallenged. This desire, explains Lacan (in Stavrakakis 1999: 82, 87-88), to 'defeat' dislocation in order to maintain a fantasmatic state of fullness that promises freedom from uncertainty, is *necessary* for the continued hegemonic appeal of sovereignty – that it *can* master all possible challenges and deliver all of its citizens to a place of absolute certainty and prosperous harmony. Through this fantasy, modern liberal society returns to "a state of myth" (Lacan, in *ibid*: 88). This mythological underbelly that offers up its cultural partiality and bias as ethically-

confirmed *facts* of neutrality and equality is, however, relentlessly denied (Jackson 1992: 6; Fitzpatrick, in Tie 2000: 85).

The imperial ideal outlined by Tully (1995), was sought to be superimposed on Aotearoa, refashioning the islands of Te Ika a Maui<sup>3</sup>, Te Wai Pounamu<sup>4</sup> and Rakiura<sup>5</sup> as the sovereign nation-state of New Zealand, ‘forcing it open’ as a geographical space upon which liberal government could operate (Dean 1999: 106). As constitutive of modern sovereign nation-states and democracy (as well as providing much needed justification for and legitimation of past and present injustices to Indigenous Peoples and Indigenous worldviews) this ‘ideal’ continues to be the official discourse of the New Zealand state, despite the fact that there is no written constitution. As Richard Mulgan explains (1997: 51-53), New Zealand’s constitution is to be found in a number of different sources including Parliamentary statutes, the ‘common’ law, constitutional conventions, and the Treaty of Waitangi. While there may be no single constitutional document, there is in operation a constitutional framework that is moulded into the shape prescribed by Tully’s ideal. In line with this ideal then, Cabinet Ministers of the New Zealand Government emphatically assert that the sovereignty of Parliament is inviolable, indivisible and supreme (Kelsey 1996: 178).

This supreme or absolute sovereignty can be defined as “the legally unchallengeable supreme and unlimited power to make, declare, enforce and administer the law and policy under which a political society lives” (Sharp 1997: 266). As Sharp (*ibid.*: 268) explains, this absolute sovereignty of Parliament has political and moral authority as it represents the ‘voice’ of ‘the people’ at large – democratic right is understood as the foundation of its political power. This is coupled with Parliament’s supreme legislative power which confers to it legal authority. Thus Parliament in New Zealand, in holding both political and legal sovereignty, has immense and extensive power<sup>6</sup>. Signalled here is the broad liberal political project whereby society is to be configured as a bifurcated sphere of state and civil power (Tie 2000: 79), whereby political sovereignty is dependent upon, and thus limited by, the legitimising consent of the people and their ongoing public scrutiny of the processes and products of Parliament (Tully 1995: 194;

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<sup>3</sup> The North Island.

<sup>4</sup> The South Island.

<sup>5</sup> Stewart Island.

<sup>6</sup> And so is referred to by some as an ‘elective dictatorship’ (Mulgan 1997: 63).

Mulgan 1997: 70). Further to this, the legal sovereignty of Parliament may be limited by the judiciary through recourse to common law principles that subsequent legislation is to uphold (Sharp 1992: 28). Moreover, given that the judiciary may interpret and thus enforce such legislation in a manner not intended by Parliament, there is the possibility for the supreme sovereignty of Parliament to be superceded and thus limited by the interpretive authority of the judiciary.

Such was the case when the Māori Council, under the State-Owned Enterprises Act 1986, made a legal challenge to governmental proposals to sell off state assets. The Court of Appeal's subsequent suspension of Crown initiatives to privatise unless adequate safeguards to protect Māori interests were put in place, enshrined in the Treaty of Waitangi (State Enterprises) Act 1988, precipitated a constitutional conflict between the executive and the judiciary. In the face of such conflict, the legislature emphatically reasserted their sovereign authority over the courts (Havemann 1995: 90-94).

The point being made here is that the seeming internal cohesion of neo-liberal regimes of governance, which promises the fantasy of certainty through a full and comprehensive knowledge of society, is marked by an inherent *fragmentation* between its constituent fields of law and politics. The assertion of legislative authority over the judiciary as a means to resolve such fragmentation, as explained by Havemann (*ibid.*) above, however, belies their mutuality in and through the shared support of the neo-liberal ideal of a perfected sense of 'community', where the people, as the rightful architects of political arrangements, elect a legislature to create the laws that reflect their 'consensual' views (Tie 2000: 77-78). Given this, the relationship between law and politics might be productively understood as a mediated compromise between disparate authorities, so that their association is one that is open for re-negotiation. The tenuous nature of this relationship, in being held together by a shared and fantasmatic image of a consensual (bicultural) community, is potentially able to be disrupted by those groups and movements that resist this (impossible) utopian image of society, enabling space for the development of other modes of governance such as ones informed by the claims of Māori for *tino rangatiratanga* (*ibid.*). Thus the ways in which neo-liberalism maintains its coherency and sense of totalising explanations through negotiating such a dynamic, will be returned to later in this chapter as it gestures towards opportunities for resistance to its totalising aspiration of sovereign authority.

## Questioning the Ideal of State Sovereignty

In addition to the ideal of ultimate authority over their internal territorial domain, as outlined by Tully (1995) above, nation-states also claim to have external sovereignty. This recognises the absolute authority of other sovereign nation-states from which they are legally (and so constitutionally) independent (Garnett 1997: 39). Questions as to whether such absolute state sovereignty has ever been possible have been posed by writers such as Mansbach (1997: 36) who, as his central thesis, argues that from the outset of modernity, emerging nation-states were never independent *sole actors*. Instead, they have always been in some way limited and shaped by their political, military and economic interdependencies with other state actors. Thus the modernist ideal of an international society of sovereign states “contains the seeds of its own conceptual subversion, since once we acknowledge that all states are constrained by other [equally sovereign] states, we cast doubt on the very idea of state sovereignty itself” (Hoffman 1998: 7).

The increasingly regional and global nature of realms of finance, economics, politics, law, security, information, communication, and environmental problems, all contribute to a questioning of the claim to *absolute* and *unlimited* state sovereignty. Political theorist David Held (1995: 129-131) explains that the emergence of a “world economy” and a “single global financial market” inhibits the supreme sovereignty of states because their economic policies need to, in large part, be compatible with the demands and protocols of regional (for example, APEC, CER, EC, NAFTA) and global (for example, GATS, GATT, IMF, WTO and the World Bank) economic networks which are strongly constitutional in form, or risk serious penalties<sup>7</sup>. The economic activity and prosperity of many states is, as a result, to a large extent determined by events and decisions that take place beyond their borders than by those of central state government, thereby challenging the ideal of the sovereign status of national constitutions (Garnett 1997: 43).

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<sup>7</sup> Respectively, these are: the Asia Pacific Economic Co-operation Forum (APEC); the Closer Economic Relations agreement between Australia and New Zealand (CER); the European Commission (EC); the North American Free Trade Agreement (NAFTA); the General Agreement on Trade in Services (GATS); the General Agreement on Tariffs and Trade (GATT); the International Monetary Fund (IMF); and the World Trade Organisation (WTO).

There have also been transforming processes at work in the area of political decision-making where an increasing number of regional and global fora and organisations, such as those listed above and including the United Nations (UN), are said to be forming a network of trans-world governance in order to manage areas of trans-national activity and collective policy problems. Again, the decisions are made outside state boundaries which questions both states' supreme authority and their claims to independence (Held 1995: 107-111). Developments in international law also encroach upon claims to state sovereignty, as they do not contain provisions for member states to withdraw – for example in the area of human rights, including the Universal Declaration of Human Rights and the Draft Declaration on the Rights of Indigenous Peoples (Wood and Leland 1997: 2). Their supra-state legal authority transcends the power held by nation-states. Harking back to the capacity, mentioned in the previous section, of nation-states to possess non-eradicable authority, these developments raise questions about the relative significance of that delegated authority, to the UN for instance, as compared to the authority of the nation-state, given that the UN has come to exercise powers above and beyond that of individual states. One last example to offer up here concerns developments in information and communication technology. Not only do these changes blur the boundaries between separate nation-states and 'markets', they operate in 'cyber' spaces not easily amenable to state control and regulation (Held 1995: 125-128). Scientific developments for instance, particularly in the burgeoning area of genetic technologies, in and through operating in such spaces, are able to do so in advance of and thus 'outpace' state legislation and policy (Harry 2000).

Under the weight of these many and varied attacks to the 'ideal' of an international society of equal states with absolute and unlimited sovereignty, the pertinent questions become 'to what extent does the state remain sovereign?', and 'if the state still holds sovereignty, is it a different form of sovereignty than held previously?'. In seeking to answer these types of questions, Held (1995: 100) makes a distinction between state *sovereignty*, understood as "the entitlement of a state to rule over a bounded territory", and state *autonomy*, as "the actual power a nation-state possesses to articulate and achieve policy goals independently". Using this distinction, he puts forward the argument that the evidence for diminished state autonomy is very strong, particularly in the areas of international law, the global economy, and in the rising presence of trans-world decision-making networks. In deliberating over the status of state sovereignty, he

concludes that while state sovereignty does remain intact, the 'ideal' is (increasingly) diminished. Given this, state sovereignty, argues Held (ibid.: 135), needs to be reconceived as divided among a number of agencies – national, regional and international – and so understood as limited by the nature of this plurality.

This focus on questioning the status of external state sovereignty, however, leaves under-examined those responses by states to negotiate the challenges of its ultimate entitlement to sovereignty that are made from within its own borders. In Aotearoa/New Zealand, for instance, many Māori (see for example Kawharu 1989; Walker 1992; Jackson 1995a; Durie, M. 1998; Mikaere 2000; Sykes 2000) deny that the Crown has ever held ultimate authority as Te Tiriti o Waitangi/The Treaty of Waitangi has, from its signing, signalled a *relationship* between two independent peoples, between Western legal notions of sovereignty and Māori notions of mana motuhake and tino rangatiratanga. In response to repeated demands by Māori for just recognition of tino rangatiratanga, for the right to be self-determining as opposed to state-determined, the reaction by Parliament has been a *powerful reassertion* of its right to absolute and unlimited (internal) state sovereignty (Sharp 1997: 226).

Significantly, this totalising non-negotiable stance is operationalised and maintained through the (neo) liberal ethos of 'openness to Otherness', as advanced by liberal theorists such as Kymlicka (1995), whereby the state attempts to reincorporate and co-opt the 'disruptive' demands made by Māori through translating and thus accommodating such claims within its own logics. Accordingly, it is asserted that there is scope for Māori to exercise greater autonomy over their own affairs *within* the existing constitutional and governmental frameworks, and thus without undermining the supremacy and sovereignty of the Government (McKinnon 1997: 9).

Indeed, Māori demands for forms of identity and self-rule are re-configured as totally possible within (neo) liberal regimes of government. Given that liberalism can be characterised as a critique of state reason, as "a doctrine of the wide limitation and restraint on the exercise of authority by sovereign bodies" (Gordon, in Dean 1999: 50), two kinds of limits to the actions of the state are proposed by Rose (1996: 43-44). The first of these concerns those spheres – the economy, community, civil society – that are construed as outside to, or autonomous from, the domain of political knowledge and

authority, so that the forces and relations intrinsic to them are to be respected by the exercise of that authority. The second limit asserted by liberalism concerns the nature of political subjects who are individuals with rights, desires, needs, and interests that cannot and should not be dictated by governments (Dean 1999: 50).

These propositions of classical liberalism are, however, being recast by various strands of neo-liberalism that advance a more thorough-going critique of the interventionist 'irrationalities' of previous forms of government, and particularly in response to the rise this century of welfarist formations. For the German 'ordoliberals', the failure of liberalism was not the failure of the capitalist economy, but the failure *to sufficiently implement* a capitalist market regime. Thus, simply put, neo-liberal solutions to 'too much' government centre around a new constructed (as opposed to liberalism's quasi-natural) capitalist market rationality that is to be extended and dispersed *throughout* society, including a refashioning of subjectivity along such lines, regulated (but not directed) by an appropriate juridical, institutional and cultural framework. Such a reconfiguration requires, ironically, a host of politico-legal interventions to become operative. Within this constructed framework, a truly 'free' society, that asserts both civil cohesion and maximal economic prosperity, is to be organised by and through the freedom of the market which provides the conditions for the newly configured 'entrepreneurial' individuals to rationally pursue and maximise their lives through the exercise of wise choice (ibid.: 56-59). Accordingly, neo-liberal regimes of governance, including current 'third way' variants, offer to Māori the freedom to determine an identity and forms of self-governance, but crucially, within neo-liberalism's own terms. The apparent openness of such an offer belies the totalising framework within which it is made – a framework which maintains, as McKinnon attests to above (1997: 9), the state as ultimate sovereign.

While this image of the neo-liberal project seems to specify a coherent and cohesive sovereign society, it is "continually moderated by a fragmentation impulse that operates in the social domain" (Tie 2000: 72). The idealised image of state-held sovereignty may thus be undercut by governmentality-inspired understandings of the state as an assemblage of the effects of diverse forces, technologies and devices that has neither the unity nor the functionality often ascribed to it. Here, the 'power of the state' is not the *result* of domination of such networks by and through acting as *the casual agent*, but is

more the *effect* of a myriad of potentially tenuous and risky translations between itself and those realms that lie outside of its legitimate scope (Rose 1996: 42-43). Further to this, Rose (*ibid.*: 57-61), Mulgan (1997: 17-19) and John Hoffman (1998: 10), discuss the ways in which neo-liberalism seeks to limit the role and thus sovereignty of the state through the creation of self-sovereign or self-actualised subjects, that then become able to question the very legitimacy and necessity of state sovereignty and so demand self-rule. Moreover, given that such a wilful subjectivity is to be understood as a construct of governmental powers, whose autonomous freedom is a condition of unwilled subjection (Dean 1999: 165; Rose 1999: 187), it is a source of fragmentation that ironically leads to a strengthening of (neo) liberal rule. This occurs through (neo) liberalism's inherent capacity for questioning the limits of its own authority, and importantly, by then re-centring itself as the only reasonable answering 'voice' to such self-authored contradictions. In so doing, (neo) liberalism is able to emerge as its own best critic, thereby effectively rendering void any potentially contributing discourse, such as tino rangatiratanga, that exists beyond itself (Tie 2000: 72-73).

Again, the apparent openness of (neo) liberalism to Māori claims belies the totalising operation of its 'sovereign circle' whereby such oppositional claims are either re-routed and translated into (neo) liberal terms allowing (neo) liberalism to remain 'what it is', or marginalised by the hegemonic power of (neo) liberalism to maintain itself as the sole sovereign voice. The power of such discourse is supported at the psychic level by the fantasy of fullness or harmonious order that desires and drives the transformation, mastery and indeed obliteration of all non-translatable differences that threaten to expose its impossible fantasmatic façade. Thus in order to constitute itself as hegemonically appealing, this assimilative utopian fantasy has a paranoid need for a stigmatised scapegoat or 'evil remainder' to which all persisting disorder is attributed (Lacan, in Stavrakakis 1999: 100-101). This requirement of European conceptions of sovereignty for an Indigenous 'evil' outside is reiterated by Glen Morris (2000) of the Shawnee nation. Accordingly, it is to this role that Māori demands for tino rangatiratanga are relegated when they are advanced in terms that remain beyond the cognition and grasp of (neo) liberalism's rationalistic logic, allowing Māori to ironically stand accused as the unwelcome 'intruder' to (neo) liberalism's own ultimate impossibility (Lacan, in Stavrakakis 1999: 108).

At the national level then, the continuous discursive and psychic operationalisation of sovereignty that is mobilised in the face of opposition from Māori would seem to offer a significant challenge to the comments offered earlier of a diminishing state-held sovereignty. Thus lines of debate that imply that the changing nature of sovereignty in an increasingly globalised world effectively renders it a past issue for Indigenous Peoples are fatally flawed (Jackson 2000: 197). As Garnett (1997: 54) acknowledges, the state “remains the most powerful political organisation in the world”. He arrives at such a conclusion by asserting that being integrally bound in trans-national networks does not emasculate state power as it is state governments which set the frameworks within which they take place. With regards to the United Nations for example, Morris (2000) explains it as a collection of state governments who are necessarily concerned with the protection and maintenance of (colonial) state power. Re-iterating this point, Dean (1999: 104-105) asserts that not only is it important to keep in mind that state sovereignty is a particular end of government, but that securing the sovereignty of states is also an end to the art of international government. Nation-states may thus be seen as simultaneously *limited* and *extended* through memberships in regional and international fora.

### **Sovereignty Re-invigorated**

This relationship between limited and extended state power may be understood in the context of Aotearoa/New Zealand by examining the implications for Māori claims to an inalienable right to an identity as tangata whenua and to collectively determine forms and expressions of tino rangatiratanga, in the face of national membership in regional and global fora. It would seem valuable to interject here that these claims have not been issued in isolation, but are part of a developing international network of Indigenous Peoples who seek to challenge and subvert imposed colonial rule. Tu Williams (in Wood and Leland 1997: 2) suggests that such memberships signal a retreat from state obligations to Māori under Te Tiriti o Waitangi/The Treaty of Waitangi. What he is gesturing towards here is that the limitations on the nation-state imposed by the (increasingly) legal obligations of the international domain, where ‘reconfigured’ or *post-sovereign* states are positioned within regional and global networks, further

compromises Māori claims for tino rangatiratanga, and in so doing, works to extend and strengthen the power of sovereign colonial governments to determine 'what is' for Māori.

For instance, New Zealand's membership in the General Agreement on Tariffs and Trade (GATT) was entered into without consultation with Māori and without due consideration of Māori concerns. Given that through GATT there is a strong push to privatise resources under a global framework by harmonising intellectual property laws for all member states, providing entrepreneurial nation-states and private organisations with the ability to freely access and assert ownership of the materials and resources derived from other nations, the protections of Māori taonga guaranteed in Te Tiriti/The Treaty become eroded (Gardiner 1997: 52, 58; Mead, A. 1997: 30). Moreover, entering into multilateral agreements such as GATT limits the protections offered by international resolutions such as the 1960 UN Declaration on the Granting of Independence to Colonial Countries and Peoples (known as the Decolonisation Declaration), as they severely threaten the proclaimed rights of Indigenous Peoples contained within such declarations to indeed determine for themselves, economic and cultural development (Mead, A. 1997: 22).

For these reasons, some Indigenous activists such as Aroha Te Pareake Mead (ibid.: 23), regard cultural and intellectual property rights law as the second wave of colonisation, where Western legal norms and standards again provide support to an ideology of foreign sovereign conquest and domination. Here is the entrepreneurial project of neo-liberalism writ large, where everything – including the building blocks (DNA) of all living material, humans included – is to be submitted to a thoroughgoing capitalist market logic, where all things are to be translated into economic terms and thus as able to be transferred to private entrepreneurial ownership (Gardiner 1997: 53; Jackson 1997: 32; Smith, G.H. 1997: 19). As Kelsey (in Archie 1995: 111) explains, authority is shifting, in part, from (colonial) governments to international capital and corporate elites. However, for neo-liberal inspired governments such as New Zealand's, the motivation to trade a measure of its sovereign powers comes not from a desire to *limit* its brief, but from a desire to *extend* its ability to secure a 'slice of the global pie'. In so doing, the state confirms its legitimacy as a worthy and integral sovereign nation both 'out there' in the global marketplace, and 'at home' through maintaining itself as

the rightful sovereign 'enabler' of an 'inclusive' national prosperity and thus harmony. In this context, the concerns about exploitation and mis-appropriation of taonga and thus the forfeiting of guarantees under Te Tiriti/The Treaty raised by Māori as kaitiaki o te whenua indeed come as an 'evil intrusion' and disruption to the fantasy of sovereign-secured national prosperity.

It is here that the required transformation of a Māori identity as tangata whenua, as kaitiaki, as collectives in intimate whakapapa relationships with the descendants of Papatūānuku and Ranginui, to that of entrepreneurial bicultural subjects of choice, looms large as a key driver of the broad neo-liberal project. Recast in this mould, in becoming 'free' of the restrictions 'imposed' by tikanga, Māori are indeed able to keenly participate in such processes. Accordingly, the inculcation of a (neo) liberal subjectivity that colonisation has sought to implant in place of an 'incomplete' Māori-located identity, fashions a subject whose analysis of their predicament and thus solutions to it, are reduced to the capitalist logic of the market. Such a closure effectively maintains the on-going subjugation of Māori to colonial rule, and through it, the denial of the validity and operation of Māori cultural understandings and value-systems (Jackson 1992: 4-5). Compromised and de-based then are Māori views around the collective guardianship of taonga as opposed to individualised ownership (Jackson 1997: 33). Thus Māori-led opposition to such an identity transformation seeks to point out that the activities of Māori 'corporate warriors', who respond to the threat of economic and cultural exploitation by trading profound relationships between Māori and the natural environment for economic gain, merely re-invigorates the 'rightness' of (neo) liberal discourses through which sovereignty is currently enacted, instead of displacing its power to 'determine for' Māori (ibid.: 33; Mikaere 2000: 17-18).

However, ongoing developments in the realm of international law, particularly the UN Draft Declaration on the Rights of Indigenous Peoples that is currently making its way through the UN approval process, may offer Māori the means to present a legal case for the due recognition of tino rangatiratanga against the domestic state. The UN would seem an authority well indicated for this task given that from its inception it has regarded decolonisation as an important aspect of its purposes and functions. Both the 1945 Charter of the United Nations and the Decolonisation Declaration (Resolution 1514) adopted by the General Assembly in 1960 proclaim the fundamental rights to

self-determination of all peoples and declare that subjection to alien subjugation, domination, and exploitation is both contrary to its principles and impedes world peace and co-operation (in Mead, A.. 1997: 22). These intentions, however, explains Caren Wickliffe (1998: 154) have been severely curtailed by the adoption of principles (Decolonisation Declaration, 1960; Resolution 1541) that provide guidelines on which territories qualify for decolonisation, including the requirement that territories be geographically separate and ethnically/culturally distinct from the nation-state administering it. The continued application of this 'blue water thesis' obviously excludes Māori from entitlement to self-determination. What this promulgates for Indigenous Peoples, asserts Wickliffe (ibid.: 156-160), is that the right to self-determination is only able to be recognised by the UN and the Decolonisation Committee where there is no destabilising effect on the current system of sovereign nation-states. Through these limitations placed on the Decolonisation Committee, the UN maintains the colonial sovereign domination of many Indigenous territories.

Due to this impasse, Indigenous Peoples have turned to other branches of the UN, namely the Commission on Human Rights and its Working Party on Indigenous Populations (WGIP) where pressure has been exerted to include the right of specifically Indigenous Peoples to self-determination in WGIPs Draft Declaration of the Rights of Indigenous Peoples. Member nation-states are, however, strongly resisting this notion, and in light of such opposition, the Draft may possibly be altered to declare a more limited standard – the right to self-government – a right that can be extinguished by the passage of domestic legislation (ibid.: 162). Ani Mikaere (1998: 81) points out that these moves within WGIP to define Indigenous Peoples self-determination in such a way as to subsume it beneath the paramount sovereignty of nation-states, have been strongly rejected by its Indigenous members, and includes the following quote from Morris:

“most states appear rigidly committed to archaic ideas of sovereign state authority, at the expense of Indigenous Peoples. These states refuse to consider the prospect of any meaningful definition of self-determination applying to Indigenous Peoples”.

Thus if such state opposition is successful, the Draft Declaration will not set any new international legal standards in relation to Indigenous Peoples on-going fight for self-determination (Wickliffe 1998: 163).

The ideological difficulty of Western (liberal) individuated legal concepts and organisations such as the UN to recognise collective Indigenous rights<sup>8</sup>, leads Mikaere (1998: 83) to point out the serious limitations of rights-based legal discourse to offer final solutions to Māori quests for tino rangatiratanga. Along with Jackson (1995), she asserts that claims need to be advanced in kaupapa Māori terms that remain beyond the grasp of law, while also drawing from it. The challenge remains for sovereign nation-states to come to acknowledge and respond to such claims in their own evolving terms without the prior requirement that they be advanced in or translated into *re-colonising* (neo) liberal legal terms – a challenge that requires a transforming disruption of liberalism’s fantasmatic ‘sovereign circle’ for recognition of Māori to become a possibility.

## **Relating Tino Rangatiratanga and Sovereignty**

Ko te kai a te rangatira, he kōrero  
Ko te wai a te rangatira, he wānanga  
Ko te tohu o te rangatira, he manaaki  
Ko te mahi a te rangatira, he whakatira i te iwi

As explained to me by my whānau<sup>9</sup>, tino rangatiratanga might be understood as chieftainship or chiefly authority – a system whereby a person, or group of persons, is accorded the mana by the people (whānau, hapū, iwi), or through whakapapa, to represent them and their concerns and interests in collective decision-making. What this means is that the mana of the people, the tangata whenua (so that mana is inherently in relation to land), is the basis of the practice of rangatiratanga. The ranga or weaving of this relationship between the tira or the collective and their rangatira or representative(s) confers to the activity of rangatiratanga an inherent and reciprocal responsibility. An expectation from the Treaty settlements process is that such a system be reinstated, giving iwi and hapū the authority to determine themselves – “We’re disappointed with what the Crown is still expecting of us, we’re bowing and that really

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<sup>8</sup> See discussions in Mikaere (1998); Wickliffe (1998); Sykes (2000); and Jackson (2001).

<sup>9</sup> Recorded in a kōrero with my Grandmother Te Amoroa Lake and Uncle Te Aramau Lake (23 April 2002).

riles me. I thought that after the Treaty settlements process that we'd be able to run our tribe under our own way and not have someone tell us what to do or how to do it. That's not happening" (Lake and Lake 2002). This continued assumption of sovereign Crown authority over rangatiratanga is an abuse and denigration of mana Māori, as such a practice does not recognise the equivalent authority of mana Māori (expressed through rangatiratanga) with Pākehā sovereignty. To achieve this type of power-sharing relationship that allows for both partnership with the state and autonomy from it "will be a big battle ... along the way to pursuing that, there will be recognition of this and that – they'll feed you pieces in the future, just as they've fed us in the past", but 'pieces' do not equate to tino rangatiratanga and the recognition of mana Māori upon which it is based (ibid.).

The right to retain authority and independence is sourced in the status of Māori as tangata whenua, whereby tino rangatiratanga denotes a pre-existing or pre-state authority held by hapū. Given this independence from the Crown-state-government, tino rangatiratanga are processes and practices of self-determination that are decided upon and negotiated by whānau-hapū-iwi, and so are neither defined nor gifted by the government (in Mikaere 1998: 82). These inherent rights were reconfirmed in Te Whakaputanga o te Tino Rangatiratanga o Niu Tirenī (The Declaration of Independence) in 1835, where signatories declared their rangatiratanga, mana and kingitanga. In signalling an emerging intention to organise at an inter-iwi level, the document envisaged rangatira meeting annually to make protocols or laws, and also confirmed that they would not allow the exercise of any other authority unless delegated (translated as kāwanatanga) to another entity. Although relations between Māori and Pākehā had been generally positive at that time, there was concern from Māori at the lawlessness of some Pākehā, and in this context Māori agreed to delegate a form of power (kāwanatanga) to the Crown to enable it to control its own nationals more effectively. The mechanism for doing so was of course the 1840 Te Tiriti o Waitangi/The Treaty of Waitangi, which, as with The Declaration of Independence before it, reaffirmed tino rangatiratanga as reserved for Māori, understood as a more thorough-going form of authority (in Mikaere 2000: 8-9). Mana motuhake, in remaining outside the terms of Te Tiriti/The Treaty, was also to remain for Māori. Indeed, the Treaty may be seen as "a symbol which reflects Te Mana Māori Motuhake" (Henare and Douglas 1988: 90).

In bringing the concepts *tino rangatiratanga* and sovereignty together in the Treaty of Waitangi, many see this positioning as signalling the creation of a foundation for negotiating a new relationship of co-existence between the cultural worldviews of the two representatives – Māori and the Crown (see for instance Kelsey, in Archie 1995: 105; Durie, E.T. 1991; and Jackson 2000, 2001). This relationship has variously been framed up as the reconciliation of two potentially conflicting culturally framed sets of expectations (Williams 1991: 192), a partnership of power-sharing (Fleras and Elliott 1992: 218), and as a bi-cultural constitutional arrangement (Jackson 2001). While the Treaty is an on-going site of much conflict both within and between Māori and the colonial Government – over meanings, authority, rights, abuses, and redress – it is also thought by many to be a source of potential resolution.

Resolution and convergence is possible for Kawharu (1989) as he envisages the concepts of *tino rangatiratanga* and sovereignty as quite separate forms of authority, each with their own sphere of action – and so sees them as inherently join-able and reconcilable, as they each make a claim to essentially different areas of authority. In his view, *rangatiratanga* is about the right of Māori to control Treaty-defined resources. However, many others see that they are not compatible, because *rangatiratanga* is much more extensive than a claim to resources alone (Jackson 1995a). This view holds that *tino rangatiratanga* and sovereignty make similar and competing claims to being the supreme authority over a particular territory, where this authority is independent of and recognised by others – whether at the level of *marae*, *hapū*, *iwi* or Māori nation (in the case of *tino rangatiratanga*) or the ‘unified’ nation state (in the case of sovereignty) (Durie, M. 1998: 218-219).

Tensions that emerge between the concepts stem from their location in different worldviews or traditions of interpretation – worldviews which hold different conceptions of power and authority (Williams 1997: 3; Durie, M. 1998). In a Māori worldview there is no centralised location of authority, not even in the concept of a Māori ‘nation’ (*ibid.*). Instead, there are many overlapping (*hapū*, *iwi*, *waka*) and mutually recognised assemblages of legal and political jurisdiction that are to be constantly negotiated. The meaning of authority and control is thus configured as neither prescriptive nor totalising, and so its terms and expressions are not fixed into an ideal of universal, for-all-time, sets of rules and regulations. What this negotiation

translates to in practice is that rangatiratanga is enforceable only within the acknowledged boundaries of the collective (hapū, iwi, waka), and is not able to be imposed beyond them (Jackson 1995a: 260). There is therefore, a certain acceptance of and comfort with fluidity, and an acceptance and understanding of the notion of *limited* domains of authority.

