Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

Massey University
Library

LANGUAGE AND THE NEW ZEALAND STATE

A thesis presented in partial fulfillment of the requirements for the degree of

MASTER OF PUBLIC POLICY

at

MASSEY UNIVERSITY, ALBANY

NEW ZEALAND

Jennifer Louise Hope

2003

Abstract

The purpose of this research was to determine how and why the New Zealand government has intervened in language. Three language groups were investigated: Te Reo Maori, Languages Other Than English or Maori, and The English Language. For each language, a summary of language policies has been provided. The policies have then been analysed by applying various theories of the state. Four theories have been used: the Minimal State, the Instrumental State, the Just State, and the Ethical State. The research has sought to establish how the imperatives created by each theory may have been used to justify policies for each language group.

The adopted method is secondary analysis, using a combination of documents from the government, the media and academic sources. Each item of text used has been categorised according to which model of the state it represents. Excerpts from the texts themselves have been interspersed with analysis by the researcher, placing them within the context of the theoretical model with which they are most closely aligned. In this way, it could be ascertained whether government discourse on language policy has provided any evidence that theoretical models of the state have been used in policy-making.

The research is qualitative in nature, with a high degree of subjective interpretation. The result is a detailed description of language policies in New Zealand and of the imperatives behind them, which demonstrates the inadequacy of any one theory of the state for explaining the intricacies of why public policy is created.

Acknowledgements

Financial Support:

Federation of Graduate Women Selina Nancy Collins Scholarship

Massey University Masterate Scholarship

Support:

Mum, Dad, Sime, Sheryl, Jovana, Slavica, Andy, Aunt Sue, Marilyn, Dr Leek

...and Chickee.

Table of Contents

INTRODUCTION **1**

METHODOLOGY **19**

TE REO MAORI **38**

Current Policies **44**
Minimal State **52**
Instrumental State **64**
Just State **71**
Ethical State **88**

LANGUAGES OTHER THAN ENGLISH OR MAORI (LOTEMS) **101**

Current Policies **103**
Minimal State **109**
Instrumental State **111**
Just State **118**
Ethical State **126**

THE ENGLISH LANGUAGE **132**

Current Policies **135**
Minimal State **146**
Instrumental State **156**
Just State **167**
Ethical State **179**

CONCLUSION **194**

BIBLIOGRAPHY **199**

Introduction

This thesis concerns the intersection of public policy with another pervasive influence on human society – language. The importance of language is often underestimated, as most of us use language with very little thought as to how or why we do so. Like eating, sleeping or breathing, language acts (speaking and listening, reading and writing) are generally taken for granted as an essential part of being human.[1] Yet, while the decision of *whether* to use language can be taken for granted, *which* language to use involves a complex series of choices, from the simple decision whether to perform a language act or not, to the far more intricate selection of specific lexical items. The endless possibilities that language presents render language as dynamic and vivacious as the human imagination from which it is created. For language cannot exist in its own right. As American sociolinguist Noam Chomsky has remarked:

> *People* use words to refer to things in complex ways, reflecting interests or circumstances, but the words themselves do not refer.[2]

Language resides in people, and it is the presence of living native speakers which gives languages life.

As language and humanity are inseparable, any change to human society will have implications for language change. Such changes may be as significant as wars in which whole language populations have been all but obliterated, or as minor as the popularisation of new vocabulary by emerging rock stars or television personalities. This paper concentrates on one particular aspect of how society effects language change; the direct and deliberate manipulation of language by the state. It will examine how public policy – the instrument through which the state's will is executed – is currently shaping language as we know it in New Zealand, and seek to explain these manipulations by applying various ideological theories of the state.

---

[1]Linguist and philosopher Rene Descartes has even gone so far as to say that 'language is what qualitatively distinguishes human beings from other species.' Sternberg, Robert J, *In Search of the Human Mind*, Harcourt Brace & Company, Orlando, Florida, USA, 1995, p311

[2] Chomsky, Noam, *Powers and Prospects; Reflections on Human Nature and the Social Order*, Pluto Press, London 1996, p22

KEY TERMS

The topic requires the definition of both public policy and language. This research defines public policy as any decisions made by elected public officials at a national level, and is confined to New Zealand and the present day. Of course, such a narrow definition excludes much that may be of value to the discussion. It confines the research to a specific country at a specific time, and overlooks other areas of public decision-making, such as local government, appointed governmental agencies, or the courts. Where instructive, then, examples may be drawn from outside the boundaries of this definition as well.

Another form of public policy which is omitted in this research, and which may be particularly salient in the state's manipulation of language in New Zealand, is passive intervention. The government, like any institution or individual, must make language choices every time it communicates anything, and these are more often the result of arbitrary language choices than planned language policy. The work of writers such as Chomsky describes how the rhetoric used by government can have significant bearing on the language adopted by the public. This type of influence will be left out of this research simply because its scope would exceed the logistical boundaries of discourse analysis. To analyse all government communications for the language that they use, rather than just those documents which specifically concern language-related policies, would be far beyond the capabilities of any one researcher.

This definition of policy also gives rise to a definition of what I mean by the New Zealand "state." The state, for this research, is the body which conceives and implements public policy. It therefore differs from the New Zealand *nation*-state, which encompasses everything within New Zealand's borders. My use of the word state refers only to the public sector; that is, elected and non-elected government officials, and only those who act at a national level. While it could be argued that the state comprises all of New Zealand's voting citizens, in that all make a contribution to policy in a certain sense, this thesis is concerned

only with those whose influence over policy is more direct than that which is exercised at the polling booth.

The term 'language' can be applied to a broad variety of concepts, from animal 'languages', to human 'body language,' to its most common meaning as an everyday means of verbal communication. To tighten the definition, it may be instructive to draw a boundary between language and communication. Psychologist Robert Sternberg has suggested that

> *Language* is the specific use of an organized means of combining words to communicate. *Communication* more broadly encompasses not only the exchange of thoughts and feelings through language, but also nonverbal communication such as through gestures, glances, distancing, and other contextual cues.[3]

This apparently tidy differentiation leaves one question unanswered; is signing, which could fit into Sternberg's definitions of either language or "nonverbal communication", language or not? Although it is usually regarded as a language, signing has been omitted from this research because policy imperatives for signers are inalienable from policy imperatives for the disabled. This raises issues for signing which are beyond the scope of this project. It must be noted, however, that the government's own language report, *Aoteareo*, does include a section on sign language, combined with Languages Other Than English or Māori in the "Community Languages" chapter.

It has already been noted that any living language is constantly evolving. To assume, then, that the divisions between languages is any more static than the languages themselves is clearly erroneous. While dictionaries may seek to contain languages within manageable borders, the lines are forever being drawn and redrawn, as new contact situations emerge between language groups. The abundance of loanwords from other languages which have been adopted into everyday English (ballet, nacho, chutzpah or kindergarten, for example,) demonstrates how languages are by no means discrete. While vocabulary may be the most common area in which language mixing occurs, it may happen at other levels, too. If a migrant group of, say, Samoans, come to apply the English grammatical structures of their new surroundings to the language they brought with them, is it still Samoan that they are

speaking? This question is of particular interest in language revival, such as in the case of Te Reo Māori, where it is unclear what exactly is to be revived – pre-European Māori, or modern Māori, diluted as it is by English neologisms.

This temporal difference between languages ('original' Māori versus 'modern' Māori) illustrates the second caveat with respect to language definition – that differences may occur on more levels than culture or nationality. As well as varying between eras, 'languages' can differ between groups within one language community. Consider, for example, the difficulties an elderly New Zealander might have in deciphering the 'English' of teenagers in a bar, or the problems an uneducated factory worker might have in understanding a discussion of postgraduate sociology. Language may also be seen to differ between genders. Sociolinguists Janet Holmes and Nicola Daly have given an account of how language use varies between men and women in New Zealand.[4] Poet Anasuya Sengupta has taken this idea even further, by writing that

> Too many women
> In too many countries
> speak the same language
> of silence.[5]

Both the idea that silence might be a language itself, and the possibility that only women "speak" or understand it, presents challenges for conventional ideas of what "a language" is. Nor may language use be seen as universal *within* gender groups. Taylor, Gilligan and Sullivan, reporting on speech research in young, working-class women, commented that even within a relatively homogeneous group, different languages were being spoken:

> We quickly discovered that we had to learn new ways of listening, become attuned to different voices, different cultures, and different languages even when English remained the spoken tongue.[6]

---

[3] Sternberg, 1995, p311

[4] J Holmes & N Daly, 'Language and Gender Research in New Zealand', *New Zealand Sociology*, vol 16 #1 2001, pp108-127

[5] Jill McLean Taylor, Carol Gilligan, Amy M Sullivan, *Between Voice and Silence: Women and Girls, Race and Relationship*, Harvard University Press, Cambridge Massachusetts, 1995, pI

[6] ibid, p2

Taken to its logical extreme, this endless dissection of language groups would result in each individual speaking a language all of their own.[7] This argument reveals the arbitrary nature of lumping individual language-users into "language" groups, but also the necessity of making such associations if any kind of analysis is to be undertaken. It is not the purpose of this paper to challenge the conventional boundaries for language division – it is enough merely to demonstrate and acknowledge their subjectivity. Three such delineations will be used in the following discussion; English language, Māori language (te reo Māori), and Languages Other Than English or Māori (LOTEMs).

THEORIES OF THE STATE

Having conceptualized the boundaries of both language and public policy, it remains to determine at which points they intersect. This section seeks to establish a theoretical background for the role public policy might play in manipulating language, by contrasting various theories of the legitimate role of the state.

The state is the only body to which is accorded the sanctioned use of coercion. No other body, or individual, is allowed by society to impose upon the freedom of any other adult, without their consent. Certain models of the state have been devised to explain the origins of this power; whether it is the result of an unspoken "contract" between citizens (as described by such theorists as Locke, Hobbes and Rousseau), or the coercive means of oppression for one dominant group over another (as is suggested by Marx, for example). While acknowledging the existence of this debate in political philosophy, and its possible applicability to language issues, these are not the models of state behaviour which this research seeks to contrast. It is concerned not with where this power comes from, but with how and why it is applied.

The models to be used are the Minimal State, the Instrumental State, the Just State, and the Ethical State. The list is taken from Morris and Batten's introduction to the Ministry of Social Policy's 1988 publication, *The Role of the State: Five Perspectives.* Each model explains what motivates public policy in terms of different concepts of value, which will be

[7] See the writings of Jacques Derrida for a philosophical discussion of this view.

articulated below. These four models of the state are by no means exhaustive. Morris and Batten's own justification for choosing them ran as follows:

> Since New Zealand is an industrially developed 'Western' country with a liberal-democratic type of government and state, situated in competitive market economy, only theories of the state consistent with this type of society are considered.[8]

This appears to take a rather narrow view of the possibilities available to New Zealand, and perhaps to give "liberal democracy" and "market economy" excessive importance as the constant features which define the nation. Rather, it seems that these four models have been chosen not because they are the only ones *possible*, but because they are the only ones which have *actually* made their way into New Zealand's political rhetoric. Other possibilities abound. Notwithstanding the more radical state models which Morris and Batten acknowledged but rejected ("anarchism, socialism, communism and theocracy"[9]), numerous groups within New Zealand society, who have been marginalised in the development of the New Zealand political system (Māori, or women, for example), may have their own philosophies concerning government behaviour. This research, however, will focus on those models of the state which have entered the mainstream discourse of New Zealand political economy.

The Minimal State

The first theory of the state that Morris and Batten mentioned was the minimal state, as advocated by Robert Nozick.[10] The dominant value in this theory could be said to be individual freedom. Nozick's main objection to the state arose from what he regarded as compromise of freedom brought about by the government's appropriation of private property through the tax-and-transfer system of public provision:

> It is the lack of choice on both the side of the person whose portion of holdings is being appropriated, and on the side of the person who without choice receives, that is unjust for Nozick.[11]

[8] M Morris and D Batten, 'Theories of the State: A Background Paper', *The Role of the State: Five Perspectives*, Ministry of Social Policy, Wellington, New Zealand, March 1988, p2
[9] Ibid, p2
[10] Ibid, p8
[11] Ibid, pp11-12

Nozick believed, because of this undesirable need for appropriation through taxation, that government activity should be kept to a minimum. On the other hand, Nozick admitted that the state could not be done away with entirely:

> The State's role in society is one of protecting its citizens from harm and ensuring that wealth is acquired and transferred freely, i.e. without coercion.[12]

For language interventions to be justified, then, it must be demonstrated that they either "protect citizens from harm," or prevent "coercion." The potential for language to cause harm is evident in any verbal assault, or other offensive utterance, between two speakers who both understand the same language. Harm may also be caused between speakers of different languages, who do not understand each other enough to engage in verbal conflict. Here, a power imbalance is created, and Roberts, Davies and Jupp have observed that

> Language is used by people with power to sustain their power (consciously or unconsciously).[13]

Abuse of such power can also result in the sort of economic coercion Nozick is anxious for the state to prevent. New Zealand's history gives a luminary example of such coercion, as colonists established English as the language of power, and of the market. Many Waitangi Tribunal plaintiffs have claimed that their ancestors parted with land unwittingly, as the English, rather than the Māori, understanding of land ownership was used in transactions.

For the minimal state to act, though, it is not enough that the potential for harm exists. It must also be demonstrated that this harm cannot be prevented by either the market or the voluntary sector. Nozick looked to these other sectors first to help those at risk:

> [Nozick] expects that voluntary redistribution, whether by means of market processes or charitable activity, will adequately alleviate the suffering of the least advantaged.[14]

Market processes and charitable community organisations can be supplemented by what is sometimes called the "fourth sector" (which Nozick neglected to mention); the household. As Cody has observed:

---

[12] Morris & Batten, 1988, p8

[13] Celia Roberts, Evelyn Davies and Tom Jupp, *Language and Discrimination: A Study of Communication in Multi-Ethnic Workplaces*, Longman, London (UK), 1992, p368

[14] Ibid, p15

> It is obvious that significant transfers of resources, real and financial, occur daily within families and households, the basic units of our social system.[15]

The application of the minimalist model of the state will therefore explore how institutions outside of the public sector, including the household, may be used to "alleviate the suffering" that language, or lack of it, may cause.

To determine when state intervention might be justified, it is necessary to identify the reasons why the market, the household, and the voluntary sector ("private initiative") might be caused to fail. For households, the obvious failing is a shortage of resources. This may be a lack of financial resources, or of human resources such as knowledge or time. The voluntary sector is often similarly afflicted by a shortage of all kinds of resources, but is also troubled by what has been termed 'free rider syndrome:'

> People may fear that indicating an interest, say, in better roads, will trap them into having to foot the bill. Whatever the reason, the temptation to free ride, easy ride or simply not express one's preferences sends the wrong signal to suppliers.[16]

A shortage of volunteers for service provision may not be an indication that people do not value this service, but, rather that they value it but are wary of being left to provide it for themselves.

The market may also fail to provide a good for a variety of reasons. Stiglitz offers failure of competition, public goods, externalities, incomplete coverage, and information failures as a few of the reasons for which markets may fall short of adequately providing something.[17] These possibilities will be explored where they might be applicable to the languages under investigation in this research, to determine where the minimal state might find cause to intervene in providing them.

---

[15] John Cody, Introduction to G R Hawke and David Robinson (eds) *Performance Without Profit: The Voluntary Welfare Sector in New Zealand, Institute of Policy Studies*, Wellington (NZ), 1993, p2
[16] *Global Public Goods*, p7
[17] J E Stiglitz, *Economics of the Public Sector*, Norton, New York (USA), 1988, pp71-81

The Instrumental State

The second model that Morris and Batten confronted was that of the instrumental state, advocated by Miliband and Hayek. The difference between the two models may be conceptualised as a difference in values. While the minimal state values freedom above all else, the instrumental state's overriding concern is money. The instrumental state must act, above all, to protect and enhance the wealth of its citizens, by facilitating the market in which this wealth is created:

> Far from advocating...a 'minimal state', we find it unquestionable that in an advanced society government ought to use its power of raising money by taxation to provide a number of services which for various reasons cannot be provided, or cannot be provided adequately, by the market.[18]

As might be expected under a model of which the driving force for intervention is money, economic policy is the dominant concern of the instrumental state. Social policy – the area in which language interventions may be bracketed – is of little interest to instrumental ideologists:

> Social policy is firstly a problem of the market, secondly a problem of private initiative, and only as a last resort, to a minimum standard necessary to maintain the well being of the economy, an issue for the state.[19]

With respect to language, then, the instrumental state is similar to the minimal state in that it will intervene to provide language only when the market and the voluntary sector ("private initiative") fail to do so. The difference lies in the condition on which this intervention is undertaken. For the minimal state, it will intervene only where harm may be caused; for the instrumental state, governments ought to intervene to provide anything which may assist the market to reach its optimum productive potential.

One of the most common causes for market failure in which the instrumental state intervenes is public goods. The externalities, or indirect benefits, of these are often necessary for an optimal market; for example, a healthy population, or an educated workforce. Public goods can be defined as goods which are both non-rival (one person's use of it does not detract

---

[18] Hayek, 'Law, Legislation and Liberty', vIII, p41, qopp17-18

[19] Morris and Batten, p21

from what is available to future users), and non-excludable (potential users cannot be excluded from benefiting from the good). To determine whether government involvement is justified in each language under the instrumental state, it must be shown whether or not they entail any public goods.

Language itself is undeniably non-rival; indeed, each person's use of language could even be said to enhance what is available to future users, as demonstrated by the wealth of lexical items provided by Shakespeare, for example. Language is also non-excludable; no-one can be excluded from the possibility of using language. It could even be argued that language is "free good," or something which is provided naturally without intervention from any sector. We live in a linguistic milieu in which ample opportunities for self-tuition may exist, given the time and the wherewithal to learn. Public television, public libraries and public signage are just some of the areas in which language is freely available to all. According to Chomsky, the development of language is, at least in part, a naturally occurring phenomenon:

> ...humans have an innate Language Acquisition Device (LAD), which facilitates language acquisition. That is, we humans seem to be prewired or biologically preconfigured to be ready to acquire language.[20]

However, the result of independent language acquisition may be less than adequate for it to be said that language has truly been "acquired." Even the most basic elements of first language development necessitate the presence of an instructor of some kind; early language acquisition is believed to combine processes of imitation with conditioning, both of which require the presence of a parent, or comparable language 'tutor'.[21] Therefore, the approach taken to language acquisition in this paper will be that it is something which must be taught, as well as learned. This situation is common to all forms of knowledge, as Stiglitz has observed:

> To be sure, to acquire and use knowledge, individuals may have to expend resources - just as they might have to expend resources to retrieve water from a public lake. That there may be significant costs associated with transmission of knowledge does

[20] ibid

[21] Sternberg, pp308-309

> not in any way affect the public good nature of knowledge itself: private providers can provide the "transmission" for a charge reflecting the marginal cost of transmission while at the same time the good itself remains free.[22]

It is this "transmission", or education, that is at stake in discussion of language policies.

Arguments concerning the public good aspect of language policies often resemble those concerning general education, of which literacy and communication are an important part. Education of any kind appears to have the properties of a private good. It is both excludable and rival, in that there are only so many places available in so many schools, and the direct benefits from attending these classes accrue solely to the individual who attends them. And yet, there are few countries in which some education is not provided by the state. Kaul, Grunberg and Stern have explained this apparent incongruity, with special reference to literacy:

> What about the benefits that literacy brings to all the companies that rely on the written word to advertise? The benefits to those who issue public warnings, put out signs or seek to implement laws?...because of its substantial externalities, education is a public good.[23]

Even if their externalities were not public goods in their own right, languages may be seen as public goods in that they facilitate access to other public goods. This is in some ways ironic, as Kaul *et al* later remarked,

> The fact that some public goods have access problems may sound paradoxical, because public goods are, at least partially, nonexcludable.[24]

but

> ...many opportunities to take advantage of (free) knowledge are lost due to illiteracy[25].

This point was also made in the government's 1992 language policy report, *Aoteareo:*

> Language also figures in questions of access. New Zealanders must be able to communicate effectively with one another in order to ensure they have access to

[22] Joseph E Stiglitz, 'Knowledge as a Global Public Good', in Kaul, Grunberg & Stern, 1999, p309
[23] Kaul, Grunberg & Stern, 1999, pxx
[24] ibid, pxxix
[25] ibid, pxxx

accurate and up-to-date information, to justice, to employment, to education and to social services.[26]

This connects language to an enormous number of public goods, from laws, to place names, to Citizens Advice Bureaux, to the internet. The provision of language may also increase the efficiency of public good provision, as it allows information in one language to be disseminated to a greater number of recipients.

Yet the instrumental state does not advocate government provision of just any public good. Morris and Batten's definition of public goods which are legitimate grounds for state intervention under an instrumental state model ran as follows:

> ...the collective goods that are necessary for economic growth, such as roads, but which are not profitable for the private sector to provide... [and] the social services necessary to enable citizens to sustain themselves and participate in the growth of the market economy.[27]

It must therefore be established either that language policies are "necessary for economic growth", or "necessary to enable citizens to sustain themselves and participate..."

The value of language in facilitating the market economy is difficult to refute. Consider two persons attempting to transact in a linguistic vacuum; would they be able to establish a "market economy" without language? History of trading between different language groups seems to suggest that they would. However, simple colonial transactions are far removed from the intricate reality of the economy as we know it today. Indeed, as Cremer and Willes have noted,

> International trade, to use a phrase coined by Cope and Solomon (1993), "runs on talk."[28]

This is especially true as the ever-increasing trade between distant partners makes the physical proximity necessary for non-verbal communication less and less feasible. As well as being indubitably necessary for the perpetuation of the free market, language may also be

[26] J Waite, 1992A, pp5-6
[27] Morris & Batten, 1988, p18

seen as necessary for the participation of the individual therein. It is not necessary to enumerate all the ways in which lack of linguistic comprehension can exclude an individual from economic activities, from finding themselves unable to secure employment, to not being able to read the label on a can of food in the supermarket.