Moreover, this notion of the boundedness of authority is expressed in and through a multitude of stories passed from ancestors that seek to tell of the limits to human authority and knowledge, such as in the meeting of Maui<sup>10</sup> with Hine-nui-te-pō<sup>11</sup> (Kahukiwa and Grace 1984: 58). The intention of the stories – to maintain a respectful and non-harming relationship or life-sustaining balance between tangata whenua, the environment, and the realm of atua – is expressed in tikanga or practices that correspondingly operate through notions of limits and boundaries. The concept of universalism, that a specifically human form of authority and knowledge can claim to know (or have the rationalised means to come to know) the totality of the world and thus be in a position to determine for all people, is an illogical unreality.

Such a worldview obviously contrasts strongly with that of Western legal (neo) liberalism which gave birth to the ‘ideal’ of sovereignty; a discursive and fantasmatic ideal that currently holds hegemony in New Zealand. This latter frame of reference accepts the right to extend boundaries of authority. Thus the sovereign state assumes the position of ultimate power and authority over the entire nation-state, and so of both Māori and non-Māori in its midst. It is able to do so because of the Western modernist assumption that sovereignty and the doctrine of orthodox legal liberalism that supports it, are able to transcend culture and exist in a culturally-neutral and thus ‘equally fair to all’ space (Hume, in Sharp 1997: 283). As tino rangatiratanga is inseparable from culture, it does not set the same requirement for all to be ‘decontextualised’. In this mode of authority, relationships are not conducted ‘at a distance’ or constructed as a source of threat to individual freedom that are to be prudently ‘managed’, as with the socio-political project of neo-liberalism. Instead, relationships are engaged as perhaps *the* key component of its conceptualisation and practice (Jenkins 2000).

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<sup>10</sup> Ancestral figure whose identity as both human and god conferred on him the ability to shape the environment of human existence, with the crucial limit being the failure to secure immortality for humans.

<sup>11</sup> Ancestor, guardian of the after-life.

Moreover, tino rangatiratanga claims an authority to speak only for those who exist within its boundary – whether that be at the level of marae, hapū, iwi, waka or Māori nation (Durie, M. 1998). It certainly does not claim an authority to speak for non-Māori or demand that all Pākehā or non-Māori be ‘Māori selves’ and share the beliefs of tangata whenua as Sharp (1995: 128-129) scathingly suggests (in chapter two). Perhaps his own inherited totalising logic, so that Māori culture and identity is framed in a similar manner, affects an inability to consider the possibility and existence of non-universalising modes of authority. What is indicated for non-Māori in giving due recognition to tino rangatiratanga, however, is an acceptance that there are indeed limits to the mythical notion of state sovereignty, and an ability to negotiate the ambivalence of an identity that is both ‘at home’ in New Zealand while also being that of a perpetual guest (Bell 1996).

The concepts of tino rangatiratanga and sovereignty, and the worldviews within which they are immersed and thought into being, come head-to-head when placed together in Te Tiriti o Waitangi/The Treaty of Waitangi. Through its signing, tūpuna Māori believed they were entering a relationship that reaffirmed “what was, in order that Māori could survive in the world that was to be” (Jackson 1995c: 155-156), whereby Māori would retain tino rangatiratanga over things Māori, the “authority to care for ones’ own” (Jackson 1995b: 35). Through it, the Crown would have delegated to them the authority over their citizens and the regimes by which they would be governed. As Annette Sykes (2000: 147) has explained, both the 1835 Declaration of Independence and the 1840 Treaty provide a “visionary framework for a model of coexistence between and amongst diverse civilisations, Māori and Pākehā”, and are founded upon the principles that our behaviour as a nation of communities, as a collective of families, is to be guided by an ongoing respectful relationship to te whenua rangatira, to Aotearoa. The cultural worldview of Māori, and the experience of tūpuna Māori within that framework, indicated this outcome to be entirely possible.

Given the inter-tribal struggles to retain iwi as independent political peoples, the idea that rangatiratanga, as an collective expression of mana, was ceded voluntarily to the authority of the British Crown is an illogical and incomprehensible impossibility. Moreover, it is beyond the authority of rangatira to sign away that which is not in fact owned, but which is held in trust for future generations (Jackson 1995a: 260; Jackson

1995c: 156). Further to this, given that mana tangata<sup>12</sup> is necessarily inter-connected with ngā atua and the natural environment, such a suggestion posits rangatira as willing and instigating a complete cultural destruction. If this notion was not thoroughly untenable enough in itself, the relentless (military, political, legal, spiritual) challenges made by Māori to the assumption that Te Tiriti/The Treaty signified a cession of tino rangatiratanga, vesting the mana of tangata whenua in another authority, incontrovertibly exposes it as a fantasy of legal liberalism (Kawharu 1989; Jackson 1995: 155).

From the worldview of the representatives of the British Crown then, this delegation of authority (kāwanatanga) has become the lie of an effective transfer of power through the claim of an official and consensual ceding of sovereignty by Māori to the Crown. This sovereignty was absolute and unlimited by the guarantee of tino rangatiratanga, a promise that in emanating *from* the Crown rather than as *reaffirming* ‘what was’, positions tino rangatiratanga as an adjunct to sovereignty, thus illuminating the totalising and ‘ownership’ assumptions at work in the notion of sovereignty. The notions of relational or bounded authority or shared sovereignty within this worldview is an oxymoron – contradictory and *impossible*. Thus the irony of the Treaty’s signing appears to be that the Crown entered into the agreement without the conceptual resources, ethical imperative, or administrative ability to understand what the relationship between Māori and the Crown might mean in practice. Accordingly, recognition of certain ‘special rights’ to Māori from within this framework, *does not*, according to former Minister of Treaty Negotiations, Graham (2000: 194-195), provide for a Treaty partnership that seeks to operationalise two sources of authority. Instead, he asserts the governance right of the sovereign is not to be compromised. These views have continued to find expression in the tertiary education reforms (as discussed at length in chapters two and three), confirmed in recent statements made by Prime Minister Clark where the relevant “fact” is that “iwi committed legal sovereignty to Great Britain” (in Tyler 2003: A15).

The consequence of such a ‘fact’ has meant that despite a near thirty year period of Treaty activism and a near twenty year period of bicultural government rhetoric, where there have been attempts by the Crown to address injustices in the exercise of its

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<sup>12</sup> Political authority.

sovereign right, there remains little attempt to address the issue of the validity of the right itself (Jackson 1995b: 33). However, the continued ‘inappropriate/d’ (Minh-ha, in Grzanic 2000) presence of tino rangatiratanga provokes much ongoing unrest as it challenges the very hegemony and truthfulness of state sovereignty. It reveals the identity of state sovereignty as unacknowledged mythical discourse, not as the universal ‘given’ it presents itself as; “it has no privileged connection to the order of things” (Tie 1999: 7).

### **Reconciling Tino Rangatiratanga and Sovereignty: The Fallout**

Given these competing claims between Māori and governmental discourses, pertinent questions can be asked about the effects or ‘fallout’ for Māori from attempts to reconcile or translate between tino rangatiratanga and the institutions of the New Zealand sovereign state. It seems that two presumptions are made concerning tino rangatiratanga: that it is something inherently less than, and subservient to, sovereignty; and that this ‘lesser’ claim to authority can be unproblematically renamed and repositioned as (a) *Māori* (version of) sovereignty. Both presumptions lead to the strengthening and reinforcement of state sovereignty as the dominant discourse of the public sphere with tino rangatiratanga located at its margins as a pathologised intruder.

Even in those rare attempts to publicly engage with and debate the implications of tino rangatiratanga, totalising liberal politico-legal discourses contain the envisioning of future possibilities within its own bounded horizons. As an example of this, the Inside New Zealand documentary entitled *2050 What if Māori had Tino Rangatiratanga – Absolute Sovereignty* (Callen 2002), screened on TV3 in March 2002, envisioned the ‘implementation’ of tino rangatiratanga as merely a replay of (neo) liberal notions but with Māori replacing Pākehā as its agents. Accordingly, the documentary emphasised the commodification of resources, individualised user-pays systems of taxation, and iwi nations as disengaged or totally sovereign territories, with no mention of the implications of kaitiakitanga and whakapapa relationships that operate to connect iwi with waka and waka with other waka. Moreover, the idea that tino rangatiratanga would somehow be located in a building next to Parliament makes the assumption that

it would operate through the self-same institutions as state sovereignty. This unacknowledged reduction of tino rangatiratanga to the terms of sovereignty operates through re-scripting the meaning of tino rangatiratanga as sovereignty, so that it merely becomes expressed through sovereign terms.

Driving the documentary was the continued pathologising of Māori claims; to show them as motivated by a reactionary Māori greed and selfishness, and the desire to dominate. This projection was noted by Kelsey in the documentary, when she commented that many Pākehā fear “that Māori will want to do to us what we did to Māori”. Perhaps the most telling aspect of note was that the documentary attempted to engage in debates about socio-political authority without once referring to Aotearoa/New Zealand’s history of colonisation – a colonisation which continues through prescribing the discursive and psychological terms in which such debates might be ‘reasonably’ thought.

Nor has tino rangatiratanga as an equitable form of authority requiring expression in its own evolving terms, been given any real consideration or legitimate space in official debates. Indeed, at the ‘Building the Constitution’ conference held in 2000<sup>13</sup>, the majority of attendees worked to maintain state sovereignty as paramount, with the Treaty reductively positioned as a mere ‘rights’ document, and in so doing forfeited yet another key opportunity to consider the possibilities of and for power-sharing partnership arrangements between Māori and the Crown. Instead, many of the arguments advanced at the conference merely reasserted that the idea of equal partnership was never an intrinsic part of the Treaty, and so declared that what needs to be operationalised are forms of partnership that do not imply equality such as junior partner and sleeping partner (in James 2000: 17, 55-56). The desire to engage and debate new ‘post’-colonial constitutional arrangements remains thwarted by and through a continued and trenchant immersion in a fantasmatical and violating colonisation that is repressed and denied through its benign re-naming as ‘biculturalism’. The constant eruption of fantasies that desire a unified sovereign nation with Māori assimilated as a ‘constituent part’ throughout the majority of the papers presented reveals, however, that it is a repression that is constantly unsuccessful.

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<sup>13</sup> The papers presented at the conference were published in *Building the Constitution*, edited by Colin James (2000).

What remains hegemonic then, through such unconscious desires, is the viewpoint that state sovereignty limits tino rangatiratanga, not the other way around (Graham, in Archie 1995: 117). This view is further articulated by constitutional lawyer Paul McHugh (in Sharp 1997a: 274) who sees that the *correct* interpretation of the terms of the Treaty of Waitangi is firstly, the subjection of Māori to Pākehā law, and then secondly, within the ambit of that subjection, the fullest ‘partnership’ possible. When conflict arises between state statute and Māori claims under the Treaty of Waitangi, it is the rights of the state that must prevail because its sovereignty is absolute and exclusive (McHugh 1991: 174). As the state assumes sovereign power and control over New Zealand, it will be its institutions and political processes – namely Cabinet, Parliament, the Courts and the Waitangi Tribunal – informed and justified by and through the (neo) liberal discourses of Western politico-legal theory, that legitimately decide what tino rangatiratanga means, what powers it can exercise, and so the limits it will make on state sovereignty (commented on by Jackson, in Fleras and Elliott 1992: 207; Sharp 1997: 268; Graham 2000: 195). In deciding what limiting potential and range of activity tino rangatiratanga possesses, and most crucially, its very *meaning*, the state reasserts its absolute sovereignty, because as stated earlier in this chapter, the action of devolving authority is not the relinquishment or diminishment of sovereignty, but is its very expression (Garnett 1997: 40-41).

The irony, however, of reducing Te Tiriti o Waitangi/The Treaty of Waitangi to the status of a rights-based document is that the substantive rights it confers were accorded to the Crown, not Māori, given that Māori understand Te Tiriti/The Treaty as an affirmation of the tino rangatiratanga and mana motuhake ‘that was’ to remain and continue. A similar claim may then be made that in devolving authority to the Crown, *Māori* remain the rightful sole arbitrators of the Treaty. This seems to be the projected unconscious fear of those that emphasise the exclusivity of the states claims to sovereignty – that there are only two positions for occupation: dominate or be dominated. The thoroughgoingness of such totalising binarist logic continues to prevent the possible emergence of power-sharing arrangements.

While state discourse asserts that the Crown retains its sovereign rights over New Zealand, over and above Māori claims, it is seen that tino rangatiratanga does pose some limits to the political sovereignty of the state. This is because a sovereign power

depends on the full consent of the nations 'people' for its legitimacy, if not its very existence. To attain this legitimacy, the goal of the state must then be to establish the consent of the 'disaffected' Māori within its midst (Brookfield, in Sharp 1997a: 269). This is possible, explains F.M. Brookfield (1989: 14-17), a constitutional lawyer and Professor of Law, through the proper incorporation of the Treaty of Waitangi into New Zealand's constitutional structure, which would then legitimate the sovereign state as it would have the consent and participation of both parties. Tino rangatiratanga would then be able to be "preserved" in a protective bicultural law, as opposed to its current precarious location outside the domain of formal legal rights.

Such 'solutions' or attempts at reconciliation reveal the mechanisms by which state-oriented discourse negotiates and maintains its dominance. As Jackson (2000: 198) explains, the recent discursive rebirth of the Treaty as a founding document, as with its denial, merely reasserts that there can be one form of sovereign authority. Thus in claiming constitutional debates as an enlightened and open consideration of Māori claims, coupled with a stated desire to 'work things out' to 'the benefit of the Māori people', the bounded and restrictive nature of its negotiating terms are obscured, which is the continued inferior and subservient positioning of tino rangatiratanga to sovereignty. This is followed by attempts to reduce and fix its meaning and expression into a form rendered both acceptable and knowable, and so controllable by the encasing liberal framework.

Despite the fragmentation that exists between the fields of law and politics, mentioned earlier in this chapter, what is revealed here, explains Tie (2000: 76-82), is their mutual support for the legal incorporation of the Treaty of Waitangi where law, as the privileged 'guardian of truth', is mobilised to provide secure and unmistakable legal boundaries around tino rangatiratanga in order to compensate for the instances where civic 'good will' is insufficient<sup>14</sup>. What is attempted is the maintenance of a harmonious national community through forestalling cross-cultural conflict which lies latent within the potentially irresolvable tensions between tino rangatiratanga and sovereignty. While there is the recognition within the judiciary that the power of the Treaty lies precisely in its life 'beyond law' – as ethical statements that limit state power

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<sup>14</sup> For an example of this relationship 'at work', see Chen and Palmer in *He Waka Taurua – Local Government and the Treaty of Waitangi* (Local Government New Zealand 1999: 11-12).

(Keith, in *ibid.*: 81) – such ambivalence is merely re-routed to cement law as the rightful final arbiter given its location as an apparently independent and neutral third party that can offer a superior form of judgement over the state-civil power binarism. Given that the field of politics supports the perfection of law's image as transcendent 'third eye', through the room that such ambivalence creates for political choice within legal decision-making, what is reinforced is the mutuality of the law-politics nexus through which the (neo) liberal fantasy of communal wholeness and personal fulfilment is constructed for mass consumption (*ibid.*: 82).

The significance of this mutuality, explains Tie (*ibid.*: 83-84), emerges from its image as a successfully mediated disagreement, that it is an arena within which reasoned compromise between divergent positions is achieved. What this signals is an apparently commendable tolerance and openness by both, and an equally impressive spirit of open exchange, marking the relationship with a superior level of moral authority. The strength of neo-liberal regimes of governance thus comes from the manner in which the legal and political discursive fields compensate for the shortfalls of the other. Accordingly, neo-liberalism can be understood as an inherently successful medium for giving due recognition to socio-cultural difference, and moreover, that the perfectable future for Māori with due recognition of claims to *tino rangatiratanga* is entirely accessible through adherence to the existing law-politics nexus. This illusory image is, however, disrupted by the continued existence of 'inappropriate/d' versions of *tino rangatiratanga* that are not admitted into the circles through which the prevailing dimensions co-exist. In foregrounding the operation of policing effects that construct boundaries around what constitutes acceptable socio-legal discourse and visions of social life, such marginalisation directly challenges any claim to openness.

These are versions such as those advanced by Jackson (1992, 1995c) that assert the Treaty is a political as opposed to a legal reality, where its socio-political power is not to be reduced to nor contained within the colonising mythologies of neo-liberal politico-legal philosophy. Instead, *tino rangatiratanga* as a pre-existing form of self-determination is to remain, in significant part, undetermined by the terms of European legal thought. Within this view then, as with a Māori identity in the previous chapter, *tino rangatiratanga* is articulated in and through non-totalising spiritual-human-environmental *whakapapa* relational networks which validate Indigenous conceptions of

authority and self-determination. It also keeps its meaning beyond (neo) liberalism's colonising rationalistic reach<sup>15</sup>.

Crucially, asserts Tie (2000: 86), failure to admit such versions of tino rangatiratanga into the 'Treaty circle' signals a significant self-contradiction with the neo-liberal position as it demonstrates the failure to take seriously the limitations of its own authority that it claims as its defining feature. It also signals the failure, and not the confirmation, of an assumed tolerance and openness to recognise and negotiate with understandings of tino rangatiratanga *in its own evolving terms* that lie beyond it. Thus resistance to the totalising neo-liberal determination of tino rangatiratanga may be levered by "the realisation that the mutually constituting relationship, which exists between law and politics, is an aberration of liberal ideals. It produces a form of totalitarianism that is able to parade as democracy due to its apparent openness to the Other, but which is seriously 'other than' what might be called 'democracy'" (ibid.: 86).

While Te Tiriti o Waitangi and the concept of tino rangatiratanga remain outside the domain of legal liberalist discourse, the Labour Government attempted their reconciliation to its totalising terms through rewriting them as *Principles for Crown Action on the Treaty of Waitangi* (Department of Justice)<sup>16</sup> in 1989. Further readjustments were made by the National Government in 1994 to reflect even more securely the interests of the Crown (Kelsey 1996: 190). These principles have become commonplace in statutory and public policy documents throughout the 1990s – including the Education Amendment Act 1990, university charters and the *Tertiary Education Strategy 2002/07* (Ministry of Education 2002b) – and may be understood as the current mechanism of translation between Te Tiriti and The Treaty and thus between the concepts of tino rangatiratanga and sovereignty. Many legal theorists and academics have explained such a move as the Crown asserting control over the very meaning of the Treaty, a move which further sidelines the Māori text and its disruptive and irreconcilable claims to tino rangatiratanga (see for example Durie, E.T. 1991: 165-166; Havemann 1995: 92-93; and Kelsey 1996: 184-185). Although there is a stated need within *Principles for Crown Action on the Treaty of Waitangi* (Department of

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<sup>15</sup> Also from Tie's (2000: 84-85) discussion of Jackson's position.

<sup>16</sup> The five principles for Crown action are: The Principle of Government (The kāwanatanga Principle); The Principle of Self Management (The Rangatiratanga Principle); The Principle of Equality; The Principle of Reasonable Co-operation; and The Principle of Redress (Department of Justice, 1989: 7).

Justice 1989: 3) to consider both versions, the principles outlined and discussed do not show evidence of any engagement with the implications that flow from the reo Māori version, but instead is an(other) instrument that seeks to confer legitimacy to the sovereign claims of the state. While some, such as Walker (1990: 265) and Durie (1998: 238), suggest that Māori have enjoyed considerable success in the courts through such legislative changes, Kelsey (1996 1990: 105) and Mikaere (2000: 16) point out that while successive governments have been inconvenienced by Māori claims, its neo-liberal policy agendas have not been prevented from proceeding.

Most particularly then, the guarantee of tino rangatiratanga becomes inherently reduced and compromised in and through the use of, and attempted adherence to, the ‘principles’ of the Treaty, as it has sought to redefine its authoritative practice as self management (Walker 1992: 23).

“The Rangatiratanga Principle – The Principle of Self Management. The second Article of the Treaty guarantees to iwi Māori the control and enjoyment of those resources and taonga which it is their wish to retain. The preservation of a resource base, restoration of iwi self management, and the active protection of taonga, both material and cultural, are necessary elements of the Crown’s policy of recognising rangatiratanga” (Department of Justice 1989: 10).

This *emasculating* redefinition of tino rangatiratanga as a ‘property interest’, states Jackson (1995a: 254-261), freezes Māori cultural and political expression within a parameter acceptable to the state, as the promise of self-management requires little if any constitutional changes, and is seen to be consistent with the overall neo-liberal social and economic goals of self-responsibility (Durie, M. 1997b: 383). Crucially then, without political authority extending to include ones people, such a version of tino rangatiratanga becomes a meaningless and “illogical travesty” (Jackson 1995a: 261). Moreover, the vesting of protection of these interests in Crown hands completely cuts across the status of Māori as kaitiaki of iwi domains, again diminishing tino rangatiratanga as that which the state rightfully arbitrates. That rangatiratanga is subject to an acknowledgement of kāwanatanga (where kāwanatanga is subject to the lesser promise to protect rangatiratanga), cements this assimilated status of Māori – and is clearly exemplified in the following excerpt included in *Principles for Crown Action on the Treaty of Waitangi* (Department of Justice 1989: 11):

““The principles of the Treaty do not authorise unreasonable restrictions on the right of a duly elected government to follow its chosen policy. Indeed to try to shackle the Government unreasonably would itself be inconsistent with those principles. The test of reasonableness is necessarily a broad one and necessarily has to be applied by the Court in the end in a reasonable way. The parties owe each other cooperation”. (per Cooke P).”

It is thus clear that nothing transformational or novel will emerge from the continuance of such a conventional sovereign position.

Gestured to within this, one outcome of redefining tino rangatiratanga as self-management, says Kelsey (in Archie 1995: 109), is that some interpret it as meaning *only* the exercise of authority at a district or regional level, so as parallel with local government. This effectively keeps the concept of tino rangatiratanga out of the governmental realm of strategic national decision-making, and so severely curtails its expression. Her insight is reflected in the words of Graham (in *ibid*: 117) who believes that access to an economic base for iwi will mean that “this business about sovereignty would go. It’s a cause at the moment”. Backgrounded is the recognition that treaties are nation-to-nation agreements that signal on-going nation-to-nation relationships (Morris 2000). While the idea of Crown-iwi partnerships are emerging within government – for instance in the relationships of some iwi with the Ministers of Education as mentioned in chapter two – the actual relationship is fashioned around the desire by government to respond more effectively to *operational problems*, maintaining strategic direction and decision-making as the preserve of Cabinet and Parliament, which Māori are represented *within*. The unanswered question remains ‘where then is the partner in Crown/state/governmental partnerships?’.

What is claimed by many who seek a way out of this conflict, already discussed in some detail above, is that Māori concepts and claims should become accommodated into the formal constitutional framework and state institutions of New Zealand so that ‘we’ can move forward as a harmonious and unified nation. This is made possible by the assumption that the language of modern constitutionalism creates a *neutral* dialogical space within which different ‘voices’ will be adequately heard. Accordingly, McHugh (1991: 185) advances that

“Pākehā New Zealand must perceive such [Māori] claims in terms of the vocabulary and doctrine of its own constitutional paradigm but it cannot let this paradigm constrain an adequate response” (McHugh 1991: 185).

In failing to consider the possibility of limitation as a *mutual* condition of any such dialogue, however, McHugh re-generates the very closures that are sought to be opened. As resoundingly critiqued in previous chapters, the characteristic claim of (neo) liberal politico-legal discourse to dialogical neutrality and openness operates as a fantasmatic screen that allows the continuance of assimilative colonial power to pre-determine the parameters of cross-cultural dialogue.

For Tully (1995: 56-57) then, just cross-cultural dialogue is made *impossible* by the language conventions of modern (European) constitutionalism that aim for uniformity, and by the inter-relationship between this constituting language and the public institutions where only its voice is held as law. What he sees as possible, is that just constitutional recognition can be given to cultures such as Māori by reinstating the broader language of constitutionalism, which he asserts contains the types of constitutional concepts or ‘common-law’ conventions used in pre-modern times and by non-European cultures, and so is potentially able to accommodate such seemingly irreconcilable claims.

The three conventions of the common-language of constitutionalism which Tully (ibid.: 116-128) sees as able to facilitate due recognition and accommodation of cultural diversity if used to guide constitutional negotiations are: mutual recognition, consent and continuity. To elaborate further, the signing of Te Tiriti o Waitangi/The Treaty of Waitangi can be said to have invoked these conventions, which offers an explanation as to why many (but not all) hapū did actually agree to its signing. Firstly then, Te Tiriti/The Treaty *mutually recognises* and reaffirms the ‘sovereign’ independence of both parties. Once established, the only just way the Crown could acquire land and establish sovereignty was by the *consent* of Māori, which Tully notes (ibid.: 122) is “the most fundamental constitutional convention”. The treaty system then, is designed to not only recognise and treat Indigenous Peoples as equal and independent self-governing nations, but to also *continue* (rather than extinguish) such recognition of Indigenous identities, customs, and forms of government into new forms of constitutional associations with others. In opposition to the doctrine of discontinuity in Norman law,

Tully (ibid.: 127) attests that this convention is capable of continuing so-called ancient constitutions into the modern world, potentially rendering the constitutions of contemporary societies that require conformity to its particularistic ideals open to question and re-interpretation.

Tully (ibid.: 136-137) concludes his discussion by commenting that these three conventions have been greatly abused and overwhelmed by the theory and practice of modern (neo) liberal constitutional governments which have assumed superior guardianship to protect and thus control and determine Indigenous Peoples. They are however, being revived by and through the claims of Indigenous Peoples that argue their independent status has been mis-recognised, their consent bypassed, and their powers of self-rule (and self-identity) discontinued. What he also notes (ibid.: 138), is that colonial agents too, appeal to the same norms to justify the continuance of their sovereign rule and thus argue that they have indeed followed such conventions.

Moreover, not only is it assumed that such conventions were followed, but Graham (2000: 195) makes the further claim that the common law rights of Māori and tino rangatiratanga have in fact been eroded due to acts or omissions by the Crown, through assimilation by intermarriage and because of 'abandonment' of customary practices due to urbanisation. Such a view is used to declare claims to tino rangatiratanga as no longer relevant and perhaps provides an explanation as to why the current discourse of 'Treaty partnerships' is being articulated without prior engagement with the implications that necessarily flow from it – despite its continued 'disruptive' presence. Here again is the operation of liberalism's 'sovereign' circle, where Māori claims for due recognition of tino rangatiratanga are either re-scripted within such terms and so named as duly 'recognised' in and through 'bicultural' formations, or excluded through their dismissal as 'no longer relevant'. Given that Māori persistently interject that Te Tiriti/The Treaty, and the affirmation of tino rangatiratanga made in it, has been consistently dishonoured by the Crown, and that the Crown persistently refuses to confront its own assumption of ultimate sovereign status over New Zealand and all of 'its' citizens, there can be no basis to the Crown's claim of consensual agreement to its sovereignty. A review from both sides then, for Tully (1995: 138), makes it possible to expose the biases and specious arguments of colonial governments, and it is this end which the discussion of this chapter has attempted to bring to the fore.

## Ways Through the Current Impasse

While Tully (ibid: 133-134) is hopeful that Indigenous Peoples claims to self-determination can be facilitated through intercultural dialogue, that a gradual dialogical-based “mastering” of difference will allow participants to come to understand one another, such a view leads to an eradication of difference by and through promulgating the illusion of constitutional closure that operates to disavow those culturally-located differences that *remain different*. He is critical then of the “unduly pessimistic” position such as that advanced by Young, which suggests that such a reciprocal intercultural language of understanding might be “reduced to a mere stepping stone to a monological and universal overview of the ensemble” (in ibid.: 134). Despite wanting to distance his argument from the likes of Habermas’ (1994) “presupposition of shared norms” (ibid.: 131), his faith in ‘solutions’ proceeding through a fantasmatic ‘open’ space of uncoerced cross-cultural dialogue regenerates this very universalising position. His recurring focus on the desire to ‘accommodate’ such claims within constitutional arrangements would seem to confirm his compelling desire for a future ‘one-ness’ or singularity of direction.

Māori do indeed press for constitutional change that could recognise and affirm the practice of tino rangatiratanga as an expression of mana Māori motuhake, through appealing to the three conventions noted by Tully (Royal 1998; Jackson 2000; Mikaere 2000; Sykes 2000), but oppose solutions that have the capacity to ultimately distort and reduce it to the requirement for a sole sovereign power, that co-opts its meaning and thus curbs its discursive potential to alter the current (neo) liberal hegemony of the state. For Te Tiriti o Waitangi/The Treaty of Waitangi to meaningfully inform and facilitate cross-cultural negotiation for constitutional change, it must remain *outside* of the (neo) liberal legal framework that always-already translates its political and ethical substance to particularistic European conceptions of social life. What this calls for is a reordering of the root images of the social domain – where a Tiriti/Treaty partnership can come to be imagined without recourse to the orthodox socio-legal notions of a unified national community or an unchallengeable politico-legal sovereignty (Readings 1996: 180-192; Tie 2000: 84).

Accordingly, cross-cultural dialogue through which such negotiation proceeds will need to be similarly invested with recognition of its limits to offer final pronouncements. The irreconcilable nature of cross-cultural difference perpetually defers a full knowledgeable understanding of Māori and thus the ability to justify the government's claim of due recognition of tino rangatiratanga through current sovereign arrangements. Utopian fantasies of a perfected constitutional language that can guarantee a perfected sense of unified national community, designed to remedy this impossibility of communicational consensus, do not generate inter-cultural dialogue. Instead, they maintain Treaty partnership as one formed by and through a sovereign monologue. Unsettling the assimilative fantasy of consensus offers the possibility of developing Tiriti/Treaty partnership arrangements that operate not through sovereign imposition over Māori, but through forms of dialogical interaction that indeed remain open for Māori to both define meanings of tino rangatiratanga and to discuss and advance how it might be expressed in new constitutional arrangements (Jackson 2001).

## SPACE FOR MANA MĀORI

### RE-GENERATING MANAAKITANGA

#### Introduction

Common-place in stories, books, and speeches is that the signing of Te Tiriti o Waitangi/The Treaty of Waitangi signalled the ‘birth’ of the New Zealand nation. Moreover, it is said that colonial officials made a moral progression from the *terra nullius* or ‘empty (unoccupied) space’ claims made by colonial forces that landed in the Americas and Australia. This national pride-inducing ‘fact’ may, however, be re-read as an extension of colonial-oriented discourse as the recognition of Te Tiriti/The Treaty as some ‘founding’ moment, the ‘starting’ of national history, continues the idea of an empty devoid space prior to its signing. As Dean (1999: 106, 203) elaborates, this ‘forcing open’ or creation of a ‘new national’ space and legal identity through the imposition of Crown sovereignty, provides the conditions upon which liberal government can then be operationalised over the population within its borders. Nation-building colonial discourse thus requires that all become equal ‘citizens’ under the law, and thus amenable to the administrative rationalities of government that are to optimise individual and national prosperity. Within this discursive framework, which is supported at the psychic level by powerful and popularly held assimilative fantasies, government alone holds the sovereign authority to legitimise national identities and political directions for all. Following on from the discussions of the previous chapter, there is to be no legitimate status for Māori collectives and imaginings outside of the circle drawn by a (neo) liberal informed law – it is a space of non-existence, a discursive *terra nullius*.

Given the hegemony of this Eurocentric terrain, the concept of making or (re)claiming ‘space’ comes crucially to the fore in kaupapa Māori-based movements and the various projects that are mobilised in its name. Indeed, such movements of self-determination for Māori may be characterised by their endeavours to regenerate, affirm and develop

‘space’ for practices and subjectivities that “give life to Māori world views in a contemporary context” (Mikaere 2000: 5). Significantly, as the basis of tino rangatiratanga, these spaces affirm and express mana Māori. They might also be characterised as spaces of resistance that attempt the rejection and disruption of colonising discourses.

As each of the chapters of this thesis have variously sought to articulate, the ‘problem’ of space for Māori is its binarist form which results in tacit regulation: a marginalising and pathologising of a Māori worldview that is (ironically) located as the ‘evil’ outsider, coupled with its collapse or translation into the (neo) liberal terms of a colonising ‘bicultural’ centre. That such acts of translation reduce difference to the fantasmatic ideal of sameness or a ‘shared space’, allows successive governments (and tertiary education institutions) to claim an authoritative and progressive capacity to comprehend and capture Māori imaginings and thus give them recognition and expression. The oft repeated and seemingly benign phrase “Māori and wider New Zealand society” that can be read in many official government documents is but one example of such space-collapsing discourse where Māori are assumed to be unproblematically incorporated as one sub-set of the whole. The fantasmatic nature of a unified nation, however, and the hegemonic power it holds, is constantly revealed through the need to vehemently assert its ‘truth’ whenever it is challenged. Accordingly, any challengers most certainly become the ‘evil intruders’. The truth of a bicultural shared space thus involves the “double moments of negation and unification” (Game 1991: 68) where space for a Māori worldview is cancelled out, superseded and so annihilated as an effect of colonial fantasmatic desires to infiltrate and author *all* space.

The desire of Māori for a variously imagined emancipation from such modernist-derived Western regulatory structures that position Māori as the subordinate term of its organising binarisms, is expressed in and through a plethora of resistive projects that seek their dismantling as a necessary correlate to the journeys towards spaces of self-determination, spaces of mana Māori. Such spatial projects might, in part, be understood as attempts to re-articulate the Māori/Pākehā binarism so that its hierarchical and difference-erasing hubris be disrupted. As Luce Irigaray (in *ibid.*: 14-15) points out, “the issue is ... of jamming the theoretical machinery itself, of suspending its pretensions to the production of a truth and a meaning that are excessively univocal”.

With this intention to the fore, one of the central aims of this thesis is to put forward an understanding of Māori and Western worldviews as incommensurate 'spaces'. Notwithstanding the multitudes of shared understandings, relationships and negotiated arrangements which are often taken as evidence of an achieved (or at least achievable) bicultural polity, what I want to again highlight here is the inassimilable nature of cultural worldviews that 'exceed' capture in totalising modernist Western systems of binarist classification. Irreducible differences persist and thus thwart colonial-informed discursive attempts and psychical desires to specify their final reconciliation in a singular bicultural space. While the highlighting of irreconcilable differences and incommensurate spaces may seem contradictory to my stated overall purpose of exploring the possibilities for Tiriti/Treaty-based partnership arrangements between Māori and government (tertiary education institutions), they are considered here as a fruitful reservoir for developing forms of cross-cultural relationships that may indeed be other than that of the oppressive present.

One particularly fertile source of motivation for these key ideas stems from the relationship between the concepts *mana* and *manaaki*. As a concept and practice of kindness, caring, generosity, hospitality, and respect for others, *manaaki* might be understood as a myriad of practices for generating, fostering and enacting relationships with others. The critical point to be made is that *manaaki* is an expression of one's *mana* – *mana-aki* – the urge to give that affirms and articulates your (individual and collective) *mana*. From the reciprocal nature of the relationship between the concepts, what becomes illuminated is that without spaces of *mana* Māori, of spaces in which to be self-determining, the possibilities for *manaaki*, for relationships, also becomes depleted. The crucial question here becomes: without *mana*, without the authority to be self-determining, how can Māori *manaaki*, or be in a Tiriti/Treaty relationship with, Pākehā? Paradoxically then, separate spaces of *mana* Māori are spaces of possible cross-cultural connections and relationships.

These spaces of affirmation of *mana* Māori, of resistance to assimilation by and through 'inclusive' liberal fantasies, of relationship possibilities, have been variously termed 'kaupapa Māori' and 'Māori-centred' spaces<sup>1</sup>. This chapter seeks to discuss the

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<sup>1</sup> See for instance: Mead, L.T. (1997); Smith, G.H. (1997a); Johnston (1999); Smith, L.T. (1999); and Pihama (2001).

location of these spaces, particularly in relation to the spatialised binarisms of centre/margin and inside/outside. Also indicated is a critical exploration of post-modern claims to a space 'beyond' these modernist binarisms that disrupt the authority of colonial knowledge and sovereign power to 'truthfully' represent and 'rightfully' determine for all people across time and space. Following on from the theoretical discussion, and re-engaging with my intentions to locate such discussions within the tertiary education context – specifically those current developments within universities that seek to give effect to notions of Tiriti/Treaty-informed partnerships through creating 'space' for Māori – the chapter then turns to outline some of these developments, and to begin to consider the possibilities such spaces offer for non-assimilatory cross-cultural relationships. Firstly, however, it would seem valuable to consider the importance of theorising about space.

## **The Importance of Space**

In his book *the badlands of modernity*, Kevin Hetherington (1997: vii) explains the emergence of the European ideal of a 'modern' society through recourse to the term 'utopia'. First coined by Thomas More in the sixteenth century, utopia is the collapsing together of *eu-topia* meaning good place, and *ou-topia* meaning no-place or nowhere – and so is a good place that exists nowhere, except in the imagination. This is, for Hetherington, the essence of the modernist project: the attempt to create the perfect society by *turning the nowhere into the good place* – a society that is to be ordered, stable and governed properly; where social and cultural ambivalence is eradicated. It is in this 'essence', this fantasy that drives the modernist project, that attention is alerted to the massive repressions or closures on identity and meaning on which its claims to proper social order depend (Game 1991: 16). Notions of what constituted 'perfect' and 'proper' in liberal society included, and still include, the principles of individual freedom, representative government and the ideal of the public sphere which is claimed as a "site of openness, tolerance and ... a space for rational and enlightened debate ..." (Hetherington 1997: 2). This emerging public space was conceptualised as one of the new spaces of 'Enlightenment' through which the perfection of society, and the individuals within it, was to be enacted (Foucault, in *ibid.*: 12).

This desire to fill 'objective', 'neutral', and 'empty' space with such imagined 'ideals', is explained by Henri Lefebvre (1991: 12-14) through the separation in philosophy of 'real' or physical-material space from 'mental' or logico-epistemological space. Concerns of physical-material space became the domain of geographers, explorers and anthropologists, and the like, where space was seen as naturally given, or as directly sensible and so objectively and concretely there to be measured and accurately described. In this frame then, reality is reduced to only material or natural objects, and directly sensed relations. The 'imagined', being neither empirical nor measurable, is unknowable and deemed irrelevant to 'scientific' enquiry (Lefebvre, in Soja 1996: 64). Mental or conceptualised space, however, became the domain of (idealist and rationalist) philosophers, mathematicians, and architects, who sought to develop "abstract (metaphysical) representations of space, among them the Cartesian notion of space as absolute, infinite ..., a divine property which may be grasped in a single act of intuition because of its homogenous (isotropic) character" (Lefebvre 1991: 14). Approached in this way, reality is confined to 'thought things' (thoughts, speech, language, writing, discourses, logical and epistemological ideation and so on) and so is able to be comprehended entirely through its *representations*. What is kept at a distance is the immediate material world, which is ordered and understood through the control over spatial knowledge that this view of reality assumes (Lefebvre, in Soja 1996: 63, 67).

However, according to Lefebvre (*ibid.*: 64-65), these contrary definitions of reality are not always in opposition, but in fact often embody, nourish and reinforce each other. This occurs through their shared desire to submit *all* space, both perceived and conceived, to the assimilative control of rational and totalising forms of Western knowledge. Through such binary closure, attempts are made to render other understandings of space, and indeed other possible spaces, as *impossible* and *unthinkable* (Mead, L.T. 1997: 372-373). For Lefebvre (in Hetherington 1997: 22) then, this 'double illusion' of modernist capitalist (colonial) societies renders physical-material space as invisible or irrelevant, through being represented as homogenous and abstract space – as empty, neutral 'free' space – by the discursive dominance of space as more adequately knowable through conceptual or abstract representations. The operation of this binarism obscures the social relations of power by and through which *space is produced* or represented as 'free' of the 'illiberal' impediments of culture,

tradition and nature, and thus as unproblematically available to be then re-filled by the imagined versions of a 'good place' such as (neo) liberalism.

In claiming that space is more a product of capitalist (colonial) power than a mere concept that faithfully reflects 'reality', Lefebvre (in Soja 1996: 67-68) seeks to bring perceived and conceived spaces back together as *socially lived spaces* of direct human experience. Social space then is both material and imagined, it is partially knowable and partially unknowable, secret and non-verbal. What is being brought to the fore here, is the previously introduced idea that there are limits to that which is able to be represented in and through language. Lefebvre's purpose for articulating social spaces is to disrupt the 'given-ness' of space through foregrounding spatial understandings that oppose these space-producing relations of power. Such 'spaces of resistance' work to make these power relations *visible*, that the capitalist (colonial) conception of space is a product and tool of (bourgeoisie) mastery. Moreover, the 'given-ness' of space is also disrupted by the impossibility of its mastery. 'Real' social practice (for example, cross-cultural dialogue) has not been able to be fully reduced to, nor represented by, the ideal of neutral 'free' space. To reiterate from earlier discussions on identity and meaning, neither perceived nor conceived space can be fully or finally reflected or captured in and through linguistic attempts to describe, name and know its contours. The truth claims of such (mis) representations are constantly destabilised and deferred by the irrepressible presence of other experiences, practices and understandings of space. To rephrase this idea, the social world 'exceeds' the fixity of its representations (Game 1991). This allows for new spatial contradictions and resistances to continue to arise (Lefebvre 1991: 63), which may ultimately work to transform the social world, producing new potentially emancipatory spaces (ibid.: 47).

Feminist geographers such as Gillian Rose (1993: 7) reiterate this stance by asserting that hegemonic (Western) discourses and practices have sought to render the world amenable to the operation and control of masculinist reason. This masculinist rationality is a form of knowledge that assumes a knower who believes himself and his thought to be autonomous, context-free and objective. The assumption of an unproblematic objectivity untainted by any particular social position allows this kind of rationality to claim itself as universal, and it is this supposed universality that enables masculinist (and colonialist) claims to appear exhaustive in their explanatory reach, as

the *only knowledge possible*. The desire and belief then, is that the world and its inhabitants can be fully known and understood through the 'proper' (scientific) application of human (Western masculinist) reason. Consequently, explains Rose (ibid.: 146), feminist challenges to the masculinist geographical imagination (often) work to disregard any distinction between ('knowable' and 'all-knowing') material-physical and metaphorical space, and instead, like Lefebvre (1991) seek to privilege resistive social spaces of experience and meaning-making, where space is interpreted as part of patriarchal power.

In exposing the capitalist and masculinist interests that are served through renderings of space as fully knowable, the goal isn't to suggest, however, that resistive social spaces are somehow able to 'knowingly' side-step power relations and become the ideologically neutral, abstract and politically disinterested spaces which are under critique. Indeed, various contributions to the edited collection *Writing Women and Space: Colonial and Postcolonial Geographies* (Blunt and Rose 1994), demonstrate the manner in which white women authors re-inscribe the masculinist 'all-knowing' gaze in their very own desire to 'affiliate' with Indigenous women<sup>2</sup>. Their assumed 'right to know', their unquestioned right to expand themselves into Indigenous territories and claim some kind of 'insider' knowledge of Indigenous worldviews, is purported to be non-oppressive due to their ability to occupy a self-claimed political *interspace*, which is neither solely Aboriginal nor non-Aboriginal, with Indigenous women (Jacobs, in Blunt and Rose 1994: 170). In alleging an uncoerced space 'free' of colonial power relations which allows them to simultaneously occupy the space of self and 'other', such feminist writers underwrite rather than undermine the rightfulness of Western-derived reason and supporting assimilative desires to infiltrate and determine all space.

The assumed right to entirely fill, control and ultimately *know all* (objective, neutral, and open empty) space with and through 'progressive' and 'Enlightened' (modernist, colonialist, capitalist, masculinist, Christian) reason, coupled with the right to represent this knowledge as the unquestionable Truth, accompanied the various groups of Imperial explorers, missionaries, Officials of the Colonial Office, settlers, and armed forces that journeyed to Aotearoa through the eighteenth and nineteenth centuries. It

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<sup>2</sup> See in particular Jane Jacobs' chapter 'Earth Honoring: Western Desires and Indigenous Knowledges' (in Blunt and Rose 1994: 169-196).

gave justification not only to their quest to obtain, measure, re-name, and divide up the body of Papatūānuku and other (spiritual-) physical-material resources, but also to both their right to *expand* their worldview over the people of this land, and their claims to *knowledgeably* represent and determine subjectivities and political directions for Māori within what was seen as *their* now rightful space (Mead, L.T. 1997: 388). The sense of being caught and objectified, explains Minh-ha (in Rose, G. 1993: 148), is a consequence of the claims of the colonialist anthropologist to authoritatively know the other:

“I have wondered time and again about my reading myself as I feel he reads me and my false encounter with the other in me whose non-being/being he claims to have captured, solidified and pinned to a butterfly board”.

The place of Aotearoa then, has become increasingly penetrated and shaped by social, cultural, economic, and political discursive influences from the once distant West, and so *physical place* has become increasingly fantasmatic, reduced to and replaced by the *representations of imagined space* extended from the Western world (Giddens 1990: 18-19). This capability and power of Western (capitalist, liberalist) social structures and discourse to ‘stretch’ and expand across time and space - to transform the ‘nowhere’ into a ‘good place’ – is termed by Anthony Giddens (in Craib 1992: 60; Giddens and Pierson 1998: 90-91) as ‘time-space distancing’, and is described by him as a major feature of modern (colonial) societies. However, as the ‘nowhere’ is always a homeplace, the materialisation of such discursive influences has effected a radical depletion of spaces of mana Māori, of Māori worldviews.

In totalising binarist replay, the expansive colonial process has variously attempted to annihilate Māori spaces, to empty them of meaning and significance and re-place them at the margins of socio-political life (Morrison 1999: 64); or re-locate them within the legitimising (neo) liberal terms of the politico-legal centre. The on-going projects of colonisation in and of Aotearoa may thus be understood as a process of submitting mana Māori places and spaces to containment within, and as explained and represented by and through a (material and mental) European spatialised framework (Mead, L.T. 1997: 158-159). To reiterate from previous chapters, a key driver to these projects of on-going colonisation is the fantasmatic desire for a harmonious and consensual national community of self-same ‘New Zealanders’, an identity that now ‘generously

includes' Māori, a new ethical space that confirms 'our' distance from a distasteful colonisation, that confirms 'our' identity as truly and progressively *post*-colonial.

Continuing with this elaboration of the manner in which desire incites the colonisation of space, Freud highlights in his essay 'The Uncanny' (1919), the psychic force which comes from that which is "old and long familiar", as opposed to that which is strange, new and unfamiliar (*ibid.*: 220). Elemental discourses that once offered the infantile self a sense of safety, but which have since been surmounted by more complex and subtle interpretations of life, return to the subject as powerful possibilities. The returning discourses create an intense sense of troubling pleasure (of 'uncanniness'), invigorating lost promises that desire to be re-experienced. This "compulsion to repeat" becomes an uncanny comfort to the obsessive neurotic (*ibid.*: 238-239). In the context of this discussion, the 'compulsion to repeat' the (Western) fantasy of self-sameness as a singular national identity where social and cultural ambivalence is eradicated (Hetherington 1997: vii), has become an 'uncanny comfort' to those who pursue it. As Alison Jones (1998: 18) has remarked, this seemingly benevolent desire for unity turns any apparently contrary practices into a threat – a threat which, in binaristic replay, needs to be repressed.

Following on from Lefebvre (1991), who claims that space is a product and tool of capitalist relations of power, and Rose who interprets space as the 'territory' of patriarchal power (1993: 147), there is a similar project at work in Linda Tuhiwai Mead's doctoral thesis *Ngā Aho o te Kakahu Mātauranga: The Multiple Layers of Struggle by Māori in Education* (1997), and in the work of other Māori who write from a kaupapa Māori location<sup>3</sup>. From this kaupapa Māori location, Western notions of space are understood and articulated as a set of constantly changing and actively produced means, mediums and locations imbued with colonial power, which attempt to contain and control Māori land, resources, taonga, bodies (and genetic material), subjectivities, imaginations, language, knowledge ... The purpose of this evolving kaupapa Māori understanding is to develop spatially conceptualised strategies of resistance and transformation that seek to regenerate mana Māori spaces and reclaim spaces that have been saturated by the authoritative discourses of state sovereignty and

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<sup>3</sup> See for instance: Mead, L.T. (1997); Smith, G.H. (1997a); Johnston (1998); Smith, L.T. (1999); Jenkins (2000); and Pihama (2001).

market-driven neo-liberal logic. Many of these resistive projects attempt to re-create spaces that are incomprehensible and 'out of reach' to the (neo) liberal, colonial state infra-structure and its rationalistic discourses.

The importance then, of theorising about space for those who strive for a location informed by kaupapa Māori, is about the ongoing validation, legitimation and necessity of such spaces, particularly in light of their exciting potential to deliver social transformations for Māori on terms determined by Māori narratives, as opposed to (neo) liberal terms. Necessarily then, the desire for (a variously imagined) tino rangatiratanga that motivates the regenerative projects of mana Māori spaces, that give expression to mana motuhake, stands in opposition to those (neo) liberal inscribed 'Māori-friendly'<sup>4</sup> spaces that are posited as the outcome of a state-imagined biculturalism. While it may be argued that inclusive 'Māori-friendly' bicultural spaces are progressive, having 'transcended' colonial relations of power, the re-articulation of space as ideologically neutral and open to Otherness merely substitutes for failed attempts within (neo) liberalism to infiltrate all space, through other less 'appealing' terms. Accordingly, bicultural 'Māori-friendly' spaces re-articulate the (neo) liberal ideals of equality and entrepreneurial freedom of choice which prescribe and thus limit transformation for Māori by delineating the possibilities for transformation within market-centric terms. Containment *within* (an)other's terms negates these spaces as spaces of mana Māori due to their always-already assimilated location. If there is no space for Māori collectives to be self-determining (mana), however, there is no relationship or Tiriti/Treaty partnership (manaaki) possible. Instead, what is indicated is a replay of colonial relations of dominance and exploitation, this time in the new language of a (neo) liberal-propelled biculturalism, reproducing the assumption that space and resources are available for all without impediment. Such 'Māori-friendly' spaces might then be understood as occupying the hegemonised bicultural 'middle-ground', where assimilative forms of mediation between Māori and Western worldviews are currently located.

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<sup>4</sup> From Johnston (1998).

## The Location of Kaupapa Māori Spaces

From the above then, kaupapa Māori spaces are simultaneously located both in *imagined* terrains where Māori struggle to reclaim power to be self-representing (Hall, in Morrison 1999: 61), and in *material-physical* locations where Māori strive to live as tangata whenua, spaces in which to grapple with and determine what it means to live in ways informed by a variously imagined and articulated Māori worldview, to embody mana Māori motuhake.

Writers such as Lefebvre (1991) and Smith (1997a) argue for the necessity of both theory and praxis in the quest for social transformation (for Māori) – that they become simultaneously expressed in *social-discursive* spaces. The concept of social-discursive space is seen to incorporate both the imagined and the material but in a manner that again privileges the logico-epistemological realm. This, explains Lefebvre (in Soja 1996: 48, 57), overestimates the ability of language, texts, thoughts, speech and so forth, to represent reality. It is for this reason that Lefebvre avoids the term discourse, and instead uses the term ‘social space’ to bring the imagined and the material, theory and praxis, together. For Smith (1997a: 97), these are ‘kaupapa Māori spaces’ which are ‘made and re-made’ through a constant interplay between thinking and doing.

The ‘undoing’ of the distinction between material space and discursive representations of it, is also a central theme of Ann Game’s book *Undoing the Social: Towards a deconstructive sociology* (1991). Using the notion of a ‘materialist semiotics’, Game seeks to dissolve distinctions between representation/real, text/context, theory/practice, fact/fiction in order to advance an understanding of meaning processes as embodied, that the materiality or actuality of perception lies in its activity (ibid.: 12). Her particular concern is to challenge the idea that representations truthfully mirror the real world, given that there is no real outside of cultural systems to authoritatively represent (ibid.: 4). In so doing, Game (ibid.: 9) reiterates the Foucauldian argument that such knowledge is a discursive practice, and that such practices are both *productive of* and *produced in* networks of power. The point to be made here is that this ‘openness’ of meaning, that reality is made and re-made and not simply ‘there’, offers the possibility of re-writing hegemonic cultural texts through practices which re-read and re-script and

so transform their terms. In this way, theory and practice are not two sides of a static dualism that reflects the Western fantasy of the knowable real that will authorise the 'proper' form reality is to take, but refer instead to the 'social' nature of space where transformation of the prevailing colonial order remains open.

As noted above, it is in such spaces that kaupapa Māori-informed initiatives take place. Indeed, the word kaupapa, like manaaki, express the conceptual as an embodied activity, they are concepts inextricable from and meaningless without action. Against the privileging of 'the word' in (neo) liberal legal discourses, is the irreducible relationship between 'saying' and 'doing' – expressed in and through the phrase 'te reo me ōna tikanga'. Against the fantasy that language masters reality in a manner that thereby produces a form of knowledge which is disembodied from the interactions wherein it has been framed, reality is perceived to emanate from a myriad of spiritual-human-environmental whakapapa relationships.

Kaupapa Māori spaces are thus also necessarily expressed in and through inter-connections with spiritual-cosmological-environmental domains which exist prior to discourse – domains whose access is mediated through tapu<sup>5</sup> and noa<sup>6</sup> (Pewhairangi 1992: 11). In so doing, they exceed representation in and through rationally produced discourse whereby the practices and meanings (and identities) that are articulated defy the grasp of rational liberalist logic. That Māori insist on an embodied relationship with government also, disrupts and exposes the limits of the latter's hegemonic knowledge claims and practices, opening the potential for the authority of Māori narratives to be admitted into local and national decision-making.

At this point it seems important to stress another crucial difference between Māori and Western (liberalist/colonialist) notions of space. Liberalist desires and intentions to know and colonise all space, the quest and 'progressive' possibility of bringing or articulating that which is unrepresentable into the realm of the known and under the conscious control (and ownership) of human reason, stands in contrast to Māori understandings of the unknowability of certain spiritual-cosmological spaces. As Mikaere (1995: 19-20) explains, Maui's audacious attempt to obtain an unobtainable

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<sup>5</sup> Restricted, set apart, sacred.

<sup>6</sup> Free from restrictions, normality.

immortality from Hine-nui-te-pō ended with his death. This event imparts an understanding that there are limits to what might be known, that there are spaces which are not 'open' to be consciously grasped by humans – protected unknown and unknowable spaces occupied by ngā atua (Kohere 2000). This introduces a third form of space – a pre-discursive material space which forever remains beyond the reach of language.

While the discussion has sought to map out and distinguish various understandings of space articulated from a Māori worldview, it is important that they are understood as realms interconnected through whakapapa. Referring to 'kaupapa Māori space' thus refers to all of these domains – both tangible and intangible, the known and the beyond of human knowing.

From these understandings of space, the Western-liberalist desire to 'know the world' is both an impossibility, and at the same time poses a very tangible threat to Māori worldviews. The nature of this threat is enunciated through those "double moments of negation and unification" mentioned in the introduction of this chapter, and thus through hegemonic discursive practices that both exclude Māori ways of understanding the world and seek to render those understandings as 'progressively' occupying a shared space as resources for all. The threat here for Māori is that this works to extend the terrain over which colonising practices may be attempted as yet more resources (both physical-material and conceptual) become translated or co-opted into terms susceptible to neo-liberal administrative control.

Moreover, the negation-unification impulse is not only posed from the 'outside' but also from the 'inside' as neo-liberal inspired logic asks Māori to increasingly inhabit a self-same commodified and commercialised 'entrepreneurial' identity. This strategy to unify through assimilation necessitates a negation of Māori, revealed by the way in which moves to translate Māori understandings and identities into and from within neo-liberal terms deny and distort tikanga practices by operating to dis-engage Māori from the environmental-human-spiritual relationships that are understood as the very basis of a Māori worldview (Mikaere 2000).

Further to this, recent ‘third way’ governmental claims that the Crown recognises and respects this worldview, and can in fact be together with Māori in such a space, does not signal the arrival of some exemplary post-colonial future but instead replays the rightness, and indeed ‘progressiveness’, of a colonising cultural mindset to claim the spaces of others as its own. In so doing, the profoundness of these relationships to Māori become denied and negated by and through the desire to render them amenable to the rational authority of state control. The nature of the threat to know and inhabit all space is not only then about the possible misappropriation of Māori cultural knowledge, but is also experienced as a potential threat to the very terms of a Māori identity (Jackson 1992). The magnitude and proximity of this threat to Māori thus necessitates not a potentially annihilating *fusion* of culturally different forms of knowledge and worldviews, but the *protection* of cultural boundaries (Mead, L.T. 1997: 402) – just as the unknown world of ngā atua is protected from the human realm.

Kaupapa Māori spaces thus attempt to occupy and produce spaces differently to those hegemonic Western-informed spaces it stands apart from. The sites of these struggles, explains Mead (1997: 16-17), take place in the social-discursive intersections between those spaces opening up in Western theory for previously subjugated voices, and those kaupapa Māori informed spaces that affirm the mana of tūpuna Māori – intersecting spaces that are inherently unstable and unfixed. As alluded to above and discussed in previous chapters, these apparent openings for marginalised voices to be heard are not uncoerced places free from relations of colonial power, but are again discursively produced spaces that operate by and through determining which voices can reasonably be heard and which will remain beyond consideration. The constant interruption of this production by kaupapa Māori informed discourse and desires means, however, that such contested spaces elude the prior order that liberal discourses attempt to set in place – they are not fully and finally able to be specified and fixed (or colonised) in advance – and so remain open to the possibility of transformation.

Exemplifying this point, spatially conceptualised strategies of liberal ordering, being multiple and multi-layered, necessitate that kaupapa Māori strategies of resistance are articulated through a range of initiatives that operate over a number of different sites and span many dimensions. Many of the ‘by Māori, for Māori’ health and education initiatives, for example, seek to affirm mana Māori through reclamation of te reo Māori

me ōna tikanga, mātauranga Māori, and thus to re-establish or strengthen connections to an environmental-human-spiritual relational worldview. Crucially, these initiatives are collectively based, helping to re-draw and re-activate inter-generational and extended family (whānau, hapū, iwi) networks. Out of this strengthening of a collective Māori identity – an identity that provides a framework through which liberal-colonial discourses may be critically considered and challenged – are aspirations to transform ‘social-discursive’ spaces so that Māori forms of authority come to shape socio-political life. By and through this (multiplicity and plurilocality<sup>7</sup>) mobility of kaupapa Māori spaces, they defy containment and co-option within liberal-colonial social-discursive spaces. Hegemonic spaces then, in seeking to cement the *nowhere into a good (stable and ordered) place*, are instead in a constant state of ordering (Hetherington 1997: 31).

What of the relationship between these oppositionally configured spaces; between the hegemonic ‘centre’ and resistant ‘margin’? Following on from the discussion above, the relationship between these two spaces is neither stable nor simply comprehended. My use here of the term ‘kaupapa Māori’ or ‘Māori-centred’ offers at least two possible readings, both of which work to disrupt, disorganise and *confuse* centre-margin/inside-outside binarisms. The first of these readings is that the construction and conceptualisation of a Māori centre seeks to redefine and locate Māori as the norm, the centre, the inside, a place of inherent worth and possibility, a place in which to ask questions and seek answers; a place to heal, to represent ourselves, to strategise, to control access and consider inter-relationships with ‘others’. bell hooks (1990: 43-49; and in Soja 1996: 97-98) explains these locations as ‘homeplaces’ which reject and refuse the authoritative emplacement as the marginal ‘other’, and so thwart the binary hierarchy of centre and margin. Spivak too (in Soja 1996: 134-135) sees that a strategic claiming as ‘the centre’ when expected to be ‘marginal’, sets in place reversals that confuse and discontinue Western categorical logic. For writers such as Irigaray (in Game 1991: 14-15), however, reversing the terms of binarist structures merely re-establishes the very logic that it sought to disrupt. Without working to also displace binarisms, asserts Minh-ha (in Soja 1996: 117-118), the claiming of the margins as our exclusive territory recomforts the centre through preserving and approving the divisions

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<sup>7</sup> This term ‘plurilocality’ is from Rose (1993: 151), and refers to spaces structured over many dimensions.

which maintain the present power relations. In a manner which resonates with this desire to disrupt prevailing binary structures, kaupapa Māori spaces exceed (neo) liberal terms of binarist closure, potentially displacing the ability of such classifications to exert their regulatory and categorical power.