Language could also be given economic value through Fukuyama's famous notion of "trust", or Putnam's "social capital".[29] The essence of both of these ideas is that economic growth will be improved if a society contains high levels of trust between its citizens. The peace of mind offered by freedom from exposure to harmful or coercive language situations could be seen to contribute to such trust. The government's intervention to prevent such situations from arising (which will be seen in later discussion) could be seen as demonstrative of the instrumental state's valuation of peace.

The Just State

The next two models of the state do not view the state as the market's housekeeper, but as an entirely separate body, governed by different motivations and serving different needs for its participants:

> The market and the state are two distinct entities.....The political person is more complex than her economic counterpart (homo economicus) and the role of the citizen is irreducibly distinct from the role of the consumer.[30]

In the model of the just state, the government is not only distinct from the market, but also dominant over it:

> The state acts as a sort of regulator of the market, ensuring that efficiency does not override justice as the criterion for the distribution of primary benefits.[31]

---

[28] Rolf D Cremer, & Mary J Willes, *Overcoming Language Barriers to International Trade: A Text-Based Study of the Language of Deals*, Discussion Paper No. 94.2, Massey University School of Applied and International Economics, February 1992, p1
[29] R Putnam, Democracies in Flux: The Evolution of Social Capital in Contemporary Society, Oxford University Press, New York (USA), 2002, or Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity*, Free Press, New York (USA), 1995
[30] John Martin Gillroy & Maurice Wade (eds) *The Moral Dimensions of Public Policy Choice: Beyond the Market Paradigm*, University of Pittsburgh Press, Pittsburgh USA, 1992, pviii
[31] ibid, p29

While the minimal state valued freedom above all else, and the instrumental state efficiency (or productivity), the just state values justice. To determine how language policies may be deemed worthwhile under a just state model, it is therefore necessary to describe them using concepts of justice.

For the purposes of this research, the definition of justice used will be the same as Morris and Batten's, which derived from John Rawls' famous treatise on the subject. Rawls takes his conceptualization of justice from behind the "veil of ignorance", an imaginary situation in which humans invent the state they would wish for if they were unaware of their identity, and any natural advantages they may possess. Rawls believes that their first priority would be to secure certain "basic social goods", to ensure that they would never lack anything they needed. Rawls does not presume to list what these goods may be, but his theory has since been substantially developed and applied. The basic social goods have been renamed as what is now known as human rights, and are taking an ever-more-active role in both domestic and international politics.

Language has made its way into human rights law, and examples of the right to protection from linguistic discrimination can be found in the international human rights documents emanating from the United Nations (UN).[32] These documents form the basis for New Zealand's own human rights legislation, by virtue of our membership of the UN, although the documents themselves have not been adopted as binding domestic law. The ways in which these concepts have been applied in domestic public policy will be shown when the just state model is applied to each of the languages of this research.

Many of the anti-discrimination rights which exist in law today are responses to perceived injustices of the past, and language is no exception. As de Varennes has written, the nation-state-building that was undertaken by the states of the late nineteenth century had a dramatic influence on linguistic freedom:

[32] For instance, *UN Universal Declaration of Human Rights*, Article 2(1), ICCPR, Article 2(1), and ICESCR, Article 2(2)

> The increasing involvement of the state in what had previously been the private affairs of individuals and communities had a dramatic side-effect: many individuals who had generally been free to use their native language, as well as have their children learn that language, now found themselves obliged by the state to submit to the language preference of the majority. Nationalism became closely associated with the image, some would even say the myth, of a community of individuals sharing a common cultural identity, often expressed by a common language.[33]

Language became a tool of repression and discrimination by the language groups which held power, and many languages found themselves disenfranchised and on the brink of extinction. Human rights law thus concerns itself with ensuring that no dominant language group can enforce the extinction of a less powerful one.

As will be shown in subsequent discussion, though, even human rights laws are not enough to secure the power of minorities, because, as is the case with any legislation, there are a number of different ways in which they may be interpreted. The paradox of the anti-discrimination laws themselves illustrates this point; although they forbid discrimination on the grounds of language, they are written in English. Even were they translated into every language imaginable, they would still have been conceived in English, and therefore the English version would always have closest resemblance to their original purpose.
This brings us to the problem with basing a state on justice and equality; it requires that unequal weight be given to different concepts of justice within that state. Rawls himself has demonstrated this fallibility of his theory of justice, in his criteria for where citizens are to be placed on a scale of advantage:

> The two factors determining relevant positions are identified by Rawls as equal citizenship and the person's place in the distribution of income and wealth.[34]

"Equal citizenship" is a highly subjective concept, as is determining a person's level of dessert by their material wealth. Citizens may be disadvantaged in other ways which may conflict with some conceptualisations of justice. As with all state models, then, the just state

[33] Ibid, p19
[34] Morris & Batten, 1988, p28

does not provide a comprehensive blueprint for government activity, as the interpretation of justice will depend upon the beliefs and preferences of those with the power to determine it.

While the "veil of ignorance" may be a useful starting point for exploring what motivates state behaviour, then, it is impossible in reality to detach oneself from one's identity. Therefore, any time the question of "What is justice?" or rather "What should the just state do?" is asked, a different answer will be given, depending on the identity of the answerer. Each state will thus have a distinct concept of justice which reflects the values and experiences of its people. To determine what principles of justice are valued by a particular state, it is instructive to turn to its laws, in which a society's principals of justice are enshrined. My application of the just state model therefore focused on the place of language in New Zealand's laws.

Ethical State

The final model described by Morris and Batten - the ethical state – acknowledges the subjectivity of human values-systems in formulating public policy. Again, Hegel was adopted as the exemplary advocate, and Morris and Batten explained how his theories may be applied to the New Zealand situation:

> The relevance of Hegel's theory for contemporary New Zealand and its social policies lies in the possibility that ethical arguments may be put forward from elements of society citing theological and/or other cultural reasons distinct from individual liberalism as normative principles that ought to underlie the role and activity of the state.[35]

The idea that there may be "theological and/or cultural reasons" underlying state activity is not new. Indeed, all of the above models of the state could be described as resulting from cultural preferences of some kind; for example, an emphasis on economic productivity has been linked to Protestant religious ethics. What sets the ethical state model apart is that these values are at the forefront, not in the background, of policy-making.

---

[35] Ibid, pp32-33

The ethical state model may be seen as particularly relevant for language policy, because, as one government report has attested, "Language is a vital medium for transmitting values and culture."[36] The most obvious manifestation of this model in New Zealand public policy is censorship. The choice of which books should be imported, which movies rated as R18, or which advertisements banned from public viewing is entirely a matter of moral, subjective judgment. As censorship appears to become ever more lenient, it may appear that this moral approach to language policy is in decline. However, a lack of censorship is itself a moral judgment, just as much as a rigorous censorship programme may be. Yet censorship is not the only time the government exercises values in language policy. As Gillroy and Wade have argued, "no policy is value-free,"[37] and any language policy can therefore be conceivable as an "ethical" choice. Exactly what these values are, and how they have been applied to language policy, will be the subject of later discussion.

The plurality of rationales for government action provided by these four theories of the state demonstrates the apparent impossibility of making definitive policy choices. As Anderson has rather wryly remarked:

> We can favour a specific programme for the reason that the benefits outweigh the costs. We can base our decision on the grounds of legality, or on the grounds that one option appears more politically feasible than the rest. We can decide on the basis of majority will or fundamental fairness or because of self-interest, organizational interest or the interest of some group whose cause we are trying to advance. We can decide on instrumental grounds....Failing all else, we can make a decision because heads came up rather than tails.[38]

What follows is an exploration of which language policies the New Zealand government currently pursues, followed by discussion of the grounds upon which each one could be defended and condemned, taking into account the factors motivating state behaviour in all the aforementioned models.

---

[36] *The New Zealand Curriculum Framework*, Ministry of Education, Wellington (NZ), 1993, p10
[37] Gillroy & Wade, 1992, pviii
[38] Charles W Anderson, 'The Place of Principles in Policy Analysis', in Gillroy & Wade, 1992,p387

The analysis will be set against the backdrop of New Zealand's political history and global policy trends, but also against the social context in which each policy operates. The reason for this has been well articulated by Dahl:

> In a sense, what we ordinarily describe as democratic "politics" is merely the chaff. It is the surface manifestation, representing superficial conflicts. Prior to politics, beneath it, enveloping it, restricting it, conditioning it, is the underlying consensus on policy that usually exists in the society among a predominant portion of the politically active members.[39]

Just as the development of language is inseparable from that of the society which creates it, so too is the development of public policy. This paper seeks to explore the spaces in which the ever-shifting tides of both have overlapped.

[39] Charles E Lindblom, & Edward J Woodhouse, *The Policy-Making Process* (3rd ed.), Prentice-Hall Inc, New Jersey (USA), 1993, p11

Methodology

INTRODUCTION

This chapter seeks to explain the methods I have chosen, and my theoretical justifications for making this choice; after all, as Lewins has framed it, methodology is "the systematic scrutiny of what researchers do *and* why they do it."[1] Scrutinising the method in this way can be instructive for the researcher, in identifying any underlying assumptions which may influence their research project, and, for the same reasons, can also enhance the understanding of future readers of the research. After all, as Snook has observed, truth is the essence of quality scientific research,[2] and Lewins has added that the omission of underlying "truths" can only be detrimental to the accuracy of the research project.[3] The more the underlying 'truths' which inform the research project can be exposed, then, the higher the quality of the project itself.

Two possible problems with this process have to be dealt with before I proceed. The first is that, as Morgan has argued:

> ...the attempts in much social science debate to judge the utility of different research strategies...are *inevitably flawed: These criteria inevitably favor research strategies consistent with the assumptions that generate such criteria as meaningful guidelines for the evaluation of research.*[4]

Or, as Ackroyd and Hughes have put it, that methodological analyses are

> ...merely practical activities of no great importance in the general scheme of things.[5]

A researcher analysing their own processes is prone to all of the familiar failings of self-criticism, and it therefore seems potentially more efficient to just carry on with the chosen research method, without attempting the impossible task of objective justification.

---

[1] F Lewins, *Social Science Methodology: A Brief But Critical Introduction*, Macmillan, South Melbourne (Aus), 1992, p102 (emphasis added)
[2] C Davidson & M Tolich, *Social Science Research in New Zealand: Many Paths to Understanding*, Longman, Auckland (NZ), 1999, p81
[3] Lewins, 1992, p11
[4] Morgan, 1983a: 14-15, (original emphasis), quoted in M Q Patton, *Qualitative Evaluation and Research Methods*, Sage Publications, Newbury Park, California (USA), 1990, p89
[5] Ackroyd & Hughes, 1992, p1, quoted in Davidson & Tolich, 1999, pp5-6

The second problem is that methodological theory appears to be plagued by dichotomy. Most theories I explored described a particular approach as something *opposed to* something else, and it often seemed to be what a theory *wasn't* as much as what it *was* that formed the basis of how it was developed and articulated. In actual fact, research projects are not biddable beasts which will nestle into one methodological pigeonhole and stay there. Most of the dichotomous theories I encountered ended with a caveat to this effect; while presenting methodological approaches in opposition may be a convenient means of understanding how they may differ, few research projects demonstrate 'pure' examples of one approach or another. If my research was to combine elements of a variety of theories and remain true to none of them, a theoretical methodological analysis again appeared to be a futile exercise.

The answer to both these objections has been succinctly articulated by Patton:

> The issue... becomes not whether one has uniformly adhered to prescribed canons... but whether one has made sensible methods decisions given the purpose of the inquiry, the questions being investigated, and the resources available.[6]

Such pragmatism addresses the subjectivity problem inherent in arguing for the 'utility' of various research strategies, as it emphasises what will be appropriate over what may be deemed superior. Similarly, it allows for the possibility that a research design may include aspects of even apparently oppositional methodological theories. Although my project may inevitably be a hybrid of a number of theoretical models, identifying which attributes of each theory it contains can still be instructive in revealing the methodological assumptions which may guide it.

The fact that this chapter was written reflectively – that is, *after* the research project had already commenced – also favoured methodological pragmatism over orthodoxy. A reflective approach was more likely to acknowledge the 'impurity' of research methods, as it concerns what actually *has* happened rather than what *should*. Fook has identified this as one main advantage of a reflective approach, in that it is more likely to permit accurate self-description than a preconceived, idealised methodology, devised before the obstacles and

[6] Patton, 1990, p39

opportunities which will inevitably change the process have been identified. My methodology was therefore less an exercise in choosing theories which I found appealing and devising a method from them, and more an attempt to fit my practices into the broader theoretical context.

RESEARCH DESIGN

Davidson and Tolich have noted that research design begins with deciding what you want to know.[7] This involves devising a research question, or set of questions. My own research began not so much with a specific question as with two areas of interest which I wished to juxtapose. These were language, and New Zealand public policy. These mixed together to produce a broad research question from which to start out: What is the relationship between language and public policy in New Zealand?

The distillation of this rather general question into something which could be researched and reported on resulted from the assumptions and understandings that I, as the researcher, brought to the topic. Although there do exist some theorists who maintain that scientific research can be conducted objectively and independently of the beliefs of the researcher, I prefer to concur with those who believe that, while neutrality may be strived for by the social scientist, it will never be more than an ideal. In the same way, no researcher (with the exception of the autobiographer, perhaps) can ever achieve absolute *subjectivity* either, however much they may wish to 'get under the skin' of their subjects. A mix of both subjectivity *and* objectivity is inevitable in any kind of social research.

Lewins has expanded upon this idea by introducing the concept of "theory dependence... a somewhat imprecise term which refers to the influence of certain, often unstated, assumptions of the research process."[8] For Lewins, theory dependence enters the research at six points. The four of these which arrive prior to the research commencing concern the current discussion, and the rest will be revisited as they become relevant later on. Lewins' first area of theory dependence was the location of the chosen topic within a certain discipline. Writing a public policy thesis on language rests on a preconception that

[7] Davidson & Tolich, 1999, p96
[8] Lewins, 1992, p9

language and public policy are somehow related. I have based this assumption primarily on the literature of a separate, but related, discipline – sociolinguistics – in which it is widely recognized that the state may play a part in language change.[9]

Lewins' second point was that the topic chosen will be one which the researcher sees as worthwhile, in keeping with their own values and that of their discipline. Worthwhile research in public policy is generally that which is geared toward action or improvement for a certain population. This is not to say that policy research will necessarily be 'action research', aiming to exercise direct influence and effect change. It may be research which "advances fundamental knowledge about the social world"[10] which may be useful to those it concerns at a later stage. This, indeed, is what I have sought to achieve. It seemed to me that existing knowledge on the relationship between language and the state in New Zealand was largely piecemeal rather than comprehensive, and descriptive rather than theoretical. I therefore considered the construction of a theoretical overview of language treatment by the state a worthwhile exercise.

A similar venture has already been undertaken, in a 1992 government publication entitled *Aoteareo:Speaking for Ourselves*. This report was itself developed as a response to what its author described as an "ad hoc" approach to language policy in New Zealand. Although originally understood by its author as a policy document, the report became, due to a lack of information, planning and support, no more than "a discussion or canvassing of the kinds of issues that you would have to look at and consider in deriving a languages policy."[11] In this sense, it sounds like a similar piece of research to the one that I undertook. My point of departure from *Aoteareo* was that it was not only coherence but theoretical application which was my objective, a difference which leads me to claim that my work will still be 'new' research. There has also been a ten-year time lapse between *Aoteareo* and this research, during which new policy initiatives and imperatives have no doubt emerged. Finally, it seems that *Aoteareo* has failed in its aim to co-ordinate language policy in New

[9] See, for example, J Holmes, *Introduction to Sociolinguistics*, Longman, London (UK), New York (USA), 1992
[10] Neuman, 1997:21, in Davidson & Tolich, 1999, p15
[11] J Waite, personal communication, 31 August, 1995, in N Shackleford, 'The Case of the Disappearing Languages Policy', *The TESOLANZ Journal*, vol 5, 1997, p5

Zealand, as in 1997 Shackleford noted that the National Language Policy Project had been abandoned in favour of separate language policies.[12] An overview of New Zealand language policy still therefore seems to be a relevant task.

Existing research aside, it can be argued on theoretical grounds that this is not a worthwhile exercise at all. For example, highly pragmatic policy-makers might argue against the value of abstract political ideologies in any policy analysis, or sociolinguistic pluralists might argue that looking at 'languages' as a body is a meaningless overgeneralization. The fact that I believe my topic to be worthwhile therefore reveals certain theoretical biases which ought not to be taken for granted.

Lewins went on to say that theoretical bias emerges for a third time at the choice of a specific topic. My expanded research question, 'How can theoretical models of the state be used to explain the treatment of language by the New Zealand state?' contained a wealth of assumptions, which will be discussed in more detail in the next section. Lewins finished off his discussion of pre-research theory dependence by remarking that what is *omitted* from the research will be theory dependent, as much as what is *included* has been shown to be. To enumerate the approaches which I have *not* taken would have been an obviously infinite task, but it may be enough to acknowledge that there are myriad other approaches that I could have adopted, which would quite possibly have yielded different results.

The highly deductive nature of my research design placed it into the type described by Patton as 'Orientational Qualitative Inquiry.' Non-objectivity is one of the defining features of this type:

> Orientational qualitative inquiry does not even attempt any pretense of open-mindedness in the search for grounded or emergent theory... Such qualitiative inquiry, therefore, aims to describe and explain *specific* manifestations of already presumed general patterns. Such inquiry is aimed at confirmation and elucidation rather than discovery.[13]

---

[12] Shackleford, 1997, p4

[13] Patton, 1990, p86

Again, however, my research did not fit into this theoretical pigeonhole very neatly. Orientational Qualitative Inquiry usually involves utilising one theoretical framework in which the researcher has a particular interest or belief – Patton has listed feminism, Marxism, or Capitalism as possibilities. My own project involved analyzing data from a variety of different ideological perspectives, none of which had especial resonance for me, although I acknowledge that the reader may detect a bias of which I am, myself, unaware. In this sense, I was perhaps setting out to be more objective than most practitioners of Orientational Qualitative Inquiry, as I was looking for instances of how 'they' (policy-makers in the New Zealand state) think, rather than how 'I' do.

Seeking to reveal such a commonality in the beliefs of individuals within an organization may have warranted a label of Ethnography for my research. Patton has described ethnography as follows:

> The critical assumption guiding ethnographic inquiry is that every human group that is together for a period of time will evolve a culture. Culture is that collection of behaviour patterns and beliefs that constitute "standards for deciding what is, standards for deciding what can be, standards for deciding how one feels about it, standards for deciding what to do about it, and standards for deciding how to go about doing it." (Goodenough, 1971: 21-22)[14]

Investigating which ideological standards have been applied to New Zealand language policy may be described as searching for a kind of culture within the state. On the other hand, ethnography may be an inappropriate label for this project, in that the "standards" I investigated were conceived in terms of academic theories rather than more conventional understandings of cultural beliefs. While neither Ethnography nor Orientational Qualitative Inquiry have fit my research snugly, then, both have lent some insight into its theoretical basis.

THE THEORY

Lewins has proposed that scientific research may start with either theory testing or theory construction. Again cautioning against dichotomy, he acknowledged the likelihood that both theory construction and theory testing would play a part in most projects, as

[14] Patton, 1990, p68

researchers move through cycles of constructing hypotheses, testing them, rejecting them, constructing new ones, and so on.[15] Patton has reiterated this observation:

> There is often a flow from inductive approaches, to find out what the important questions and variables are (exploratory work), to deductive hypothesis testing aimed at confirming exploratory findings, then back again to inductive analysis to look for rival hypotheses and unanticipated or unmeasured factors.[16]

Whether research may be described as inductive (devising new theories from gathered evidence) or deductive (applying preconceived theories to evidence) depends on the point on these cycles at which the researcher has begun. The research question above demonstrates that I already had at least one theory in mind when I commenced my research. Implicit in the question was the assumption that theoretical models of the state *could* be used to explain the state's treatment of language. To be tested, this theory had to be translated into workable hypotheses, or "propositions which accord with simple propositional logic; that is, if this theory is true, then I should be able to observe the following things."[17] My hypothesis ran as follows: If theories of the state had been used in the government's formulation of language policy, then evidence of these theories would be visible in the reasoning behind the policies.

Testing my hypothesis began with an operationalisation of the concepts which I had previously defined. This may be easy for projects which concern concrete phenomena – symptoms of disease, characteristics of a population, or certain identifiable behaviours, for example. Testing the presence of something as abstract as a political ideology was considerably more problematic, as it involved the re-interpretation of the ideology into concrete and therefore observable 'evidence'. I decided early on that, as these ideologies were constructed from words, it would be in words that I would find evidence of them.

Once I had elected words as the area in which I searched, I had to make very clear to myself what I would be searching for. Ideally, it would have been enough to search government records for instances where these theories had been applied to language policy. In reality, though, the chances of finding a government official explicitly stating 'We are

[15] Lewins, 1992, p84
[16] Patton, 1990, p46
[17] Lewins, 1992, p47

pursuing such-and-such a policy because we adhere to such-and-such political ideology' were slight at best. Even if such instances could have been found, isolated utterances by individuals would not have been enough to claim that the government had acted for that particular reason, as states act according to the aggregate wills of many individuals. My research design was based around the search for a 'culture', not merely a few isolated opinions.

If political theories are constructed not from individual statements, but from discourses, and likewise the 'beliefs' of the state are constructed from a plurality of statements and ideas, then discourse analysis, as described by Bryman and Burgess, became an attractive method for deciphering them:

> People perform actions of different kinds through their talk and their writing, and they accomplish the nature of these actions partly through constructing their discourse out of a range of styles, linguistic resources and rhetorical devices. One of the principal aims of discourse analysis is to reveal the operation of these constructive processes.[18]

A more suitable hypothesis was therefore devised: If theories of the state can be used to explain the treatment of language by the New Zealand state, then the discourse of reasons for that treatment will match the discourse of those political theories.