Such displacement makes possible a second reading – where kaupapa Māori spaces are positioned as alongside Western social-discursive spaces, as occupying both the centre and the margin, the inside and the outside simultaneously. As Mead (1997: 117) explains, kaupapa Māori spaces are often located ‘inside the system’, but are (attempted to be) positioned on the ‘outside’ of colonial power structures. Further to this, struggles to maintain/claim/create space are often fought out in the ‘inside’ spaces of (the colonial state and ‘the market’) hegemonic power. From this reading then, spatialised binaristic terms might be understood as setting up a simplistic and distorted opposition (Žižek 1999: 37). The argument developed by Fuss (1991: 3-4) and Rose (1993: 149-152) is that this close proximity reveals to the hegemonic centre its own lacks and deficiencies, and so challenges its claims to exhaustive knowledge. The borders between the ‘all-knowing and all-powerful centre’ and the ‘limited and powerless margin’ thus become inherently de-stabilised and increasingly questioned (and questionable). As Žižek (1999: 39-44) might observe, it is not the ‘absence’ of Māori in ‘centre-spaces’ that leads to centre-margin conceptualisations, but is instead perhaps a presence that is *too present, too near* – a presence whose irrepressible difference creates anxiety through not being (or becoming) colonised to the hegemonic symbolic order. The close proximity of Māori disquiets the ‘uncanny comfort’ of a harmonious and singular nation-space.

In response to this challenging and threatening presence, liberal-colonial (masculinist) centres, in endeavouring to maintain themselves as such – to create a ‘safe distance’ – attempt to retreat from exchanges located in these *revealing* border-spaces. Paradoxically then, the infatuation with unity, the desire to know, is at once a *refusal* to know (Jones 1998: 21). Instead, they seek to locate their exchanges with the ‘Other’ within their own ‘knowledgeable’ power centres. The proximity of Māori means that these responses occur in tandem with attempts by the hegemonic power-centres to *extend their operational spaces* to include, assimilate and *co-opt* those terms, concepts and ideas of te ao Māori that are either consistent or assumed as somehow accommodateable with their own. What is not is dismissed or fenced out as irrelevant

and unnecessary (Spivak 1988: 114). Through such processes of incorporation, spaces of and for Māori become closed off, necessitating the ongoing search/creation for further/new resistant and emancipatory spaces (Mead, L.T. 1997: 418).

The continued disruptive presence and pressure of kaupapa Māori spaces is thus vital in order for space to be made for Māori (subjects, worldview, imaginings) in social-discursive power-centres. Importantly, the various projects of kaupapa Māori spaces are not solely about creating spaces of resistance, but as Rose (1993: 159) so eloquently states, may be seen as the pursuit of entirely different socio-political geometries. The struggle then, is not just about occupying particular spaces, but is also about the authority or mana of Māori to shape those spaces.

### **Bicultural Spaces ‘Beyond’**

The pursuit of ‘different socio-political geometries’ is, however, variously imagined. The goal of many post-modern and post-colonial theorists (see for instance Bhabha 1994) is the creation of, or search for, new spaces ‘beyond’ the hierarchical and oppressive binarisms of modernism and colonialism. In such spaces, binarisms such as Māori/Pākehā are sought to be dispensed with as they lead to political movements that are hostile, competitive and exclusive binary battlegrounds (Soja 1996: 12-13), and so have limited potential in suggesting productive ‘ways forward’ for Māori-Pākehā relationships. Further to this, binarisms are also presented as oversimplified and essentialised bifurcated categories which are insufficient in representing the diverse realities of multiple subject-positions that arise from the cross-cutting influences of differences in gender, class, generation, geographical locale, political, and sexual orientation (Meredith 1998: 308). From these post-Hegelian positions, spaces ‘beyond’ offer emancipation as being realised through the creation of interconnected and non-exclusionary communities of resistance (Soja 1996: 96); spaces of inclusion where a dynamic of collaboration and exchange allows subjects to negotiate and mediate their affinities and differences (Meredith 1998: 309). These ‘thirdspaces’ (Soja 1996) or ‘hybrid spaces’ (Bhabha 1994), located in the beyond (beyond colonisation, beyond

patriarchy, beyond modernism ...) thus promise to open up neutral spaces for previously marginalised voices to be heard, and conversations to be held.

It must be asked, however, if such spaces 'beyond' are possible, spaces that are (totally) undetermined by the power relations of colonialism (modernism, capitalism, patriarchy), purely neutral space. It is certainly a desire of this thesis to articulate a space for Māori socio-political imaginings that is 'beyond capture' and 'out of reach'. Why then does the desire to reach a new space 'beyond' seem so problematic? It would appear that in the quest to move past the hierarchical and stultifying master-slave dialectic of Hegelian philosophy into a new social order, such theoretical endeavours posit not its *undoing*, but instead imagine its final conclusion: a neutral space where all difference, knowledge, identities will be ultimately mastered and synthesised as one unified (bicultural) whole (Game 1991: 66-73). The unconscious fantasy of an annihilating assimilation – that powerful emotive engine which psychically operates by and through driving and directing colonising discourse – erupts into visibility once more, so that 'escape' merely becomes 're-capture' as this obdurate fantasy remains 'uncannily' unaltered.

Thus many Māori, Indigenous, and Women of Colour theorists (hooks 1990; Spivak, in Soja 1996: 151; Mead, L.T. 1997; Pihama 1997, 2001) argue that post-Hegelian claims to expose Eurocentric hegemony and the persistent silencing of peripheral voices and *alternative* points of view in order to give space for the 'subaltern' to speak and emerge as their own subject, simply end up *re-calibrating the matrix of domination*. The space of negotiation and dialogue, far from being 'rationally neutral' as the Hegelian fantasy purports, is (again) authored and shaped, and so *limited* by, existing colonial power relations. As hooks (1990) and Pihama (1997, 2001) explain, these spaces are mostly filled by white men in the academy so that its critical voice is still directed "primarily to a specialized audience that shares a common language rooted in the very master narratives it claims to challenge" (hooks 1990: 25). So-called emerging 'subaltern' subjects thus continue to be represented (by another) as the objectified 'other'. Moreover, the voices that are listened to and 'included' in such a space are those that speak from a space of deprivation not resistance (ibid.: 152). This is the fantasy of final reconciliation at work: difference can only be imagined as that which is to be made as always-already the same; that difference of 'the other' is a lack, a 'not quite', something

to be fixed, altered, improved and made whole. What is (again) kept at a distance then, are those voices and imaginings that challenge the current (colonial, liberal, masculinist) spatialised social order.

Thus the question asked by Bhabha (1994: 20-21) “whether the ‘new’ languages of theoretical critique ... [are] ... merely another power ploy of the culturally privileged Western elite to produce a discourse of the Other that reinforces its own power-knowledge equation?” is answered by many in the affirmative (Massey, McDowell, Bondi, and Price-Chalita, in Soja 1996: 120-122; Pihama 1997: 11; Pihama 2001: 70). These ‘delegated’ spaces, much like delegated sovereignty, may then be seen as an expression of, rather than a relinquishing of, (ongoing) colonialist-modernist-liberalist power. The challenge then remains to extend the voices heard in these power-filled culturally-intersecting spaces, and to continue to shift such spaces from their current Western cultural frames of reference.

Spaces ‘beyond’ are thus variously critiqued for being the latest vehicle for the advancement of colonialist-liberalist-modernist projects and subjectivities. The claim that they operationalise colonial-inspired ‘business as usual’, is poignantly illustrated in the introduction to Bhabha’s *the location of culture* (1994: 1-18). Here, Bhabha works up his notion of the ‘beyond’ as a place both here and there, on all sides, hither and thither, back and forth, a place to touch the future on its hither side; a space that marks progress, a space that allows for a return to the present that is now comprehended in a displaced manner, a space otherwise but not outside modernity; a bridge to ‘join’ a profound desire for social solidarity; a space to elude the politics of polarity and emerge as others of ourselves; an expanded and ex-centric site of experience and empowerment. Edward Soja (1996: 32-35) too contributes to this notion by offering the ‘beyond’ as a place to “better see the entire terrain, to be receptive to new ideas from every potential source, to miss nothing” (ibid.: 32); a meta-modernity that moves beyond, transporting and transcending modernity to a different place, nature and meaning; a space of collective resistance, a meeting place for all marginalised subjects wherever they may be located.

What is most striking perhaps, upon first reading, is the imagined totalising capture of all space and the acquisitive zeal with which it is considered – that it will be a vast

source of unimaginable resources to exploit. Extraordinarily, the logic seems to be to deliver 'us' from colonial power by reinvigorating its very terms. As Jones (1998: 8) has noted, the foregrounding of cultural diversity and the working 'across' difference has often meant not a sharing, but a harmful opening of access for plunder. What it offers then is merely the fantasy of re-capturing and re-imagining the 'progressive' Modernist dream, of *turning the nowhere into a good place*, of suggesting that 'we' can somehow and desirably transcend cultural difference and come to live in a place of liberty, neutrality and harmony. Again, left out of such descriptions is the massive suppression and denial of cultural difference upon which such a fantasy is dependent. Liberalism, as the political discourse that underpins colonialism, instead of being displaced or somehow altered, remains intact, and its social-discursive stretch is expanded. What is also evident, asserts Spivak (1988: 113), is the continuing centralism of the all-knowing sovereign mind of the Cartesian subject – a subject who desires a certainty of self, others and the world at large (Game 1991: 66-67).

If Māori were indeed to embrace the notion of a 'beyond' – and move 'past' the current Māori/Pākehā binarism – the invitation (expectation, demand) then seems to be to relinquish an identity informed from a Māori worldview and thus be *reduced* to occupying a 'shared' and 'inclusive' 'bicultural' space with post-colonial Pākehā (Pihama 1997: 10). It would also permit, and indeed invigorate for its confirmation, an 'uncanny' repetition of the penetration of Māori taonga to be freely accessible for all. Such a space for articulating imaginings of socio-political life for Māori is clearly not neutral, but remains contained and subsumed within a spatialised logic currently controlled and informed by Western liberalism. Despite the desires of (some) Pākehā to be located in political *interspaces* with Māori as citizens of an inclusive and collaborative post-colonial Aotearoa/New Zealand, these spaces of 'affinity' and 'negotiation' remain problematic and limited in their ability to hear, express and deliver social transformation for Māori *on Māori terms*. Again, while not denying that Māori inhabit, interact and develop intimacies in social interspaces with 'others', what remains clear is that Māori still want spaces in which to (be able to) imagine and live-out an identity that is informed by and affirms the mana of tūpuna Māori (Mead, L.T. 1997; Smith, G.H. 1997a; Johnston 1998; Sharples 1999; Pihama 2001) – an identity that exceeds expression in Western philosophical discourse.

Māori and Pākehā do, however, come together to attempt to address issues of (mutual) social concern. What I want to signal is that this occurs in highly problematic social-discursive spaces, and that it remains necessary to keep a productive notion of Māori-Pākehā binarisms – to mark out, protect and value a space (of representation, of resistance, of articulation, of manaaki) for Māori subjects, imaginings, concerns, language, knowledge, tikanga, and worldview. The quest for, and hope of, securing an inclusive emancipatory neutral space ‘beyond’ such social-discursive spaces is, it seems, an impossibility. Such moments are perhaps only spontaneous and temporary, and unrepresentable: that in seeking to specify definitions, that which is attempted to be represented becomes a future source of oppression, caught in (always) close-at-hand spatialised (colonial) relations of power and fantasy. It would seem, then, as the discussions of chapter four sought to express, more fruitful to retain the Māori/Pākehā dialectic as a geometry of socio-political representation but that it be imagined and used differently so that it can become other than an interminable site of domination/subordination, that it may offer not closure but an ‘opening’ through which to consider non-assimilatory cross-cultural relationships and the possibilities for Tiriti/Treaty-based partnerships between Māori and Pākehā.

At present then, the supposed ‘emancipatory’ post-colonial spaces of neo-liberalism, in their current articulation, do not significantly advance Māori imaginings of tino rangatiratanga and mana motuhake. Indeed they may never be able to as a banal post-Hegelian ‘beyond’ is always-already colonised by prevailing liberal interests that presuppose the fantasmatic existence of a neutral space. Such ‘inclusive’ bicultural spaces may thus be seen as a particularly powerful discursive site of co-option – the hegemonised middle-ground. To shore up resistance entirely within the terms of this social-discursive space would seem to potentiate not transformation, but a socio-political future that remains, for Māori, the colonised present. Thus the necessity of keeping kaupapa Māori spaces apart and separate from pervasively assimilative bicultural spaces remains crucial, as it from kaupapa Māori spaces that the ongoing ability to give voice and action to Māori imaginings stems.

## Creating Kaupapa Māori Spaces

Before moving on to outline some of the developments currently being undertaken in New Zealand universities to create kaupapa Māori spaces, it would seem important to reiterate that the desire of Māori to articulate such spaces of separation, of mana Māori motuhake, do not sit easily with liberalism's ideals of equality and a harmonious unified and sovereign nation state, or of institutional autonomy. As Jones (1998) has noted in her own teaching experiences of separating students by ethnicity, such ideals are troubled and shaken when the 'Other' desires forms of separation that thwarts open access to the dialogical based understanding that is presumed to lead to the reconciliation (erasure) of difference into harmony. The point to be made here is that moves to create kaupapa Māori spaces not only challenge the authoritative truth of liberal ideals, but in frustrating the fantasy of sameness and the corresponding belief in the openness of all spaces, all knowledge, also often engender a strong negative emotional response. Accordingly, kaupapa Māori spaces are sometimes criticised as halting progress – a backwards step, and that if required, are merely momentarily required places where Māori can 'catch up' and then safely rejoin 'the real world', providing comfort to the notion of 'us'. That some Māori question the purpose of such places and argue that the future for Māori is as bicultural citizens – perhaps due to a (unconscious) need to distance themselves from the 'primitive' accusations made by colonial discourse of Māori knowledge and worldviews (Mikaere, 1995: 90) – is used to bolster and confirm such criticisms. Advancing kaupapa Māori spaces are thus indeed interminable sites of struggle.

As explained in the introductory chapter of this thesis, many New Zealand universities are developing such spaces. Accordingly, an outline is given of these activities from The University of Auckland, The University of Waikato, Victoria University of Wellington, Massey University, and from Massey University's Oteha Rohe Albany Campus. Again, as explained in the thesis introduction, the focus on these institutions came mainly from each having in place a specific senior management role for developing Treaty policy with whom I could meet and converse with. The information presented below offers a sense of the priorities and developments at each institution as perceived by the people interviewed, and particularly those that relate to the dilemmas

with which this thesis attempts to wrestle. In so doing, my reporting attempts to remain faithful to the terms in which the information was given.

The development of kaupapa Māori spaces with these universities are often as much a result of prolonged activism from Māori staff, students, and whānau, hapū, iwi than a new recognition on the part of government officials and university administrators that institutions need to provide an environment where Māori educational aspirations can be pursued. The reasons for this need are variously articulated – that Māori achieve better rates of academic success when learning occurs in an appropriate cultural context; that educational institutions are required through legislation to give recognition to the principles of the Treaty of Waitangi; that there need to be provisions made in order to attract enrolments from Māori who are looking for a culturally relevant learning experience, including those who have come through Te Kōhanga Reo and Kura Kaupapa Māori schooling systems. Exceeding these terms are the desires of whānau, hapū, and iwi who seek to have their tamariki, mokopuna, rangatahi, mātua, pakeke, and kaumātua<sup>8</sup> learning in environments where a Māori worldview can be nurtured and respected, and particularly where a Māori psyche may be ‘kept safe’ from such exalted Western ideals as autonomous individualism; where they can gain further learning to contribute to Māori aspirations; and where the teaching and research endeavours of universities might come to meaningfully operate in support of Māori whānau, hapū, iwi, community initiatives and developments.

Crucially, moreover, kaupapa Māori spaces are coming to be seen as authoritative Māori entities that are positioned as a vehicle for expressing Tiriti/Treaty-based partnerships between Māori and institutions in relation to decision-making and strategic directions. What is being gestured to here is that there are a raft of contradictory and conflicting desires and expectations that come to bear in such institutionally located spaces due to their inhabitation of both the hegemonised middle-ground of a ‘Māori-friendly’ biculturalism and kaupapa Māori spaces which potentially displace current authoritative bicultural articulations. It is this potential to ‘displace’ that will be briefly considered at the end of this chapter, and then re-examined in more depth in the following chapter.

**The University of Auckland**  
**from an interview with Professor Graham Hingangaroa Smith**  
**Pro Vice-Chancellor Māori**

The vision for change being propelled at this institution has been strongly informed by kaupapa Māori developments in the community, particularly those of Te Kōhanga Reo and Kura Kaupapa Māori, and through such work, has seen the development of a Māori senate or rūnanga which would operate as a Māori policy-making and monitoring committee, headed by a Pro Vice-Chancellor Māori – who is also necessarily part of the university’s senior management. The rūnanga membership includes the senior Māori staff from academic faculties, and representatives from significant groups including students, the library, general staff, Māori research centres and so on.

The rūnanga, as one of its first functions, was charged with developing a wānanga structure to facilitate Māori-driven and focused collaboration between the knowledge dissemination and production (teaching and research) of academic faculties, now named Te Wānanga o Waipapa. Headed by a (yet to be appointed) Tumuaki, the physical aspect of the ‘virtual’ wānanga itself has come to be based around a reconstructed Māori Studies Department, a building that now houses Māori Education and the Indigenous Research Institute for Māori and Indigenous Education (IRI). A further building for a new Centre for Indigenous and Māori Graduate Studies is currently under construction. All of these are located around Waipapa Marae as the hub of the wānanga – a house that belongs to the mana whenua, Ngāti Whātua. There are decisions to be made as to whether the newly established Māori Centre of Research Excellence<sup>9</sup> at The University of Auckland (that resulted from the TEAC recommendations to the Ministry of Education) also be incorporated. Such a structure also enables collaboration and dialogue between the tertiary education needs and future directions of Māori as perceived by the university (Ministry of Education/government) and those being articulated by Māori (staff, students, iwi, communities). Such collaborations are not just within the university, but also significantly with Te Whare Wānanga o Awanui-ā-rangi as part of an arrangement for the university to ‘give back’ to the Ngāti Awa iwi of

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<sup>8</sup> These are, respectively, children, grandchildren, youth, parents, adults, and elders.

<sup>9</sup> Subsequently named Nga Pae o te Māramatanga.

Whakatane for land confiscations that were used to fund The University of Auckland's early development.

Given, however, the centralised location of administrative (and budgetary) control and governance, policy decisions and funding allocations with regard to developing Te Wānanga o Waipapa require approval through these bodies, so that the university 'owns the plan'. The development process is thus seen as both robust and transparent. Alongside this, which might be termed a 'gate-keeping' infrastructure, rūnanga members seek ways in which to re-configure and extend current (Eurocentric) institutional understandings of the ways in which Māori might be engaged in decision-making processes. What this means is that the transparency requirements of administrative processes can also be used by Māori as vehicles for educating the university administration about the need for change as that administration now operates through an involvement with Māori.

One mechanism through which the increasing requirement upon tertiary education institutions to fulfil obligations to Māori under the Treaty of Waitangi is being pursued is through the idea of Treaty-based audits, where all academic departments are to be accountable to quantifiable performance indicators that measure the inclusion of the Treaty in institutional life. Thus, part of the role of Pro Vice-Chancellor Māori and the rūnanga is 'risk management' of the Treaty portfolio – to both hold the university accountable to its Treaty obligations and to also be in a position to account for the outcomes from the wānanga. As part of this risk management aspect, the rūnanga is to also develop fluid and respectful relationships with the contested iwi interests around the university. In line with this, there is a memorandum of understanding with Orakei Marae as mana whenua, as the pakeke to Waipapa Marae.

The virtual wānanga, Te Wānanga o Waipapa, then, has been based on a desire to transform the whole of the institution to be responsive to Māori educational aspirations, given that Māori staff and students are located throughout the range of academic disciplines. The hope is then to grow a major Māori staff component in every faculty, who also contribute outside of their faculty to the wānanga, so that "all staff belong to the wānanga, and they interface with their faculty". Similarly, all students are part of the virtual wānanga and also interface with the faculties in which they study. A central

purpose of this collaborative model then is about the mentoring and support of Māori students, to grow a critical mass of Māori graduates, and importantly, to create options and interchanges wider than their faculty silos.

The emphasis has been on ‘bedding down’ this infrastructure, to the point where it is now an accepted part of the university’s operation, so that the wānanga makes comments on review committees, for instance. In fact, the wānanga has – through the Office of Pro Vice-Chancellor Māori – made appointments to various committees throughout the university. There is now a widespread representation of Māori viewpoints through the university structure, and the wānanga has vetting authority at various points where it can veto decision-making that is inadequate in terms of the various goals sought for Māori. At the governance level, again through the Office of the Pro Vice-Chancellor Māori, Te Wānanga o Waipapa has a good relationship with the University Council, although there is no dedicated seat for a wānanga appointee. There is, though, a ‘tangata whenua’ representative (although not in the mana whenua sense) position that provides a Māori voice. Thus the wānanga-within-the-university model, while providing a Māori focused ‘centre’, is also connected at all levels, and to all aspects, of the institution and in so doing, offers a sense of autonomy and authority over institutional policy and decision-making for Māori.

The wānanga sits in what is basically a Pākehā setting that can exercise power over dimensions which Māori do not influence or control. It is not a site where Māori have tino rangatiratanga. There might be a wish to struggle towards that, but the struggle is more about how the virtual wānanga is creating opportunities for Māori to access the knowledge to do things beyond the institution, to provide pathways and conduits, so that the students can be successful and then move on.

**The University of Waikato**  
**from an interview with Professor Tamati Reedy**  
**Pro Vice-Chancellor Māori**

At the governance level of The University of Waikato, there are a number of positions through which Māori have input. Firstly, there is a specific position with Te Arikinui

that she holds as of right, along with others nominated by the Ministers of Education, a Māori student representative and also a position for the chair of Te Roopū Manukura. Te Roopū Manukura is made of up of senior representatives from the sixteen iwi in this region – spanning from East Coast Ngāti Porou across to West Coast Taranaki, up to the Bombay Hills Waikato and down to Taupo Ngāti Tūwharetoa, and includes the Pro Vice-Chancellor Māori as the guardian from the university side. This group then is located outside the university system, and hold their own hui three times a year, and operate their relationship with the University Council through their representative chairperson. While it has been called an Advisory Committee to the University Council in the past, there have been moves to lift its status and place it alongside the council so that it be recognised by the council as working with and advising the council on matters Māori. In terms of Treaty of Waitangi policy, it is the body that is perceived as overseeing developments of the Treaty within the university. Despite this, there are on-going difficulties when it comes to recognising such contributions in the form of iwi members receiving a per diem payment as council members do. What remains to be achieved then, is the bringing about of an understanding that these people are making a valuable input to the university, and if it were removed there would be a blank in the place of partnership. The deficiency in the model is that Te Roopū Manukura does not have legal recognition under the Education Act. Thus there are moves planned by Māori to present an argument for changing the Act so that such entities may be represented within university councils as legitimate members, rather than something like an invisible partner. Such a change would give the notion of partnership some reality.

Putting into place University Charter statements to observe the Treaty of Waitangi, one of the five strategic goals at the management level is the implementation of the Treaty. Dissatisfaction with the observing of the Crown principles of the Treaty of Waitangi has meant a shoring off of the ‘principles’ statement so that the actual wording of the Treaty articles is to the fore. Tensions in interpretation still abound, however, both within and between the two texts, and how they are worked through is part of the current process being undertaken at the university. The role of Pro Vice-Chancellor Māori is to champion this particular goal, and accordingly, a Treaty of Waitangi Advisory Committee to the senior management group has recently been established that has representatives from every part of the institution. Treaty education and Māori language

policies to span the university are two strands to implementing the Treaty, and the third is the development of a rūnanga-within-the-university concept – a virtual wānanga.

The current thinking of the Māori staff-student working party set up to develop the conceptual framework, is to call this a 'Māori Academy within the University of Waikato', comprising all Māori staff and students who want to make it their home. It is important that the Academy has a physical location so that it can be an academic and social gathering place, providing a Māori cultural environment where people feel happy to kōrero in te reo Māori. The academic schools will remain as they are at present and will be the places where the principal teaching occurs, but in terms of student mentoring and a cultural environment of educational and social exchange, this will be the role to be built for the Māori Academy or whare rūnanga. There are also ongoing discussions about teaching aspects of the Treaty out of such a location.

The rūnanga will interact then with the academic schools within the university, and with Te Roopū Manukura and so to those sixteen regional iwi. It will also have a community outreach – to the three iwi wānanga, to a 'tertiary alliance' of the region's polytechnics, to the university's Tauranga Campus, and to the Waikato-Tainui Endowed College at Hopuhopu. This collaborative 'assisting' aspect of the virtual rūnanga is to operate in such a way as to respect the integrity and autonomy of these institutions.

There is currently a Marae at the School of Education but it is located on the periphery of the campus and the purpose of the rūnanga is to centralise things Māori on the campus. The idea of the rūnanga is to embed it into the heart of the institution so that it can permeate for all Māori throughout the university. Hopefully it will be an environment others can interact with too – a mātou and tātou<sup>10</sup> concept. This development will be a challenge to the university, and a challenge to Māori in the institution to bring it about, as nerve spots are touched when ideas such as these are posited, where charges of 'separatism' and 'ghettoism' need to be re-defended. Engendering support for a virtual rūnanga will thus take an inordinate amount of time and energy, but such entities are envisaged not as a means to build separatism but to get respect moving for the ideals of a Treaty partnership.

**Victoria University of Wellington**  
**from an interview with Piri Sciascia**  
**Assistant Vice-Chancellor Māori**

The Assistant Vice-Chancellor Māori position was set up to put in place an infrastructure through which Victoria University of Wellington could give effect to their legal responsibility to acknowledge the principles of the Treaty of Waitangi in all aspects of their operation. In response to this, a Treaty of Waitangi Advisory Committee to the Vice-Chancellor was established to provide advice on how this should be done. The Vice-Chancellor can then take these messages to senior management to see whether they can come up with a programme around whatever the Treaty duty is supposed to be, as well as to the University Council to get authorisation from the governing body. Thus the actual formulation of the Treaty framework is done at senior management level, with the role of Treaty of Waitangi Advisory Committee then being to advise of any improvements that may be needed. Any advice on these recommendations required by the council is facilitated through the attendance of the Assistant Vice-Chancellor Māori at council meetings.

The idea to also establish a Treaty advisory committee for the University Council has been floated, where council members would have a small informal group of Māori they could talk comfortably with around the advice they are receiving. This group would include mana whenua representatives from Te Ati Awa and Ngāti Toa Rangatira, and would be operated around the building of personal relationships between Māori and the council that allow the advice of the Vice-Chancellor to be considered (while there are Māori members currently on the council, there are no dedicated Māori seats).

If there are to be Treaty Advisory groups that operate within a Treaty framework, these groups need to be clear what that framework will be. Firstly, there is a legal duty to consider the principles of the Treaty, and these must be expressed in those instruments that are required by government to run a university – a Charter, a Strategic Plan and Statements of Objectives. Rightly or wrongly, Victoria University has adopted the five principles developed by the government in 1989: kāwanatanga, rangatiratanga, partnership, redress, and equality. Within these there is much room for development

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<sup>10</sup> In this context these are, respectively, Māori staff and students (us), and all students (all people).

because sitting behind them is a value base of trust and good will. Some are arguing for more hard line compliance principles that are specific and demanding, for instance, that rangatiratanga can only mean a separate wānanga-within-the-university, so that it has its own authority. However, it is not possible to be separate as the universities are set up under a law of government, which does not give any legal recognition to a separate authority. Instead, the perception is that it is better to work within the current framework of shared values, agreed outcomes, and a culturally sensitive and strategic approach that has all heading for the same goals – one where the Māori issues are clearly identified and transparently included in the strategic plan.

With respect to the guardianship of academic qualifications, what has been created this year is Toihuarewa which is a Māori equivalent faculty – a pan-faculty that includes every Māori academic who wants to be involved, and has some invited non-Māori too, particularly if there is a specific issue at hand. Toihuarewa also is represented on all other faculties. All new academic papers and programmes have to be approved through this faculty before they can be approved by Academic Board, so it is a forum that provides very good advice to the development of programmes. Like all other faculties Toihuarewa have two representatives sitting on Academic Board, along with Māori in other roles – Assistant Vice-Chancellor Māori, Māori student representative and so on, so it is about having a presence, having the Māori voice heard. Relationships are not built on compliance, but involve hearing about how non-Māori think through and about the Māori aspect.

The job then, as Toihuarewa, is to talk about kaupapa Māori, mātauranga Māori, and things of significance to Māori in relation to developing academic proposals. Those staff who put forward such proposals are invited to come and discuss the Māori component in order to gain in them some kind of co-operation and consciousness about delivering academic programmes that are of interest to Māori. There has been some degree of negativity and defensiveness on the part of some university members, resulting in the fear that Toihuarewa would be obstructive to the academic process. Toihuarewa asserts in reassurance, however, that it is a group which is there to assist. So it is important that the power to hold up or refuse academic proposals be exercised in a very positive way. Limitations come mainly in the form of resources – having enough time, energy, people, and funds – to allow developments to be explored.

**Massey University**  
**from an interview with Professor Mason Durie**  
**Assistant Vice-Chancellor Māori**

Regarding the inclusive approach, one of the challenges facing universities is whether they can come to recognise two worldviews when for the most part they are driven by science and scientific method. Looking at Indigenous or Māori worldviews, the body of knowledge is fundamentally different from the body of knowledge of the worldview of science. So what is important to science, or the way science validates itself is not the way an Indigenous body of knowledge validates itself. Therefore, the question arises as to whether students can be exposed to two different bodies of knowledge without having to use the tools of one to understand the other. Indigenous knowledge is not amenable to scientific tools of analysis, nor can Indigenous knowledge be used to understand Western science. There are two distinct bodies of knowledge and a question of compatibility exists. New Zealand has probably made some inroads into at least examining this question, and, if not solving it, at least being aware of it.

The question of ‘how can Māori be included in the university?’ is mostly asked in relation to Māori students’ (and staff) participation. That is quite a justified objective too, but it is a different objective from the inclusion of Māori worldviews. So it is important to separate the inclusion of Māori people in the university from the inclusion of Māori worldviews. Universities, by and large, have made substantially more progress in including Māori people than in elaborating how they are going to include Māori worldviews. There is also an argument as to whether the university should rightfully be a custodian of Māori worldviews.

Looking to the first, over the last two decades at Massey University, for example, there have been gains. Māori Studies is no longer the only Māori focus of the university. Māori are now included across the university. Also, there are Māori staff in most faculties, not in great numbers, but they are present and have some presence. At the governance level there are Māori people on the University Council but it is not clear whether they represent Māori. That is because current processes of appointment do not deliver a clear Māori mandate. It is unclear whether the Māori council members are there to represent Māori, to bring a Māori perspective, or to simply fulfil a Treaty

obligation. There is a need for a clearer rationale with, for example, mana whenua nominations, where representatives are recommended by Māori and carry a mandate to represent Māori interests. At the moment, the university tends to rely on chance, that someone gets on council who happens to be a Māori. While it is true that they may bring a Māori perspective, this is not always necessarily so. Their role is not clear because the arrangements for Māori participation in governance lack clarity and lack direction around what is expected. Thus at the governance end, the position of Māori remains somewhat blurred.

It is reasonable to expect that, in New Zealand, a governing body in the public sector would have some sense of strategic balance between their clients and their governance-based methodologies. The application of tikanga Māori in many boards, not just university councils, can come to mean little more than a karakia<sup>11</sup> at the beginning of meetings. There are very few councils where there are attempts made to drive a process that recognises tikanga Māori in the governance process. One issue to be raised regarding Māori and governance, is whether Māori are included in decision-making. Another is, does this decision-making process accommodate or recognise tikanga Māori? For the Massey University Council, it operates through its own conventions. It is not a lack of goodwill, it is more a question of methodology. One would like to think that in universities, at the governance level at least, they would be open to the worldview of Māori, that there might be some kind of combination of worldviews, and not simply in a ceremonial sense.

It is becoming clear that there may be a need for institutions to develop Māori governance bodies that would be akin to councils, and not merely an advisory body. If you are going to have such bodies, and have Māori support them, they would need to have a strategic focus. You then have the question of the relationship between the two bodies. The push for developing such bodies should come from either the governing body of the institution itself or the Tertiary Education Commission, rather than Māori Assistant Vice-Chancellors who are part of the management team. There are questions, when it comes to universities, whether the facilitatory/enablement do-it-in-your-own-time, do-what-is-best-for-your-own-situation is reliable, but there is some sense that the

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<sup>11</sup> Incantations of a spiritual nature.

Tertiary Education Commission will push the development of Māori governance through.

There are also some questions over whether a Māori strategic governance body should be a legal entity. There are other working models around that are not, such as Mana Whenua Hauora (a governance body that partners the Midcentral District Health Board). The advantage of not being a legal entity is that you can set your own kawa<sup>12</sup>. With Mana Whenua Hauora for instance, establishing a governance relationship with the District Health Board is about identifying areas where each is better able to govern. So there are some good examples coming through.

Arguments were advanced against the development of an Assistant Vice-Chancellor Māori because it was thought more important that systems be in place before such an appointment was made, that the university could go to that position after it had shown it had developed in some way – otherwise it is just window-dressing. Massey University, however, in the end, followed the other universities. But having come into it, that position can now be used to bring together the Māori activity and Māori streams of Massey University which are quite sizeable but fragmented. That is what is now a major part of the role – giving greater collective purpose to these endeavours. For example, a communications strategy is being developed, including an interface with marketing, public affairs, publications, so that there can be a more consistent Māori message.

The virtual wānanga is a good idea for local campuses, to give students a sense of being part of things, to know what is going on. That is very important. The Massey situation, however, is more complex with the three campuses, distance learning and research units such as Whariki in Auckland city. Also, a wānanga is different from a university, and there has been some concern about the use of this term within universities. What has been launched at Massey is “Te Mata o Te Tau: The Academy for Māori Research and Scholarship”. It will likely develop a research focus that floats across colleges, with the purpose of investigating the several aspects of whānau. The Academy is an interdisciplinary collaborative research collective with Māori PhDs and Professors as the fellows who are researchers at the ‘interface’ of Māori and Western worldviews,

who draw on mātauranga Māori and draw on science. There is a level of excitement about that. It is another attempt to bring scholarship to Māori and to bring space for Māori to excel in academic work.

**Massey University Oteha Rohe Albany Campus**  
**from an interview with Rarawa Kohere**  
**Te Kaiwawao**

The essence of this campus may be best described as endeavouring to construct a whare wānanga on the Oteha Rohe Albany Campus, a material whare kōrero which is Māori. This concept started to flourish in 2000, from the watershed development of this Campus when what could be called the puna or well-spring of Māori aspiration at this campus, the School of Māori Studies, was disestablished. While this had negative effects on both Māori staff and students, in retrospect it opened up the avenue for such groups to pursue an alternative infrastructure or 'space' for Māori, albeit virtual, that could connect up both Māori staff and students from across the campus, connect the campus with mana whenua and with the network of Māori communities associated with the campus – and through which Māori might come to realise a greater degree of freedom. This pan-Māori entity would therefore be both positioned within and independent of the university. Such a vision of the future would probably mean the need to understand that the security of a sustainable future is based on the well-being of Māori students and staff which is in turn developed on a realisation of freedom – the equality of recognition by both Treaty parties. This then provides a framework that ensures that there is an overarching Māori perspective of the interconnecting worlds which come together under the Treaty of Waitangi. If one follows this logic of a coming together, a partnership is implied and arising from this concept of partnership, one would assume an equality of recognition, of which freedom is an outcome. Continuing that logic a little further, the nature of partnership involves processes of consultation which then enable both interested parties, and the sectorial interests of both parties, to be participants in a consulting climate.

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<sup>12</sup> Protocols.

The challenge now is to enable these steps to become real. Accordingly, that task is now being addressed through the appointment of a range of people – one is the position of Te Kaiwawao – or an advocate for the Māori community that influences the decisions that the Campus Principal makes on matters Māori. It is important for such a role to identify each of the key sectors that make up the Campus, and with the help of Māori staff and students, provide strategies as to how those sectors and their interests can be addressed. That the current infrastructure is dependent on a relationship between the roles of Te Kaiwawao and the Principal raises questions about whether there should be some assurance aspect which accompanies the evolution of governing, management, and operational decisions which reflect an institution's commitment to the Treaty of Waitangi.

Further conceptualisation of a virtual wānanga has also come out of Oteha Rohe Albany Campus Māori (staff and student) whānau participation in an academic policy-making review. Since such policies and procedures invariably lead back to issues of governance and management, the whole process of institutional decision-making was able to be critiqued. While a virtual wānanga imagines a Māori membership without limitation and therefore independent of the university structure, there is a need for a caucusing body that connects the virtual wānanga with the university community to identify decision-making and policy directions for Māori. Such a body would be representative of the different groupings of Māori staff and students at Massey University's three Campus locations, and of the mana whenua of the three regions. This caucus, having fully qualified its procedures for establishing a representative mandate of Māori, would be able to establish matters on the university council table for debate and provide representatives to the various sectors that make up the university – Council, Senior Management, Academic Board, and so on – and therefore to influence decision-making at many levels. These proposals are currently being considered by university administrators but it is quite a struggle for them to accept the limits that it poses on their institutional authority, and further, that legislation constrains their ability to do so as it requires them to hold ultimate control.

At the local Oteha Rohe Albany Campus level, however, the model of a wānanga entity is taking shape and gaining some momentum. Māori staff and students are currently in the process of finalising support from the mana whenua iwi of Ngāti Paoa, Te Kawerau-

ā-Maki and Ngāti Whātua ki Kaipara with wider extensions to Taitokerau, and developing links to various institutions and various networking channels to the wider Māori community for the establishment of a charitable trust. Charitable trusts have a great deal of freedom. They are able to receive moneys independently, so that theoretically it could construct companies for itself in order to conduct a wide range of activities independent of the university itself. Such a trust, which would have an essentially external existence, would nevertheless have appropriate representation from key sectors within the campus: a university representative through the Te Kaiwawao position, a Māori staff representative and a Māori student representative, and also a pan-tribal Māori nominee – perhaps from the Māori Women’s Welfare League given their historical commitment to education. This grouping would participate in forums at the local tribal level, thereby establishing a clear portal with the external community which would address a long held deficiency by way of Māori access to university knowledge and research resource.

Operating at the same time as these developments, and brought to the fore by the TEAC recommendations, is the requirement of government that universities seek to give recognition to the Treaty of Waitangi. With that in mind, a further step has now been initiated at this campus and that is to endeavour to make real the effective implementation of the Treaty through all levels of its operation. With that in mind, the Principal has accepted the notion of a Treaty ‘tool kit’ – which is a strategy to eventually enable each of the different sectors to share relevant objectives, identify key benefits, define best practice modes for their different sectors, have schedules or performance assurances which can inform each of the various sectors, the degree to which they’re completing their estimates, and directions for prospective positions that they might aspire to. This is to be self-monitoring as distinct from requiring an external policeman to come and check on the appropriate sector – the approach being that better results are more likely to be obtained if in fact you have reached agreement about the different standards, criteria and assurances that have been identified to be implemented by those sectors.

With a view to reaching that degree of agreement the Principal is leading an initiative with key decision-makers to invite a debate which is centred on *process* (not positions) that will enable a clarification of each of the Treaty parties, and what is required or

meant by the Treaty that sees the power of the Treaty to mediate, moderate, and socialise this community, and therefore be reflected in appropriate bi-cultural institutions with clear objectives, benefits, and best practice assurance factors. One can't go on a journey of implementing the Treaty's implications, unless equipped with some tools of analysis which would essentially lie around these questions: who needs to be acknowledged in terms of the Treaty? How will opportunities be created for those parties? What enhances the uniqueness of the heritage of the Māori community? What protocols are needed to acknowledge the needs and aspirations of participants? How will the tools put in place be affirmed? How is a performance focus around the Treaty developed? This is all premised on the need for Māori and the university to get together, to be in partnership to continually work this through.

A Treaty relationship is thus not linear. It does not move Māori from one point to another, from a Māori worldview to another place where it is no longer present – but allows that a number of places may be occupied at once, and that a number of different spaces can operate at once. The spread of Māori pronouns – mātou, koutou, rātou, tātou<sup>13</sup> – clearly signals this. Tūpuna Māori made decisions about the Treaty because they were endeavouring to enlarge the capacity for potential from what they had experienced before. It did not mean they were sacrificing a Māori worldview. Some don't realise that the Treaty is a treasure; some think it is a hindrance. But it allows for the Crown, different ways of realising their sovereignty, and the counter is that it also allows different ways for Māori to continue to realise their mana. A manifestation then of a virtual whare wānanga has the capacity for a type of togetherness which still presumes the integrity of each partner. The endeavour is to create an institutional attitude of manaakitanga, which is always group oriented, to displace the behavioural systems of a scarce capitalistic mentality, where each sector contributes to a 'banking of goodwill' so that the whole pūtea<sup>14</sup> grows and grows so that a new attitude of abundance may come to prevail.

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<sup>13</sup> In this context these are, respectively, Māori (us), Pākehā (you), those cultures to come (them), everybody (all people).

<sup>14</sup> Basket, income.

## Considering the Possibilities

While it will be one of the purposes of the following chapter to more fully consider the possibilities these variously articulated spatial developments offer for displacing notions of an overarching institutional sovereignty that operates by and through containing Māori forms of authority within its auspices, there are some points that can usefully be gestured to at this point. The first of these is to reiterate that each of the developments occur in contexts that are inherently contradictory. The tensions of attempting to place Māori forms of authority alongside a totalising neo-liberal informed biculturalism threaten to overwhelm the intention for Māori worldviews to contribute to the shaping of institutional directions. This is because the terms offered by which to do so are always-already set by and through the neo-liberal administrative rationalities that currently pervade institutional practices. Through the prevalence of such a logic, the desire to make space for the operationalising of Māori forms of thought and for actualising non-assimilatory forms of partnership become marginalised, and indeed negated, by the requirement for these spaces to be framed up and held ‘accountable’ in self-same terms – terms that become ‘real’ through being constantly invoked.

A possible way through this impasse might be to re-examine the practice of conceptualising such spaces as wānanga or academies *within* the university, as this approach seems to confirm rather than transform notions of colonised containment. The idea here is that the re-articulation of the terms of kaupapa Māori spaces keeps their displacement work alive, thwarting the possibility of subsumptive recapture.

A final comment to make at this point concerns the issue of dialogue as a vehicle to make manifest Treaty-based partnerships. As I have raised throughout this thesis, cross-cultural dialogue is an inherently problematic notion as it assumes the fantasmatic existence of a neutral and uncoerced intercultural space where such dialogue can take place. Problematising this notion further, are liberal fantasies for consensus to be the goal of all such dialogue, for difference to be translated into shared understandings. In foreclosing on difference, (neo) liberal spaces of dialogue offer not openness to Otherness but construct discursive boundaries around the issues under discussion, and indeed the issues *for* discussion, which always-already pre-determines the outcomes in

particular directions. As each of the interviews variously makes manifest, such forms of dialogue characterise the way institutions advance their relationships with the Māori collectives associated with them. It seems important then, to reiterate the need for forms of bi-cultural arrangements that acknowledge the limitations of dialogical exchange, the impossibility of securing final shared understandings, so that cross-cultural dialogue may indeed remain open to “continually work this through” (Kohere 2002).

## POSSIBILITIES FOR KAUPAPA MĀORI SPACES

### Introduction

The University of Auckland's website<sup>1</sup> provides an overview of Te Wānanga o Waipapa – the virtual Māori “university within the university” – that is developing within its midst. This collective entity is headed by an administrative rūnanga that is responsible for a variety of activities including curriculum development, links with wider Māori communities, and the consideration of Treaty of Waitangi policy development and implementation across the University. The positioning of the rūnanga is given as a “University committee reporting directly to Council ... and acts in an advisory capacity to the Vice-Chancellor”.

While Auckland University has at present taken the development of kaupapa Māori spaces and structures further than other New Zealand universities, what is illustrated by this brief overview is the considerable disjuncture that remains between the hopes of many Māori for spatial arrangements that can give expression to Māori forms of authority alongside institutional authority, and an entity whose authority remains ‘advisory to’ and thus subordinated within institutional sovereign boundaries.

This chapter then, seeks to review current university kaupapa Māori and virtual wānanga developments and the possibilities they offer for displacing current hegemonic institutional sovereignty and illusory notions of Treaty partnership that position Māori as merely a constituent part of the whole. As raised in the closing comments of the previous chapter, the interview material signalled that the development of arrangements that foreground and engage Māori forms of authority as an operative limit to the assumed sovereignty of institutional authority, are significantly undermined by neo-liberal administrative rationalities that currently permeate institutional practices. Thus the purpose here is to examine the discursive and fantasmatic operation of such

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<sup>1</sup> Refer to <http://www.auckland.ac.nz>.

practices that close down or re-colonise openings so that they might be critically challenged and re-thought. This critical analysis then makes it possible to identify those dimensions that may be amplified so that kaupapa Māori spaces may become the radically transformative sites for Māori forms of authority that have been dreamed of.

It would seem indicated at this point to say something of the methodology to be employed here in undertaking this critique – a move that necessitates a return to the concerns that have animated the discussions of this thesis: the continuation of ahi ka or authority for Māori as tangata whenua, and its maintenance through power-sharing Tiriti/Treaty partnerships. These concerns raise the prospect of re-fashioning and re-articulating Māori-Pākehā relationships in ways that are non-assimilatory so that the Crown's Tiriti/Treaty declaration to recognise tino rangatiratanga and honour the mana motuhake of iwi Māori might come to be expressed in and through forms that could indeed be called a bi-cultural partnership. The rejection and disruption of hegemonic colonising discourses that give recognition to Māori merely by and through a subsuming and annihilating inclusion-through-participation in the nation's mainstream socio-political infrastructure, has been a key terrain of kaupapa Māori critical theoretical and methodological activity. Such activity is centred upon aspirations to rejuvenate a Māori worldview so that the narratives of atua and tūpuna Māori come to again powerfully shape expressions of Māori identity and so of socio-cultural and socio-political life in Aotearoa. As outlined in the introductory chapter to this thesis, the kaupapa or purpose of posing the lines of questioning that propel this review, and indeed the wider thesis, is to contribute to this wider kaupapa Māori project. While the purpose and concerns are animated from such a location, some of the methods of critique, however, come from European philosophical traditions of thought, namely those post-Hegelian strands that also seek to disrupt and displace totalising colonial meta-narratives.

Criticisms may be made against a methodology that seeks to make space for Māori worldviews through using the insights of thinkers that originate from the same Europe that authored colonial invasions. Reiterating the responses to such potential criticisms made in the introductory chapter to this thesis, there are many stories – both ancient and contemporary – that speak of the willingness and the expertise with which Māori picked up the 'tools' of others in order to put them to use for the projects that were (are) the

concerns of the day. The confidence to evolve, to engage with new ideas to address enduring issues of concern is perhaps a hallmark of a secure people, and as Jenkins articulates throughout her doctoral thesis *Haere Tahi Tāua* (2000), it was and persists as an embodied attitude that pervades Māori relationships both within and without. It is part of the manaaki that confirms the mana of 'who we are'. It also points to the dynamic nature of Māori identity, wherein identity is not merely 'one thing' but is formed in and through commitments and aspirations which are both enduring and open. This, in turn, displaces hegemonic Western representations of a singular Māori worldview that is either universally overarching or fixed.

Furthermore, the responsibility for pursuing just forms of recognition of Te Tiriti o Waitangi/The Treaty of Waitangi does not lie with Māori alone. The forging of a future together also necessitates that Pākehā become open to the insights and authority that emanate from a Māori worldview. As I have endeavoured to foreground throughout this thesis, the difficulty here is that such an openness to otherness is a problematic notion within neo-liberal forms of governance that fails to take seriously the limitations of its own authority that it claims as its defining feature (Tie 2000: 86). It is to this failure that strands of post-Hegelian theoretical developments make their contribution by and through a myriad of challenges to modernist European-derived notions of sovereign authority that thwart the openness that is needed for a bi-cultural future to become possible. Considered in this way, such strands of thought can support the aspirations of kaupapa Māori developments to make and shape spaces, identities and relationships that assert te mana o ngā iwi Māori.

Gestured to in the above paragraph is the notion of limited or bounded authority, a recurring theme throughout the thesis. The argument to be more fully articulated in this chapter and the next is that the disruption or deferral of binarist closure that is needed in order to engage openness to otherness, may be possible through developing cross-cultural recognition of and commitment to a such a notion. The task then of reviewing current university kaupapa Māori and virtual wānanga developments is to be undertaken by considering the potential they have to displace or limit authoritative bicultural discourse which operates by and through a difference-erasing inclusion that is quite other than potential forms of bi-culturalism that might equally acknowledge the existence of two forms of authority. As outlined above, one of the purposes of this

chapter is to identify those dimensions that perform this displacing work. Closer, critical consideration of these dimensions, as ways towards bringing about forms of non-assimilatory Māori-Pākehā relationships and forms of Tiriti/Treaty partnership which engage the authority of both, will occur in the following final chapter.

While the thesis has sought to offer a resounding critique of the state-produced discourse of biculturalism, it would seem appropriate to begin this review by again briefly restating the arguments against such a colonising inclusive biculturalism as a productive way forward, and through this critique, to reiterate the support for the transformative potential of kaupapa Māori spaces.

### **In Support of Kaupapa Māori Spaces**

In the current tertiary education reform environment, tertiary education institutions in New Zealand are to be monitored by the newly established Tertiary Education Commission according to a host of administrative performance measures, including institutional commitment to fulfilling obligations to Māori under the Treaty of Waitangi. This ostensibly laudable goal has become an increasing feature of government directives, statutes and programmes and is included as a key government goal in guiding the public sector of which tertiary education is a part (Department of Prime Minister and Cabinet 2000). The word ‘ostensible’ is carefully chosen here, as upholding the (principles of the) Treaty is tightly coupled with the desire to strengthen national identity and so involves the “double moments of negation and unification” (Game 1991: 68) where the difference and authority of Māori is negated and assimilated into the notion of the unified bicultural nation.

The critique of inclusive bicultural approaches, offered throughout this thesis, follows post-Hegelian arguments that question the viability and justness of such approaches which are based on the assumption that cultural differences can be reconciled and translated into shared bicultural understandings through free and open cross-cultural dialogue; on the assumption of an achievable and unifying communicational consensus.

Similarly, the work of some Māori educational theorists and practitioners<sup>2</sup> to imagine and fashion kaupapa Māori spaces and virtual wānanga structures might be productively advanced as being based on a notion of communicational *dissensus*<sup>3</sup>. Such a notion is animated by the idea that dialogical translation between incommensurate Māori and Western cultural worldviews is an impossibility; that reconciliation of irreducible cultural differences through recourse to uncoerced neutral spaces of dialogue leading to a shared normative national culture is neither possible nor just. A position of ‘impossibility’ is not some futile ending, however, but rather allows for the capacity to think about cross-cultural relationships without recourse to the stultifying liberal requirements of national unity or institutional sovereignty. In the domain of tertiary education, acknowledgement of these dialogical limits, and thus the limits to authoritatively know and determine for Māori, offers the challenge to consider the productive possibilities that may emerge from kaupapa Māori spaces and virtual wānanga structures.

While many Māori have argued for, and established, kaupapa Māori educational initiatives (namely Te Kōhanga Reo, Kura Kaupapa Māori, and iwi-based Whare Wānanga) on the basis of cultural survival, protection and development, a further exciting dimension to these initiatives is their attempts to *limit* the authority of the (neo) liberal colonial state to legitimately claim to represent and determine both the future directions for Māori, and the nature of Māori-Pākehā relationships. An overarching aspiration is thus to alter or disrupt the current totalising liberal terrain upon which Treaty relationships are imagined. In line with this aspiration, and against criticisms of illiberal cultural separatism, exclusivity and diminished access for Māori to the institutional mainstream, a significant and particular purpose for centralising Māori knowledge and resources into kaupapa Māori spaces is the hope to facilitate the development of non-assimilatory Māori-Pākehā (university, state) relationships – a form of relationship where each limits the totalisation of the other. Māori-Pākehā relationships, the ability to manaaki others, thus remain firmly on the agenda of those supporting kaupapa Māori approaches to foreground space for mana Māori.

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<sup>2</sup> See for example G.H. Smith (1996), Mead L.T. (1997), Johnston (1998), Royal (1998), and Pihama (2001).

<sup>3</sup> The possibility of a ‘community of dissensus’ for universities is raised by Readings (1996: 180-192).

The challenge being advanced through such an approach pivots on the aspiration to effect a shift in the paradigm of partnership: from one based on the notion of assimilationist consensus and containment, to one based on the notion of non-assimilationist dissensus that allows for the presence of two. Partnership in such a paradigm becomes operationalised not *through* dialogue and the fantasmatic quest for a totalising knowledge of Māori, but rather on its impossibility.

The previous chapter finished by asserting the need for forms of bicultural arrangements that are able to acknowledge the limitations of intercultural dialogical exchange and the impossibility of securing final shared understandings, so that such dialogue does not regress into totalising prescriptions of ‘what is’ but instead can remain open to consider ‘what else’. As each of the interviews in chapter six make resoundingly clear, kaupapa Māori spaces and structures create the potential for such arrangements through challenging and disrupting the universities’ fantasmatic claim to institutional sovereignty, and in so doing, hold the promise of developing new and transformative modes of Tiriti/Treaty partnership that do not reduce one partner to the terms of the other. It is here that the notion of authority as always already limited by and through relationships comes powerfully to the fore.

## **Exploring the Notion of Limited Authority**

As I have outlined at some length in chapter five, a notion of bounded or relational authority is pre-figured in much of the knowledge traditions and tikanga practices of Māori. Dynamic whakapapa relationships between people, the physical environment and the spiritual realms, create a familial web which works to limit, at both conceptual and material levels, any specific forms of universal or ultimate human authority. Such relational frameworks organise socio-political life, and require constant negotiation and exchange to affirm the pivotal life principle of utu (reciprocity, balance) both between and within these interconnected realms. Moreover, the foregrounding of diversity in all aspects of existence – including environmental practices and legitimising identity narratives – as a methodology for preserving and sustaining life, limits the possibility of (locally bounded and enacted) rangatiratanga becoming calcified around a singular set

of universal precepts (Jackson 1995a: 260; Hoskins 2001: 1-19). The tikanga (practice) of exercising rangatiratanga is thus framed around notions of collective negotiation and contestation so that diversity (survival) may be privileged both across and within whānau, hapū, iwi. Rangatiratanga then, may be seen as an embodied practice of authority that is expressed and determined by and through relationships.

The mana that is expressed through rangatiratanga is also a form of authority and power that has relational parameters. As Māori Marsden (1992: 118-119) elaborates, as a form of authority channelled through a person from the spiritual realm, mana is delegated to humans to act on behalf of ngā atua. Accordingly, to exercise that “spiritual power outside the limits delegated is to abuse the gift, and results either in its withdrawal or in that power running rampant and causing harm to the agent and others”.

What I want to signal here is that such challenges to the notion of unlimited or sovereign authority, for state governments (or universities) to uniformly represent and determine the politico-legal horizons of its assumed-to-be unified (homogenous) citizens' lives, do not only come from Māori or non-Western philosophical sources. Indeed, modern Enlightenment Western philosophy is full of strands of thought that have consistently challenged the ideal that the efforts of human reason can transcend cultural, natural and spiritual realms to rationally and absolutely unveil the *a priori* truth or logic of reality – an ideal which paved the way for the formation of universally applied and indisputable natural moral, and increasingly legal, rights (Solomon and Higgins 1996). Primarily associated with the dislocation of traditional constructions and essences, modernity displaced the emergence of doubt and marginalised the continuous questioning entailed by its critical dimension through the emergence of absolute certainty. Thus while critical of traditional certainties, modernism has not abandoned the idea of harmony between thought and the world, but instead merely replaced the notion of pre-ordained harmony with the notion of harmony through the use of neutral and objective scientific discourse that will master the totality of the real, providing final absolute answers to whole of humanity (Beck, and Szerszynski, in Stavrakakis 1999: 87-88). Through this fantasy, asserts Lacan (in *ibid.*: 88-89), modern society returns to a state of myth – a mythology that is, however, resolutely denied.

Against the ideas of Descartes, Montaigne doubted there were universal invariant truths, and importantly, questioned that humans were rationally capable of gaining access to them. Pascal too, against the hegemonic Enlightenment rationalists and empiricists of the day, rejected scholastic confidence in intellectually reasoned truth. Towards the end of the nineteenth century, the very idea of universal truth was again rejected, this time by Nietzsche who suggested that the ideas we take to be true are merely beliefs that have proven useful. For him, truth is relative to our particular perspective which is historically and individually (or culturally) contingent (Solomon and Higgins 1996: 234-235). In the modern philosophical climate high on the promise of such epistemic gains, these alternative ideas were and have continued to be pushed aside, particularly when faith in scientific method and rationally gained universal truth comes cyclically to the fore (ibid.). Challenges to the fantasmatic ideals of sovereign nation states and universities, and the assumption of totalising universal truths and identities through which uncertainty is eliminated and authoritative knowledge of the world and its inhabitants is claimed, have continued in the twentieth century through the work of European philosophers such as Derrida and Lacan.

While this discussion makes clear that a notion of authority as delimited resonates more centrally in Māori understandings and practices of authority than in European cultures where it remains very marginal, the point to be made here is that the notion of displacing or limiting authority is not to be merely reduced to a debate of unlimited Western authority versus a notion of bounded or relational Māori authority. The idea that the 'problem space' of Crown (state, institutional) sovereignty will be 'solved' by *replacing* it with Māori forms of authority merely reproduces the binarist architecture of colonisation that seeks assimilation and annihilation of the other. In so doing, such reversals displace the very possibility of cross-cultural relationships and Tiriti/Treaty-based partnership that Māori seek to honour and have honoured. Totalising dualisms, reminds Pihama (2001: 177-178), are illogical in Māori relational worldviews. Indeed, throughout her doctoral thesis *Tīhei Mauri Ora: Honouring Our Voices: Mana Wahine as a Kaupapa Māori Theoretical Framework* (ibid.: 129-133, 177-188), Pihama variously exemplifies and foregrounds the centrality of relationships in Māori worldviews which do not seek to deny or obliterate the entities of any relationship. Instead, each limits the totalisation of the other.

Moreover, debates that surround Tiriti/Treaty relational frameworks bring to the fore a host of fertile post-Hegelian Western theoretical traditions that have argued for a notion of authority as delimited. Such a quest thus does not require Pākehā to privilege Māori philosophies over Western, but instead provides a “golden opportunity” to “re-open the question – to think again” (Derrida, in Cornell 1992: 71) about what reaching ‘the limit’ might come to mean for cross-cultural relationships. The idea then is that both Māori and Pākehā can come to approach a mutually held recognition of and commitment to a transformative notion of delimited authority by and through their own knowledge traditions – a mutuality that does not require either to be captured or determined by the other.

### **Kaupapa Māori Arrangements: Disrupting Sovereign Authority**

As indicated by the direction of the discussion thus far, developing cross-cultural commitment to the notion of limited authority is considered here to be a key concept in disrupting (neo) liberal binarist closure that works by and through attempts to subsume and contain Māori forms of authority within its own terms. The issue with such a notion, however, as previously mentioned in the introductory statements to this chapter, is that neo-liberal forms of governance already claim a philosophical commitment to limiting the authority of government so that Māori forms of authority are indeed able to be freely expressed. What is significant here is that forms of Māori authority are to be expressed *within* neo-liberalism’s own terms, effectively tying the ‘ends’ of an illusory openness into binarist closure by setting pre-determined limits to what forms of otherness are to be considered acceptable and unthreatening to its mythical certainties of sovereign authority and control.

The review of kaupapa Māori spaces and structures begins then by considering the challenge that they pose to the totalising operation of (neo) liberalism’s ‘sovereign circle’ where resistive moves are either *re-routed and translated* into self-same terms so that (neo) liberalism may remain ‘what it is’; or *denied* by and through the play of hegemonic (neo) liberal power to maintain itself as the sovereign authority. The

animating question here is: are they able to shape and inhabit a location that thwarts these binarist categories of either containment or exclusion?

In considering the challenge that they pose to 'sovereign closure', what is clear from each of the interviewees is that they each have a vision for Tiriti/Treaty partnership in university settings that are potentially transformative for Māori. They are potentially transformative in that they variously foreground the issue of institutional engagement with authoritative Māori locales (staff, students, iwi, communities) as an adjunct to making space for Māori in the academy. These visions and the discourses of self-determination through which they are articulated, *exceed* the binarist terms of domination/marginalisation that are on offer from sovereign readings of The Treaty of Waitangi. Moreover, and importantly, while there are significant differences between the visions of the interviewees, each seeks to advance self-determination for Māori through invoking a notion of limited institutional authority.