An astute critic will observe that this hypothesis was something of a truism. After all, the theories of the state which I had chosen to apply were not devised in a vacuum. Rather, they themselves were the products of governmental discourse. Therefore, to hypothesise that these two discourses would correspond may seem tautological, as they are essentially one and the same thing. I therefore needed to investigate not only *whether* these two discourses would intersect, but *how* they might do so. Here, the inductive aspect of my research came into play. It was expected that certain patterns would emerge in the discourse I was working with which would reveal the manner in which each theory of the state had influenced contemporary language policy.

[18] A Bryman & R G Burgess (eds), *Analyzing Qualitative Data*, Routledge, London (UK), 1994, p48

Obviously, my hypothesis was not fit to be tested in the form it has been presented in above. A number of terms had to be operationalised before they could be taken into the field. Most important was to identify which political theory each unit of data represented. Operationalising the theories involved moving through their 'degrees of abstraction' to a meaning which could be applied to the data. Reconceptualising them as motivations for behaviour seemed to be as far as this explanatory process needed to go. While it may have been difficult to identify whether a piece of discourse reflected a certain ideology of which the locutor may have been unaware, it was considerably easier to identify whether the statement had been motivated by morality, justice or economic considerations, as these are part of 'lay' language, rather than the somewhat arcane world of political philosophy.

Even with more recognizable categories for the classification of data, there remained a high level of arbitrary judgment to be utilized in making the classifications, as there were still no 'foolproof' means of readily identifying which pieces of data fell into which category. This high degree of subjectivity may be grounds for the validity of the testing to be called into question. It is quite likely that I have demonstrated a strong bias towards classifications which support my own opinions and understandings of how these theories have been applied.

I wish to defend my research from such criticism by reminding the reader that bias was inevitable. To return to Lewins' notion of theory dependence, another of the points at which theory dependence enters the research project is in data collection:

> Within any disciplinary framework, and in light of the particular theory or concepts in the intellectual foreground, it is not the case that all events are capable of being perceived and selected as evidence. Events are evidence to the extent that they are selected as such, and this depends on assumptions as to what the events were evidence for.[19]

It could be argued that there are ways in which this subjective bias can be minimized, if not avoided completely. To give one example, I could have adopted a word-counting approach, in which key terms would be identified as associated with different ideologies, and their frequency in the data then assessed. However, while such an approach may have

[19] Lewins, 1992, p15

mitigated the inaccuracies which may have arisen from subjectivity, it would have risked creating inaccuracy in another way by overlooking data which may have 'fallen between the numbers.' It also would not have allowed for the fact that some pieces of discourse carry more weight than others; for example, the findings of a major governmental report certainly have greater importance than, say, a chance remark in *Hansard*.

Flexibility was also important because I was dealing with data from within and outside of the government, as well as data from different organizations within the state, and therefore had to be alert to alternative definitions, a problem which Hakim has described as common in secondary analysis such as mine:

> The secondary analyst is more likely to confront the difficulties of data integration, the non-comparability and inflexibility of concepts, definitions, and classifications, or what Dunn has termed the 'entity problem' (Dunn, 1974: 141)... The entity problem pervades all social research; if a conceptual framework becomes too ingrained, we lose the ability to perceive changing social realities and to reconceptualise observed phenomena.[20]

The strong presence of the researcher in qualitative inquiry has allowed me to remain responsive to variations in meaning between different sources.

Including time as a variable also presented a problem in testing the hypotheses. Different governments in New Zealand, as elsewhere, have acted at different times according to different ideologies. If a language seemed to associate itself more readily with one political theory than another, it may simply have meant that that language was a focus of government policy at a time when that ideology was dominant. It all depends on what other imperatives may have existed at the time in question, besides ideology, which may have induced the government to create a policy on a certain language.

The existence of outside variables can unfortunately never be removed from any policy analysis, and to attempt to do so would be futile, as Davidson and Tolich have admitted:

> Mostly variables are not so strongly associated with just one other variable as to provide a satisfactory and complete explanation (and this is what qualitative

[20] C Hakim, *Secondary Analysis in Social Research*, George Allen & Unwin Ltd, London (UK), 1982, p22

researchers mean when they argue that the social sciences are not deterministic)...multicausality sensitizes us to the fact that, in the social world, most variables are associated to some degree with all other variables.[21]

The challenge for researchers is to accept a plurality of causes for all social phenomena, and to try and fit one's own theory into the bigger picture, rather than trying to draw the whole picture oneself.

As I adopted a holistic approach, and as my research not only concerned the frequency (quantity) of instances of each political theory, but also their status in the general discourse (quality), it seemed reasonable to describe my project as a piece of qualitative research. To answer the questions I wished to explore, I as the researcher had to be free to manipulate the data to take these qualitative considerations into account; a freedom which could not have been achieved within the rigidity of a quantitative research framework. Having embraced a qualitative approach, subjectivity became an asset rather than a liability, as Patton has remarked:

> The ideals of absolute objectivity and value-free science are impossible to attain in practice and of questionable desirability in the first place because they ignore the intrinsically social nature and human purposes of research.[22]

Nevertheless, qualitative freedom does not come without a price. As Ritchie and Spencer have argued, qualitative data must be accompanied by a high level of transparency to be considered valid, especially in policy analysis.[23] The presentation of my data aimed to satisfy this imperative. By maintaining a narrative text, interspersed with actual quotes from my dataset, I, the researcher, was able to comment on the results as they were presented, and to remain prominent in the analysis. Patton, again, has described this as a feature of qualitative reporting:

> ...qualitative inquiry methods promote empathy and give the researcher an empirical basis for describing the perspectives of others while also legitimately

[21] Davidson & Tolich, 1999, p103
[22] Patton, 1990, p55
[23] J Ritchie & L Spencer, 'Qualitative Data Analysis for Applied Policy Research', in A Bryman & R G Burgess (eds), *Analyzing Qualitative Data*, Routledge, London (UK), 1994, p175

reporting his or her own feelings, perceptions, experiences and insights *as part of the data.*[24]

This would not have been the case if I had distanced myself from the research by presenting it as 'dehumanised' graphs, tables and diagrams.

DATA COLLECTION

Once I had decided what my data was, the next step was to determine how I was going to collect it. The primary method I chose was that of secondary analysis, defined by Hakim as...

> any further analysis of an existing dataset which presents interpretations, conclusions or knowledge additional to, or different from, those presented in the first report on the inquiry as a whole and its main results. Secondary analysis will thus include...reports angled towards a particular policy issue or question [and] analysis based on a conceptual framework or theory not applied to the original analysis.[25]

The above stated purpose of my research – to bring a certain coherence to the disparate official information available about language policies in New Zealand – seems to render secondary analysis a logical choice.

Hakim went on to enumerate four main advantages that secondary analysis had to offer, which I have paraphrased below, and, where necessary, explained their particular applicability to my topic:

1. The researcher can concentrate on theoretical and substantive issues rather than methodology.

The scope of influences on language policy means that deciphering them by primary research would have been methodologically unfeasible. Those at a sufficiently high level in government to understand and influence the rationale behind policy decisions were unlikely to be readily contactable for comment, and were also likely to have had their views published anyway.

---

[24] Patton, 1990, p58 (original emphasis)

[25] Hakim, 1982, p1

2. The researcher may challenge the findings of the research 'oligarchy' in their particular field.

I took a critical view of the government literature that I researched, hoping to reveal assumptions which may have been invisible to those within the official 'oligarchy' which produced it.

3. The researcher may introduce time as a variable in their research, without the logistical challenge of longitudinal research.

Many of the policies and statutes which are in place today have been in existence for many years, so to find the reasons behind them often required a glance back in history to when they were first introduced. Similarly, policies can be argued to always be responses to what has gone before, so to separate a policy from its history was likely to be an inaccurate and artificial way of revealing the reasoning behind it.

4. The researcher may draw on a wide range of sources to gain an holistic understanding of a phenomenon or organization.[26]

The applicability of holism to this research has been discussed elsewhere in this chapter.

Overall, then, it seemed that all of the features of secondary analysis made it an appropriate method for this research. Furthermore, Lewins has made the practical point that research designs must be aligned with the resources the researcher has available. The fact that secondary analysis "offers economies of time, money and personnel"[27] was therefore particularly appealing, as it fitted within the limitations I faced in all three areas.

Secondary analysis was also particularly appropriate for this research in that I was exploring the activities of government, which are, by law, extensively documented and available for public scrutiny. Hakim has remarked upon one possible advantage of using official records in secondary analysis:

> ...the data obtained from such records may be affected by administrative procedures and concerns...These types of data thus provide information on the workings of the administrative systems as much as the social phenomena connected with them, a

---

[26] Hakim, 1982, p16

[27] Hakim, 1982, p1

point which secondary analysts take into account in their interpretations of the data.[28]

As the workings of the administration were what I wished to study (or, to put it another way, the administrative 'culture' which is created out of the discourse), this was a particularly useful method for me to adopt. At the same time, however, I had to be cautious to keep in mind what official documents may not reveal, subject as they are to public scrutiny and therefore geared towards public acceptability.[29]

The use of secondary analysis also avoided many of the ethical concerns associated with primary research. The fact that two of the languages I wished to research were linked with cultures other than my own meant that to seek 'new' information on them would have been to encounter the ethical problems of cross-cultural researching. By this I mean that I would have risked an unfaithful representation of the 'truths' of those cultures, as I may have been incapable of truly understanding them from my Western cultural perspective. By confining myself to secondary sources, especially official ones, I used information which had already been made available to any 'outsider' who might care to peruse it, and therefore my use of it was unlikely to be seen as unethical by its authors, even if they came from a different cultural background from my own.

And yet I did not wish my data to entirely exclude primary material. Jane Kelsey, a researcher who has used secondary analysis to good effect, has spoken of the 'gaps' which can arise in the systematic study of a political phenomenon,[30] which secondary sources cannot necessarily fill. I decided to supplement my analysis of secondary material, where possible, with interviews with those in official positions who could comment with authority on the workings of the government as a body.

SAMPLING

Next, I had to determine from where I was going to obtain my data. Firstly, I had to ascertain what, indeed, contemporary language policies were. To this end, I searched for any policy by which the government made some active attempt to alter language use in

[28] Ibid, p12
[29] Ibid, p13
[30] J Kelsey, 'Secondary Sources', Davidson & Tolich, 1999, p313

New Zealand (these must be contrasted with *passive* interventions, which occur in any government activity where a public sector employee makes a choice about language use.) The current Estimates of Appropriations, and New Zealand Statutes, provided a fertile starting point for this search, either revealing specific policies, or pointing to where they may be found elsewhere in government literature.

Once a policy had been identified as relevant, I then attempted to find some explanation of *why* it had been put into place, to determine whether the rationale behind it could 'fit' into any of the three models of state behaviour outlined in the introduction. The sorts of areas where I looked for explanations included research which had been influential in the formation of that particular policy, or official leaflets, reports and other publications from the agency responsible for administering a particular policy. Where the policy had been put in place by statute, I found the Hansard reports of the statute's readings to be highly instructive in some cases.

My sampling technique might well be criticised as a little *ad hoc*, so it may be necessary to defend it again by grounding it in established methodological practice. My sampling seemed to demonstrate the technique that Davidson and Tolich have described as "theoretical sampling", by which "the researcher decides on analytical grounds what information to collect next and where to find it."[31] Kelsey has identified this approach as particularly effective for the secondary analyst:

> ...I still don't tend to do systematic searches. It's more about finding the small number of key pieces and working from there.[32]

Certainly, theoretical sampling seemed most appropriate for a study which aimed to locate specific pieces of proof within a relatively small population.

As has been the case in all stages of the research, my sampling process rested upon certain preconceptions. The first was that such a discourse actually existed. It may have been that the real motivations behind language policy had never been recorded. This would not necessarily imply any kind of official deception. It may simply have been that the rationale

[31] Ibid, p111
[32] Kelsey, 1999, p311

had never been considered, at least not to the point where anyone had written it down. The likelihood of encountering an absence of sources varied for each language group. It could be expected, for example, that te reo Māori, which has been the site of much discussion and controversy, would yield a richer sample than immigrant community languages, which have been largely ignored by central government so far. While it was probable that the reasons for government activity would have been documented in some way, the reasons for *non*-activity were likely to be harder to locate.

Another assumption I made in my research design was that available texts would actually reveal the real motivations behind language policies. To believe this may have been to adopt a rather top-heavy view of policy-making. It could be argued that the real motivations for policy-making came not from political ideology but from the 'grass-roots.' For this reason, material was also drawn from outside official sources, such as academic texts, personal accounts and the media. Obviously, a comprehensive overview of all the public attitudes to language which have ever been recorded would have been impossible within the scope of this work, and actually unnecessary in testing the hypothesis at hand. Therefore, these accounts were only used peripherally to the central discussion, not to create an alternative theory of government behaviour, but merely to support or challenge the discourse of the state, and thereby to provide alternatives which may then be investigated more thoroughly by other researchers at a later stage. Hakim has described this as a valuable opportunity which is open to the secondary analyst, and it is certainly one which I wished to take advantage of:

> [Secondary analysis] is often a crucial step in the process of getting new issues on to the political agenda, defining information gaps, and hence specifying new research needs.[33]

By scouting for what material was available outside my sphere of interest, but which may have had bearing on it, I hope to identify gaps that other researchers may later further expose and maybe even fill.

---

[33] Hakim, 1982, p17

The difficulty here was that which afflicts any qualitative researcher; if I aimed to remain open to new sources and new ideas, how would I know when to stop? As Davidson and Tolich have bemoaned:

> In qualitative research there are no easy answers: enough is enough. Only you, as the researcher, will know when you have analysed and collected sufficient data.[34]

Again, transparency was vital in making this decision.

DATA MANAGEMENT

Davidson and Tolich's list of questions that researchers must ask themselves suggested that, once you have decided what you want to know, whom you want to know it from and how you will find it out, you must devise a plan for "keeping on top of your research." Certainly, my research design was going to take some keeping on top of, as it was likely to involve an extensive dataset on a complex range of topics. To help make sense of it all, I adopted a loose adaptation of a process devised by Ritchie and Spencer specifically for applied policy analysis, which they referred to as "Framework".

Ritchie and Spencer's analytical process involved developing and applying a thematic framework for a set of what may be apparently disparate data. Their description of how this is done appeared to fit with my own intended construction of ideological discourses:

> Devising and refining a thematic framework is not an automatic or mechanical process, but involves both logical and intuitive thinking. It involves making judgments about meaning, about the relevance and importance of issues, and about implicit connections between ideas.[35]

The thematic framework devised for my research was the discourse 'signposts' which indicated the presence of a certain political ideology.

Once the framework had been developed, Ritchie and Spencer suggested indexing the data in its textual form.[36] Once again, a high level of subjectivity must be exercised:

> For each passage, the analyst must infer and decide on its meaning, both as it stands and in the context of the [document] as a whole...Single passages often contain a

[34] Davidson & Tolich, 1999, p112
[35] Ritchie & Spencer, in Bryman & Burgess, 1994, p180
[36] Ibid, p181

number of different themes each of which needs to be referenced; multiple indexing of this kind can often begin to highlight patterns of association within the data.[37]

After the data sources have been indexed according to the thematic framework, "data are 'lifted' from their original context and rearranged according to the appropriate thematic reference." Ritchie and Spencer referred to this process as charting, and it lent itself particularly well to the complex interconnections of ideology and language which my theory concerned.

It was imperative that my own chart divided my dataset according to the four ideological models of the state. I determined this to be insufficient, though, for the data to be kept under control. I therefore made a second division in my dataset; separating policies into the language that they concerned. My motivation for doing this was taken from *Aoteareo: Speaking for Ourselves*, in which a similar separation is made. The three languages I chose were English, Māori, and Languages Other Than English or Māori (LOTEMs). This gave rise to a simple matrix in which my data could be contained:

	MINIMAL STATE	**INSTRUMENTAL STATE**	**JUST STATE**	**ETHICAL STATE**
TE REO MĀORI				
LOTEMS				
ENGLISH				

Once a piece of evidence was located, I copied it verbatim into the relevant cell in the matrix provided in the methodology section. If it might also have relevance for another cell, this was noted for future reference next to the quotation. Each quotation was footnoted immediately so it could be placed back into its original textual context if necessary.

Ritchie and Spencer next recommended "abstraction and synthesis" of textual data, as opposed to "a 'cut and paste' approach, whereby 'chunks' of verbatim texts are regrouped according to their index reference." I departed from their prescription a little, in that I

[37] Ibid, p182

deemed a degree of cutting and pasting indispensable, as, being content analysis, I wanted to keep the distance between me and the texts at a minimum. I nevertheless used abstraction to determine what shape this cutting and pasting would take. For each unit of data, I wrote a short summary of how I felt it fitted into the general context of the cell I had placed it in. The summaries could then be grouped into paragraphs, and were extremely useful for identifying themes and organising how the data would be presented. The "chunks" of text were then slotted into their appropriate places in the resulting paragraphs.

The next step in the 'Framework' process depended on the research question, but, broadly, it involved looking for patterns and associations within the charted data. Here there was potential for both deduction and induction, in that the patterns could be checked for evidence of the preconceived hypotheses, while at the same time the researcher was able to keep a weather eye on any unforeseen patterns which may be emerging. Overall, "Framework" provided a flexible but systematic process for data management, or for "keeping on top of the research," the shape of which corresponded well to my own research design.

It then remained to describe each cell in the matrix. I have headed the descriptive chapters using the three language groups that I investigated. For each one, a brief introductory overview has been provided, followed by a description of what policies are currently in place for that language. Then, the three theoretical models of the state have been applied to each language. My own analysis has been interspersed with the raw data itself, to encourage the reader to make their own judgments as to what each piece of discourse represents.

Te Reo Maori

INTRODUCTION

Of the three language groups investigated in this research, te reo Maori was in a unique position, being the only one solely spoken in New Zealand[1], and also the only one in danger of extinction. The state's relationship with te reo Maori reflected these circumstances, and was pervaded by a certain sense of urgency. The New Zealand government has styled itself as a kind of life-support system for an ailing language, and, as such, te reo Maori has received considerable attention in language policy, as the Waite report explains:

> The revitalisation of Maori heads the list of priorities, because the next few years will be critical to its survival.[2]

The state's eagerness to get on with rescuing te reo Maori as soon as possible has led to a plethora of policies and publications. Of the three language groups, Maori was by far the most actively promoted in government discourse, although not necessarily the most *effectively* promoted. With a multitude of ideas coming from an equally multifarious number of sources, the state seems to have demonstrated an *ad hoc* and reactive approach to te reo, rather than following any cohesive strategy.

Leith Comer, Chief Executive of Te Puni Kokiri, has explained how such an approach may not be effective for a situation like that of te reo Maori:

> The transfer of te reo to future generations won't happen by accident, and in a world of limited resources we need to make smart decisions. In the words of Joshua Fishman, the noted sociolinguist, we need to do a few critical things early and well. Language planning will help us decide what these things are.[3]

Deciding what these things are is no easy task. The introduction has identified the many areas of life where language use may be influenced, and, in undertaking to influence Maori language use, the government has had to try to reverse a trend – to swim upstream, as it were – in all of these domains. Prioritising according to what works best is particularly

[1] This refers to New Zealand Maori, and does not include Cook Islands Maori or any other near cousins of New Zealand's indigenous language.
[2] J Waite, 1992, *Aotearoa: Speaking for Ourselves*, Part A, Ministry of Education, Wellington (NZ), 1992 p6
[3] *Guidelines for Community Maori Language Profiles*, Te Puni Kokiri, 2001

hard in an environment where urgency may seem to preclude long-term research, and this criticism from one MP shows that the government's decisions have been open to dispute:

> It is one thing to say that the Maori language is a taonga and needs to be saved. It is a different matter to then direct the Government to spend millions on radio and television services that may have far less impact than, say, directing the spending into kura kaupapa and kohanga reo language schools.[4]

The coherence of Maori language policy has been further hindered by the plurality of groups which each have a distinct relationship to, and interest in, the language. The delineation of members and non-members of the language's culture does not correspond as tidily to first-speakers and additional speakers of the language as in the case of other languages. Many Maori do not speak Maori as a first language; furthermore, many Pakeha claim te reo Maori as part of their culture, which cannot be said of other non-English languages. Even the existence of an agency especially for Maori language maintenance (Te Taura Whiri I te Reo Maori, the Maori Language Commission) does not seem to have been enough to co-ordinate Maori language policy. In a recent annual report, the Maori Language Commission has described a lamentable (albeit improving) lack of liaison between agencies with an interest in te reo Maori.[5] While a certain degree of urgency may indeed be required in the revitalisation of te reo Maori, the adage that "haste makes waste" may well be applicable in this case.

On the other hand, it may be that the state has had no alternative but to forge ahead with te reo Maori policies before the language sinks further into oblivion. Strategic planning can perhaps be left to a later stage, once the *ad hoc* policies have been in place long enough for their outcomes to be analysed. Maori-medium education policies, for example, one of the first Maori language initiatives of the New Zealand state, have revealed, over time, a high degree of success, and one recent commentator has gone so far as to say that:

> ...the kohanga reo model...has averted the death of Maori language and become a world-leading model of language recovery.[6]

---

[4] M Williamson, 'Books, not a TV channel, needed for young Maori', *New Zealand Herald*, 10/12/01, Newztext reference #232700

[5] *Te Taura Whiri i te Reo Maori*, Annual Report for the year ended 30 June 2001, p1

[6] Proposal for National Institute of Research Excellence for Maori Development and Advancement, in S Collins, 'New horizon beckons with Maori institute', *New Zealand Herald*, 07/03/02, Newztext reference #1190273

However, while pursuing individual Maori language policies may have led to some cases like this of unprecedented success, it would be foolish to expect that outcomes will always be positive. The state's apparent belief so far that no language policy will be *bad* for te reo Maori, so it's safe to press on regardless, has ignored some negative effects of state intervention in the language which more careful planning might have brought to light.