For instance, Smith (2002) talked about the 'bedding down' of an infrastructure at The University of Auckland whereby "the wānanga has vetting authority at various points where it can veto decision-making that is inadequate in terms of the various goals sought for Māori". Through this, attempts are made to "hold the university accountable to its Treaty obligations". The Māori focused 'centre' or virtual wānanga, in being connected "at all levels, and to all aspects, of the institution", offers a sense of autonomy and authority over institutional policy and decision-making for Māori". While Smith (2002) posits that the virtual wānanga structure is more about "creating opportunities for Māori to access" institutional knowledge resources that universities are obliged to make available under the Treaty than about an assertion of tino rangatiratanga, it is my reading that the limits posed by the virtual wānanga on institutional activity and thus the assumption of sovereign power is an *expression of tino rangatiratanga*.

From Reedy's (2002) overview of a developing rūnanga structure that is to be "embed[ed] into the heart of the institution" at The University of Waikato, there is a similar challenge being made to institutional assumptions of sovereignty by seeking to limit its jurisdiction. This supports, at the managerial and operational level, the current attempts to limit institutional governance power through Te Roopū Manukura. Indeed,

in order to bolster its ability to limit the sovereign decision-making authority of council, explains Reedy (2002), there have been moves to lift the status of Te Roopū Manukura to be more than 'advisory to' and so as also "working with" council. Continuing with this notion of limits, there has also been a challenge levelled at the authority of the text of The Treaty of Waitangi through "a shoring off of the 'principles' statement". The purpose here is to attempt to dislodge ongoing attempts to fix interpretative tensions between Te Tiriti o Waitangi and The Treaty of Waitangi into sovereign partnership arrangements. Rather than their reconciliation, posits Reedy (2002), engagement with these tensions is conceived of as the very basis of Tiriti/Treaty partnerships.

Conversely, Sciascia (2002) at the Victoria University of Wellington asserts that the Treaty principles allow "much room for development", and thus argues that current state-advanced bicultural frameworks which position Māori as 'advisory to' sovereign institutional governance and managerial structures are a wholly adequate basis for Treaty partnership in academic settings. In privileging the text of The Treaty of Waitangi, and thus backgrounding interpretative tensions between itself and Te Tiriti o Waitangi, Sciascia (2002) posits a singular system of Māori-institutional relationships that are inclusive and "culturally sensitive" to Māori. However, it is his assumption that 'advice giving' by Māori, in being duly recognised and engaged with, does share in and thus pose limits to the strategic policy directions of the university. Indeed, Toihuarewa, in having the capacity to limit and re-shape academic programme development through the power of veto, clearly brings the notion of limited institutional sovereign authority to the fore.

An awareness of the myriad of issues involved in including and giving recognition to Māori worldviews within the assumed sovereign boundaries of universities propels the interview with Durie (2003). In considering the structure and practices of the Massey University Council, Durie (2003) points to the need for the methodology of such forums to be open to and thus limited by the differences that emanates from an authoritative Māori worldview. For Durie (2003), one mechanism for enacting Tiriti/Treaty partnerships based on the recognition of institutional limits is the development of "Māori governance bodies that would be akin to councils, and not merely an advisory body". He also raises germane questions about the relationship between the two governance bodies, and whether Māori governance bodies would be best served by

being framed as legal identities given that it would limit the authority of such enclaves to set their own methodological protocols.

Turning to the interview of Kohere (2002), the development of a virtual wānanga space at Massey University's Oteha Rohe Albany Campus is also underpinned and driven by a notion of limited institutional authority as a just basis for Tiriti/Treaty partnership. In being positioned as both "within and independent of the university", the desire is to offer both self-determination to Māori, and "equality of recognition" to this authority of Māori and of institutions in shaping the strategic policy directions of the campus (Kohere 2002). Kohere (2002) is keenly aware that such proposals challenge university administrators "to accept the limits that it poses on their institutional authority". There is also the recognition that current "legislation constrains their ability to do so as it requires them to hold ultimate control". His reading of Tiriti/Treaty partnership as relational engagements which presume the "integrity of each partner" privileges the text of Te Tiriti o Waitangi so that "Māori continue to realise their mana" through tino rangatiratanga.

These various visions to effect limits on institutional authority thus have considerable potential to bring about Tiriti/Treaty partnerships of power-sharing. This potential is most apparent when tino rangatiratanga is posed as an authority that provides a serious limitation to institutional authority, that is, when interpretations of partnership draw from the text of Te Tiriti o Waitangi. They are, however, significantly undercut by the hegemony of sovereign discourses that arise from politico-legal discursive interpretations of The Treaty of Waitangi which operate by and through denying Māori the status as an authoritative partner to Te Tiriti/The Treaty. What is required then, is an analysis of these discourses which operate to limit and thwart these visions.

Such an analysis proceeds through juxtaposing deconstructionist and liberal notions of limited (state, university) authority as way of gesturing towards disruptive transformative aspects that might be amplified so that the desire of Māori to affirm mana motuhake and express tino rangatiratanga in and through Tiriti/Treaty-based partnerships with tertiary education institutions may become a possibility. What is juxtaposed here, following the arguments of Game and Andrew Metcalfe (1996: 165-167), is the *negative* relation to otherness of (neo) liberalism that desires a totalising and

suppressive embrace of difference as the same, and the *positive* strategy of deconstruction to undo a denial of difference through revealing the failure, the impossibility, of that desire.

## **Limiting Authority Deconstructionist Style**

In her book *Philosophy of the Limit* (1992), Drucilla Cornell attempts to answer critics who misread and prematurely discard deconstructionism on the grounds that it undermines the possibility of determining precepts for moral action; that it contradicts the very emancipationist ideals of recognition, freedom and justice that Derrida purportedly defends. Her responding strategy is to rename Derrida's deconstructive theory "the philosophy of the limit" in order to more clearly bring its ethical aspirations to the fore. Simply put, Derrida persistently points to the failure of (Enlightenment) idealism to capture the real, which indicates a materiality, an Other, that persists (or resists) beyond attempts to conceptualise it. The force of this slippage of representation or 'différance' prevents any system from encompassing the Other, so that the Other *remains* other to the system. Recognising this *limit* of philosophical idealism, which can be understood as a system that claims successful incorporation of its other, means that we must heed the otherness to any system of conventional definition if we are to remain ethical. For Cornell then, Derrida's exposure of authoritative systems that claim a foundation of universal and indisputable truth as Enlightenment myths, is ethically-inspired. This is because in holding to the hegemonic ideals of an overarching and fixed notion of truth, rightness and justice with which to adjudicate on social, legal, political, and cross-cultural dilemmas, such systems fail to give ethical recognition to the (persistent) Other. In denying their own mythical and provisional discursive structures, authoritative systems violate otherness by suppressing the Other as the same, foreclosing in advance the very legitimacy of critiques made by its challengers through a refusal of their existence (ibid.: 1-12).

A major theme of Cornell's book is the challenge that she mounts against the ideal of a unified national community, classically exemplified in Hegel's philosophy as the "we that is I and the I that is we", that has become a normative practice embodied in the

institutions of legally-constituted modern societies (ibid.: 65)<sup>4</sup>. Hegel's circle of identification claims that identity is constituted in and through otherness, that self-recognition proceeds through the full integration of self and Other, so that they do not retain their separateness (in ibid.: 15-22). Moreover, the ceaseless interpenetration of Being (existence) and nonbeing (nothingness) signals the presence of the Absolute, so that nothing 'is' unless it comes to be in and through the circle of Absolute Knowledge. "The unity of Meaning and Being within the circle of the Absolute yields full knowledge of the truth of the essence of the actual .... There is no remainder, no outside. Otherness is recaptured and completely so, in the circle of the Absolute. Nothing escapes, for nothing is, only as nonbeing, the dialectic opposite of Being" (Hegel, in ibid.: 65).

Against Hegel's totalising system, Adorno (in ibid.: 15-21) asserts 'belonging together' in conditions of freedom can only be realised if difference from the Other is maintained through dialectical interactions that do not yield to the ontological unity of meaning and being. Prefiguring Readings' (1996: 180-192) notion of a 'community of dissensus', Adorno offers reconciliation as the 'art of disunion', where relations of reciprocal symmetry can only come into existence if the Other remains unassimilated, as the 'truth' is in the confrontation, the 'non-identity', between concept and object. Further, Adorno asserts that Hegel's 'insatiable' identity principle perpetuates antagonism by coercively suppressing such contradictions, as intolerance to difference thwarts the very reconciliation it mistakenly claims (in Cornell 1992: 18). As an answer to his criticism of Hegel's circle as drawn by a thinking that tolerates nothing outside of itself, Adorno interjects a constitutive outside (in ibid.: 40). The 'untruth' of idealism – that the real can be finally and truthfully known through representational schemes – also leads Derrida to disrupt or defer, in time and space, Hegel's move to enclose the community, through recognition of the inevitability of a constitutive outside where difference remains different beyond attempts to root it in a system, where the otherness of the Other may be respected. The normative liberal standard of communicative freedom, which relies on the Hegelian reconciliation or erasure of the other as other, cannot then be imagined as an already-achieved actuality (in ibid.: 52, 58).

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<sup>4</sup> Such a challenge is made by drawing together insights from theorists such as Adorno, Levinas, Lacan, Thenuissen, Heidegger, Iris Young and Luce Irigaray to assist in her quest to foreground the ethical aspirations of Derridean deconstruction.

The ethical message of Adorno and Derrida, explains Cornell (ibid.: 57), reminds us to care for difference with a generosity that does not attempt to grasp and reduce what is other as one's own. Derrida's is an 'auratic gaze' that preserves otherness by respecting distance, in which, for instance, Māori is not seen as merely the Western Other, mirrored in its eyes, but are allowed to be at a distance so that there can be a 'looking back' (in ibid.: 77). This does not, however, lead to a retreat into pre-Hegelian metaphysics in which we are left with irreconcilable dichotomies. The protection and care of difference is carried out not to forego the possibility of communities of mutual self-recognition, but is instead *in its name* (ibid.: 57-59). Against Levinas' idea of the absolute Other, which in relegating the Other to pure self-contained externality effectively leaves the closure of the Hegelian circle of identification unchallenged, Derrida attempts "the violent opening of ethics" (in ibid.: 114), an opening that always-already defers the "promise of reconciliation" (ibid.: 59). The general strategy of deconstruction to open the circle, to disrupt and destabilise the self-other, inside-outside binaristic hierarchies upon which Hegel's Absolute Knowledge and Western Enlightenment philosophies claim to authoritatively know the world, enables subject positions that are other than the dichotomy of assimilation and exclusion.

Derrida's deconstructive theory does not say there can be no such thing as a national community, but simply questions the privileging of certain versions, such as (neo) liberalism, that are based on the truth of Hegel's reconciled whole – versions which have come to exist as the normative standard of national community through the power of the state to assert its meaning and vision against that of other forms of community (ibid.: 112). The disruption of dualistic hierarchies leads Derrida to conceive of, not communities per se, but of networks of reciprocally constituted subjects, where 'come' does not address or appeal to an identity determinable in advance. His theoretical aim then is to defer or provide *limits* to the idea of national community (of truth, meaning, subject) that insists on the final reconciliation of difference (ibid.: 60). It is this deferral of the closing of the circle of identification, in and through ethically recognising the ever-present trace of otherness that creates the transformative opening for new interpretations of community (ibid.: 110-111).

What I want to indicate at this point, is the support that Derrida's deconstructive methodology offers to the intentions for kaupapa Māori spaces and virtual wānanga

structures: the ethical aspiration to give recognition and expression to difference, in and through forms of community that potentially displace the final necessity of institutional unity or overarching unlimited sovereign authority. Accordingly, Māori staff, students, and whānau, hapū, iwi at various universities have sought to develop for instance: administrative rūnanga; virtual wānanga or academies to facilitate innovative and collaborative teaching, research and academic support for Māori students; Māori academic processes; and Māori governance arrangements (Kohere 2002; Reedy 2002; Sciascia 2002; Smith 2002; Durie 2003). Such projects that seek to defer the closure of Hegel's circle through interjecting Māori as the 'irreconcilable Other', offer possibilities to limit universities authoritative claims of Absolute Knowledge to translate (reconcile) Māori as self-same bicultural citizens. In so doing, the existence of kaupapa Māori spaces and structures make possible subject positions for Māori forms of authority (and identity upon which such claims are based) other than the current binarism of being entirely exercisable *within* existing neo-liberal constitutional and governmental frameworks or excluded as being beyond what is considered reasonable.

Moreover, and against fears that the foregrounding of Māori forms of authority in and through such spaces equates to a simple reversal of a binarist architecture – where Māori then seek to pre-determine and fix the terms for the expression of institutional authority that disallows the 'confrontation' that admits in a relationship – Māori forms of authority and practice embody a different principle of meaning, one that does not desire colonisation of the totality (Pihama 2001: 177-178). Indeed, each of the interviews emphasised kaupapa Māori spaces and structures as mechanisms for partnership alongside aims to advance Māori aspirations. As the interviews of Kohere (2002) and Reedy (2002) in particular, elaborate, kaupapa Māori spaces offer a means for Māori to continue to realise mana in ways which do not seek to pre-determine all space, so that "the integrity of each partner" to the Treaty remains (Kohere 2002). In signifying this openness to otherness, both highlight the Māori pronouns *mātou* and *tātou* ('us' as Māori' and 'all people' respectively) that do not operate to cancel out the presence or worldview of the other.

While the very existence of kaupapa Māori spaces and structures do effect some limits and alterations to institutional academic and administrative decision-making, as is exemplified throughout the interview material, the critical question to ask here is 'do

they interrupt the fantasy of sovereign institutional power that claims itself as a unified authoritative whole that has reconciled all difference to its own (neo) liberal terms?'. In seeking possible answers to this question it is perhaps fruitful to re-consider the leads that Cornell (1992) offers above through her arguments against Hegel's fantasy for a totalising absolute knowledge. A powerful aspect of this argument is that of the constitutive outside to institutional authority – an outside that must be recognised and respected and engaged with in a spirit of openness that does not attempt to grasp and reduce what is other as one's own. Without this outside, no ethical non-assimilatory relationship with the Other is possible. Coming back to the question posed above, the conceptualising of kaupapa Māori spaces and virtual wānanga structures as 'within the university', as 'advisory to' or as 'an equivalent faculty of' is problematic as it seems to marginalise their always already relationship with, and identity as, Māori forms of authority that are the constitutive outside to institutional authority. Through this marginalisation, such spaces would seem to normalise rather than transform the neo-liberal fantasy of an overarching institutional unity and this unity as conferring to university administrators and councils the sovereign power to fully and finally determine 'what is' within their midst.

While such a conceptualisation might be a necessary strategy for Māori in order to provide comfort to and secure agreement for such developments from university administrators and councils that fear losing control of the totality that is their statutory responsibility to manage and govern, and of the academic freedom and autonomy that is prized so highly, it paradoxically reasserts the obdurate (neo) liberal fantasy that kaupapa Māori spaces and structures attempt to unsettle.

Consequentially, institutional debates and discussions around what meaningful engagement with Māori and the giving of effect to Treaty partnerships might constitute, and that are increasingly becoming a requirement for universities with the establishment of the Tertiary Education Commission (Turner 2000), will continue to foreclose around the idea of Māori as part of the entire ensemble that can be fully accommodated *within*. In this way, the *irreconcilable* differences – the differences that *remain* different beyond attempts to fix them in neo-liberal terms – that Māori forms of authority, identity and knowledge interject from the constitutive outside remain excluded and repudiated (Jackson 1995a: 255).

At present, the instruments through which the Tertiary Education Commission will measure institutional attempts at Treaty-based relationships – namely charters and profiles – rely on securing statements from institutions on how they will “work with” and “involve” Māori staff, students, local iwi, and communities as both key stakeholders and as Treaty partners (Ministry of Education 2002b; Tertiary Education Commission 2003). In this way, institutions are presumed to be able to make good on the legislative requirement of their councils to “acknowledge the principles of the Treaty of Waitangi” in the “performance of its functions and the exercise of its powers” (*Education Amendment Act 1990*: 167). While both the Tertiary Education Commission and the Ministry of Education have made clear their commitments to engage more rigorously with Māori, the crucial question to critically consider is ‘do such intended relationships open the possibility for forms of cross-cultural dialogical arrangements that acknowledge the fantasmatical limits of such dialogue to secure them Absolute Knowledge, that acknowledge the existence of a constitutive outside that cannot be finally made part of the whole?’.

My sceptical response to this question arises from looking to the discourse of state-authored biculturalism that is seen as the proper ‘end’ (Foucault 1994: 211) of governmental policy for Māori. To elaborate here, and as Reedy (2002) foregrounds, the current practice of translating Te Tiriti o Waitangi and The Treaty of Waitangi into an overarching set of ostensibly ‘shared’ principles is problematic to the notion of developing different non-assimilatory modes of Tiriti/Treaty partnership, as has been previously acknowledged (see for instance Durie, E.T. 1991: 165-166; Kelsey 1996: 184-185). While the Court of Appeal, the Waitangi Tribunal, the 1988 Royal Commission on Social Policy, and the 1989 Labour Cabinet have each articulated a set of principles whose evolutionary nature allows for a range of politico-legal interpretations, such apparent openness is currently foreclosed in advance through such interpretations maintaining rather than limiting the sovereign power of Parliament. Thus when examining further as to what principles and partnership might mean, both the *Principles for Crown Action on the Treaty of Waitangi* (Department of Justice, 1989: 11) and *The Treaty of Waitangi in the Court of Appeal* (New Zealand Court of Appeal 1987: 40) state that the “principles of the Treaty of Waitangi do not authorise unreasonable restrictions on the right of a duly elected government [University Council] to follow its chosen policy”. Made apparent here is that the legal and political

discursive fields of (neo) liberal governance combine to legitimise a Treaty partnership as that which does not disrupt the fantasy of final sovereign state or institutional authority over the communal whole. Appeals to engaging Tiriti/Treaty partnerships configured within these limits then, merely ends where it begins – in the closing of the circle of sovereign state authority.

What this signals, asserts Kelsey (2002: 79-84), is that governmental and institutional claims to effect Treaty partnerships are little more than a political technique that aims to pacify and re-direct Māori resistance into forms of participation that can translate and reconcile all points of cross-cultural difference allowing the government to deliver on its key goal of a fully inclusive and cohesive society. That the idea of Treaty partnership has come to be used in this way means that for many Māori the term has become one of abusive mis-recognition and a signifier of co-optive programmatic intent. I have sought to retain the term, however, for two inter-related reasons. Governmental and institutional promises of effecting Treaty partnerships create expectations in Māori communities and thus give fuel to attempts that strive to bring about a metamorphosing of their current reductively inclusive terms, as the desires to shape kaupapa Māori spaces and structures in universities demonstrate. As Reedy (2002) explains, the term Treaty partnership thus provides to institutions, to governments, and to Māori an important ideal that ‘remains to come’ – that will

“remain indefinitely perfectible, hence always insufficient and future, but, belonging to the time of promise, it will always remain, in each of its future times, to come: even when there is democracy [partnership], it never exists, it is never present, it remains the theme of a non-presentable concept” (Derrida 1997: 306).

Such a democracy [partnership] as a non-utopian utopia, argues Lacan (in Stavrakakis 1999: 111), is not based on the hope of partnership through an impossible harmonious oneness, but instead legitimates conflict and refuses to eliminate it through the fantasy of order. As has been mentioned earlier, the hope of partnership emerges from the recognition of the limits of any universalising certainties.

Secondly, Cornell (1992: 105-106) argues for the necessity of such ideals or principles to provide guidance through the maze of competing interpretations, because as Derrida and Lacan state above, the quest for final and secure answers through which to control,

prescribe and predict the future as the same, remain constantly deferred and impossible. The search for an imagined future Tiriti/Treaty partnership remains *open and possible* because the actualising of otherness, the fixed inclusion of Māori within closed (neo) liberal schemes of representation remains an *impossibility*. Moreover, explains Cornell (ibid.: 106), such ideals or principles are thus not rules or forces that seek to fully determine ‘*the way forward*’ – as the ‘principles’ of the Treaty of Waitangi have become in politico-legal discourse – but are instead guiding lights that prevent going in the wrong direction. A principle “cannot determine the exact route ... does not pretend that there is only one right answer .... [but] can help us define what answers are wrong in the sense of being incompatible with its realization”.

My argument thus hinges on disrupting the enduring fantasy of an imaginable closure of Māori within the (neo) liberal dream of a cohesive and contained institutional (national or global) community. As has been made clear through most of the interviews, many of the kaupapa Māori spaces and structures being developed at universities do so by and through an engagement with Māori authoritative locales (iwi, communities, organisations) that are the constitutive outside to institutional authority. It is this always-already engagement with the constitutive outside that needs to be *amplified* to displace the thoroughly problematic fantasy of a difference-engulfing sovereign closure. What this suggests then, as both Kohere (2002) and Reedy (2002) have indicated in their interviews, is that the radical intents of kaupapa Māori spaces and virtual wānanga structures might be productively mobilised by the notion that they simultaneously exist both within *and* outside the formal boundaries of the university, that they are necessarily connected to Māori forms of authority that limits institutional authority. Given its exercising in and through kaupapa Māori structures to limit and veto institutional authority (Kohere 2002; Sciascia 2002; Smith 2002; Reedy 2002; Durie 2003), mana Māori and its expression through tino rangatiratanga, is necessarily a part of institutional activity – in and through forms of relationship that allow it to remain what it is.

The challenge then becomes one of working to articulate arrangements or decision and policy-making structures that engage the two authoritative partners (Mikaere 2000: 22), rather than current attempts to merely increase Māori participation *within* university governance and management systems (Ministry of Education 2002b). The bicultural

quest to merely include Māori to participate at all levels of operation as a means of recognising cultural difference undermines its own (seemingly ethical) objective.

This notion of Māori inclusion-through-participation is a key feature of state-advanced bicultural discourse and keeps alive the fantasy of commensurability between Māori and Western worldviews, that there is a functionalist whole through which they can be held together. Against partnership in the mode of inclusion-through-participation, as outlined in the interview with Sciascia (2002), both Kohere (2002) and Reedy (2002) present Tiriti/Treaty partnership as a coming together of two equally recognised parties, a coming together that challenges the university to acknowledge the limits that Māori forms of authority poses to its own. As Adorno has gestured to above (in Cornell 1992: 18), the 'truth' of cross-cultural partnership is in the confrontation between Māori and institutions, and *can only come into existence* if Māori remain unassimilated within institutional authoritative systems and structures. Thus the paths to partnership currently being mapped out through the instruments of the tertiary education reform process that benevolently view cohesive inclusion of Māori as their obdurate horizon, will not bring about forms of partnership that actually engage Māori, and *continue* to engage with Māori, as the irreconcilable constitutional outside to institutional authority.

Indeed, if institutions are to identify their Treaty partners as the Tertiary Education Commission's *Charter Guidelines* (2003: 11) suggests, Māori need to be, and continue to be, engaged with as the authoritative constitutive outside to institutional authority – an engagement in which movement between manaaki/closeness and mana/distance potentially disrupts centre-margin regulation and control. Conversely, to engage with the assumption of an operative overarching unity or with the intention of procuring it through partnership arrangements, is to begin and proceed with an annihilation of Māori that makes partnership *impossible*. Partnership in this frame reduces Māori to that of an *imaginary* partner – where an assumed presence is instead marked by absence, *by death* – where institutions can only see and hear the reverberations of their own utopian fantasies of a reconciled sovereign whole projected and reflected back (Žižek 2001).

The problematic reliance of state-produced Treaty partnership discourse on the expectation of an actual or possible communicational consensus through which undistorted cross-cultural dialogue can occur (Habermas 1994), works to perpetuate the

totalising Enlightenment myth that culturally-located differences can be mastered or fully known through dialogical representation: that Hegel's circle of absolute and truthful knowledge (of all meaning and identity) can be closed (Derrida, in Cornell 1992: 51-52; Spivak, in Derrida 1976: xx). Within such a discourse, discordant Māori voices are subsumed by the current inability of institutions to understand or heed their call, re-routing substantive challenges such as kaupapa Māori spaces and structures, as mere resources with which to adjust and 'perfect' the current oppressive system (Jackson 1995a: 254, 261; O'Malley *et.al.* 1997: 505).

The mis-recognition inherent in the closure of difference as sameness, allows liberal theorists such as Habermas, the capacity to *identify with* the Other precisely as a subject in dialogue, to imagine being in the Other's shoes (Cornell 1992: 176). According to Levinas, however, there is "always a trace of otherness that cannot be captured by my "identifying" with the Other in relations of mutual recognition...[so that] ... the basis of ethics is not *identification with*, instead the ethical relation inheres in the encounter with the Other, the stranger, whose face beckons us to heed the call to responsibility ... my relationship to her is necessarily asymmetrical" (ibid.: 66). To confront the Other is not to represent them, argues Spivak (1988: 288-289), but is to learn to represent ourselves as ourselves. The claim to Absolute Knowledge of the Other through representational schemes, to identify with and speak for, is always a violation of otherness, a suppression, so that for Levinas and Derrida, ethical recognition of otherness is through *what cannot be said* (Cornell 1992: 68-70).

Derrida, however, attempts to move beyond the risk of Levinas' silencing of the Other as Absolute Other, the risk of again denying the existence of Māori forms of authority and identity upon which claims are based, through *différance*: the slippage between the saying and the Said, that Māori forms of authority and identity cannot be captured or known through (neo) liberal representational schemes as they are always a violation of otherness. Thus while it remains impossible to escape attempting dialogically based agreements, and yet necessary to make them, we must at the same time recognise their inevitable infidelity (ibid.: 66-72). We must acknowledge the interminable provisionality of such agreements (Spivak, in Derrida, 1976: xiii). This paradox, the 'Derridean double gesture' should be understood, says Cornell (1992: 80-90), as the aspiration to enact the ethical relation. The promise to let Māori speak, to attempt

fidelity to the irreducible differences that Māori interject, is to be attempted through the constant ethically transformative displacement and disruption of representational schemes that attempt final capture. The challenge that that leaves, is the invitation to create bi-cultural arrangements in and through the very acknowledgement of the *absence* of a single truthful objective interpretation which can be projected as a regulative guiding ideal (ibid.: 135). Against the Habermasian notion of transcendental definitive norms, *différance* temporises, it explodes the claim of an all encompassing ontology that declares to master the truth of all that is, that claims to rule over the future by reducing it to a horizon of the colonised present (ibid.: 128-131; Lacan, in Stavrakakis 1999: 120).

What is being gestured to here is that attempts at cross-cultural dialogue be invested with an admissibility to difference and the tensions which they bring to the fore so that they can remain open to “continually work this through” (Kohere 2002). Indeed, it is the very impossibility of communicational consensus, the failure of its fantasy to exact final shared cross-cultural pronouncements that keeps talking with each other alive and necessary.

In response to criticisms that embracing deconstructionism would leave tertiary education institutions with no secure grounds through which to specify policies and make decisions, the significant contribution of deconstructionism is the capacity to engender a re-thinking of policy-making as ‘final solutions’ and the processes through which it is currently made – a call long made by many Māori educational theorists. As Johnston notes (1999: 183-185), the assumption made by government officials (and university administrators) is that openness of dialogue “will ‘get out of hand’, be too ‘time-consuming’ and ‘costly’, and that nothing will be decided in the end”. These ‘interruptions’, however, *are* the embodied activity and practice of partnership and not a distraction from it.

Such insights ask us to reconsider the impossible search for and measurement of a difference-violating institutional (national and global) wholeness as ‘an end’ (Cixous, in Game and Metcalfe 1996: 173). In giving up on the dream of (neo) liberal security, there might instead be a turn to consider what kinds of relational resources and bicultural decision-making arrangements might be required to give expression to forms

of partnership that are indeed open to a just recognition of Māori forms of authority without a desire for its appropriation (Jackson 1995a: 243). Such insights ask us to keep asking questions while looking for answers. In this way, suggested Derrida in his visit to Auckland University in August 1999, universities can approach the freedom they aspire to – “free not because it is autonomous but because it is open to the other as a future, to the outside ... the unconditionality without sovereignty” (Simmons and Worth 2001: 256).

What is indicated through the above discussion then, and through the interviews with Kohere (2002), Reedy (2002) and Durie (2003) in particular, is the necessity of a radical displacement of the Treaty as an *assimilating* cohesive force, that an understanding of such unity is more justly facilitated through Māori-governmental/institutional relationships that recognise totalisation of the other as delimited. What is being gestured towards here is that such understandings of unity need to be foregrounded to materialise Tiriti/Treaty partnerships that presume the presence of two authoritative partners. The ‘disruptive’ presence of kaupapa Māori spatial and structural developments make this goal possible, and particularly in and through those incarnations that seek to foreground an engagement with forms of Māori authority that are the constitutive outside to institutional authority; an engagement that potentially displaces centre-margin binarisms. Such attempts at the deferment of the closure of Absolute institutional authority (on truth, meaning, identity), the radical acceptance of the vulnerability or limits of modernist narratives (Spivak 1990: 18-19) that kaupapa Māori spaces and structures interject, introduce the prospect of an undetermined path that is exciting in its possibilities for cross-cultural Māori-Pākehā relationships. It also signals, as raised in chapter four, the need for forms of subjectivity that are able to work with and through such ambiguity.

### **Limiting Authority Within the Liberal Tradition**

Orthodox liberal theory assumes the sovereignty or unlimited authority of states and institutions (and subjects), operationalised by and through commitments to a unifying and universalising Absolute Knowledge of self and all otherness as the Same. As

indicated earlier in this thesis, however, some liberal theorists such as Kymlicka (1995), in response to a range of communitarian critiques and claims from Indigenous and minority cultures, have attempted to revise such assumptions of unlimited (state or institutional) authority in order to lessen the focus on and requirement for, universality, opening up space for the validation and expression of cultural difference. Against the view of liberals such as John Stuart Mill who promote the coercive assimilation of 'minority groups' to a homogenous and 'unified' national identity, Kymlicka (ibid.: 51-53) works up a liberal defence of special or extended minority rights that attempt to *limit* state or institutional authority to represent Indigenous groups and determine their futures. Importantly, recognises Kymlicka (ibid.: 30-33), these representation and self-determination rights are not temporary claims to merely remedy the negative impacts of colonial oppression, but are widely claimed by Indigenous groups as inherent and inalienable rights that arise from an identity as distinct peoples. For Kymlicka then (ibid.: 181-192), such persistent resistance to cultural assimilation by Indigenous groups leaves liberal governments with no choice but to try and accommodate minority group claims, as to reject them in the name of a common national identity promotes alienation and secessionist movements. Thus one of the crucial challenges facing liberal theorists today, says Kymlicka, is to find adequate non-assimilatory sources of unity to prevent such movements from developing. However, as has been elaborated above and throughout the thesis, there is a significant disjuncture between Indigenous groups' demands for self-determination and the liberalist acceding of limited authority for the purpose of maintaining a totalising overarching coherence.