The drawbacks of state intervention in te reo Maori do not concern so much the *effectiveness* of Maori language policy, but rather the *appropriateness* of having Maori language policies in the first place. Researcher Michael Clyne has noted that "some nations and cultures show strong proprietorship over their languages. Others see their language as part of their contribution to civilization."[7] The te reo Maori movement has thus far exhibited more of the latter approach, as Maori Affairs Minister Parekura Horomia describes:

> Maori are full of kindness, in the sense of the revitalisation and sharing of te reo Maori.[8]

Benton has reiterated this observation, but went on to say how the sharing of the Maori language with the predominantly Pakeha state has ceded a certain amount of control:

> Maori have traditionally been very willing to share their language with outsiders... However, the right to know is no longer uncontested, and the right, or, more importantly, the power to set the norms has certainly drifted away (at least momentarily) from the speech community at large, or its traditional elites, with the establishment of the Maori Language Commission and the assumption by the education system of the key role in facilitating Maori language acquisition among the young as Maori-speaking neighbourhoods have disappeared.[9]

It is arguable that locating the nexus of control over te reo Maori in the New Zealand state may cause the views and preferences of Maori to be overlooked or undermined.

Maori or not, the New Zealand government (in theory at least) is comprised of people whose policy skills can be applied to any purpose, and therefore may be argued to be the

---

[7] Michael Clyne (1993, p357), in R Benton, 'Whose language? Ownership and control of te reo Maori in the third millennium', *New Zealand Sociology*, vol 16 #1 2001, p36
[8] *New Zealand Parliamentary Debates*, 7/8/01, , vol 594, p10675
[9] Benton, 2001, pp36-37

best place for te reo Maori policies to be formulated. Unfortunately, reducing te reo Maori to an abstract policy problem for a (largely) non-Maori state may have divorced it from the 'realness' that it has in the hearts of the Maori people. To many proponents of te reo Maori, the language is a living treasure, with a spiritual quality that may not be apparent to policy-makers who are not immersed in the Maori world. The representative nature of parliament does mean that some te reo policy-makers will have had a feeling for this spirituality, but they are a minority in Parliament. Entrusting te reo Maori to the state has meant that the majority of those who control it have probably not felt its loss directly. This has led to instances where it has not been taken seriously; Hansard is peppered with examples of where te reo Maori has been used in Parliament as a cheap points-scoring or time-wasting device, in a perversion of the original intention behind allowing it to be spoken in the House of Representatives.[10] This excerpt from a 1950 government publication, while not indicative of current government thinking, also provides an example of how the importance of the Maori language may not always be apparent to non-Maori:

> In conclusion, it might be emphasised that language is not the sole or even the main contribution that the race can make to the national culture of New Zealand, and that even should the Maori language be replaced by an increasing degree by English, it will not mean the extinction of either the Maori race or Maori culture. Language is a medium through which other cultural aspects are transmitted, and it might well be that more effective transmission can be made using English, at this particular stage in the development of the Maori race.[11]

Conversely, if control over the Maori language were to be situated in the Maori community, those who have felt its loss acutely are more likely to be in a majority, and the needs of this group may be less likely to be 'lost in translation' between cultures.

The other difficulty with the New Zealand government's control of Maori is that Maori are not a people who fit neatly within the bounds of a nation-state. First of all, the generic term

---

[10] See, for example, V Small, 'Nothing Winds MPs Up Like Asking Questions in Maori', *New Zealand Herald*, 12/12/01, Newztext reference #233482

[11] *Min of Ed report, Maori Language Teaching in Maori Schools*, [E.29/2/97, National Archives, 1950, pp18-19], in J Soler & J Smith (eds), *Literacy in New Zealand: Practices, politics and policy since 1990*, Longman, Auckland (NZ), p44

"Maori", itself a creation of colonisation,[12] disguises the nuances of identity which divide Maoridom along tribal lines. Benton has described how this has caused a problem for policy-makers in the past, and the attempt the government made to rectify the situation:

> Twentieth-century Maori is a single language with a number of dialects and subdialects... Dialect differences, or, more accurately, fears that one major dialect would dominate the school curriculum, caused serious problems for editors of school publications in the 1960s. These were resolved or at least lessened by recruiting writers from various districts and encouraging them to write in their native idiom.[13]

Even if sensitivity to different dialects is attempted, it seems inevitable that centralising the manufacture of "te reo Maori" will have a detrimental effect on regional variation.

Not only does te reo Maori defy the nation-state model by variation within its boundaries, it also expands outside the nation-state's limitation. Benton, again, has explained:

> Maori in the year 2001 is definitely a pluricentric language, belonging to a *Kulturnation*, but with a *Staatsnation* lurking in the background... Nor is the Maori *Kulturnation* confined to Aotearoa: it has itself established colonies across the Tasman, as witnessed by the establishment of kohanga reo and other groups actively promoting the Maori language and culture among Maori emigrants to Australia.[14]

All in all, it does not seem that the outline of the Maori *Kulturnation* corresponds very accurately to the New Zealand state's jurisdiction, and the language of this *Kulturnation* may therefore encounter considerable complications trying to fit into New Zealand public policy.

On the contrary, some would argue that the boundaries of te reo Maori and the New Zealand nation-state are very well matched indeed. The arguments of those who divide New Zealanders into separate 'Maori' and 'Pakeha' identities have been offset by those who maintain that both are parts of an overarching 'New Zealandness'. Here, it seems, political nationality has become merged with ethnicity or culture. Certainly, as the cultures

---

[12] Elizabeth Gordon and Tony Deverson, *New Zealand English and English in New Zealand*, New House Publishers, Takapuna (NZ), 1998, pp11-12
[13] Benton, 2001, p39
[14] Ibid, p51

of New Zealand continue to blend, it seems that there may be a New Zealand culture emerging, which is neither Maori nor Pakeha, but a mixture of both. Maori MP Dover Samuels has suggested that te reo Maori might be a component of this hybrid:

> My understanding of language, specifically, the Maori language, is that it belongs to all of us.[15]

A recent Te Puni Kokiri publication reiterated this view:

> Maori culture and language matters to Maori and New Zealanders as a whole. It is a critical part of the unique identity of New Zealand.[16]

If it is indeed the case that te reo Maori belongs to New Zealand, and not to Maori, then it is an appropriate concern of the New Zealand state. The extent to which this is true will be revealed by how far the needs of Maori are found to be accommodated by that same state. It is a recurring theme of this research that the status of a language in the New Zealand state reflects the status of its people. If New Zealand public policy is seen as inclusive of the interests of the Maori people, then the same will follow for the interests of the Maori language.

Before we proceed, it may be appropriate to clarify some key terms: that is, "Maori" and "Pakeha". 'Maori' here is taken to mean those people who identify themselves as members of New Zealand's indigenous Maori race. It is important to note that this is a psychological, and not necessarily biological, distinction, in that self-identifying Maori are those for whom Maori culture and language will have a particular significance.

The use of the word "Pakeha" is also a controversial matter which requires careful explanation. Some definitions of "Pakeha" extend the term to include any non-Maori New Zealander. Others, such as this government reports, define it in terms of European origins:

> Pakeha: A collective term for New Zealanders who, irrespective of the number of generations in New Zealand, identify as originating in some way from Europe. For example, Cornish, Dalmatian, Dutch, English, German, Irish, Scottish, Swedish and Welsh New Zealanders.[17]

---

[15] *New Zealand Parliamentary Debates*, 29/8/01, vol 594, p11165
[16] *Maori Television Service Questions and Answers*, Te Puni Kokiri, July 2001
[17] *The National Maori Language Survey*, Te Puni Kokiri, undated (c1997), p89

The definition of Pakeha adopted here is that provided by political scientist Richard Mulgan:

> Pakeha culture can be defined as the branch of European culture which is native or indigenous to New Zealand.[18]

This definition has been adopted to distinguish the group of non-Maori who have a particularly close bond to New Zealand culture, or 'Kiwi' culture, in which certain elements of Maoritanga are included. Again, self-identification must be the distinguishing factor of this group. Many Pakeha do not see Maori culture as a part of their own. These Pakeha relate to the Maori language similarly to those of other cultures, which are defined as any persons who are neither Maori nor Pakeha.

CURRENT POLICIES

The overarching objective of the government's intervention in te reo Maori has been language "revitalisation". The Waite report has shed some light on how this rather imprecise concept can be operationalised into public policy:

> Revitalization of a people's language involves increasing the number of native speakers of the language, increasing the number of domains in which the language is used, increasing the amount of printed material available in the language, and often extending the vocabulary base of the language to meet the demands of the new domains.[19]

These four policy areas provided useful guidelines for organising the vast array of Maori language policies in the following discussion.

Increasing the number of native speakers of Maori would be a difficult undertaking for any government, as it involves changing the behaviour of a group of citizens at a deeper level than the government would normally intervene in. It may be best accomplished in the sector where the government has arguably the most opportunity for influencing individual behaviour – the education sector. The term "native speaker" implies the use of Maori as a first language, and therefore it is essential for the creation of native Maori speakers to take place before the individual in question has had the chance to develop a first language other than Maori (most likely English). For this reason, by far the most successful contribution

[18] Richard Mulgan, *Maori, Pakeha and Democracy*, Oxford University Press, Auckland (NZ), 1989, p21
[19] J Waite, *Aotearoa: Speaking for Ourselves*, Part B, Ministry of Education, Wellington (NZ), 1992, p30

the government has made to Maori language revitalisation has been through contributing funds to the *kohanga reo* (language nest) preschool movement, which has been recognised as an "extraordinarily vital development" in the history of te reo Maori[20]. In 2001, 9,594 children were enrolled in *kohanga reo*, but enrolments have soared as high as 14,027 in 1993.[21] The popularity of the language nests has borne witness to the importance of early intervention in a child's language development. The *kohanga reo* take an holistic approach to language development, providing education in the Maori concepts and practices that the language supports, and offering adult education opportunities so that *kohanga reo* students may find language support in their home environments as well.[22]

The government has also provided financial support to Maori language options at higher levels of education. 56 *Kura kaupapa Maori*, or Maori-immersion schools, were operational at the time of writing,[23] 17 of which were composite schools (Years 1-15). Maori students at *kura* represented 3.3% of all Maori students. The *kura* are funded similarly to conventional state schools, and administered by democratically elected Boards, or by whanau groups. At tertiary level, there were 4 *whare wananga*, or universities of Maori language and culture. While these institutions may be important for attracting Maori speakers later in life, and for allowing *kohanga reo* students to continue using te reo Maori throughout their education, the creation of "native" speakers occurs at a preschool level.

Of course, however keen the government may be to create more native speakers of te reo Maori, it cannot do so without the co-operation of the future speakers themselves; or, more importantly, their parents. The decline of te reo Maori in the education system has been linked, in part, to a belief amongst both Maori and Pakeha that the language has no value in mainstream New Zealand society. The government has therefore also worked to reverse this trend, by making te reo a viable language for everyday use. Here, Waite's second point comes into play; that the government must increase the domains in which te reo Maori is used.

---

[20] Waitangi Tribunal of New Zealand, *Te Reo Maori Report*, 1986, p12
[21] *The National Maori Language Survey*, Te Puni Kokiri, 1997, p97
[22] Waite, 1992B, p36
[23] Ministry of Education representative, personal communication, 13/01/03

The government has acted to ensure that te reo can be used in all the domains over which it has direct control. In Parliament, for example, Standing Order 150 permits Maori to be spoken by a Member of Parliament in addressing the House. Maori may also be used by persons appearing before courts and tribunals, as per the Maori Language Act 1987, and the free services of an interpreter will be provided to translate what they have said into English.[24] This differs from the entitlement to use a LOTEM in court, as it is expressly stated in the Act that this entitlement may be used by a Maori-speaker "whether or not they are able to understand or communicate in English or any other language."[25]

Public broadcasting is another institution in which the state has promoted Maori language use. The Broadcasting Commission is required by the Broadcasting Act 1989 s36(c) to:

> ...reflect and develop New Zealand identity and culture by promoting programmes about New Zealand and New Zealand interests, and promoting Maori language and Maori culture.

IVA, s53B, of the same Act establishes a separate body called Te Reo Whakapuaki Irirangi, to

> ...promote Maori language and Maori culture by making funds available, on such terms and conditions as Te Reo Whakapuaki Irirangi thinks fit, for broadcasting and the production of programmes to be broadcast.

Current legislation therefore shows strong support for Maori broadcasting, which will be bolstered further if the Maori Television Service Bill becomes law. The establishment of a Maori Television Service is an initiative which has been struggling for years to get off the ground, but which has been plagued by dubious management and public scandal. The Commission has also fulfilled its statutory responsibility by part-funding a Maori-medium news programme, *Te Karere*, and contributing to a Maori National Radio network.

The arts provide another forum where Maori language speakers may utilise their skills with government support. Creative New Zealand, the government agency responsible for arts administration, comprises a special Maori arts board, te Waka Toi. It has recently reported

---

[24] *Speaking Maori in Court,* Department of Courts leaflet, April 2001
[25] Maori Language Act 1987, s4

granting $701,108 to fifty Maori arts projects, including projects concerned with the Maori language.[26]

Yet entrenching te reo in New Zealand society cannot be achieved only by supporting those existing fora in which the language may be used by its native speakers. One correspondent has remarked that, while the Maori language may have successfully infiltrated some domains, it has yet to pervade the day-to-day settings which will be crucial to its survival:

> Presenting traditional Maori identity through its unique visual and performing arts forms is well established. It is the expression of that culture in day-to-day contemporary terms that needs attention. Keeping the language alive and evolving is an essential element.[27]

The majority of domains in New Zealand society continue to be controlled, staffed or populated by English-speakers. If te reo Maori cannot be used in interaction with these speakers, then it seems likely that the language will continue to be excluded from mainstream New Zealand life, and that English will remain the 'default' language to be used in exchanges between speakers of English and Maori. The other side of increasing domains in which te reo is spoken, then, will involve enabling native English-speakers to use te reo as an additional language, so that the 'default' language can be a matter of choice, not of necessity.

Education, again, has provided the government with an opportunity to advance this agenda. A number of bilingual schools have been established, in which proficiency in Maori is cultivated as additional to proficiency in English. Te reo Maori is also taught to both English and Maori students in many English-speaking schools, and the *Curriculum Framework* has made a commitment to nurturing Maori language use for all New Zealand students:

> The school curriculum will recognise and value the unique position of Maori in New Zealand society. All students will have the opportunity to acquire some

---

[26] *New Zealan d Herald*, 9/11/02

[27] M Smythe, 'Maori TV has potential to greatly enrich society', *New Zealand Herald*, 13/12/01, Newztext reference #233569

knowledge of Maori language and culture. Students will also have the opportunity to learn through te reo and nga tikanga Maori.[28]

Maori has yet to achieve the status of English as a core subject in the New Zealand curriculum, so the amount of Maori taught in schools varies according to the whims of the school, its students, and its local community. As with any non-English language, the level of Maori students learn at present does not usually seem sufficient to allow them to communicate very effectively in the language at all. This suggests that, unless objectives and outcomes are hopelessly misaligned, being able to interact in Maori with Maori-speakers has not been a high priority in most schools.

Educating children may be seen as an investment in the future of te reo Maori. As has been noted, Maori language policy has been infused with an urgency that does not lend itself to waiting for a generation to grow up. Adult speakers also have a vital role to play in te reo's preservation, both for this generation and the next, as Maori Affairs Minster Pakekura Horomia (in a translation of a speech given in te reo Maori) has observed:

> If the Maori parents who are familiar with the language speak in Maori to their children at the level of their children, it can be done. The amount spoken in the language increases according to what the parents are capable of.[29]

The relative lack of te reo Maori education in schools for most of last century means the current generation of adults speaks little or no Maori; a situation which the government has also seemed eager to ameliorate.

While children in schools may be a "captive audience" for instruction in te reo Maori, adults who have left the school system are harder to influence. The state's promotion of te reo Maori for adults has mainly been limited to those over whom it does exercise a degree of control – its own employees. All public sector agencies have "a formalized policy and plan for building the use of Maori language in their organisation," as part of the government's 1997 Maori Language Strategy.[30] On an individual level, the Maori Language Commission administers Maori Language Proficiency Tests to state sector

[28] *The New Zealand Curriculum Framework*, Ministry of Education, 1993, p7
[29] *New Zealand Parliamentary Debates*, 11/12/01, vol 597, p13754
[30] *Language Policies and Plans*, Te Taura Whiri i te Reo Maori leaflet (undated)

employees, the results of which can earn them remunerative rewards.[31] For adults outside the public sector, the state has published guidelines for how Maori language use can be increased, and the Maori Language Commission lists, among its core activities, "the purchase of at least three courses targeted at specific occupational groups."[32] These groups can be either inside or outside the public sector. Generally, then, te reo promotion outside the compulsory education sector has been characterised by encouragement, rather than prescription.

The education of adults brings us to Waite's third area in which revitalisation can take place - the production and dissemination of published material in Maori. As with all curriculum subjects, Learning Media provides a range of Maori-language resources for use in schools, but the state has also provided material for use outside the education sector. In 1990, the Maori Language Commission produced a Maori phrasebook for use in a typical office setting (with public sector agencies specifically in mind)[33], and another one for use in the home.[34] The latter seems to have been produced for a Maori audience, as it dealt with issues that Maori groups have identified as important in their language learning in other government research. However, it may equally be applied to non-Maori households. The Commission also produces regular Maori language newsletters, brochures and information sheets in Maori, and purchases Maori language columns or pages in non-departmental publications.

Waite's final area of te reo policy – extending the vocabulary of the language - does not concern the promotion of te reo Maori so much as the creation of it. This is the job of the Maori Language Commission, and one of the Commission's major undertakings has been the production of a Maori-only dictionary. As dictionaries are concerned with the rules and "correct" usage of their language, and as Maori has not been subjected to such a comprehensive rule-making process in its history before, writing the dictionary involved considerable exercise of judgment on the part of the Commission as to what the rules were

[31] Benton, 2001, p45
[32] Benton, 2001, p45
[33] Te Taura Whiri i te Reo Maori, *Maori for the Office*, 1990
[34] *Kei Roto i te Whare*, Te Puni Kokiri, 2001

going to be. The creation of new vocabulary was one area which involved a high degree of subjectivity. There were many concepts which arrived in New Zealand after the rise of the English language, for which Maori words simply did not exist. Benton has remarked that the Commission committed itself to "purging the written language at least of unnecessary English-derived forms"[35]. Instead, the Commission looked to already existing Maori words and concepts to create a range of imaginative neologisms.[36]

In setting themselves up as the creators of the language, the Maori Language Commission also established their authority over its "correct" application. To this end, government intervention in te reo Maori has also extended to policing the language. The Commission examines and licenses Maori language interpreters,[37] and provides checking and translation services to government agencies or the general public.[38] In the education sector, the Education Review Office reviews Maori schools, and "(in some cases) the quality of Maori language"[39]. The state has also established its authority over te reo not just by knowing the language itself, but knowing *about* it. Te Puni Kokiri and the Maori Language Commission have conducted extensive research into the place of the Maori language in New Zealand society, in publications such as *The Survey of the Health of the Maori Language, The Survey of Attitudes, Values and Beliefs Towards the Maori Language,* and reports on *The Use of Maori in the Family* and *Maori Students Using Maori in Mainstream Secondary Schools.*[40] This harks back to Benton's previous claim that control of te reo Maori currently rests with the state. If knowledge is power, then the power over te reo Maori certainly seems to reside, to some degree, in the government.

Of course, knowledge is not the only source of power – money is another. Te reo Maori programmes do not tend to have access to much non-governmental funding, not least because of the relatively low socio-economic status of Maori in New Zealand. The government, then, has been able to effectively buy whatever Maori language policies it

[35] Benton, 2001, p40
[36] See Donn Bayard, 'Kiwitalk: Sociolinguistics and New Zealand Society', Dunmore Press, Palmerston North (NZ), 1995, for more detailed discussion of how the Maori language is meeting the demands of the 21st century.
[37] Benton, 2001, p40
[38] *Language Policies and Plans*, Te Taura Whiri i te Reo Maori
[39] *Guidelines for Community Maori Language Profiles*
[40] *Guidelines for Community Maori Language Profiles*

deems worthwhile, as the recent establishment of a contestable Maori language fund demonstrated.[41] In the past, the government has used the power of money to the denigration of te reo Maori, as Benton has remarked:

> By the 1950s, monetary sanctions had been employed to ensure that schools provided access to English, rather than Maori, as a vehicle for intellectual development.[42]

Benton went on to argue that, although the government has since devoted considerable resources to Maori language revitalisation, it has still actually wielded its financial power in a limiting, rather than supportive, capacity:

> Access is limited by government regulation and the scarcity of government-funded resources. The overwhelming majority of Maori children still are unable to receive Maori-medium education...[43]

As with any policy, it can always be argued that the government has not been as effective as it might have been.

It has been difficult to determine the effectiveness of te reo policies, as their results seem to have hardly been monitored. The government's aforementioned lack of structure and planning in Maori language policy may have made such monitoring difficult, but overall it appears that the government may simply have been more interested in remaining active than in ascertaining the outcomes of its actions. This was one criticism levelled by Opposition MP Maurice Williamson at the government's most recent major Maori language initiative, the Maori Television Service Bill:

> ...the Government is spending $55 million a year, or thereabouts [on the channel]...yet there is nothing in terms of measuring the benefits.[44]

It is also a shortcoming which has been acknowledged by the government itself, and this extract describes how the government has turned to research as a remedy:

> At the moment there is no way of knowing whether our efforts for the language are succeeding or failing. The information gathered in the [National Maori Language] Survey will give us information about changes in Maori language capacity, and they

[41] *New Zealand Parliamentary Debates*, 7/8/01, vol 594, p10674
[42] Benton, 2001, p47
[43] Benton, 2001, p40
[44] *New Zealand Parliamentary Debates*, 5/12/01, vol 597, p13525

> will tell us whether government policies and programmes are being effective in the overall revitalisation of Maori.[45]

Still, researching the rather general "Maori language capacity" says little about which specific policies might actually be working. Merely demonstrating a change in language use, and arbitrarily attributing it to government intervention, does not seem likely to alter the pattern of *ad hoc* Maori language policy.

Overall, it seems that the emphasis in Maori language policy has been on quantity over quality. Benton lamented this fact with respect to the education sector, and offered a rather controversial explanation:

> The educational response to the Maori language could be read as one of intermittent support hampered by chronic ineptitude; but such a generous judgment should be tempered by Charles Perrow's (1986, p13) observation that there is a strong possibility "that what we see as incompetent performance or policy really reflects what some leaders wanted all along."[46]

It may be that the government merely wanted to be seen to be acting to support te reo Maori, without wishing to *actually* support it at all. This possibility is perhaps nicely captured by what has been alternatively described as the government's strongest, and weakest, te reo intervention. Te reo is recognized as the only *de jure* Official Language of New Zealand by the Maori Language Act 1987, yet English is still dominant in all official proceedings. Official status may therefore be seen either as the crowning glory of te reo revitalisation, or as a placebo designed to appease te reo's proponents but actually effecting nothing at all. The following examination of how various ideologies may have motivated government intervention in te reo Maori may help to reveal whether te reo policies represent genuine, or affected, concern.

MINIMAL STATE

The minimal state intervenes only to prevent harm being done to its citizens that would not be adequately prevented by any other sector. The first task ascertained whether the Maori language poses a risk of harm to New Zealanders in the first place. It seemed hard at first

[45] Te Taura Whiri i te Reo Maori, *Ko te Whanau*, Putanga 3, Nama 3, Ngahuru 2001
[46] Benton, 2001, p47

to conceive of how te reo may be used to cause harm, as it is not used widely enough to be an effective weapon in verbal conflicts. If anything, the government appeared to *promote*, not mitigate, verbal assaults in Maori, by using *haka* and *wero* as part of New Zealand's cultural 'branding' on the international political stage.

On the other hand, promoting te reo Maori may be seen as a way of protecting Maori people from the harm caused by *not* using Maori. Maori writer Witi Ihimaera has movingly described the pain that the loss of their language has caused for some Maori:

> When some Maori children speak the Maori language, you see those others that don't understand, you see the lost look on their faces and in their eyes, and that's why we push for Maori to be spoken.[47]

On the other hand, another contributor to Ihimaera's work revealed how te reo Maori can also have a positive emotional effect:

> Today my first language is Maori and English is my second. Because I am Maori, anything Maori makes me feel good.[48]

The Waitangi Tribunal, in considering the seminal 1985 Te Reo Maori claim, showed that the government had the feelings of Maori in mind in developing te reo policy:

> This claim will affect everybody in the country and not only those now living but future generations as well. If we reject it one section of the community might extol our common sense and pragmatism. If we reject it the whole of Maoridom will be incensed, even outraged.[49]

For the "section of the community" that would reject the revitalisation of te reo Maori, the government may also be seen as having prevented harm by its conscientious cultivation of positive attitudes towards the language, to be explored further in the next section. Seeking to change the attitudes of inclement Pakeha towards the Maori language may be seen as a way of protecting them from the indignation they would suffer if the language were promoted without their approval.

There is one instance where the Maori language has been used to harm a certain party in which the state has seen fit to intervene: the word *Pakeha*. For those Pakeha who

---

[47] Witi Ihimaera (ed), *Growing Up Maori*, Tandem Press, Birkenhead (NZ), 1998, p45
[48] Ibid, p41
[49] Waitangi Tribunal 1986, p7

understand the word as meaning "white pig", "white grub", or similarly unpalatable translations, the use of the word in any context is insulting. It is not the role of this research to comment on the validity of this offence (although an extensive treatise on the subject can be found in Bayard[50]); but, rather, to explore the steps that the government has taken to mitigate the emotional harm it may have caused. As the term is not universally perceived as an insult, the government has not banned it entirely; however, on official documents that investigate "ethnicity", less controversial options like "Caucasian" or "New Zealand European" are usually provided as alternatives to "Pakeha". The word was even removed from the 2001 Census forms, following objections to its use in the 1996 form. It remains to be seen whether outcry from a different quarter at its omission will be enough to see it reinstated in 2006.

With potential for harm thus established, the minimal state next questions whether the government's intervention will be necessary to prevent it. Some commentators have argued that some degree of state assistance is necessary to avert the harm that would be caused by te reo's death. This was a strong theme in the 1986 Waitangi Tribunal report:

> It seems very clear to us that the survival of the language can no longer depend upon an edict that Maori fathers and Maori mothers should speak the language to their children. Other policies are now necessary if it is to survive and if it is to be more than like Church Latin, to be used on some ceremonial occasions and nothing more.[51]

The Waite report echoed this idea, claiming that "even those speakers most dedicated to the cause of Maori language revitalization require institutional support for their efforts."[52] The reader probably does not need reminding, however, that these were viewpoints from *within* the state itself.

After all, state involvement in te reo is not without pitfalls. Centralised promotion of te reo Maori may assume a consensus among Maori that does not, in fact, exist. The appointment of non-Maori John Davy as the head of Maori television in 2002 gave an example of how

---

[50] Bayard, 1995, pp155-160
[51] Waitangi Tribunal 1986, p12
[52] Waite, 1992B, p32, emphasis added

opinion on the appropriate way of promoting te reo varied even among Maori groups, as this commentator observed:

> Mr Davy's appointment has been criticized on all sorts of grounds. First, his nationality. Why will a Maori not guide this new era of Maori television? Secondly, the fact that he does not speak Maori and probably knows little of Maori culture. Thirdly, that he has little experience in television. The criticism misses the key point of Mr Davy's selection by a panel made up entirely of Maori.[53]

Of course, conflict always surrounds any policy the government might introduce, be it for Maori or for Pakeha; such is the nature of democracy. The point I wish to emphasise here is simply that the aptness of Westminster democracy as an instrument for preserving te reo Maori (or, indeed, for anything) ought not be uncritically assumed. This point has been highlighted by former MP Penny Webster, albeit somewhat tongue-in-cheek:

> This morning one Maori family member of mine said very cynically that Helen Clark wants this channel because she wants to stand up at the next election and say that she has provided it.[54]

The drawback of democracy is the pressure it places on political parties to present electorally palatable policies. This can lead to the real objective of the policy becoming obscured or deserted, in favour of political expediency. Recalling that the minimal state's highest priority is freedom, the constraints that political accountability place on te reo policies seem to argue against involving the public sector in te reo's revitalisation.

It could be argued then, that the Maori community would be equally, even more, capable of preserving its language without the state's assistance. After all, the driving force behind the revitalisation of the language has come not from within the state, but within the Maori community. Although the dearth of Maori speakers in the Maori community may be seen by some critics as indicating an apathy amongst Maori towards their native language, the government's survey on the Maori language "clearly establishe[d] that most Maori want the Maori language to be revitalised."[55] This finding also emerged in a previous survey on Maori-medium education, which declared that "Maori ... place strong emphasis on Maori

---

[53] Editorial, *New Zealand Herald*, 18/3/02, Newztext reference #1192082
[54] *New Zealand Parliamentary Debates*, 5/12/01, vol 597, p13526
[55] *The National Maori Language Survey*, p63

language"[56], and a recent news report has observed that "Maori-immersion preschools are still the most popular among Maori parents."[57] It seems, then, even if the use of te reo Maori has been lacking among New Zealand's Maori population, the desire to use it has not.

For the language to survive, the community's will to restore it must be translated into action, as Waite has attested:

> If Maori speakers are not committed to using their language on a regular basis, in home and community settings, all other attempts at language revitalization are reduced to mere rhetoric... this core of speakers must be supported in the first instance by institutions such as the whanau, the marae, the Maori-medium school, and where applicable, the Maori-medium church.[58]

A variety of endeavours have, indeed, been initiated by the Maori community in an effort to revitalise their language. The beginnings of the *kohanga reo* movement took place in the community sector, with local *kuia* devoting their time to teaching te reo to Maori children. This was followed by the growth of *kura kaupapa Maori*, which also began without state support, arising solely from the enterprise and dedication of a concerned group of Maori parents.[59] Te Atārangi was another Maori language organisation which grew from community roots, taking perhaps a more holistic view towards language revitalisation, and placing "a great deal of stress on the revitalisation of the language within the family as a whole."[60] In broadcasting, a number of iwi had already developed their own radio stations before the government became involved.

The Pakeha community, perhaps unsurprisingly, has not made such an effort to advance the Maori language. Benton has gone so far as to detect not merely apathy, but antipathy, towards te reo amongst Pakeha:

---

[56] AGB McNair (consultants), *Survey of the Demand for Bilingual and Immersion Education in Maori*, Report to the Ministry of Education, March 1992, p6

[57] D De Boni, 'Government goes back to kindy', *New Zealand Herald*, 12/04/02

[58] Waite, 1992B, pp31-32

[59] See Sharples in Rangimarie Rose Pere, 'Back on the Marae', in Harvey McQueen (ed), *Education is Change: Twenty Viewpoints*, Bridget Williams Books, Wellington (NZ), 1994

[60] Benton, 2001, p40

> One major and ever-present factor in [policy] decisions however has been the obvious lack of support for the language in the New Zealand community as a whole…it was very obvious that the only language that really counted in New Zealand was English…[61]

Nevertheless, it seems that the *renaissance* of the language within the Maori community may have influenced the behaviour of the Pakeha community, even though this community has not acted to promote te reo itself. Popular columnist Tapu Misa has given one example of how the Pakeha community has, apparently unwittingly, come to embrace te reo Maori:

> In the old days, [journalists] had to italicize Maori as if it were a foreign language, giving the meaning of even the most commonly used words. We don't do that any more…What's interesting is that these and other changes have come about almost without our noticing it and because we've seen some sense in them. We've adopted words such as mana and tapu simply because there are no comparable English words for them.[62]

Paradoxically, it may be that this burgeoning of Maori *words* has had a detrimental effect on the flourishing of the Maori *language*. Sociolinguists Elizabeth Gordon and Tony Deverson have explained:

> I have noticed a tendency among some people to use more and more Maori words in English sentences. The intention is admirable, but ironically, all that is happening is that the English lexicon is being extended.[63]

While the entry of Maori words into the English lexicon may have been beneficial for English-speakers, it appears to have been exactly the opposite for Maori. As Maori words have become assimilated into non-Maori contexts, their meaning has been gradually altered, and the aspects of their meaning which were peculiar to the Maori worldview may have become lost. My own study on a group of middle-aged Pakeha, asking for the meanings of certain common Maori words, revealed an overwhelming tendency to translate, rather than define, Maori concepts; for example, "taonga" was often 'defined' as "treasure", with none of the spiritual subtleties which may be associated with the word in a Maori context. It may be, then, that Waite's enthusiasm to promote the use of te reo in "our

[61] Waitangi Tribunal 1986, p11
[62] T Misa, 'Dialogue' column, *New Zealand Herald*, 4/12/02, pA15
[63] Gordon & Deverson, 1998, p145

[ie Maori and Pakeha] homes and communities as much as possible"[64] was misguided. If isolated words and phrases become part of the everyday vocabulary of English-speakers, without a full commitment to fluency in the language, it is possible that te reo will only be "colonised" further. As the English-speaking community has a sizeable majority over the Maori one, and as their participation is seen as crucial to the language's survival in everyday use, it may be that the community sector is not the place in which te reo's survival can be ensured.

If the community sector cannot provide te reo Maori, the minimal state will look to the market instead. The history of te reo Maori in the education system suggests that it could, in fact, be effectively provided by the market. Even though the Maori education movement began as a voluntary enterprise, a market was soon created in that not all costs could be met by donations, and the rest had to be made up by payments from parents. The Waitangi Tribunal has described as a "valiant effort"[65] the remarkable willingness of Maori people to pay

> ...a significant sum of money for Maori families, especially when it is certain that many are not well-to-do members of the higher income group in society.[66]

The development of *kura kaupapa* charted a similar path, being established by voluntary and private enterprise before the government intervened with funding. Although it is doubtful whether *kura* or *kohanga reo* could have attained the level of sophistication that government funding has enabled them to reach if left to the market, the demand for their services suggests that it may have been possible for them to exist outside of the state, especially as this demand is on the increase from a growing Maori population.[67]

Education in Maori as an additional language has not been put to the test in the market in the same way. The existence of Maori subjects at University may provide some clue as to market demand, as students purchase courses from Universities and Polytechnics. It does appear that te reo has been considered valuable by students, as sociolinguist Donn Bayard has observed:

---

[64] *Using Maori in the Home*, Te Taura Whiri I te reo Maori leaflet, (undated)
[65] Waitangi Tribunal of New Zealand, 1986, p12
[66] Ibid, p19
[67] Te Puni Kokiri, *Te Reo Maori*, July 1998, p5

The number of [university] papers offered began to expand rapidly in the late 1980s, due to intense interest and demand for these courses – mainly by Pakeha students.[68]

However, the 'purchase' of Maori papers at Universities does not indicate market demand accurately, as students had to choose a certain amount of papers for a degree. If they would have paid for a paper anyway, the fact that they chose one in te reo does not indicate that they considered it worth the cost – only that they preferred it to any other available options. Recent developments which may lead to secondary schools being permitted to charge for certain subjects may mean that the willingness to pay for te reo at school will be better revealed.[69] However, public objection to such a move has made it unlikely that it will actually occur.

Opposition to paying for te reo instruction in any sector has been particularly strong from Maori themselves. Objections have been forthcoming from students who resented having to pay for a language they felt was taken from them by the education system in the first place. These excerpts from *Hansard*, and from a Te Puni Kokiri report, both last year, show that these concerns have reached the ears of the government:

> Is the Minister aware of concern about Maori students having to take out student loans in order to learn their own language, which was taken from them by past Government policy…?[70]

> Several respondents expressed anger that they had to pay to learn their own language, given the acknowledged role of the state in disrupting the natural transmission and use of Maori.[71]

Such concerns do not arise in Maori language education for non-Maori consumers. While Maoridom itself may be the most receptive market for te reo Maori education, the language also seems to have attained a certain international marketability. A Japanese woman made headlines last year when she jointly received the top prize for Maori language from the *whare wananga* she attended as an international student. When questioned about the appeal of te reo for her, Ryoko Maejima replied:

---

[68] Bayard, 1995, p125

[69] See, for example, *New Zealand Herald*, 8/02/02, Newztext reference #159373

[70] Nandor Tanczos, *New Zealand Parliamentary Debates*, 8/11/01, vol 596, p12960

[71] *The Use of Maori in the Family: Some Research Findings*, Te Puni Kokiri, 2001, p3

> I major in international relations in Japan and I'm interested in learning different cultures…Maori is very similar to Japanese. The vowels are the same and Maori ideas, spirituality is similar. It's excellent.[72]

International students, especially those from Asian countries, have proved a lucrative market in other areas of education, particularly English language. If Maori language providers can also market themselves successfully on the international scene, it may be that market forces could, to some extent, provide Maori education after all.

Nevertheless, even the sale of te reo education to non-Maori students is not without concerns. The first is that it may reduce te reo to a saleable commodity, and compromise the spiritual quality that the language holds for Maori. Educationist Pita Sharples has illustrated this point, in explaining the reasons he believed have attracted overseas students to the learning of te reo:

> The Maori language for us contains great spiritual wisdom. We also believe that other cultures will come alongside us to learn the language.[73]

While it is arguable that "spiritual wisdom" may be bought and sold just as language skills can be, the ethics of doing so must be called into question.

The other problem with the sale of te reo education to foreign learners concerns the scarcity of te reo teaching resources. The explosion of the English-teaching market has seen many highly competent teachers move from the state education sector to private ESOL provision, as considerably more money could be earned there. If the same were to happen in te reo Maori provision, it could be disastrous for Maori students, as quality te reo teachers and teaching materials are rare enough already. Even where international students are taken into public language institutions, as happened in the *whare wananga* example above, competition for resources may still be an issue. Advocates of Maori control of te reo may argue that the top scholar's prize (and the authority that goes with it) should have gone to a Maori student. It seems, then, that although there may be a market for education in the Maori language, imperatives stronger than the market-driven ideology of the instrumental state may prevent the government from exploiting it.

---

[72] Rochelle Warrander, www.stuff.co.nz , 15/12/01, Japanese Student Shares te reo Award Top student award from Western Ins of Tech Taranaki (WITT)

[73] Pere, 1994, p112

As with education, the fortunes of Maori broadcasting outside the public sector can be indicative of the feasibility of leaving te reo Maori to the whims of the market. Auckland's Mai Fm, recently crowned most popular station in Auckland, exemplifies the tensions that exist for Maori in the commercial field, between culture and marketability. As Mai Chief Executive Graham Pryor stated, this was particularly problematic with respect to young Maori:

> The youth market wouldn't have made any connection with us if we were only in Te Reo Maori... The under-30 Maori population represented about 80% of Maori (in Auckland) and most them didn't speak Te Reo. There was no way running a traditional Maori language station was going to attract that listenership.[74]

With most proficient te reo speakers in older age groups[75], and the new generation which is emerging through the *kohanga reo* movement not yet in the workforce, this youth market constitutes a significant proportion of Maori purchasing power. Yet although his station appears to have hit upon a winning commercial formula, attracting Maori and non-Maori listeners alike, Pryor's offhandedness about his business acumen further indicated that the commercial world may not be where Maori language aspirations can be realized:

> If you go back to the beginning, the Mai fm mission statement is 'te reo tikanga Maori', meaning, basically, the language, and confidence in the language, and we are working our way towards that... We don't exist at all for commercial reasons. We exist commercially so we can go and do the other things.[76]

Conversely, Maori radio stations which have included higher levels of te reo on air have not enjoyed anything like Mai's commercial success. During four hui conducted in 1991 on the theme of "Broadcasting, Te Reo and the Future", the problem of underfunding resurfaced again and again. Representatives of iwi-based radio stations felt that underresourcing was relegating Maori radio to 'second-class' status:

> Maori radio should not mean second-rate radio. However, financial restrictions mean that Maori programming is limited in preparation and quality.[77]

[74] Robyn McLean, 'The Secret of Mai's Success', *Sunday Star Times*, 21/4/02, edition A p7
[75] *New Zealand Herald*, 'Urban Maori Less Proficient in Te Reo', 25/4/02, Section A
[76] Bianca Zander, 'Brown Town', *New Zealand Listener*, May 25-31, p30
[77] Hone Harawira for Te Reo Irirangi o Te Hiku o Te Ika, *Four Hui on the the Theme: Broadcasting, Te Reo and the future, Te Whakapaho me, Te Reo a mua ake nei,* Ministry of Commerce, May 1991, p9

This created a catch-22; poorly funded Maori programmes were not of sufficient quality to attract the sponsorship necessary to improve them.

Sponsorship difficulties, which have prevented iwi radio from flourishing in the private sector, arose from other issues as well. The location of many stations, away from urban commercial centres, drove sponsors away. In addition to being rural, many stations broadcast to areas of low socio-economic status; one station bemoaned the impossibility of finding sponsorship in Ruatoria, stricken with 80% unemployment.[78] Market mechanisms have also failed Maori radio by encouraging competition over co-operation. Representatives to the hui contested that this approach did not assist stations in meeting Maori needs,[79] and this complaint has been taken into account in the development of the new Maori Television Service:

> The service will give tikanga Maori and te reo a strong, independent voice, which is not diluted by the constraints and competing priorities which inevitably apply to a mainstream commercial broadcaster.[80]

One thing that all contributors to the hui appeared to agree on was that the problems faced by Maori radio in the commercial sector have not been caused by a lack of demand:

> Iwi/tribal radio stations inevitably have the relevance, freshness and informality which attracts large audiences.[81]

Here, then, the market seems to be again failing to provide te reo Maori; a strong demand exists, but the market is not producing a supply to meet it.

Market forces can even be seen as not only ineffective, but destructive for the Maori language. The alarming case of Seatoun School showed how economic arguments could be used against te reo initiatives. A *kura kaupapa* was to be set up in a disused school in the Wellington suburb of Seatoun. Some residents objected strongly, claiming that

> ...house prices would drop, the design of the school's buildings will change the character of the neighbourhood and there will be increased traffic congestion. They

[78] Ibid, p10
[79] Ibid, p10
[80] *Maori Television Service Questions and Answers*
[81] Api Mahuika for Te Whakaruruhau o Nga Reo Irirangi, *Four Hui*, p6

also fear tangi (Maori funerals and parties) will be held at the school and will attract gangs.[82]

While these objections were aimed more at the location of a particular *kura*, rather than at Maori-medium education *per se*, and likely to have been based more on a degree of racial conservatism than genuine economic concern, they are nonetheless revealing of the market's potential to be used as a weapon. On the other hand, counter-arguments from supporters of the Seatoun *kura* applied the market in a more positive manner:

> If you have the presence of a kura, you'll have a beautiful neighbourhood...I'd much rather have the joyful presence of a kura in my neighbourhood than a dozen highrise apartments. Your local community is going to be wealthier.[83]

Ultimately, the success or failure of any commodity in the market depends upon the vagaries of consumer choice. Consumers vote with their wallets, and, if a sufficient number of consumers with a sufficient amount of money believe te reo to be of sufficient value, then the market will be able to provide it. However, whether it may be consumer numbers or consumer funds that are lacking, it seems that te reo has not attracted an adequate level of support to secure its place in the market.