It would seem indicated at this point to highlight Kymlicka's problematic use of the term 'minority' as a generalising concept that incorporates both Indigenous and marginalised non-Indigenous populations. Reducing Indigenous groups to an identity as minorities perpetuates the notion of Indigenous groups as but one sub-set to be included *within* an overarching liberal wholeness, and in so doing, denies the very claim to indigeneity upon which demands for recognition are based. Thus the language employed in liberal attempts to ethically recognise and understand difference is pervaded and, moreover, circumscribed by this desire. Indeed, the phrase 'Māori and *other* minority groups' permeates official governmental and institutional documents. The 'truth' of assimilation, as Žižek (1997: 3) says, always "is out there".

Continuing on, the two major claims that Kymlicka (1995: 52) uses to underpin his liberal defence of minority rights are: “that individual freedom is tied in some important way to membership in one’s national [cultural] group; and that group-specific rights can promote equality between the minority and majority”. For Kymlicka (ibid.), the specification of certain minority rights that limit state or institutional power can not only be seen as *consistent with* the basic liberal principles of individual freedom and equal status and treatment of all people, they may also lead to their *more successful* promotion and actualisation.

Firstly then, in looking at the principle of individual freedom, Kymlicka (ibid.: 76) acknowledges that individual freedom of choice has certain cultural preconditions, and in doing so makes an argument in support of incorporating issues of cultural membership into liberal principles. The relationship between freedom and culture arises from the liberal definition of freedom as the choosing and revising of one’s individual conception of the good life. In order to revise, to make intelligent judgements about how to lead our lives, we need to understand our own cultural narratives (language, history, conventions, traditions), as culture not only provides the various options, it also “provides the spectacles through which we identify experiences as valuable” (Dworkin 1985, in ibid.: 83). From a liberal perspective then, cultures are thus valuable, not merely in and of themselves, but because it is only through having access to a culture that people have access to a range of meaningful options. Any group-differentiated measures that secure or promote this access may have a legitimate role to play in a liberal theory of justice (ibid.: 83-84). Kymlicka’s (ibid.: 105) purpose here is to specify limits to liberal colonial state attempts to legitimately and authoritatively decide on the directions and identifications of cultural others.

In her recent book *Just Cause: Freedom, Identity and Rights* (2000), Drucilla Cornell challenges communitarian critiques of ‘rights’ as necessarily individualistic, and so in the vein of Kymlicka, articulates a theory of right that “demands that each individual receive the moral and psychic space to evaluate, to represent, and, ultimately, to integrate the complex realities of culture, linguistic origin, national affiliation, ethnic identity, and religious heritage” (ibid.: 131). The ability of liberal colonial states (or institutions) to enforce a unified allegiance to a national (or institutional) identity, according to Cornell (ibid.: 138-139), actually tramples on such a freedom by ironically

limiting the availability of and access to, alternative discursive spaces in which people's basic identifications can be re-evaluated and re-presented.

Importantly for the purposes of this discussion, Kymlicka (1995: 103-104) points out that there is no inherent connection between such forms of cultural separatism and the desire for cultural isolation, and instead defends such arrangements on the basis of their frequently advanced aim of enabling Indigenous cultures to interact with the dominant society on a more equitable basis, a point gestured to in the interview with Smith (2002). This is the second major claim that underpins Kymlicka's liberally-inspired defence of minority rights: group-differentiated rights can work to promote equality between the minority and majority. External protections, such as those afforded by fashioning kaupapa Māori spaces and structures, which impose spatial limits to the authority of the state or institutions, work to ensure that Māori have the same opportunities as Pākehā to live and work in their own culture (Kymlicka 1995: 109).

In taking seriously the need for spaces where cultures can (re) imagine themselves on their own terms, a liberally-inspired case can then be made for the development of kaupapa Māori spaces, virtual wānanga, Māori academic, and Māori governance structures as one such measure to promote access to Māori cultural domains and subjectivities.

A pertinent question that arises here, however, is *whose access to what?* An obvious response, given the argument outlined above, is that the access is for Māori staff and students to a culturally-relevant and affirming teaching-learning-research environment. Re-asking the question, however, brings back to the fore (neo) liberalism's always-already desire for sovereign wholeness that acts as a powerful, obdurate horizon, and particularly in current 'third-way' articulations that promote and pursue inclusion-through-participation of Māori in the mainstream as *the* route to just forms of Treaty 'partnership'. Through the pervasiveness of such terms, resistive kaupapa Māori spaces and structures risk being positioned as translation mechanisms that merely align Māori efforts to develop Māori-relevant spaces and structures, with government/institutional recognition that improving educational outcomes for Māori are crucially tied to such developments. The risk here is that in aligning governmental and institutional objectives with Māori educational aspirations, through articulating them together as the

same, kaupapa Māori spaces and structures and thus the resistance that they mount to limit institutional authority, become vulnerable to being co-opted as an innovative bicultural resource by and through which governmental and institutional policies to include and thus refashion Māori as neo-liberal subjects might be better met. Viewed in this way, further answers emerge from the question posed above.

This critique is not to suggest that Māori, governments and tertiary education institutions should not share the goal of improving educational outcomes for Māori, and look for ways through which this might be actualised. What is of utmost concern, however, is the way such an alignment operates to *limit and contain* policy agendas for Māori education to questions and possible solutions that confirm and maintain a liberal sense of bicultural oneness – a oneness that depends on and proceeds through the obliteration of culturally-located differences that *remain different* – which the development of such spaces and structures interject. The focus on literacy levels, Māori student participation rates, pass rates, Māori staff numbers, and the like, while highly significant and important, marginalise other highly significant and important questions and discussions around for instance, what recognising Te Tiriti o Waitangi/The Treaty of Waitangi as opposed to the principles might mean, what just forms of Treaty partnership might look like and require from Treaty partners, how success might be thought of. Further, notes Durie (2003), there is a need for the decision-making methodologies of university councils to become open to the methodologies of Māori worldviews and “not simply in a ceremonial sense”. In the quest to ‘close the gaps’ and secure a cohesive ‘bicultural’ (neo) liberal society through improving educational outcomes for Māori, what is also marginalised are ‘discomforting’ explanations that point to a persisting colonisation and racism that have and continue to contribute to the very issues to be worked on (Kelsey 2002: 55).

Moreover, shared accountability measurements or ‘technologies of performance’ (Dean 1999: 168-170) contained within the Tertiary Education Commission’s charter and profile instruments and institutional strategic plans and audit processes do not confirm the actuality of an operative Treaty partnership. Instead, they have *come to stand in for its very enactment*, and in so doing, continue to displace the prospect of forms of partnership that seek arrangements where cultural difference might be confronted and engaged with in ways that don’t imagine its traversal. As each of the interviews attests,

kaupapa Māori spaces and structures become *accessible to*, and penetrated and subsumed by, neo-liberal calculative regimes that reduce Te Tiriti o Waitangi/The Treaty of Waitangi to a mere administrative tool that fixes partnership into the requirement to optimise performance or into a passive fulfilling of Treaty obligations without any tangible expression or activity.

Such calculative regimes are also imagined to penetrate and shape the conduct of Māori within their midst, where progressive performance is to be procured by conducting ourselves as entrepreneurs who advance our lives through rationally and prudently calculated choices that actualise self-improvement (O'Malley 1996; Dean 1999; and Rose, 1999). This is the neo-liberal project writ large: the extension and dispersal of a capitalist market rationality throughout the whole of society, regulated by an appropriate juridical and institutional framework, through which a cohesive national community of prosperous 'bicultural' citizens will be secured (Dean 1999: 56-59). Despite law's claim to cultural neutrality (Habermas 1994: 134-135), its operative terms are prescribed by an enduringly monocultural neo-liberalism. Against Kymlicka's claim (1995: 109) then which would suggest that kaupapa Māori spaces ensure Māori have the same opportunities as Pākehā to live and work in their own culture, Māori are once again compelled to express an identity that is determined by and accountable to, albeit at a distance, the rational individualistic market-driven terms of neo-liberal logic.

Exemplifying this point, the interview material makes apparent the increasing proliferation of calculative and audit-type mechanisms through which kaupapa Māori spaces and Treaty partnerships become operationalised in institutional settings. Furthermore, such 'government at a distance' is problematic as it can provide the illusion that kaupapa Māori spaces and structures are not subsumed as yet another calculative locale within the university, that they offer to Māori "a sense of autonomy and authority" (Smith 2002), allowing (neo) liberalists to indeed claim that such spaces and structures verify their claimed capacity for neutrality, openness and tolerance of Māori.

Managing the risk of institutional failure to deliver on Treaty-based performance outcomes for Māori becomes another 'technology of performance' that embeds rather than transforms the operation of such logic, as it too rests on the desire to calculate and

transform 'risky' Māori into neo-liberal citizens as *the* successful end-point. The recent practice of appointing Māori Pro-Vice Chancellors who are to perform such technologies does not subvert this institutional 'will to govern' over the entire ensemble, but perhaps makes Māori ever more accessible to neo-liberal administrative rationalities that, in being limitless in their application, can pervade locales of Māori expertise that were previously beyond reach. Paradoxically then, despite posing as a critique of interventionist forms of government, neo-liberalism retains the totalising presupposition that there are no limits to what is programmable by authorities. In this way Māori continue to be positioned as the "objects of government [who] are rendered thinkable in such a way that their difficulties appear amenable to diagnosis, prescription and cure" (Rose 1996: 53). Reintroducing a previous line of argument introduced in chapter three, in the current regime of totalitarian governance through neo-liberal administrative discourse, the unconscious disavowed foundation that sustains the neo-liberal 'gift' of 'bicultural freedom' – that of authoritative assimilative control – is reversed so that such a circumscribed freedom is offered to Māori as the consummate supplement to the assimilative administrative control of contemporary governance. It is the 'end' that will provide the justification 'in the name of your own good', compensating for its restrictive and disciplinary practices (Tie 2002: 4). It is no wonder that such a 'gift' continues to be refused. The 'means' to this gift, however, remains more difficult, and sometimes seemingly impossible to rebuff (Mead 1997: 341).

What this maps out then, is the replay of uncertainty mastered through the use of neutral and objective scientific discourse, which imagines that all programmatic failures of government can be turned into success, providing final absolute answers to the whole of humanity. Scientific discourse assumes the ability to secure final, successful answers as the world is imagined as wholly known and knowable in and through its authoritative representations of 'what is' (Rose 1996: 53; Beck, and Szerszynski, in Stavrakakis 1999: 87-88). Through this fantasy of scientifically-secured absolute mastery, neo-liberal forms of governance remain lost in a mythological state (Lacan, in Stavrakakis 1999: 88-89) that excludes a capacity to re-think policy-making as *other than* 'final solutions'.

Significantly what is also excluded and indeed annihilated is the possibility of a constitutive outside to regimes of authoritative administrative control. To reiterate

comments made at the end of the previous chapter, the tensions that arise from attempting to foreground Māori forms of authority in non-Māori institutions threaten to overwhelm the intention for Māori worldviews to help shape institutional directions, as the terms offered to kaupapa Māori spaces and structures through which to facilitate forms of Treaty-partnership engagement are always already set by and through the pernicious neo-liberal rationalities that currently pervade institutional practices. As Durie (2003) asserts, university councils continue to operate through their own conventions. The authoritative constitutive outside which is Māori forms of authority and subjectivity persist, however, as signalled in various ways through each of the interviews, and exceed the merely rationalistic terms offered by (neo) liberal discourse, so that such administrative control is never able to finally secure the mastery of the whole that is desired.

This is not to say, however, that there should not be programmes that organise, foresee and calculate in a scientific fashion and for Māori to engage with and be involved in developing such programmes. Indeed, as each of the interviews raises, such forms of participation have been, and continue to be, the strived-for result of hard-fought battles for forms of power-sharing (see also Johnston 1999). And it is not to say that university operational, managerial, governance structures and processes, or the programmes they articulate have not become altered or tempered in ways beneficial to Māori through such participation. The interview material aptly demonstrates a myriad of positive and significant outcomes. It is to say, however, that this is not a Tiriti/Treaty partnership that recognises and engages with Māori forms of authority as *different*: that, for instance, ask different questions in different ways, appeal to and legitimise different forms of knowledge and practices, recognise wider responsibilities than the rationalities of the market, and thus that seek different forms of solutions.

Bringing in the distinctions that Durie (2003) uses, the inclusion-through-participation of Māori *people* is problematic in forums that operate through majority-rules decision-making and/or where the framework is pre-determined by (neo) liberal politico-legal horizons that seek a reductive inclusion of Māori as the final purpose. Similarly, the inclusion-through-participation of a Māori *worldview* is also problematic as it continues the fantasy that 'progressive' Māori-Pākehā (government/institution) relationships are based around their final reconciliation, the possibility of cultural translation. It

continues the fantasy of a ‘we’ that can be called and answered, allowing institutions to claim an existence as a knowledgeable bicultural whole that can then be ‘signified’ in Māori motifs, subtitles, appointments, and the like, confirming its commitment to a difference-recognising biculturalism (Tauri 1999: 156).

Reiterating from the previous chapter, recognition of a Māori worldview from within the reductive logic of neo-liberalism replays a colonial cultural mindset of claiming the spaces of Others as ones own, and in so doing, desires the assimilation of a Māori worldview to the rational authority of state control (Tauri 1999: 156). This is distinct from a notion of partnership as a continual coming together that allows cultural difference to *remain* as different (Kohere 2002), where the impossibility of cultural translation, the impossibility of a final reconciliation, is *the very condition of partnership*. If there is to be a new paradigm of Tiriti/Treaty-based partnership between Māori and tertiary education institutions (Crown, state, government) – one where there is indeed the presence of two ‘main actors’ – there needs to be a relentless critique of the popularly held basis through which cross-cultural relationships are currently imagined: the assumption that cross-cultural dialogue can and should aim to reconcile and translate all difference as the same.

At the same time as coming together to develop policy and accountability programmes, “we have to leave room in the programme ... for the unprogrammable, for the uncalculable. We have to organise a programme such that finally it should not exclude the unpredictable event” (Derrida 2001a: 259). Or, from a source more closer to ‘home’, “You find that you’re on the same journey, even though this new path is as yet unfamiliar and unexplored” (Grace 1998: 207). For the discussion here, this ‘unpredictable event’ or ‘as yet unexplored journey’ might be thought of as a form of Tiriti/Treaty partnership that is open to the constitutive outside which is Māori forms of authority, and as such, it is a different form of partnership than that of opening the programme to kaupapa Māori spaces and structures to assist with its perfection.

The hope of developing non-assimilatory Māori-Pākehā relationships through institutional engagement with kaupapa Māori spaces, virtual wānanga, Māori academic, research, and governance structures thus seems incommensurable with neo-liberal programmatic quests for an equality which will be finally specified through a shared

identity as bicultural citizens of choice. As Kymlicka (1995: 153) himself states, “To find room for minority rights within liberal theory ... [may] ... require[s] qualifying these rights in such a way that they no longer correspond to the real aims of minority groups”. He concedes that the tensions that arise between the liberal value requirements of a market-based individual freedom and tolerance of otherness, remain difficult and important conflicts both between liberals and non-liberals, and within liberalism itself (ibid.: 154). However, it is this very

“confrontation of liberalism with itself [that] ironically leads to its strengthening, especially when liberal rule offers ostensibly reassuring answers to its internal contradictions ... thereby ... effectively render[ing] void any discourse that might exist beyond itself ...” (Tie 2000: 72-73).

What this points to then, is the inability of (neo) liberalism to disrupt its own totalising discursive closure around the fantasy of sovereign mastery over all uncertainties.

Through the interview material then, what becomes apparent is that kaupapa Māori spaces and structures – whether they interface through academic support or research, or the operational, managerial, or governance levels of universities – occupy a tenuous location where their legitimacy in the eyes of the institution (and government) only seems assured if they shape an identity in the self-same politico-legal terms, a point made, albeit in quite different ways, by both Reedy (2002) and Sciascia (2002). Such ‘answers’ to the on-going issue of recognition, however, specify a final inclusion that continues to operate through and depend upon a denial of Māori forms of authority, and identity upon which it is based, *in its own evolving terms*.

## **Re-thinking Kaupapa Māori Spaces**

This is not the end of the colonial story, however, as the prevailing neo-liberal administrative order is never able to finally colonise kaupapa Māori spaces and structures to its rationalistic fantasies. The differences that are Māori forms of authority, knowledge and identity can never be contained or erased. Difference *persists* and remains despite institutional instrumental devices that seek ‘the promise of reconciliation’. As has been pointed to previously, Tiriti/Treaty partnerships are

expressed *in and through* the confrontation and engagement with two sources of authority whereby both are to remain, and are thwarted and indeed negated by discourses of institutional/governmental sovereignty that allow only the authority of the Crown partner to be fully and finally present. It is these irreconcilable differences that reveal the discursive limits to, and expose the fantasy of, totalising institutional authority, making possible an opening through which to engage the notion of limited authority that may herald in a new socio-political geometry: that of non-assimilatory Māori-Pākehā Treaty partnerships. This is the ethical import of Te Tiriti o Waitangi.

Given this substantive disruptive visionary potential, an amplification of difference that kaupapa Māori spaces and structures interject becomes *key* to engaging their transformative possibilities, as responding to administrative logic in the self-same rational terms confirms rather than subverts the fantasy of Absolute Knowledge. What this signals is a re-conceptualising of their naming as spaces or structures *within* or *of* the institution, so that their always-already simultaneous positioning as both inside institutions and outside its authoritative boundaries can be brought to the fore. Indeed, if kaupapa Māori spaces and structures are not to be situated as yet another ‘department’ or ‘division’ over which the university has sovereign authority, there would seem a need to *articulate and embody an identity* which speaks to the reciprocal relationships and connections with whānau, hapū, iwi, and Māori communities, with te ao Māori, that are the constitutive outside and forms the authority that limits and disrupts the fantasy institutional sovereignty.

Moreover, in pointing to the inability of (neo) liberalism to ‘make space for’ or ‘be open to’ Māori as authoritative Treaty partners; to ‘deconstruct’, ‘disrupt’ and ‘limit’ the authority of institutions and government to represent and pre-determine for Māori and, through legal ‘capture’ of the Treaty, the nature of our relationship, what becomes signalled is the need to re-think and re-shape the very constitutional principles and structure upon and through which Aotearoa/New Zealand is brought into being (Mikaere 2000; Jackson 2001). As the review of interview material has shown, the quest of many Māori for kaupapa Māori spaces and structures to distance Māori forms of authority from suffocation within sovereign closure, are significantly undermined by the always-already operation of (neo) liberalism’s difference-denying inclusive logic, a logic which is given ultimate authority by and through appealing to the legal ‘truth’.

Importantly then, the critical challenge mounted here to neo-liberalism's inability to recognise the limits of its own fantasmatic certainties, allows law to be displaced as the only, final answer. As Hana Hiraina Erlbeck (1998: 10) explains in her re-telling of the story of the separation of Papatūānuku and Ranginui, making space is painful and difficult, and utterly transformative ... and *possible*.

To return to the question of the relationship between Māori and the Crown (government, institutions) is to return to the concerns for ahi ka and power-sharing Tiriti partnerships that have animated each of the chapter discussions. Such a return is not a 'closure', however, it is a return in a different way – a re-turn that allows a turning from the legal and scientific certainties of neo-liberalism that foreclose on its own mythical horizons – so that different questions may be asked, where different paths become possible to consider. It is a turning then, in the final chapter, to consider what relational resources are needed to breathe life into bi-cultural arrangements, to go past the merely 'programmable', to go past the conducting of relationships at a distance through programmatic legalistic instruments that embody not the 'freedom' that is so desired, but a pervasive obsessive and possessive colonial control.

## A RE-TURN TO TREATY PARTNERSHIP

### Introduction

The vision of tūpuna Māori for the continuation of ahi ka that marks the authority of Māori as tangata whenua, and for this authority to fuel the vision of power-sharing Treaty partnerships with the Crown, continues to glow. It is a vision that continues to be given life in and through the many attempts by Māori to elaborate arrangements whereby Māori and government (universities) might come to engage in dialogue as equally authoritative partners – as illustrated by the emergence of kaupapa Māori spaces and virtual wānanga structures that have been the focus of the latter part of this thesis. That Te Tiriti o Waitangi and its affirmation of mana Māori and guarantee of tino rangatiratanga remains irreconcilable to the terms of sovereign closure prescribed within its English relation The Treaty of Waitangi, exposes the fantasy, the impossibility, of this closure. In so doing, this *impossibility* provides an opening through which governments and institutions might come to consider the limits to current politico-legal interpretations of Treaty partnership – a limit that opens them to engage with Māori forms of authority, a limit which makes Treaty partnership *possible*. This is the gift, the treasure, of Te Tiriti/The Treaty that Kohere (2002) talked of in his interview: the challenge to develop forms of bi-cultural decision-making arrangements that remain open to the prospect of power-sharing Treaty partnerships between Māori and government (institutions).

Displacing the fantasy of sovereign closure and the legally pronounced ‘truth’ of Treaty partnership as inclusion-through-participation of Māori in the nation’s mainstream, opens the possibility of a re-turn to the notion of partnership, to re-think what *being in* partnership might mean. It offers the opportunity to not only consider what bi-cultural decision-making structural arrangements might be required to engage the authority of two Treaty partners, but also what relational resources and ethical principles will give it

life. It offers the opportunity to dream new non-assimilatory fantasies with which to propel the vision of power-sharing partnerships into being.

## Considering Partnership

As has been discussed at length throughout the thesis, recent governments have begun to articulate their relationships with Māori through a discourse of partnership. Such discourse, however, seeks to operationalise partnership as a mechanism through which government might more thoroughly procure a cohesive and fully inclusive national society of bicultural entrepreneurial citizens of choice. As Kelsey (2002: 79-82) explains, governmental partnerships with Māori, where Māori are positioned and consulted with as one constituency or 'stakeholder' group among many, keeps the sovereignty of government firmly in place with Māori incorporated within its terms.

In his 2001 presentation at Waipapa Marae, Auckland University, Auckland, entitled 'The Only Good Neighbour is a Dead Neighbour', Žižek asked "is incorporation respect?", "is it enough as an ethical horizon?". Elaborating on this question, he exposed the desire or trans-ideological vision that drives incorporation into being: the desire to make the Other the same. Depriving the Other of all their defining characteristics, leaving no way to identify ethnicity, is to make the Other like they're not present, absent or *already dead*. Through these lines of thought, Žižek sought to articulate the title of his presentation: the impossibility of "loving thy neighbour" is transformed through death, where "loving thy *dead* neighbour" is not only possible, but simple, made "easy". The appropriative, possessive drive of a friendship (partnership) that reduces all to its own terms, interjects Derrida (1997: 66), can never be assured because the always-already condition of the friendship is the presence of two parties, a heterogeneity that defies and defers final closure, that keeps the future open *to be* future. To think and live a Treaty partnership, a justice, begins by breaking with homogeneity, exposing the fantasy of its suppressive reality, asserts Jackson (1992; 2001). This then, indicates the need for a radical decoupling of Treaty partnership from the assimilationist desires of an inclusive harmonious nation state, so that unity might be more justly

facilitated through Māori-governmental (institutional) relationships that recognise totalisation of the other as delimited (Jenkins 2000; Kohere 2002).

That relationships, love, friendships, partnerships presumed a coming together without a loss of identity resonates deeply in Māori forms of thought and practice. As Jenkins (2000: 167-170) explains, the whakapapa of each person or collective that was a party to a relationship did not cease to exist in the face of new allegiances. Indeed, its very continuance was the purpose of coming together, and as such, was recounted as a recognition of their past and present on-going history of evidence – a history whose new path into the future would be opened by and through the new relationship. Thus, for instance, Māori women did not cease to have an independent identity once married – they continued with their own name, reciprocal responsibilities and mana. Reciting the words of Te Rangi Hiroa (Sir Peter Buck), Jenkins (*ibid.*: 28) asserts that to abandon an identity and authority as Māori and accept the global frames of reference on offer, is to “become nothing”. It is not, as the liberals would have it, to become ‘free’ of the illiberal restrictions of tradition and culture, but is instead to be without a past and without a future, to be without life. This is the warning implicit in the whakataukī (Lake 2003) that opened this thesis: “ka rere ana te wai o te awa, ki roto i te moana ka ngaro” (the fresh river waters that run into the ocean become lost in its vastness).

This ‘death of the partner’, signifies for Derrida (1997: 84), the death knell of the political, of difference, of confrontation, of justice, of newness, of a future-oriented future. The diagnosis he offers of such a “depoliticization”, is that it

“in sum, would be but the supplementary and inverted symptom, the abyssal hyperbole, of a hyperpoliticization. This depoliticization would apparently blur the boundaries of the political; it would neutralise them only to expand the control of the political to the point of absolute hostility...” (*ibid.*: 133).

Depoliticization, however, as Kelsey (2002: 56-58) points out, is the very desired outcome of current ‘third way’ (or in Labour government speak ‘new social democratic’) variants of neo-liberalism that seek to offer a “unified field theory of life” that will marry all political philosophies, debates, and differences together as the same, so that an all-inclusive economic, political and social world can emerge (*ibid.*: 86).

As part of this 'third way' rhetoric, developing Māori co-operation with government through 'partnership dialogues' both operates through and aims to achieve a 'neutrality' where difference, power, and colonisation have been left behind (ibid.: 55, 79-80). Within the terms of this discourse then, governmental (institutional) Treaty partnerships with Māori merely becomes a partnership with its own self in the absence of Māori, a fantasmatic partnership, a parody that stands in for and impedes the possibility of 'the real thing'. It is, laments Derrida (1997: 130), a killing without bloodshed through calculative 'inclusory' techniques, an inhumane war without war. Third way proclamations of unity thus signal not the end of neo-liberalism and the beginning of something new as Giddens posits (1998, in ibid.: 57.), but a pervasive and profoundly disturbing entrenching of its totalising and *unlimited* presence. This is a presence that repeatedly kills the possibility of a Treaty partnership between two authoritative partners by its suffocation of mana Māori spaces, of ahi ka, while at the same time denying all charges. This 'war without war' is the context within which Treaty partnerships are being articulated by government and its agencies.

## **Proposing Bi-cultural Arrangements**

Keeping this 'war without war' context to the fore, the interview with Durie (2003) highlighted a growing recognition within the Ministry of Education for the need to more directly address the issue of Māori involvement in the governance of tertiary education institutions as an important aspect of actualising Treaty partnerships – a recognition gestured to within the Ministry's *Tertiary Education Strategy 2002/07* (2002b). To this end, the Ministry of Education has recently commissioned a report on Māori governance to pick up this issue more specifically than was covered in their recent *Review of New Zealand Tertiary Education Institution Governance* (Edwards 2003). This long-awaited turn by government to address issues of Māori involvement at the decision- and policy-making governance level of institutions, as opposed to being 'brought in' at the managerial and operational level to deliver governmental/institutional plans in modes palatable to Māori, has been welcomed by many Māori. While I too welcome this turn, it is, however, a sceptical welcoming arising from the pervasiveness of neo-liberal administrative rationalities that always-already reduce apparent openings

through which Māori forms of authority might be engaged in a Tiriti/Treaty partnership, to its calculative and prescriptive terms – a ‘bloodless’ annihilating inclusion that is a ‘war without war’.

The recently commissioned report *Māori Governance and Leadership for Tertiary Education Institutions: Te Toa Takitini* (Durie, A., Hireme, Rahui, Wolfgramm, Durie, A., Lilley and Durie, M. 2003) puts forward a number of recommendations to the Ministry of Education which cohere with the intentions of kaupapa Māori spaces and structures to facilitate power-sharing bi-cultural arrangements. Importantly, alongside the more conservative recommendation that a minimum of two Māori with mandated responsibilities be appointed to councils through Māori-based nomination processes, is a recommendation to consider a partnership model of engagement (ibid.: 81-82). Rather than Māori participation ‘within’ current arrangements, the emphasis of this model is on a governance partnership *between* the council of a tertiary education institution and a Māori governing body that might be an iwi, a consortium of iwi, or a collective made up of representatives of groups who have a particular interest in the tertiary education sector. Critically, they are neither located *within* institutions, nor positioned *under* them as ‘advisory to’, but are instead posited as *in relationship to* through being the authoritative constitutive outside, creating the possibility for Treaty partnerships that exceed closure in and through current institutional sovereign arrangements. In recommending space for mana Māori, the possibility for manaaki becomes rejuvenated. Indeed, the argument made in support of this model of engagement points out that it “is closer to a Treaty of Waitangi paradigm” (ibid.: 65-66), where the authority of both Treaty partners is brought to bear in and through governance decisions and policy-making.

Through both the commissioning of this report and consideration of the recommendations made within it, it is very likely that the Ministry of Education will seek to make some changes to the ways in which Māori intersect at the governance level of tertiary education institutions. Significantly, such changes may provide an impetus for current Māori models of governance, such as Te Roopu Manukura at The University of Waikato (Reedy 2002), to be given greater validity and recognition by the institutions with which they interact, and further, for those being developed (Kohere 2002) to come to fruition. Moreover, changes to Māori-institutional governance relationships may

provide a provocative opening through which non-assimilatory Treaty partnerships at the parliamentary level might come to be considered and debated. Indeed, constitutional change that gives recognition to and expression of mana Māori motuhake that was affirmed in Te Tiriti o Waitangi/The Treaty of Waitangi and the guarantee of tino rangatiratanga that they give, continues to loom large on the agenda of many Māori (Jackson 1995a; Winiata, in Royal 1998; Jackson, 2000; Mikaere 2000; Sykes 2000; and Jackson 2001).