The market principle of supremacy of choice (this time the choice of employers, rather than consumers), also seems to have failed to place sufficient value on te reo Maori for the language to be provided by the New Zealand labour market. Part of government intervention in te reo has been aimed at making it a more saleable language in the workplace. The government seemed to be creating a quasi-market to stimulate demand for Maori language skills, by offering financial incentives for proficiency in te reo Maori to government employees.[84] In the Waite report, the extension of this quasi-market beyond the state sector was listed as one benefit of teaching te reo to the general population, providing "greater opportunity for Maori speakers to have their language skills recognized in the workplace."[85] A quasi-market can also be seen in the promotion of te reo in broadcasting and education, which stimulates demand for Maori speakers and teachers.

---

[82] Juile Clothier, 'Nimbys fret over kura', *The Evening Post*, 12/04/02, p3

[83] Pinky Agnew, *in* 'Nimbys fret over kura'

[84] Te Puni Kokiri, *Matatupu, Maori Language Policies and Plans: Guidelines to assist Public Service Departments*, 1999, p11

[85] Hirsh (1990 p54-56), in Waite, 1992B, p31

While the government may be content to support the Maori language in the short term, then, it also seems to have a long-term of goal of enabling the language to achieve economic self-sufficiency in the labour market. This is consistent with the minimal state's objective of utilising provision from other sectors wherever it may be feasible. Certainly, it seems that other sectors have fallen short of providing the kind of revitalisation that the government is aiming for in te reo policy. Still, many minimal state advocates are likely to perceive the extent of te reo intervention as broader than that which may be dictated by necessity only. Other state models may reveal what further imperatives might have motivated the New Zealand government to assume such an active role in protecting the language.

INSTRUMENTAL STATE

While the minimal state may be concerned with whether or not the market can provide te reo, the instrumental state is more concerned as to whether te reo Maori is necessary to enable the market to reach its greatest productive potential. Citizens are conceptualised under the instrumental state model as producers and consumers in the market. Human social interaction, if acknowledged, is not considered the proper concern of the state, but of independent actions. For this reason, if the state is to involve itself in providing te reo Maori, it must believe that the language is somehow useful in maximising the power of its citizens to produce or consume.

It has often been argued that substantial developmental benefits accrue to Maori who learn te reo, which are likely to make them more productive participants in the labour market. Mainly, these arise from increased self-esteem, sense of belonging, and interest and aptitude for learning, as educationalist Te Ao Biddle poignantly has attested:

> It has been exciting to see the Maori language accepted, and Maori children at long last able to stand tall, confident and wanting to learn. The kohanga concept has made a tremendous difference in helping them enjoy learning. Ownership of programmes for learning (a Maori perspective) lifts their self-esteem and encourages further learning. They have come to the realization that learning in

> Maori is totally theirs, it is not anybody else's. It's a certainty thing – they know where they stand. If you have that you can go a long way.[86]

These benefits may give rise not only to the obvious psychological and spiritual well-being, but also to the ability to "go a long way" in the labour market. Sharples made this point with reference to *kura kaupapa* attendees:

> These kids are going to go places. They will all be great scientists or company directors, or something like that.[87]

The ability to use te reo Maori may also be seen as contributing to the development of other skills, such as physical robustness and educational success, which have proven economic value in the labour market. Maori Affairs Minister Parekura Horomia has made this connection:

> For Maori, the language is an integral part of their cultural identity, and hence is basic to improved health and education.[88]

Another commentator has recently linked proficiency in Maori to heightened artistic talent as well:

> Taki Rua Theatre (which won five awards with one production in a field of 75) demonstrated the outstanding work that can develop when authentic voices speak.[89]

This is in sharp contrast to Maori arguments over a century ago, when education in te reo was seen as having no labour market value whatsoever. Maori people bought into arguments often repeated by colonists in positions of power, that

> English is the bread-and-butter language, and if you want to earn your bread and butter you must speak English.[90]

This attitude was so pervasive that in 1876, a group of Maori leaders petitioned the government to remove te reo from 'Native Schools' entirely.[91] The change in thinking has perhaps resulted from historical experience. Language loss is one theory which has been used to explain the Maori's lack of success in the labour market compared to Pakeha.

---

[86] Te Ao Biddle, 'At Last Maori Children Stand Tall', p173
[87] Sharples, in Pere 1994, p17
[88] *New Zealand Parliamentary Debates,* 7/8/01, vol 594, p10674
[89] M Smythe, 'Maori TV has potential to greatly enrich society', *New Zealand Herald*, 13/12/01
[90] Words of teacher to Sir James Henare, Waitangi Tribunal, 1986, p9
[91] Bayard, 1995, p122

However, this explanation has not been accepted universally, and MP Maurice Williamson has recently demonstrated that some still doubt the labour market value of te reo Maori:

> I do not accept…activists' claims that Maori fail in our education system because it is not sensitive to their cultural needs. They claim that all we need to do is make Maori confident in their culture and language and everything will be okay. That is badly shortchanging these children. The knowledge economy of the future will cast them on the scrapheap if that mentality prevails.[92]

A shadow of doubt has also been cast over the "usefulness" of the Maori language by the government's recent decision to raise the level of English that immigrants need to enter the country, as explained by the following correspondent:

> So the Government believes immigrants must have highly developed English skills to fit into our society and be able to make a positive and worthwhile contribution to their adopted country. Is it then not somewhat illogical, and maybe even irresponsible, to be preparing significant numbers of young New Zealanders for the big wide world in Maori immersion schools where te reo Maori is the only language taught and English is a secondary language? Sounds to me like one of the two groups is being sold a lemon.[93]

Of course, learning Maori and English are not mutually exclusive. One Te Puni Kokiri publication, *Using Maori in the Home*, reassured parents that learning Maori would not detract from their children's ability to use English well.[94] In fact, it is even possible that learning Maori may increase communication skills in both languages. The Waite report remarked that "learning Maori…equips students to develop their abilities in other languages"[95] and would provide "benefits to cognitive abilities and to the general learning experience through bilingualism."[96] Enhanced cognitive abilities, especially in New Zealand's much-touted "knowledge economy", may be seen as beneficial to productivity. The increase to productive potential offered by te reo Maori then, although open to skepticism from some quarters, is certainly arguable, despite the ongoing supremacy of English as the language of the New Zealand market.

---

[92] Maurice Williamson, 'Dialogue: Books, not a TV channel, needed for young Maori', *New Zealand Herald*, 10/12/01
[93] Letter to the editor, *NZ Herald*, 23-24/11/02, Ed. page
[94] *Using Maori in the* Home
[95] Waite, 1992B, p7
[96] Ibid, p31

Aside from maximising productivity, the other time when the instrumental state may legitimately intervene is when something which is necessary to the optimisation of the market is not provided by market forces. One common reason for market failure which is mitigated by government intervention is the presence of a public good, as described in the introduction. State intervention in te reo education could certainly be justified as a public good. Education of any kind provides both public and private goods, as the new knowledge itself benefits the individual, but the benefits of having an educated individual in the society accrue to all citizens. The public benefits which have been described as deriving from a society educated in te reo Maori are diverse and abundant, from the knowledge and wisdom contained within the language itself,[97] to the "social harmony"[98] to be gained from greater understanding between Maori and Pakeha. Other public goods that te reo has to offer include an increase in the economic productivity and "social capital"[99] of Maori people, or a reduction in the crime rate (to which young Maori make a significant contribution), and likewise in the many other negative social indicators in which Maori are disproportionately represented. If the more optimistic predictions about the results of te reo education are correct, there are substantial public goods to be reaped, as well as private benefits.

Aside from the myriad public goods which can be derived from the language itself, te reo Maori may also be seen as facilitating access to certain public goods which the government provides. The provision of many public goods depends upon communication between providers and consumers. The Waitangi Tribunal has suggested that knowledge of the Maori language can facilitate access to institutions in the Maori world:

> The monolingual New Zealander speaking nothing but English soon learns on a marae that his limited education puts him at a disadvantage.[100]

Although marae are not provided by the New Zealand state, they may be seen as public goods which are provided by the Maori community.

---

[97] Pere, 1994, p112
[98] *Aoteareo*, p7
[99] See R Putnam, *Democracies in Flux: The Evolution of Social Capital in Contemporary Society*, Oxford University Press, New York (USA), 2002
[100] Waitangi Tribunal 1986, p26

Even in dealing with mainstream public institutions, some would argue that many of the concepts crucial to Maori in their dealings with the public sector cannot be communicated within the scope of the English language. This argument has been extended by Waite to Pakeha as well, in that they are unable to understand Maori concepts without the language:

> Most importantly, non-Maori [who learn Maori language] are able to speak with, and listen to, Maori people *in* Maori, in the language in which the essence of Maoritanga is expressed.[101]

It is an ongoing debate in the field of sociolinguistics whether, as Fromkin and Rodman have argued, "all languages are equally complex, and equally capable of expressing any idea in the universe" and that "the vocabulary of any language can be expanded to include new words for new concepts."[102] If this were true, it would appear that te reo Maori is not necessary to communicate Maori concepts.

On the other hand, while any language may have the potential to express any idea, it cannot be denied that each language will lend itself most readily to communicating the concepts of its native culture. To deviate from such ideas would require considerable cognitive and linguistic effort, often resulting in an imperfect 'translation' which would still be filtered through that language's cultural mores. Maori legal expert Nin Tomas has remarked upon this, with respect to te reo Maori in the legal system:

> There are inherent dangers in defining Maori concepts by reference to seemingly analogous English legal terms. The most obvious is that they arise from different, and often conflicting, ideologies. The translation process enables subtle redefinition of the Maori concept.[103]

Tomas provided a telling example from New Zealand's Resource Management Act, where the authors attempted to define the Maori concept of *kaitiakitanga*. The original definition read as follows:

> ...the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

This clearly inadequate and rather confusing definition was later amended to:

---

[101] Waite, 1992B, p38

[102] Fromkin & Rodman, 1978, p331, in Waite, 1992B, p7

[103] Nin Tomas, 'Implementing Kaitiakitanga Under the RMA', *New Zealand Environmental Law Reporter*, July 1994, p39

> ...the exercise of guardianship by the *tangata whenua* of an area in accordance with *tikanga Maori* in relation to natural and physical resources; and includes the ethic of stewardship.

Thus it proved that one Maori concept could not be adequately explained, even by top-level legal wordsmiths, without recourse to other concepts from the same language.

If the justice system is to include Maori concepts, then, some knowledge of Maori language seems necessary to access it fully, a fact which has been recognised in the Department of Courts Te Reo Maori Policy Statement:

> The Department of Courts acknowledges the use of Te Reo Maori as a key mechanism in assisting the Department to provide access to justice for Maori.

The same can be said for all spheres of government activity which have a commitment to understanding and respecting Maori perspectives; as was remarked in the Waitangi Tribunal's report on te reo, "He [sic] who speaks the language will understand the movements of the mind."[104]

However, the Department of Courts Te Reo Maori Policy Statement was the only place in which "effective communication" was explicitly listed as an objective for te reo policies. The Maori Language Commission listed "improving service to existing Maori speakers" as one benefit of increasing familiarity with te reo Maori amongst public sector employees,[105] but it was not clear whether this improvement related to communication, or simply to catering more to te reo speakers' personal tastes. The paucity of references to communication is unsurprising, in that Maori (whose interest in te reo is strongest) may appear at first glance not to be in any way communicatively disadvantaged. English is the first language of communication for the vast majority of Maori, and they are offered all the opportunities available to non-Maori (universities, literature, etc) to take their communicative sophistication – in English – to the highest level. A closer examination nevertheless reveals some significant gaps in communicative ability. There is a statistical gap in literacy levels between Maori and Pakeha New Zealanders[106], and, if tertiary

[104] Waitangi Tribunal 1986, p23
[105] *Language Policies and Plans*
[106] www.stats.govt.nz 'Maori: Literacy Skills', 7/1/03

education can be seen as an indicator of an advanced level of literacy, there is a gap here, too.[107]

Closing this communicative gap may involve two possible strategies. Firstly, it may be that Maori need to improve their English communication. This seemed to be the view taken by the writers of the Ministry of Education's statement, *English in the New Zealand Curriculum:*

> The very best that English teachers can do for Maori students is to teach English well. To take this view is not, as the tone in both *The New Zealand Curriculum Framework* and the Draft suggests, to undervalue Maori culture or its importance in creating Maori confidence. It is, rather, a recognition of the realities both of New Zealand, where there may be "two official languages" but there is one *lingua franca*, and of the larger world, where English has become the international language.[108]

This excerpt portrays English as the most useful language of communication. Another commentator from outside the government has demonstrated how an emphasis on international communicative usefulness may be used to argue against the promotion of te reo Maori:

> Bearing in mind our geographic and demographic realities, and the worldwide trend towards globalization... Why, then, is the Post Primary Teachers' Association advocating the compulsory teaching of a language that has no application outside this country? Apart from the Stalinist overtones, they are doing pupils no favours by forcing them to learn a language for which so few have an affinity.[109]

Certainly, if communication were used as the driving force behind language policy, the value of te reo Maori may be open to such scepticism. On the other side of the debate, it could be argued that Maori are at a communicative disadvantage because the language they communicate in is not their own. Following this argument, it would be futile to try and achieve equality in Maori and Pakeha English skills, but better to offer Maori the chance to communicate in a language which better suits their communicative needs.

---

[107] www.stats.govt.nz 'Maori: Increases in Post-compulsory Education', 7/1/03
[108] *English in the New Zealand Curriculum: A Submission on the Draft*, Education Forum, April 1994, p19
[109] C. Cameron, letter to the editor, *The Daily News*, 2/10/01, p6

As well as making access to public goods easier for Maori, making services available in te reo also may make them more attractive. Society cannot benefit from government provision of public goods if there is not the volition among its citizens to utilise them. It seems that providing services in the language of the Maori people may have positively affected their disposition to take advantage of the opportunities available to them. One commentator has made this point, using early childhood education as an example:

> Clearly the establishment of the kohanga reo movement in the early 1980s drove more Maori children into preschool education, and Pacific Island groups established some years later had the same effect.[110]

The government's Tertiary Education Strategy identified a similar trend in post-compulsory schooling, describing *whare wananga* as "a major factor in the recent increases in Maori participation in tertiary education."[111] If the Maori section of New Zealand society increases its utilisation of educational services, then all society will benefit from the public good of a more educated population.

State intervention in te reo Maori may therefore be explained by the theory of the instrumental state as a response to market failure caused by the existence of a public good. However, as has been seen, there are other reasons that the market has failed to secure the Maori language. Te reo Maori policies are developed in a complex web of political imperatives, only some of which are of the economic sort which may be of interest to an instrumental state. The others will be brought to light in the following application of other models of government behaviour.

JUST STATE

The instrumental state sought to justify state intervention by describing the state as subordinate to market imperatives. Conversely, the just state model views the market as subordinate to the state, and holds that the state has its own imperatives for action which are distinctive from the private sector. The basis of these imperatives is the concept of justice, which the state exists to uphold. Three permutations of the principle of justice can be applied to te reo Maori: equality, human rights, and contractual justice.

[110] D De Boni, 'Government goes back to kindy', *New Zealand Herald*, 12/04/02, Section A
[111] *Tertiary Education Strategy*, www.minedu.govt.nz, 7/1/03

It may appear initially that any policy promoting te reo is contrary to the principle of equality, in that it favours one group within society over another. Rawls' model of the just state provides an answer for such criticisms:

> All social values - liberty and opportunity, income and wealth, and the bases of self-respect - are to be distributed unless an unequal distribution of any, or all, of these values is to the advantage of the least equally favoured.[112]

If Maori are to be seen as the linguistically least favoured, in that theirs is the only language in New Zealand which looking down the barrel of extinction, then an unequal distribution of state support towards te reo would fit with Rawls' theory of legitimate state action. The anti-discrimination laws which support equality in New Zealand reflect this idea. The Bill of Rights Act 1990, s2, states that;

> Measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination that is unlawful by virtue of Part II of the Human Rights Act 1993 do not constitute discrimination.

Language may be included in the Human Rights Act's list of unlawful grounds for discrimination, in which case the unequal promotion of the Maori language may not be considered unjust.

Certain domestic and international legal instruments also uphold equality by preventing discrimination on the basis of language, and protecting minorities' rights to use their own tongue. These are discussed in the Just State section of the LOTEMs chapter, where they are especially applicable, but they also have some relevance for te reo in that they guard against recurrences of such laws as the Native Schools Act (now repealed), which forbade Maori to be spoken in schools. However, the government's involvement in te reo has gone far beyond simply protecting the right to use Maori. Te reo's status as an indigenous language has always given it a special relationship with the colonial state. In the past, this relationship has been destructive, as the colonists sought to assert their dominion. Now, this destructive history has given rise to what some see as a special obligation on the state to make constructive recompense for the damage it has inflicted upon te reo in the past.

---

[112] M Morris and D Batten, 'Theories of the State: A Background Paper', *The Role of the State: Five Perspectives*, Ministry of Social Policy, Wellington, New Zealand, March 1988, p25

The Treaty of Waitangi is the legal document in which this responsibility – and the corresponding right for Maori – has been enshrined.[113]

In 1985, the Waitangi Tribunal considered a claim that te reo was protected by Article 2 of the Treaty, as a *taonga*. The findings from this case can be found in the Tribunal's 1986 Te Reo Report, the document which was to determine the shape of things to come for Maori language policy. Most importantly, the case spawned the Maori Language Act 1987, which has been the legal guiding light for te reo Maori policies ever since. The impact of the 1986 report was not only felt through the Act which resulted from its recommendations. The case also set a legal precedent regarding the status of te reo Maori which could be applied to more specific grievances. Two particularly prominent cases have addressed the state's obligation to promote te reo in the Broadcasting Sector,[114] and this recent statement by Finance Minister Michael Cullen in Parliament indicates how such legal judgments have been used to influence policy:

> ...the court judgments we have had indicate that the Government has a responsibility to promote Maori language and culture through the media of television and electronic broadcasting in general. This bill is a major step along the road towards fulfilling that obligation.[115]

In another recent example, the government agreed to fund *whare wananga* as a compensation payment, after a court ruled that the government had failed to meet its Treaty obligation to protect te reo Maori in education.[116] The findings of the Tribunal have had consequences far beyond the 1985 case itself.

The case required the Tribunal to determine two key issues; firstly, whether te reo was a *taonga*, and secondly what measures the government might therefore have been obligated to take to protect it. The Tribunal based its understanding of what a *taonga* was on Professor Hirini Moko Mead's translation of "O ratou taonga katoa" as "all their valued

---

[113] Also 'Te Tiriti o Waitangi'. For ease of reference, general references to both documents will be made using the English title, but the writer wishes to acknowledge that the Maori and English language versions may be regarded as separate entities.
[114] *The National Maori Language Survey*, p97
[115] *New Zealand Parliamentary Debates*, 5/12/01, vol 597, p13527
[116] Tracey Cooper, '$40m Paid in Compo for Maori Education', *Waikato Times*, 6/11/01, p2

customs and possessions."[117] It cannot be disputed that te reo is valued by Maori, and the Tribunal therefore ruled that te reo was, indeed, a *taonga*.

The English version of the Treaty, on the other hand, does not appear to include te reo, as the corresponding section of Article 2 reads "other properties." It has been argued, then, that the state never intended to protect te reo in the first place, and therefore it has not breached its contractual obligations. Professor Andrew Sharp has provided what appears to be a sensible rebuttal to such arguments, by observing that

> ...it is as hard to imagine Hobson thinking about disallowing the language...as it is to imagine the Maori signatories perceiving a threat. It is surely truer to the facts to imagine that the question of language never crossed anyone's mind, and that 1840 (when the language was not under threat) is not 1986 (when it was).[118]

This is testament to the power of the Treaty as a living document, capable of responding to new challenges and imperatives over a century after its signing. Sharp went on to acknowledge this:

> ...certainly an impulse behind the extension of the concept of 'taonga' to include the language, culture and education *in 1840*, was not so much one to rewrite (wrongly) the history of the signing of the Treaty for its own sake, but rather that of bringing injustices to the Maori under the aegis of breach of contract.[119]

The "contract", or Treaty, has proved remarkably adaptable to the changing needs of Maori and Pakeha alike.

Once it had been established that te reo was covered by the Treaty, it remained to determine how the apparent breach of contract was to be remedied. The Tribunal ruled that the government must get actively involved in te reo revitalization:

> The 'guarantee' in the Treaty requires affirmative action to protect and sustain the language, not a passive obligation to tolerate its existence and certainly not a right to deny its use in any place.[120]

---

[117] Waitangi Tribunal, 1986, p28
[118] Andrew Sharp, *Justice and the Maori*, Oxford University Press, Auckland (NZ), 1990, p135
[119] Ibid, p136
[120] Waitangi Tribunal, 1986, p1

The affirmative action chosen by the New Zealand state was to accord to te reo the constitutional power enjoyed by an official language, for which purpose the Maori Language Act 1987 was created:

> An Act to declare the Maori language to be an official language of New Zealand, to confer the right to speak Maori in certain legal proceedings, and to establish Te Taura Whiri I Te Reo Maori and define its functions and powers.

The Act established the Maori Language Commission as the agency in which this official status would be upheld, and its statutory objective serves to clarify what "official status" may actually entail for te reo:

> Generally to promote the Maori language, and, in particular, its use as a living language and as an ordinary means of communication.[121]

The Waite report has also helped clarify what an "official language" may be, defining it as having "equal legal status" as English, in other words:

> any person who wishes to do so [is able] to use the Maori language in all courts of law and in any dealings with Government departments, local authorities and other public bodies.[122]

The report went on to say:

> ...languages can be 'official' primarily in the following domains:
>
> (i) provision of state sector services to the public (including communications with the public)
>
> (ii) State Sector workplace
>
> (iii)Proceedings of parliament
>
> (iv)Legislation
>
> (v) Administration of justice[123]

Te reo has entered into all of these domains since 1987, to varying extents. The statutory obligations of the Broadcasting Commission and of Te Reo Whakapuaki Irirangi have created a place for Maori programming within a state agency, as well as establishing a body in which Maori can manage Maori broadcasting themselves. The state's obligation to provide resources to Maori-medium education has been met through its funding of *kura kaupapa* and *kohanga reo* on a par with English-medium schools, a recognition which has

---

[121] Maori Language Act 1987, s7(b)
[122] Waite, 1992B, p44
[123] Ibid, p48

also recently been extended to *whare wananga*, which now receive the same funding as English-medium universities. As with the broadcasting sector, the right of Maori to have their own educational institutions has been offset with a duty by the state to provide for Maori in existing state institutions. The Education Act provides for this in s63(b), which stipulates that a school's charter must contain

> The aim of taking all reasonable steps to ensure that instruction in... te reo Maori (the Maori language) [is] provided for full-time students whose parents ask for it.

The right to speak Maori in parliament has been described by Waite as "the simplest expression of equal status for English and Maori in a particular circumstance to be found in New Zealand officialdom."[124] Treaty obligations, and, in particular, te reo's official status, have often been cited as the rationale behind promotion of the Maori language by public sector agencies. However, despite all of these efforts to give te reo equal prominence with English, the "new bilingual generation"[125] which the Maori Language Commission was established to bring about still seems some distance away.

Even if te reo Maori's official status were enough for it to survive, it seems likely that it would survive in a form that reflects the culture of New Zealand officialdom, which is predominantly Pakeha. The following exchange from Hansard has demonstrated the tenuous grasp that te reo has retained on the Maori cultural mores that give it life, when spoken outside of Maori domains. Chairperson Geoff Braybrooke responded to a lengthy *whakatauki* used by a Maori MP to open their speech:

> The member has an absolute right to speak in his own language...But what is said must be relevant.[126]

Thus the right to use te reo Maori was bounded by Pakeha concepts of relevance. Labour MP Chris Carter retaliated by clarifying the relationship between language and culture, and the importance of respecting both:

> I am sure that all members are aware that there are two official languages in New Zealand, and that both languages can be used in this Chamber. Of course, the use of the Maori language does not just involve a simple translation; the use of a language also involves certain cultural protocols....I think it is very important that members

[124] Ibid, p47
[125] *Language Policies and Plans*
[126] *New Zealand Parliamentary Debates*, 25/7/01, vol 593, p10320

> understand, accept, and, indeed, celebrate the fact that the use of te reo involves not just words, but also a different culture and different customs and ways of presentation. It is a different journey, leading to the same place.[127]

So, while the connection between Maori language and Maori practices may have been defended in this instance, the incident shows how precarious the link can become when the language is removed from its cultural home amongst the Maori people.

This has presented the government with a paradox which appears to plague any relationship between an indigenous people and a state. While the state was found to be obliged to protect te reo Maori, it was also compelled by the Treaty to allow Maori *tino rangatiratanga* over it, and te reo policies have therefore had to negotiate the fine line between state intervention and indigenous control. Te reo Maori has thus become inextricably bound into the Maori struggle for *tino rangatiratanga*, or self-determination. The nature of this movement is complicated enough to be ample material for a thesis in its own right, and no attempt will therefore be made here to describe its intricacies.[128] However, it may be said that, for te reo at least, the key tension lies between Maori and Crown definitions of what "self-determination" actually is. For the state, it appears that "indigenous control" has meant management by indigenous individuals within a colonial state. For many Maori, "indigenous control" (or *tino rangatiratanga*) involves a much higher degree of independence.

Retaining *tino rangatiratanga* over their language has been identified as a high priority for Maori people, as the Waite report attested:

> There is naturally a wariness amongst Maori people of any policy development that would wrest control of this particular taonga from Maori themselves. While keen to see the position of the Maori language strengthened, Maori people are adamant that they remain in control of this process.[129]

Concerns have been raised that, while Maori cultural practices have also been fostered to some extent by the state, situating te reo in the Pakeha-dominated state has distanced it

[127] Ibid, p10320
[128] See S Hope, *Understanding the Gordian Knot: Meaning and Ownership in Maori Political Thinking*, University of Auckland Masters Thesis, 2002
[129] Waite, 1992B, p34

from its cultural roots. One young Maori teacher in the Tribunal report poignantly described the pain of wrenching te reo from the Maori world:

> The frustrations of being a Maori language teacher are essentially summed up in the feeling that the education system has invited you to be a mourner at the tangihanga of your culture.[130]

Another commentator on the subject has suggested that the further te reo has been removed from its Maori roots, the less appealing it has become to Maori:

> Senior Auckland University education lecturer Dr Margie Hohepa...says the key elements for success for the kohanga reo were their design, management and administration by whanau. She says a perceived loss of control under an increasingly strong umbrella body, the Te Kohanga Reo National Trust, may be the reason for declining rolls.[131]

If growing state intervention has driven the next generation of Maori away from the language, it cannot be said to have assisted revitalisation.

The *tino rangatiratanga* (or indigenous control) aspect of the Treaty may be seen as satisfied by the establishment of Maori Language Commission under the Act, as a government agency with strong ties to the Maori community.[132] Professor Timoti Karetu, in reference to the government's Maori language strategy, has described how te reo policy had its roots in the Maori community:

> ...the strategy document came about through 'te hikoi mo te reo Maori', direct action by Maori rather than through any response to the National Languages Policy Project.[133]

Recent government rhetoric has tackled the indigenous control dilemma by adopting a co-operative approach; which, although not explicitly stated in the Treaty itself, can be assumed to have been part of the "principles" behind it:

> ...the responsibility of government agencies to the principles of partnership and equality as set out in the Treaty of Waitangi.[134]

---

[130] Maika Marks, in Waitangi Tribunal, 1986, p41
[131] D De Boni, 'Government goes back to kindy', *New Zealand Herald*, 12/04/02, Newztext reference #1391776
[132] Waitangi Tribunal, 1986, p1
[133] Karetu, 1996, in N Shackleford, 'The Case of the Disappearing Languages Policy', *The TESOLANZ Journal*, vol 5, 1997, p8

> ...together, the Crown and Maori have a Treaty obligation in preserving, protecting and promoting te reo Maori;[135]

Although these two citations both came from Maori agencies (the Maori Language Commission and Te Puni Kokiri respectively), the government seems to have sought partnerships, or at least community involvement, in all areas where te reo policies can be found. In education, the government has employed community liaisons known as Pouwhakataki, who have explained their role as follows:

> We're employed by the Ministry of Education to work with whanau, hapu and iwi to help Maori get the most out of education... Maori said they needed help in dealing with the education sector... Pouwhakataki play an essential role to help build stronger relationships between Maori and the education sector.[136]

Alex Holes, Director of Organisational Treaty Responsibilities, in promoting the Department of Courts new Te Reo Maori Policy, showed how the justice sector has likewise committed itself to community involvement:

> It is important that we in Courts don't become isolated, that we get to know more about the communities we serve, where people have come from, where they are now and where they want to go.[137]

The Policy will be developed "region-by-region", with the first phase being one of community profiling to determine specific local needs.[138] Partnership between Maori and the Crown was also one of the principles behind the Maori Television Service:

> The Maori Television Service will be established as a statutory corporation with its own legislation. Through this arrangement both the Crown and Maori will have responsibilities for promoting te reo Maori.[139]

---

[134] *Language Policies and Plans*
[135] *Maori Television Service Questions and Answers*
[136] Ministry of Education, *Pouwhakataki* (undated brochure)
[137] *Courtside* (Department of Courts magazine),Issue 26, Spring 2002, p9
[138] Hiria Pointon, Department of Courts Advisor Organisational Treaty Responsibilities, personal communication, 22/10/02
[139] *Maori Television Service Questions and Answers*

As well as recognising the importance of community input into te reo initiatives within state institutions, the state has begun over the last decade to place growing emphasis on community institutions themselves, especially the family:

> Government has responded to the momentum generated by Maori revitalisation efforts in a number of ways... with the aim of assisting Maori in their efforts to revitalize their language and ensuring that various public sector agencies play their part in the process. Through the 1990s, there has been growing recognition of the key role of Maori intergenerational transmission in overall language revitalisation... Government has begun to recognize the importance of this area with funding support for local level language planning and activities.[140]

One of the government's latest initiatives, the contestable Maori language fund, was designed to assist these institutions in promoting te reo, as Horomia has explained:

> The purpose of the [Maori language] fund is to support whanau, hapu, iwi, and other Maori groups to revitalize te reo Maori – the language – using projects and programmes that the communities design and run.[141]

Government funding for community initiatives has been accompanied by guidelines for how these initiatives might be organised. In 2001, Te Puni Kokiri released a booklet of *Guidelines for Community Language Profiles*, explaining how communities could monitor and improve Maori language use in their area. The emphasis on community involvement has also extended beyond initiatives which specifically concern the Maori language, as evidenced in this description of "Tu tangata", a "community development philosophy" of the Department of Maori Affairs.

> The concept promoted self-reliance, fostered Maori pride and recognised Maori values within a Maori context. In particular, the Department fostered Maori development programmes which had been initiated and managed by Maori communities.[142]

In all areas of state activity which particularly concern Maoridom, then, the state seems to have placed a high value on community involvement.

---

[140] *The Use of Maori in the Family: Some Research Findings*, p1
[141] *New Zealand Parliamentary Debates*, 7/8/01, vol 594, p10674
[142] *The National Maori Language Survey*, p91

Yet involving the community in the state may not be the best way of securing autonomy for Maori with respect to their language. To work effectively with the state, the community sector has had to adopt certain attributes of the public sector, and thereby possibly lose some of the qualities that make the sector unique. This point is illustrated by the evolution of s155 of the Education Act 1989. S155 of the Act allows for the establishment of *kura kaupapa*, or Maori-medium schools, to be operated according to a certain set of principles. The original s155(a) defined a *kura kaupapa* as

> ...a school in which te reo Maori (the Maori language) is the principal language of instruction.

Any other "way or ways (if any) in which the character of the school would be different from the character of ordinary state schools" (s155(b)) was left to the parents of the students to articulate and submit to the Minister. Ten years later, the description of *kura kaupapa* was amended to read:

i. In which te reo Maori (the Maori language) is the principal language of instruction; and
ii. In which the charter of the school requires the school to operate in accordance with Te Aho Matua (as defined in s155A); and
iii. That has the special characteristics (if any) set out in its charter that will give the school a particular character...

Te Aho Matua is a policy statement issued, in te reo Maori, by te kaitiaki o Te Aho Matua, a body described in the Education Act s155B as:

> ...the body commonly known as Te Runanga Nui o Nga Kura Kaupapa Maori o Aotearoa, being the most suitable to be responsible for determining the content of Te Aho Matua, and for ensuring that it is not changed to the detriment of Maori.

This shift demonstrates a unification of the te reo education movement, from being composed of disparate groups of parents each developing their own principles, to a united, coherent body with a set of universal principles for all *kura*.

Proponents of the change may argue that acting collectively augments the power of indigenous groups, and has enabled them to reclaim a certain amount of control of their own affairs from the state. Conversely, though, a smaller concentration of power may have led to a greater likelihood of corruption. The establishment of principles for *kura kaupapa*

within the state may have endowed it with a rigidity that is not in keeping with its organic origins. At the movement's beginning, Sharples expressed concern that

> Once the government passed the Act it then proceeded to talk about kura kaupapa Maori in its terms and what it thought it was. They missed the bus completely. Now they have redesignated state schools as kaupapa Maori, which is the one thing we were scared of. We can't guarantee what happens in their so-called kura kaupapa Maori. If the real kaupapa is lost, it becomes just a normal state school and so we go back into the whole failure syndrome.[143]

It can only be a matter of opinion whether the development of te Aho Matua represents a colonizing of the *kaupapa* by the Pakeha state, or a protection against the same.

In some ways, then, the government may better meet its obligation to te reo Maori by keeping the language outside of the state. In the education sector, some recognition of this possibility seems evident. The Education Act 1989 requires that teachers be registered according to a certain set of criteria, but these have been waived for teachers of te reo Maori, with three colleges of education offering accelerated courses to train Maori language teachers without demanding the qualification required for teachers of other subjects.[144] Nor do laws concerning teacher registration apply to *kura kaupapa*.[145] Educationist Rangimarie Rose Pere has described the rigid teacher registration requirements as one major obstacle to the success of Maori-medium education:

> I have seen some excellent teachers who were not trained in a college of education but who have the gift of communication, they know their subject inside out... I am not knocking the training – I am just asking for an acceptance of diversity.[146]

It seems that this 'acceptance of diversity' has entered the education system to some degree, bringing with it greater self-determination for Maori.

Early childhood and tertiary Maori-medium education are not mentioned in the Education Act 1989, but it appears that the government has recognised the special status of indigenous education in these sectors also. Licenses required for early childhood education centres are

[143] Sharples, in Pere, 1994, p18
[144] Waite, 1992B, p39
[145] Education Act 1989, s120A(3), s120B(5)
[146] Pere, 1994, p117

not required by *kohanga reo*, and *kohanga reo* are administered by an independent body, Te Kohanga Reo National Trust Board, allowing a relatively high level of self-management in Maori-medium preschools. In the past, tertiary institutions have enjoyed a high level of independence from the state, and indigenous control for *whare wananga* could therefore be seen simply as having been provided simply by ensuring that it remained that way. The 2002 reforms to the tertiary sector, though, saw the government involve itself more in the tertiary sector, which may pose a risk to the autonomy of Maori-medium tertiary institutions.

The just state may be applied to te reo policies not only in terms of contractual obligations, but also with regard to human rights. References to Treaty obligations have often been coupled with a nod in the direction of indigenous rights, or the "tangata whenua" status of Maori. The following examples come from the Department of Courts, the Waite report and the *Curriculum Framework*:

> Consistent with the principles of the Treaty of Waitangi and the tangata whenua status of Maori...[147]

> Status as indigenous people and as signatories to the Treaty of Waitangi sets [Maori] apart from other minority groups.[148]

> Maori is the language of the tangata whenua of New Zealand. It is a taonga under the terms of the Treaty of Waitangi and is an official language of New Zealand.[149]

In previous governments, the reference to the Treaty has at times been abandoned entirely in favour of a stronger emphasis on indigenous rights, as, for example, in this complaint from then opposition MP Lianne Dalziel:

> In the original (Health and Disability Commissioner) Bill it was stated: "In exercising or performing any power or function under this Act, every person shall take into account the principles of the Treaty of Waitangi," and we will be seeking to reinsert that clause into the Bill. It is an important part of our relationship with

---

[147] Department of Courts Te Reo Maori Policy Statement, supplied in personal interview with Hiria Pointon, 22/10/02
[148] Waite, 1992B, p30
[149] *The New Zealand Curriculum Framework*, p10

> Maori, the tangata whenua of New Zealand, that we recognize our obligations under the Treaty of Waitangi, particularly when we are dealing with legislation such as this, which is based on rights.[150]

The combination of contractual obligations with human rights imperatives may be seen as a kind of back-up, in that it seems less than clear what the government's contractual Treaty obligations entail.

New Zealand human rights law does not currently include a specific instrument for indigenous rights. To find how human rights may be applied to indigenous peoples, it is therefore instructive to turn to the body which has laid the foundations for New Zealand human rights law, the United Nations. The UN has formulated a Draft Declaration of the Rights of Indigenous Peoples (DDRIP). As the Declaration is still in draft form, and therefore cannot yet be seen to have motivated government policy directly, it still reveals some of the imperatives that Human Rights rhetoric may have placed upon te reo policy. New Zealand has expressed concern about some aspects of the wording of the Draft, but has indicated support for its general direction.[151]

DDRIP contains provisions for the revitalisation of indigenous languages, and for them to be used in state institutions, including broadcasting, education, legal proceedings and affairs of state. It has already been seen that the New Zealand government has worked to include te reo Maori in all of these areas, New Zealand may therefore be seen as having amply met, even exceeded, what is expected of it by advocates of indigenous rights. Indeed, Maori language policies have received favourable attention from DDRIP's authors, the UN, rating a special mention in the review committee's appraisal of New Zealand's human rights law:

> The Committee welcomes the State party's policies and initiatives designed to improve the status and use of the Maori language, including the increased supply of services in the Maori language, in education and State broadcasting.[152]

---

[150] *New Zealand Parliamentary Debates*, 27/09/94, vol 543, p3741

[151] D Fleming, Human Rights Commission, personal communication 10/1/03

[152] United Nations, *CERD/C/61/CO/8. (Concluding Observations/Comments)*, 23/08/02, on www.unhchr.ch, 6/11/02

Yet the government's apparently scrupulous adherence to indigenous rights is subject to the same tensions that the Treaty places on state involvement in te reo Maori, and the authors of DDRIP have been careful to also make provision that indigenous matters remain under indigenous control.

However much political authority Maori secure over te reo, they will still retain authority of a different kind over it, as long as the Maori community is where the language primarily resides. Te Puni Kokiri's *Maori in the Home* demonstrated the government's awareness of this power:

> The home is where people spend most of their time in the company of their family. Here Maori people make the rules about using a language.[153]

Another Te Puni Kokiri document has explained further how the state's importance in te reo promotion will inevitably be subordinate to Maoridom:

> The future of the Maori language rests with iwi, hapu, whanau and Maori communities. Maori people must pass the language of the ancestors to the new generations in our families and communities for the language to grow and flourish. The Government can support these processes through education and broadcasting but it cannot take the place of *kaumatua* and parents as guardians and users of the language.[154]

Still, it seems unlikely that this kind of authority would be found to be sufficient to satisfy the government's obligation to *tino rangatirantanga*, either by Maori, or by the courts.

Herein lies a problem with the just state: if the government promotes te reo Maori because it is legally obliged to do so, (whether by contractual law, human rights, or any other permutation of the concept of justice,) then that promotion need only extend so far as to ensure that a lawyer could argue that the obligations are being met. The Waitangi Tribunal's recommendations, and the policies which have resulted from them, fell short of the demands made by claimants in the 1986 case. The Tribunal was studiously cautious in its recommendations, and acutely aware of the sensitivity of Maori and Pakeha relations.

---

[153] *Using Maori in the Home*

[154] *Guidelines for Community Maori Language Profiles*

Above all, it was eager to avoid the public backlash that might ensue if te reo was promoted too vigorously:

> We do not recommend that it should be a compulsory subject, nor do we support the publication of all official documents in both English and Maori, at least at this stage in our development, for we think it more profitable to promote the language than to impose it.[155]

To return to Rawls' theory of justice, it is only just to assist the least advantaged if it is not to the detriment of the most advantaged. If non-Maori were to perceive that injustice had been done to them, whether by the 'imposition' of a language upon their children at school, or by the expenditure of significant amounts of 'their' money (public money obtained through taxation) on elaborate translation exercises, the consequences for te reo's position in New Zealand society could be disastrous. The government therefore seems to be treading carefully so as not to incite Pakeha indignation. It could be argued that such circumspection will not be enough to protect te reo Maori, and thus fulfil the government's contractual obligation. Official language status means little if it is not backed up by policies which ensure there are te reo speakers in the future to make use of their constitutional right to speak it.

The extent to which the government has fulfilled its legal obligations to protect te reo may also be questioned in terms of resourcing. Measures taken to revitalise te reo amount to little more than tokenism if they are not supported by adequate financial commitment. This point was made by Sir Kingi Ihaka at the hui on Maori broadcasting:

> If the Maori language is to take its rightful place in broadcasting, special financial support is required.[156]

and has been reiterated more recently by MP Katherine Rich, with reference to the imminent Maori Television Service:

> The Crown's obligation is quite clear, but it is also obligated to set up a channel that will work, and one that can be viewed by not only Maori, but Pakeha, and be an integral part of the broadcasting set-up in this country.[157]

---

[155] Waitangi Tribunal, 1986, p1
[156] Four Hui, p34
[157] *New Zealand Parliamentary Debates*, 5/12/01, vol 597, p13531

A similar issue has also surfaced this year in education, with a small Waikato primary school claiming that the Crown has breached the Treaty of Waitangi by not giving it more money for Maori Language teaching. At the time of writing, the Waitangi Tribunal was still deciding whether or not the case would be heard.[158]

In this sense, te reo Maori's legal status may, in fact, have been of little help to it. While te reo Maori is the only *de jure* official language of New Zealand, and *can* therefore be used in any context, English is the language which actually *is* most commonly used, and has therefore acquired a *de facto* official status,[159] which is arguably much more powerful. The government has seemed to ignore this power imbalance, as reflected in this somewhat incongruous opinion from the Waite report:

> Given that Maori is an official language *de jure* and English is an official language *de facto*, it is logical that both languages should be used with equal prominence...[160]

Waite's "logic" seems to have overlooked the fact that simply *declaring* that a country speaks a language doesn't mean it actually will.

On the one hand, then, while the government may be seen as meeting its obligations under both indigenous rights and contractual law, in supporting te reo Maori and allowing indigenous control, it could equally be criticised as having neglected its legal duties, and having attempted to hijack the language (and the people) by keeping te reo's advancement within the state. This returns us to the *caveat* provided at the beginning of this section; the just state's actions will depend upon whose concept of justice it sustains. On the other hand, although legal instruments may not explicitly require the government to promote te reo in a certain way, they do provide a framework for those with views contrary to current policy to effect change. Only time can reveal the direction that legal precedent will see these changes take.