While pending changes to Māori-institutional governance arrangements may give rise to a certain degree of optimism around the future of Māori-government relationships, and the possibility of partnerships that make manifest the visions that tūpuna Māori held when signing Te Tiriti o Waitangi/the Treaty of Waitangi, the ‘war without war’ context elaborated above fuels an historic scepticism that government could indeed concede to share the authority they claim as their sovereign right. The “generous liberal gesture” (Morrison, in Pihama 2001: 146) to engage with Māori forms of authority is, however, more hostile than generous when it is made with the purpose to more fully align Māori forms of authority, knowledge, tikanga, and subjectivities with the market economy that neo-liberal ideologues believe is the key to procuring a harmonious and prosperous nation-state. To be engaged as national and global market resources signifies not ‘freedom’ or tino rangatiratanga for Māori, but an ‘uncannily’ prescriptive re-telling of the same colonising story that negates difference by translating it into its own rationalistic terms – an always-already translation that allows the fantasy of a singular state, over which government has sovereignty, to continue unabated (Smith and Smith 1996).

My rather obvious reservations as to what the pending changes might actually open up in terms of forms of Tiriti/Treaty partnership that allow for two authoritative partners to be engaged with have been formed, in large part, by the review of current university kaupapa Māori spaces and structural developments undertaken in the previous chapter. To reiterate here, the terms offered for engagement with Māori forms of authority are always-already set by and through the neo-liberal administrative rationalities that currently pervade institutional and governmental practices. Being translated as participants *within* these calculative, performance-optimising discursive terms that are to re-shape Māori as market-oriented entrepreneurs, close down or re-colonise openings

for governmental engagement with Māori forms of authority and identity in its own evolving terms. As such, kaupapa Māori spaces or entities become highly vulnerable to co-option within a discourse of partnership that undermines its very possibility. This co-option of Māori as a 'sector' of an imagined whole is exacerbated when the legitimacy of spaces or entities of mana Māori only seems assured when their identity is expressed in legal terms that pre-determines tino rangatiratanga as a mere adjunct to the ultimate sovereign authority of government.

If Māori governance bodies are to indeed engage with and express the possibility of a Tiriti/Treaty partnership with institutional councils, the sites at which they intersect need to exceed the policy and accountability programmatic terms of government and institutions, they need to be open to the constitutive outside which is Māori forms of authority and knowledge. Furthermore, decisions regarding the development, membership and identity of Māori governance bodies need to lie with the Māori communities that accord them their legitimacy and validity.

Thus serious questions can be raised about governmental intentions to re-think Treaty governance relationships through a process that continues to locate decision-making over the issue with Ministry of Education officials, with Māori remaining in a subordinate advisory capacity. Moreover, the report *Māori Governance and Leadership for Tertiary Education Institutions* (Durie, A. *et.al.* 2003) implies that the implementation of any changes to governance will lie with the existing governing councils of institutions, supported by a recommendation for legislative change that would require some degree of compliance from 'reluctant' institutions (ibid.: 72). Surely, if the purpose is to develop governance partnerships between Māori and government, the process instituted should reflect this intention.

My concern here is that the pressing issue of Tiriti/Treaty partnership will once again be marginalised in and through the decision-making processes, with the more conservative recommendation of increasing Māori participation around council tables coming to be the actualised norm of a relationship with Māori that 'confirms' a Treaty partnership. The report's (ibid.: 80) cautionary comments that Māori participation in governance cannot be achieved in the absence of relationships with Māori, that a presence at the council table is not a substitute for a relationship, will be significantly mis-read if

Tiriti/Treaty relationships continue to be thought and practised within a discourse of partnership that presumes inclusion-through-participation as its final horizon, and where relationships are conducted around a norm of distance. The powerful (neo) liberal fantasy of the possible and necessary translation of all difference to a singular ‘bicultural’ sameness that underpins and justifies the state-produced discourse of partnership as sovereign closure, is the author *par excellence* of the death of the political, the death of difference, the death of Māori. To survive its colonising manifestations, to make amends, to redress past wrongs, to attempt the ethical recognition and expression of difference, Tiriti/Treaty partnerships cannot be based on reconciling the tensions between Te Tiriti and The Treaty – between tino rangatiratanga and kāwanatanga – into sovereign partnership arrangements that deny the mana of whānau, hapū and iwi Māori (Kohere 2002; Reedy 2002). A just form of Treaty partnership is that which wrestles with its very impossibility, so that it remains open to the presence and authority of two.

The exposure of the entirely disturbing ‘killing without bloodshed’ Treaty partnerships that have become normalised by and through sovereign closure on authority and knowledge, admits in the possibility of questioning and unsettling sovereignty’s fantasmatic claim to offer Māori freedom-through-inclusion. This freedom in the ‘vast ocean’, the desire for rivers to finally drain their all into the sea and cease to exist is, however, thwarted by the constant dynamic flow of water both between rivers and oceans, rivers and whenua, and rivers and atua. Rivers remain through their many replenishing relationships which limit the “vastness” of the ocean to define the totality of their existence (Lake 2002, 2003). Thus both the deathly fantasy of sovereign closure and its always-already deferral or limitation allows for wider thought about what being in Treaty relationships might come to mean, a re-thinking that goes past the mythical neo-liberal politico-legal ‘truths’ within which they are currently enmeshed. It allows consideration of what relational resources and ethical principles might be required to disrupt such fantasmatic and annihilating certainties, so that life may be given to proposals for bi-cultural arrangements to express a vision of just Treaty partnerships, so that the binaristic impasse of inclusion of Māori as the same, or exclusion as ‘evil intruder’ may be dislodged.

These last sections of the thesis turns to this task. They aspire to add something hopeful and positive to what has been a rather damning critique of current governmental practice. The life-death metaphor through which this chapter has been enunciated is no mere coincidence. It is to make apparent the seriousness of the consequences for Māori that non-recognition brings in its wake, and the necessity for radical and transformative change.

## **Re-thinking the Terms of Partnership**

In her book *Decolonising Methodologies* (1999: 116-117), Linda Tuhiwai Smith puts self-determination at the centre of indigenous-based practices; that the goal of transformative processes and practices such as kaupapa Māori spaces and structures in institutional settings be grounded in or underpinned by the quest to realise tino rangatiratanga for Māori. Taking this lead, and drawing on the insights developed from my three 'sites of inquiry', I seek here to offer a re-thinking of the terms of Treaty partnership. This re-thinking then, asks how the current 'war without war' context of sovereign closure might be transformed in ways that allow tino rangatiratanga and mana motuhake for Māori to become the common-sense of Tiriti/Treaty partnerships.

One purpose of the previous section was to make clear that possible 'answers' need to span multiple sites and dimensions to avoid sovereign re-capture. Such offerings to the terrain of Tiriti/Treaty partnerships require an attentiveness, a 'looking to the underside' (Grace 1998: 156, 201), so that structural arrangements like the kaupapa Māori developments at universities and the recommendation to establish Māori governing bodies for institutions are not co-opted or undercut by re-playing liberal fantasies for an assimilative unity. Thus as well as needing to be based on the recognition of tino rangatiratanga and mana Māori motuhake as an authoritative limit to institutional power, such developments also need to be supported by non-assimilatory fantasies. Moreover, and as pointed to in the report by Durie *et.al.* (2003) above, they need to be made operational by and through practices that simultaneously respect space for difference (mana) and give value to relationships (manaaki). Thus alongside structural arrangements that enable the sharing of power and authority between Tiriti/Treaty

partners whereby each is delimited by the other, priority also needs to be given to considering partnership as a *practice and activity* of being in relationship.

As the interview material made clear, discussions around relationships loom large in thinking through how Tiriti/Treaty partnerships might come to be operationalised. Indeed, kaupapa Māori spaces and structures are given their very form by and through the myriad of relationships with and between Māori students, staff, mana whenua, whānau, hapū, iwi, and communities which *constitute* them, including their relationships with institutional governance, managerial/administrative, academic, and research infrastructures. Thus while they are separate spaces for mana Māori, they are also spaces of manaakitanga – spaces for elaborating those practices and activities of relationship building and generosity. As Smith (2002) points out, “rūnanga members seek ways in which to re-configure and extend current (Eurocentric) institutional understandings of the ways in which Māori might be engaged in decision-making processes .... for educating the university administration about the need for change”. For Sciascia (2002), Toi huarewa operates through relationships with academic staff to “gain in them some kind of co-operation and consciousness about delivering academic programmes that are of interest to Māori”. Further to this, in articulating the vision for a “Māori Academy within the University of Waikato” to “centralise things Māori on the campus” Reedy (2002) also aspires that it “be an environment others can interact with too – a mātou and tātou concept”.

Thus what is also made clear through the interview material is that *being in relationship with* is an embodied experienced activity, a doing, a praxis, and not merely a writing or saying or thinking. It is an activity in and through which Māori are able to defer and alter the sovereign terms on offer. It is that which makes room in the programme for the unprogrammable, for newness, for a future-oriented future that is other than the colonised present. It is ‘measured’ not by statistical analysis and calculative regimes, but by and through a coming together which is valued and not subordinated to the terms or tasks of the programme (Jenkins 2000: viii).

Instead of prioritising relationships and generosity, however, Žižek (2001) emphasises the narcissistic individuality of neo-liberal societies and of the fundamental “coldness” of the subjectivities it produces, where all Others are perceived as a threat to one’s very

livelihood and security, necessitating the “maintenance of an appropriate distance”. This appropriate distance is maintained through the market which provides both a metaphorical and literal screen that obstructs the possibility of a potentially harmful contact. It enables subjects the illusion of a ‘real’ connection with Others without endangering their safe isolation (ibid.).

The obsessive neo-liberal desire for freedom, to be made as ‘sovereign subjects’, also necessitates a freedom from those entities – culture, tradition, nature, *relationships* – which may limit or threaten its existence. Distance is required to keep the fantasy of its truth unexposed. In legally-constituted societies such as New Zealand, legalistic and calculative instruments operationalise the conduct of cross-cultural relationships at a distance so that the illusion of freedom can prevail. As raised at various points throughout the thesis, reliance on the formulating and writing of laws, ‘best-practice’ policies, audits, charters, profiles, and the like that permeate and overwhelm sites of interaction thus comes *to stand in for their very enactment*. Moreover, such legalistic modes of relating come increasingly to the fore when there is little emotional relational resource, in the form of mutual trust, reciprocal respect, or intimacy, to draw upon (Jenkins 2000). While presented as a set of techniques that will restore or generate trust and reciprocity in Māori-Pākehā relationships, their employment presupposes an operative mistrust that they then add to, produce and intensify (Dean 1999: 169). Their constant use then, paradoxically maintains the keeping of an ‘appropriate’ wary distance as the norm.

The liberal value of tolerating difference is thus possible through such distance. In being enacted at a distance, cultural differences, differences that remain different and *irreconcilably different*, are obfuscated, blurred, made indistinct, and so are unacknowledged and unknown. Distance allows the fantasmatic screen of sameness to remain operative, so that Māori are imagined as duly recognised by and through the same neo-liberal sovereign terms.

Openings, however, are made possible through the dynamic movement between mana and manaaki, where manaakitanga – the *embodied practice* of being open to Otherness – also maintains a distance wherein the integrity or mana of both persons or parties may be respected and acknowledged (Jenkins 2000; Kohere 2002). Such movement allows a

proximity through which such differences might be experienced, confronted and engaged, but is a closeness that does not imagine a fusion of identification (Game and Metcalfe 1996: 168; Derrida 1997: 65). Both moments can be lived simultaneously, explains Kohere (2002) through the spread of Māori pronouns, where ‘coming together’ generates a respect for difference between Māori and Pākehā; difference that requires distance for its ethical non-assimilated expression. The dynamic presence of each moment defers their closure as either distance or proximity, and thus defers or unsettles the assumptions of either a distant sameness or a close fusion, opening admission to the presence of two, and in so doing, to the very possibility of Tiriti/Treaty partnership.

What this then indicates, is that just Tiriti/Treaty partnerships presuppose spaces and structural arrangements of mana Māori where Māori forms of authority, knowledge, tikanga, reo, and subjectivities can be expressed in their own evolving terms. These are also spaces and structures through which manaakitanga can be expressed and made possible. Without mana Māori spaces and structural arrangements in and through which to be self-determining, to embody and express mana in and through tino rangatiratanga, the possibilities for manaaki, for Tiriti/Treaty relationships with governments and institutions, also becomes depleted (Kohere 2002). Jenkins (2000) articulates these ideas through the concept of aitanga – the turning towards another to engage in a very close and intimate way, that is to herald in the possibility of something new (ibid.: 63-64). It is based on a deep commitment to generosity and partnerships of reciprocity, and on the presumption that the relationship is mutually valued and highly regarded in its own right (ibid.: 66, 69, 81, 85). Indeed, the very quality of connectedness in personal and collective relationships that are placed centre-stage in Māori worldviews, is the pre-condition for any encounters to be able to offer mutual benefits to the parties involved (ibid.: viii).

Supporting the dynamic movement between mana and manaaki, Derrida seeks to problematise closure to the “coming of the Other” through a deconstructive reading of the concept of hospitality (in Caputo 1997: 107). The word hospitality, meaning to invite and welcome the stranger, also carries its opposite within itself – the hostile stranger and power, whereby the host is someone who has the power to host so that neither the ‘hostility’ of the stranger nor the power of the host is annulled by the hospitality. The notion of having and retaining power of one’s own house, is a pre-

requisite to hospitality, where ‘welcome’ does not signal a surrender or renouncing of property or identity (Derrida, in *ibid.*: 110-111). Instead, “there is an essential “self-limitation” built right into the idea of hospitality which preserves the distance between one’s own and the stranger” (*ibid.*: 110). The power of both the host and the stranger provide limits to the authority of one to overwhelm the other so that both remain present in any interaction. This tension between graciously welcoming the Other while still retaining power over one’s own becomes the possible impossible when pushed against this limit, this paralysis. Thus for hospitality to occur, it is necessary for hospitality to go beyond hospitality, where the host acts with an “excess” of generosity (*ibid.*: 111-112). For Derrida (in *ibid.*: 112), hospitality must move beyond itself otherwise it falls back onto itself and becomes hostile to the coming of the Other.

There are a number of reasons for outlining Derrida’s deconstructive reading of hospitality. The first is to offer to Pākehā as ‘the Other’ a possible path into understanding the relationship between mana and manaaki in and through a concept that arises from European cultural understandings, making clear the necessity of mana Māori spaces ‘to be’ in their own evolving terms for non-totalising, non-assimilatory Tiriti/Treaty partnerships of manaaki to become possible. Further, the purpose is to indicate the “excess” of generosity and openness that is also required from governments and institutions in order to build such relationships with Māori that go beyond current hostile formations.

A question that remains then is ‘what might propel embodied Māori-Pākehā relationships ‘of the limit’ into being?’; relationships that move between a difference-recognising proximity and distance, so that the authority of two partners to Te Tiriti/The Treaty might come to be expressed and engaged in power-sharing partnerships. Unsettling the pervasive power of neo-liberal assimilative fantasies that imagine a cohesive and singular sovereign nation-state over which government rightfully presides, requires an equally powerful vision of a non-assimilatory future. Kohe (2002) talked in his interview of the hope to create “an institutional attitude of manaakitanga”, an embodied practice of generosity that could “displace the behavioural systems of a scarce capitalistic mentality ... so that a new attitude of abundance may come to prevail”. This hope for a psychical economy that is other than the appropriative drive to consume all to feed an appetite that is forever unsatisfied, that is other than a mistrustful distance that

counts all and yet feels nothing, invokes another more ethical idea of national (or institutional) community. Instead of community as that which is fortified on all sides to build a “common” (*com*) “defence” (*munis*) against openness to the possibility of Tiriti/Treaty partnerships (ibid.: 108), Derrida’s deconstructive deferral of closure posits a community that is ‘to come’, that is on guard against its inhospitable closures and strives to exceed them through generosity (ibid.: 112). Such a community, where the fantasy of sovereign closure is always-already deferred by a radical heterogeneity of Māori and Pākehā, might instead come to express *communus*, munificence, extravagance, generosity (ibid.: 124).

Thus the vision for Tiriti/Treaty partnerships between Māori and government (institutions) necessitate the operationalisation of a sublime generosity which is *the limitation of one’s own power*. As the discussions of this thesis have variously sought to outline, governments and institutions are as yet unwilling and unable to seriously engage with the always-already limits to their proclaimed sovereignty, and in so being, defer the possibility of just Tiriti/Treaty partnerships to some distant if hopeful future.

## **He Maramara mō te Ahi**

The thesis journey, following the course of the koru, brings me back to where I began – to ahi ka – the *inextinguishable* home fires which mark the continuous occupation and mana of Māori. Affirmed in the 1835 Declaration of Independence and in Te Tiriti o Waitangi through the guarantee of tino rangatiratanga, the mana of ahi ka and its expression in and through tino rangatiratanga remains, and is continued by and through the development of kaupapa Māori spaces and structures in institutional settings. It has clearly not been extinguished by colonising state discourses and practices of sovereignty. From this position then, mana motuhake and tino rangatiratanga do not require to be first acknowledged, granted or ‘given back’ by governments to be made ‘real’ and operational as it is always-already present. Echoing the words of Moana Jackson (2001), transformations by and for Māori will not be authored through Parliament. They are made in the spaces of our communities outside its terms, and in and through the ranga-tira practices which make manifest the mana of Māori.

The thesis journey, following the path of the koru, brings me back to the whānau which has grounded and shaped its course: to the collective efforts of our Māori student and staff whānau at Massey University's Oteha Rohe Albany Campus. The vision being fired by this whānau, outlined by Kohere (2002), for operationalising Tiriti/Treaty partnerships between Māori and the university in all levels of its operation and function, is the development of a wānanga entity that is both "independent of the university structure" and connects with it through a "caucusing body" of Māori staff, student and iwi representatives. This caucus, as an equally authoritative partner would be engaged in governance, senior management and academic forums to shape institutional "decision-making and policy directions for Māori".

Moreover, a significant aspect of this wānanga entity is the proposal for a charitable trust, currently being developed in negotiation with "the mana whenua iwi of Ngāti Paoa, Te Kawerau-ā-Maki and Ngāti Whātua ki Kaipara with wider extensions to Taitokerau". Again, while having its own mana or "essentially external existence" independent of the university, the trust would also "have appropriate representation from key sectors within the campus: a university representative through the Te Kaiwawao position, a Māori staff representative and a Māori student representative, and also a pan-tribal nominee". "This grouping would participate in forums at the local tribal level, thereby establishing a clear portal with the external community which would address a long held deficiency by way of Māori access to university knowledge and resources".

The possibilities emanating from such a proposal are as endless as they are exciting: collaborative research projects determined and shaped by Māori communities; developing Māori research experience and expertise grounded by and through Māori communities; community supervision as part of Māori masters and doctoral theses; reciprocal relationships between te reo students and local kōhanga reo and kura kaupapa Māori. Thus the university might indeed come to operate in service of the Māori communities within which it is located in and through reciprocal relationships that have the potential to overwhelm sites of engagement with generosity.

A dynamic movement between mana and manaaki thus propels these initiatives. It recognises and engages the mana of Māori whānau, hapū, iwi, students, staff,

communities, and is constituted by both these relationships and a relationship with the university. This network of relational authority, in giving expression to tino rangatiratanga, necessarily limits institutional notions of sovereignty. In so doing, they hold the prospect of developing Tiriti partnerships between Māori and the university. Doing, being, living the vision, has the potential to transform it into a reality: te kore, te pō, te ao mārama.

## GLOSSARY

Hāpu	Sub-tribe, pregnant
He maramara mō te ahi	Contributions that fuel the home fires, that give life to the visions of tipuna
Hine-nui-te-pō	Ancestor, guardian of the after-life
Hui	Meeting(s), gathering(s)
Iwi	Tribe, people, bones
Kaitiaki o te whenua	Guardians of a given place, guardians of the lands of Aotearoa
Karakia	Incantations of a spiritual nature
Karanga	Calls of welcome
Kaumātua	Elder(s)
Kaupapa	Purpose, foundation, philosophy, plan, programme
Kaupapa Māori	Māori-centred, based in and through te ao Māori
Kawa	Protocols
Kāwanatanga	Governance
Kingitanga	Kingship
Kōrero	Talk, speak, converse
Koutou	You (plural)
Kōwhaiwhai	Painted bilateral scrolls of repeating motifs to visually express the intricacies of whakapapa
Kura kaupapa Māori	Māori language immersed schooling
Mana	Authority and power channelled to tangata whenua from the spiritual realm
Manaaki	Caring, generosity, hospitality and respect for visitors/others that is an expression of (collective and personal) mana

Mana motuhake	The power and authority delegated to Māori as tangata whenua from the spiritual realm, though which to continue the expression of ancestral traditions in Māori social and political life
Mana tangata	Political authority
Mana whenua	Customary rights over ancestral lands
Marae	Traditional meeting space consisting of buildings and courtyard(s)
Mātauranga	Traditional knowledge
Mātou	We, Us (plural)
Mātua	Parents
Maui	Ancestral figure whose identity as both human and god conferred on him the ability to shape the environment of human existence, with the crucial limit being the failure to secure immortality for humans
Mihi	Introduction, greeting
Mokopuna	Grandchild(ren)
Mōteatea	Chants
Ngā atua	Spiritual beings, deities, gods
Noa	Free from restriction, normality
Pakeke	Adult(s)
Papatūānuku	Mother earth and partner of Ranginui
Pūtea	Basket, income
Rakiura	Stewart Island
Ranga	Weave
Rangatahi	Youth, teenagers
Ranginui	Sky Father and partner of Papatuanuku.
Rātou	They, them (plural)

Roopū	Group, collective
Rūnanga	Council
Tamariki	Children
Tangata whenua	Host people, people of a given place, people of the land, Indigenous. The term denotes the intimacy of the relationship between land and people in Māori identity where identity is necessarily in relation to land
Taonga	Valued items, resources
Tapu	Restricted, set apart, sacred
Tātou	All people
Tauparapara	Invocations
Tautoko	Support, assistance
Te ao Māori	Māori World, Māori worldview
Te Ika-a-Maui	The North Island
Te Kōhanga Reo	Māori language nest for pre-school children
Te kore, te pō, te ao mārama	The constant evolutionary movement between possibility, gestation, and expression and illumination
Te reo Māori	Māori language
Te reo me ōna tikanga	Māori language and customary practices. This phrase expresses the irreducible relationship between 'saying' and 'doing'
Te Tiriti o Waitangi	The reo Māori version of The Treaty of Waitangi
Te Wai Pounamu	The South Island
Tikanga	Customary practices
Tino rangatiratanga	Emanating from mana motuhake, tino rangatiratanga embodies practices of chiefly authority exercised in whānau, hapū, iwi territories through a network of spiritual-human-environmental relationships

Tira	Group, collective
Tohu	Mark, sign, proof
Tūpuna	Ancestors
Utu	Reciprocity, balance
Wai	Water
Waiata	Songs
Wānanga	Learning, knowledge, places of learning and knowledge
Whaikōrero	Formal speeches
Whakapapa	Genealogical inter-connections between the spiritual, human and environmental realms through which te ao Māori is given existence
Whakataukī	Proverbial sayings
Whānau	Extended family
Whenua	Land, the body of Papatūānuku, placenta

# APPENDIX ONE

**Massey University Albany Campus  
College of Humanities and Social Sciences**

**February 2002**

## **CULTURAL TRANSLATION BETWEEN MĀORI AND WESTERN WORLDVIEWS**

### **RESEARCH INFORMATION SHEET**

Ko Ngāti Maniapoto te iwi, Ko Maniaroa te Marae, ko Helen Potter tōku ingoa.

Thank you for agreeing to participate in this research project, where the information from our hui will contribute to the development of my doctoral thesis. Your generous assistance in this task is acknowledged and deeply appreciated.

My thesis looks generally at the prospects for non-assimilatory Māori-Pākehā relationships and the conditions under which they might develop, given that such relationships are currently attempted within, and constrained by, a hegemonic (post) colonial state which gains knowledge and understandings of cultural 'others' through processes of reduction and incorporation. The exploration of this seeming paradox pivots on the idea of the impossibility of translation between incommensurate Māori and Western cultural worldviews – that reconciliation of these cultural differences, leading to a shared and potentially unified 'normative' national culture, is neither possible nor just. Such a position of 'impossibility' however, allows us a capacity to think about cross-cultural relationships without recourse to the (liberal) Western requirements of national unity or institutional sovereignty.

There are a number of approaches or structural arrangements through which mainstream tertiary education institutions may develop a Treaty policy to recognise and operationalise its statutory obligations to (the principles of) the Treaty of Waitangi. New Zealand universities have tended to follow an 'inclusive' approach, where different institutions have developed various senior positions, committees, boards, councils, schools and institutes to allow this approach to progress. Additionally, some universities are considering the 'wānanga within the university' model – a 'virtual' space in which to centralise the energies of Māori staff and students. My thesis explores the development of these two Treaty arrangements and their possible relationship, and seeks to evaluate the extent to which they may facilitate the development of non-assimilatory Treaty-based Māori-Pākehā institutional relationships.

The objective of the hui is to gain some insight into how these structural relational issues are framed up and engaged with at the institution where you are employed,

through exploring the following questions: how does the institution attempt to maintain and develop their commitment to the 'inclusive' approach?; the relative success of such an approach?; attempts to develop a wānanga model?; the bases and prospects upon which this might be being considered; the relationship envisaged between the two Treaty approaches?.

I have asked you to participate as your particular role means that you are intimately connected with, and informed about, the issues pertaining to Treaty policy and the current approaches that facilitate such cross-cultural relationship arrangements at tertiary education institutions in general, and at your institution of employment in particular.

The basis of kaupapa Māori that grounds and guides the process through which this research is to be conducted means that your intellectual property (e.g. interview tapes, notes and transcripts) remains under your full control at all times (up until November 2003). This means that at any stage up to this time, you can activate your rights to the following:

- decline to participate,
- refuse to answer any questions,
- withdraw your involvement and intellectual property at any stage up until November 2003 (thesis deadline is December 2003),
- ask questions and offer feedback and input,
- provide information on the understanding that your name will not be used unless you give me permission to do so.

The hui will be 1-2 hours in duration, at a time and place most convenient to you. I would like to audiotape the interview, but if you do not wish to be audiotaped, I would take notes instead. I will be the person doing the transcribing. The tape can be turned off at any time during the interview. The tapes and transcripts will be held at my home in locked storage, and at the end of the thesis process (December 2003) can either be returned to you or destroyed. I will contact you again at this point for your final decision. When the interview has been transcribed I will forward it to you for approval and amendment. No analytical work will commence until you approve the content of your transcript. If the thesis material is to be used for any further purposes, consent will be re-negotiated.

Ethical issues regarding anonymity and confidentiality will be addressed through kaupapa Māori research processes, which undertakes to protect you from any harm that participation might bring. If you require your input to be anonymous and/or confidential, this will be honoured. Alternatively, if you wish to be named and acknowledged in the thesis, this requirement will also be honoured.

If you wish to contact me further, for instance to request additional requirements through which to give your consent or protect your intellectual property, I can be reached by telephone on (04) 475 3759, or by e-mail at [helenpotter@xtra.co.nz](mailto:helenpotter@xtra.co.nz). My thesis supervisors are Dr. Warwick Tie at the School of Social and Cultural Studies, Massey University Albany Campus (e-mail address [W.J.Tie@massey.ac.nz](mailto:W.J.Tie@massey.ac.nz)), and Dr. Patricia Johnston at Te Wānanga o Awanui-ā-rangi (e-mail address [pmgjohnston@hotmail.com](mailto:pmgjohnston@hotmail.com)).

February 2002

**CULTURAL TRANSLATION BETWEEN  
MĀORI AND WESTERN WORLDVIEWS**

**RESEARCH CONSENT FORM**

I have read the Information Sheet and have had the details of the study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I understand I have the right to withdraw from the study at any time (up until November 2003) and to decline to answer any particular questions.

I agree to provide information to the researcher on the understanding that my name will not be used without my prior permission. The information will be used for the researcher's doctoral thesis only.

I agree/do not agree to the interview being audio taped.

I also understand that I have the right to ask for the audio tape to be turned off at any time during the interview.

I agree to participate in this study under the conditions set out in the Information Sheet.

Signed: .....

Name: .....

Date: .....

**Massey University Albany Campus  
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**February 2002**

**CULTURAL TRANSLATION BETWEEN  
MĀORI AND WESTERN WORLDVIEWS**

**RESEARCH INTERVIEW GUIDE**

*Key areas to be explored:*

How tertiary institutions attempt to maintain and develop their commitment to an 'inclusive' approach

The relative success of such an approach

Attempts to develop a wānanga model

The bases and prospects upon which this might be being considered

The relationship envisaged between the two Treaty approaches

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**CERTIFICATE OF REGULATORY COMPLIANCE**

This is to certify that the research carried out in the Doctoral Thesis entitled  
“He Manamana Mo Te Ahi: Exploring the Possibilities for Treaty Partnerships” in the  
School of Social and Cultural Studies at Massey University, New Zealand:

- (a) is the original work of the candidate, except as indicated by appropriate attribution in the text and/or in the acknowledgements;
- (b) that the text, excluding appendices/annexes, does not exceed 100 000 words;
- (c) all the ethical requirements applicable to this study have been complied with as required by Massey University, Te Waka o nga Akonga Maori, and Mata Whanui-ki-Oteha, and relevant legislation.

Ethical Authorisation code: MUAHEC 01/051

**Candidate's Name: Ms Helen Potter**

**Signature:**

**Date: 11 December 2003**

**Supervisor's Name: Dr. Warwick Tie**

**Signature:**

**Date: 10 December 2003**



### **SUPERVISOR'S DECLARATION**

This is to certify that the research carried out for the Doctoral thesis entitled "He Manamana Mo Te Ahi: Exploring the Possibilities for Treaty Partnerships" was done by Helen Potter in the School of Social and Cultural Studies, Massey University, Albany, New Zealand. The thesis material has not been used in part or in whole for any other qualification, and I confirm that the candidate has pursued the course of study in accordance with the requirements of the Massey University regulations.

**Supervisor's Name:**      **Dr. Warwick Tie**

**Signature**



**Date**

**December 10, 2003**



### **CANDIDATE'S DECLARATION**

This is to certify that the research carried out for my Doctoral thesis entitled “He Manamana Mo Te Ahi: Exploring the Possibilities for Treaty Partnerships” in the School of Social and Cultural Studies, Massey University, Albany, New Zealand is my own work and that the thesis material has not been used in part or in whole for any other qualification.

**Candidate's Name**

**Helen Potter**

**Signature**

*H.M. Potter*

**Date**

**December 11, 2003**