---

[158] E Binning, 'School invokes treaty in claim for more cash', *New Zealand Herald*, 03/04/02, Newztext reference #1292938

[159] Waite, 1992B, p49

[160] Waite, p49

ETHICAL STATE

The ethical state model holds that government actions are not subject to principles of freedom, instrumentalism or justice, but motivated by the moral judgments of the state itself, and the citizens within it. To apply the ethical state model to te reo, then, it is necessary to determine the place of the Maori language in the New Zealand values system. This is no easy task. Values, beliefs and opinions on te reo Maori seem highly polarised in New Zealand society, and, to heighten the tension between opposing schools of thought, they are roughly divided along racial lines. For the Ethical State, then, reflecting New Zealand's values with respect to te reo Maori involves striking a delicate balance between Maori and Pakeha cultures.

Sociolinguist Donn Bayard has provided an account of how Pakeha values-systems have helped bring down the Maori language. In the colonial era, English culture, with its language, values and all other trappings, was considered by colonists to be inherently superior to any other. The popularity of Darwinian theory also led to a belief that "negroes" or "tawneys" were evolutionally inferior; an attitude which was projected onto Maori by Pakeha colonists:

> It was fully expected that the Maori would either die out or become assimilated (Sinclair, 1986: 203-204), following the laws of social Darwinism and Spencerian 'survival of the fittest race': the European.[161]

The superior attitude extended towards the Maori people was also extended towards their "primitive, Stone Age language".[162] Benton has described how, as the New Zealand education system expanded, "both moral and physical sanctions were used... to ensure that English became the language for social interaction,"[163] as the Maori language was deemed inferior in the playground as well as in the classroom. Bayard went on to describe how values-systems with regard to language have changed over time. Now, the prevailing view seems to be that articulated by the Waite report:

[161] Bayard, 1995, p122
[162] Ibid, p94
[163] Benton, 2001, p47

> In the New Zealand context, it is incorrect to claim that English is an inherently superior language to Maori (or vice versa). Both have developed in response to the uses to which their speakers have put them over time.[164]

This has been brought about partly by a shift towards more tolerance on the part of non-Maori, and partly by the reassertion by Maori of the *mana* of both their language and their people.[165]

While all languages may have now been deemed equal, it may still be that some are regarded as 'more equal than others'. While few New Zealanders nowadays would discard the Maori language as "worthless", as they might have done a century ago, there still do not seem to be many who consider it particularly valuable. The 1986 Waitangi Tribunal report describes how the survival of any endangered "species" depends upon the worth, or value, that society endows it with:

> It was argued before us that if it is worthwhile to save the Chatham Islands robin, the kakapo parrot or the notornis of Fiordland, is it not at least as worthwhile to save the Maori language?[166]

Part of the government's Maori language revitalisation strategy has aimed at manufacturing these feelings of worthiness towards te reo in New Zealand's population. According to the Waitangi Tribunal, te reo's official status has been a valuable development in this process:

> We are inclined to think that official recognition will go some distance towards eliminating the attitude that te reo Maori is of no worth or value.[167]

The Maori Language Commission has expanded upon this idea by associating the "worth" that people place on the government with the value they may place on the language that it uses:

> Use of Maori language by government organisations, which have high status in New Zealand society, helps restore the status of the language.[168]

---

[164] Waite, 1992B, p7
[165] *Waitangi Tribunal*, 1986, p14
[166] Ibid, p7
[167] *Waitangi Tribunal* 1986, p27
[168] *Language Policies and Plans*

Yet even if it is valued, te reo Maori still seems to be regarded as the language of the "other" by a majority of non-Maori New Zealanders, whether it be because of lack of interest, nostalgia for British ancestry, insidious racism, or any other reason as yet unstated. This is far from the universal acceptance that has been the Commission's objective:

> The Maori Language Commission is charged with the task of promoting the Maori language to all New Zealanders, and encouraging its use as widely as possible.[169]

The Commission was quick to point out, in the same publication, that universal Maori language use in New Zealand does not mean that everybody must speak it competently:

> It is important to remember that it is not necessary for us all to become fluent in the Maori language to support and promote it. There are many small-scale things that we can do to increase our own knowledge of Maori, to promote it and to normalise its status in our society.[170]

Thus it seems that the Maori Language Commission's goal with respect to non-Maori has been less concerned with their *knowledge* of the language, but rather their *attitude* towards it. This seems to be a fine example of the ethical state in action, as the government has tried to alter the values of the population, to the point where something now considered to be outside the mainstream might become "normalised".

For something to be normalised in a society, it must first be accepted by the mainstream culture. It has already been shown that the Maori language is inextricably interwoven with Maori people and Maori culture, so to accept the language is to accept them, too; or, as the Waitangi Tribunal phrased it:

> In the Maori perspective the place of the language in the life of the nation is indicative of the place of the people.[171]

Much as many in the country might will it to be otherwise, in reality many non-Maori seem to harbour intolerant, even racist, attitudes to Maori people and their culture, and any New Zealander could no doubt provide examples of such opinions from their own experience. For me, one incident sprang immediately to mind which had particular relevance for language: a Pakeha acquaintance, after a visit to a local council office, complained to me

---

[169] *Promoting Positive Attitudes to the Maori Language in the Classroom*, Te Tauri Whiri i te Reo Maori, March 2000, p3
[170] *Promoting Positive Attitudes to the Maori Language in the Classroom*, p5
[171] Waitangi Tribunal 1986, p21

about how "rude" it was for the Maori employees to speak Maori in front of her (not *to* her, mind you), when she knew perfectly well they could speak English! Eradicating such attitudes must be one of the primary objectives for a state eager to "normalise" te reo Maori.

Fostering acceptance of the Maori people, and of their language, has presented something of a "chicken-and-egg" dilemma for the New Zealand state. While more positive attitudes to Maoridom in general may undoubtedly lead to greater acceptance of te reo, the state has also seen the promotion of te reo as a means of improving inter-racial tolerance. The Waite report opined that

> Learning Maori as a second language... contributes to cross-cultural understanding and social harmony[172]

and a recent Maori Language Commission brochure made the claim that "Maori language... brings people together."[173] Maori MP Tariana Turia reiterated a similar idea in debating the Maori Television Service:

> The importance of this television channel is that it is about the positive maintenance of te reo Maori. It is about cultural identity, about building nationhood, and about building a society of inclusion, not exclusion.[174]

The pivotal 1986 Waitangi Tribunal report also supported this view, in its description of a visit to a Maori-medium preschool:

> One of the notable features of the [*kohanga reo*] we were taken to was the mixture of children – both Maori and Pakeha – all playing together in a perfect demonstration of racial harmony, all New Zealanders together.[175]

The obvious rebuttal for this view is that the vision of Maori and Pakeha joining as 'New Zealanders together' in English-medium education has not resulted in any kind of utopian racial harmony. Indeed, it has arguably been the interaction of cultures in New Zealand society that has resulted in the current racial tension.

---

[172] Waite, 1992B, p7
[173] Te Taura Whiri i te Reo Maori merchandising leaflet, 2002
[174] *New Zealand Parliamentary Debates*, 5/12/01, vol 597, pp13533-13534
[175] Waitangi Tribunal, 1986, p12

The government seems aware of the potential for te reo Maori promotion to heighten racial tension, as well as to mitigate it. Justice McGehan was quoted in the Waite report, explaining the careful balance a government had to strike between raising awareness and raising hackles:

> The absence of a minority language from television reduces, and it may be very severely, its acceptance and respect, or in Maori terms its mana. Correspondingly, use of a minority language on television or radio, *at least in a way that does not cause emotional backlash*, confers a degree of acceptance and respectability.[176]

Former Maori Affairs Minister Doug Graham also raised this issue with regard to Maori-medium television:

> ...it seems highly desirable that when the Maori language is broadcast on television there be a teletext at the bottom giving an English translation. I believe that translation would save a lot of heartburn amongst many people.[177]

An example of where such "heartburn" has been caused by over-zealous promotion of te reo Maori was captured by this recent newspaper article, which followed the rejection of a planned *kura kaupapa* by residents of the Wellington suburb of Seatoun:

> Seatoun residents upset at the prospect of a Maori language immersion school in their midst smiled through clenched teeth at a public meeting when they were handed by a representative from the Maori Language Commission a booklet titled Having Fun With the Maori Language.[178]

While the ethical state may, at times, dictate the values of society, it is still no more than the sum total of those values itself. If the state were to attempt to impose a set of values upon a society, rather than reflecting those which already existed, the effect of its policies would be likely to be the opposite of what it intended. In other words, if the state sought to promote te reo beyond what may be tolerated by the value-system of the Pakeha majority, it would risk an "emotional backlash" which would hinder, not help, te reo's cause. The Waitangi Tribunal report was alert to the possibility that "If Maori is given official

---

[176] McGehan, The New Zealand Maori Council vs Attorney-General, [1991] CP No 942/88 at page 61, in Waite, 1992B, p41 (emphasis added)
[177] *New Zealand Parliamentary Debates*, 13/12/92, vol 495, p8832
[178] 'The Last Word', *Evening Post*, 20/04/02, ed 3, p48

recognition it will cause divisions in the community."[179] The Tribunal responded with a reassurance that:

> There need not be divisiveness because of differences. And in other parts of the world it has been recognized that to impose one culture on another is more conducive to divisive hostility than to allow two languages and cultures to exist side by side.[180]

In promoting te reo, the government walks a tightrope between two cultures, and success depends on ensuring that neither culture feels imposed upon by the other. The ease with which such equilibrium can be reached depends partly on the degree of sensitivity that the government exercises in applying its policies, and partly on the degree of tolerance already existing between the cultural groups – or, to continue my metaphor, the skill of the funambulist and the thickness of the rope.

Yet it is not just the attitudes of Pakeha which may be crucial to the survival of te reo Maori. Maori must also value the language enough to undertake the Herculean task of reversing its decline. For Maori who are steeped in Maori culture, te reo seems not merely valuable, but integral to their culture and themselves. In the Waite report, for example, one of the advantages of "seeing the position of the Maori language strengthened" was "a stronger sense of identity for Maori people."[181] This feeling has perhaps been best explained by this Maori voice:

> ...a Maori child is born Maori and she needs her own language...I just feel that they are Maori children and when you teach them their language you give them their wairua back. Their wairua is the language. If they can speak Maori, it means they are Maori. If they can't speak Maori, then what are they?[182]

The following excerpt from Te Puni Kokiri's research findings shows that the government has been well aware of the Maori language's importance in expressing Maori identity:

> Motivation is typically considered in terms of economic development, social advancement and cultural identity and gratification; however, in this research respondents discussed their motivation for learning and using Maori almost entirely

[179] Waitangi Tribunal, 1986, p28
[180] Waitangi Tribunal, 1986, p28
[181] Waite, 1992B, p31
[182] Irianui te Aonohoriu Haig, 'Titiro, Moko! Whakarongo, Moko!', in Ihimaera (ed), 1998

in terms of cultural identity... When asked why they wanted to learn and use Maori, and to transmit it to their children, respondents consistently replied "because we are Maori, because our children are Maori". They clearly recognized the link between language identity, and the ways in which Maori language ability allowed people to participate fully and authentically in Maori practices and activities. Respondents believed that learning and transmitting Maori maintained the link between past, present and future generations; speaking Maori "breathes life back into our tipuna". Respondents also believed it strengthened the self-identity and esteem of their children because they "know who they are and where they come from".[183]

Interestingly, the same research found that the close ties between language and cultural identity presented costs, as well as benefits, for Maori learning the Maori language:

> Many respondents stated that, to avoid overt and direct challenges to their identity as Maori, they avoided learning and use of Maori.[184]

An unstated question existed: 'If I fail to learn Maori, am I a failure as a Maori?'[185] An assertion of cultural identity such as language use, especially one which goes against not only the mainstream culture, but the culture that many Maori have grown up in, is a challenging and perilous undertaking. It is commendable that Te Puni Kokiri has appeared sensitive to such concerns.

Te reo Maori has also been seen as a means of expressing cultural identity for non-Maori, as it has often been described as part of "New Zealand" culture. The Waite report spoke of the value for New Zealanders of "a language that is unique to New Zealand"[186], and Te Puni Kokiri has extolled the potential of te reo promotion to "reflect and enrich NZ society, culture and heritage."[187] A Te Puni Kokiri report in 2000 also described how the identity of all New Zealanders may be expressed through te reo Maori:

> Maori is the indigenous language of our country... Furthermore, the Maori language is part of our cultural heritage as New Zealanders. We all use the Maori language to describe the environment around us and the world that we live in. There are several

---

[183] *The Use of Maori in the Family: Some Research Findings*, p4
[184] Ibid, p5
[185] Ibid, p3
[186] Waite, 1992B, p31
[187] *Maori Television Service Questions and Answers*

> hundred Maori words in regular use in the ordinary speech of all New Zealanders... We also use the Maori language to identify ourselves as New Zealanders on the world stage, with unofficial national anthems like *Pokarekare Ana*, and *Ka mate Ka mate* (the All Black haka).[188]

Again, however, different imperatives have emerged for Maori and Pakeha, in the extent to which te reo Maori expresses their cultural identity. English is the indigenous language of Pakeha culture, and is the storehouse in which the values and worldview of that culture are kept. To learn Maori is to supplement this spectrum of knowledge, not, as is the case for Maori, to reclaim the foundations of their culture. For Maori, being able to express their identity in the language of their culture has been said to instil feelings of belonging and self-awareness, leading to greater confidence and ability, as one Maori-medium teacher has said of her students:

> If you know where you come from it creates awareness and lifts your self-esteem. Having School Certificate in Maori gives them a lot of mana which will carry them through their life.[189]

Maori MP John Tamihere identified this potential benefit in recent debate on Maori-medium television:

> Television is a powerful medium. It is a powerful medium to use in order to tell our people to be proud of themselves, and to rejoice in their daily routines and the ways in which they see themselves.[190]

Alex Holes, Director of Organisational Treaty Responsibilities for the Department of Courts, has described how the use of te reo, however limited, in a court setting can facilitate this sense of well-being:

> Whether or not they like the result at the end, it is important that they feel they're being acknowledged. The use of te reo can assist this.[191]

Whether described as "proud", "rejoicing" or merely "being acknowledged", it is difficult to capture precisely the emotional benefit that te reo offers to Maori who speak it. Probably the best explanation which I uncovered in the course of my research came from Sir James Henare, in the Waitangi Tribunal's seminal report:

---

[188] *Promoting Positive Attitudes to the Maori Language in the Classroom*, p3
[189] *New Zealand Herald*, 30/11/01, Newztext reference #230859
[190] *New Zealand Parliamentary Debates*, 5/12/01, vol 597, p13525
[191] *Courtside* (Department of Courts magazine),Issue 26, Spring 2002, p8

> 'Language' according to Oliver Wendell Holmes, 'is a solemn thing, it grows out of life, out of its agonies and ecstasies, its wants and its weariness. Every language is a temple in which the souls of those who speak it is enshrined.' Therefore the taonga, our Maori language, as far as our people are concerned, is the very soul of the Maori people. What does it profit a man to gain the whole world but suffer the loss of his own soul?[192]

The ability to express and embrace their linguistic "soul" has been a strong motivation for those intent upon preserving and revitalizing te reo. The government's promotion of te reo may be seen as a reflection of the high value placed on te reo by such people.

For other Maori, though, promoting te reo is not so highly regarded. For this group, the government has had to seek to influence, rather than reflect, their beliefs, much the same way as it has sought to influence the Pakeha community. Particularly relevant is the growing population of young, urban Maori, who have grown up far from their language and their culture, but on whose shoulders rests the fate of te reo in the next generation. The government has taken action to depict te reo as desirable according to the values-systems of this crucial demographic group, releasing T-shirts, sweatshirts and baseball caps with Maori Language Commission logos, aimed at the youth market, and featuring young Maori celebrities in their brochures stating that "It's cool to korero."[193]

Promotion of Maori television and radio has also aimed to reach this audience. The usefulness of television in influencing values is applicable to all groups within society, but perhaps especially to the impressionable and media-savvy younger generation. Justice McGehan, in enumerating the benefits of te reo on air, remarked that "The media, particularly the audio-visual medium of television, is a powerful instrument in shaping mass perceptions".[194] Green MP Sue Kedgley has also hinted at how the government may use television to promote a particular message, in a complaint against the management of the Maori Television Service:

---

[192] Sir James Henare in Waitangi Tribunal, 1986, p34
[193] Te Taura Whiri I te reo Maori merchandising leaflet, 2002
[194] McGehan, *The New Zealand Maori Council vs Attorney-General*, [1991] CP No 942/88 at page 61, in Waite, 1992B, p41

> This bill seems to condone the interference – the direct interference – of the board in programmes, in the preparation of news or current affairs.[195]

Kedgley's concern seems to have been that the government might exploit the Service for advancing its own political agenda, but it must be emphasised that the promotion of te reo represents a certain political agenda itself. It could be argued, then, that propaganda was exactly the government's intention.

As was seen with the use of the Maori language to promote greater inter-racial tolerance, the order of the cause-and-effect relationship between Maori culture and acceptance of te reo is not clear. The Waite report listed "a bolstering of Maori cultural practices that require the use of the language"[196] as one likely benefit of increased Maori language use. Therefore, it could be that a renaissance of the language may bring about a renaissance of Maori culture, especially, perhaps, among the young urban population who will determine the practices of Maoridom in the years to come.

Conversely, the curious case of John Davy in 2002 showed how putting te reo in the public spotlight can damage the movement's reputation if something goes wrong. The exposure of Davy as a fraud reduced the Maori Television Service to something of a public laughing stock, further exacerbated by lingering memories of former Maori TV Executive Tukuroirangi Morgan's extravagant undergarments. Although the government may aim to raise the status of te reo by thrusting it into the limelight, it also runs the risk of reducing the *mana* of the language in the public eye. It has already been noted that there exists within New Zealand society significant opposition (whether latent or overt) to te reo's advancement, and such incidents can be taken as "evidence" that the te reo Maori movement is not to be taken seriously.

The values in New Zealand society are not only applied to language with respect to *which* language is spoken. Value-judgments are exercised all the time regarding *how* languages are spoken, *when* and *where* they are spoken, and *what* they are used to say. The pronunciation of Maori words has become something of a battlefield in the continuing

---

[195] *New Zealand Parliamentary Debates*, 5/12/01, vol 597, pp13528-13529
[196] Waite, 1992B, p31

conflict between bi- and mono-culturalism. What better example to provide than the institution in which New Zealand language standards have long been established and reflected – the TV news. The past twenty years have seen a gradual shift towards more meticulous pronunciation of Maori place names by newsreaders and weather-presenters alike, and letters to editors, and other fora for public opinion, have at times provided examples of the sneers this can elicit from more conservative viewers. It is also the opinion of this researcher that the amount of attention given to "correct" pronunciation of Maori words by Pakeha may be used as an indication of the speaker's interracial attitude; revealing, again, the close relationship between language and worldview. The importance of pronunciation has seldom been explicitly mentioned in government literature, but the 2002 Department of Courts Maori Policy Statement listed "proficient pronunciation" as one of its core objectives.

The domains in which Maori may be spoken has also been a site of interracial tension. We return again to the Seatoun residents who opposed the *kura kaupapa*, while at the same time claiming that they had no objections to te reo *per se*. This apparent contradiction earned them the nickname of "NIMBYs" (Not-In-My-Back-Yard-ers) from the popular press, which may sum up the attitude of many opponents of te reo's revitalisation.[197] The Waite report acknowledged the importance of domains in the slow process of language revitalisation:

> As we work towards an equal status for the Maori and English languages, we can expect to see the diglossic balance gradually shift in favour of Maori. Maori speakers will claim new locations, activities and relationships (or reclaim old ones) as proper situations for the use of their own language.[198]

It is inevitable that, if such a shift is to actually occur, te reo will come to "encroach" upon the territory of its opponents. Decreasing the size of this territory by promoting positive attitudes to the language is likely to substantially ease the transition from a mono- to a bi-lingual society.

[197] Julie Clothier, 'Nimbys fret over kura', *The Evening Post*, 12/04/02, p3
[198] Waite, 1992B, p32

As to what te reo is used to say, *Hansard* provides an example of how the ethical state may intervene in this area. Members of parliament are subject to a regulation prohibiting them from using "Unparliamentary language". The list of words which earn speakers an accusation of this offence can be revealing of the value-judgments which the state has exercised upon language (although, it must said, points of order often seem to have been raised on these grounds for strategic, rather than moral, purposes.) The 2001 lists revealed one Maori "swear-word", *tutae*, and an assertion from one MP that "Swearing in Maori is as offensive as it is in English."[199] Te reo Maori therefore seems to have been bound by the same linguistic morality that has been applied to English.

Te reo has also been subject to linguistic value-judgments by Maori. It has been a matter of some contention whether the Maori language that is spoken by young speakers today is as 'pure' as that which is spoken by their elders. This judgment is by no means unique to Maori, but seems common to most language groups:

> It seems that in almost all societies, the attitudes that people have to language change are basically the same. People everywhere tend to say that the older form of a language is in some sense 'better' than the form that is being used today.[200]

The very word 'revitalisation' has a retrospective undertone. It is vital for the survival of te reo, or indeed any language, that its speakers do not value the purity of the past over the dynamism of the present. Benton has suggested that the government demonstrated such awareness, by describing the Maori Language Commission as "a guardian of linguistic vitality and purity."[201] While concerned with the "purity", or quality, of the language, the reference to "vitality" implied responsiveness to the shifting influences and demands that society foists upon any living language.

Still, questions as to the quality of te reo will be immaterial if the language itself is destroyed by inhospitable attitudes within New Zealand society. Eliminating, or diminishing, such beliefs, as has been demonstrated above, necessitates a gentle, incremental approach which may appear inconsistent with the haste required by some of te reo's more pessimistic doomsayers. However, this extract from a Maori Language

---

199 *New Zealand Parliamentary Debates*, 8/8/01, vol 594, 10798
200 Crowley, 1992: 28, cited in Bayard, 1995, p94
201 Benton, 2001, p40

Commission publication shows how the ethical state model could be used to justify what may have sometimes been seen as the New Zealand government's shortcomings in te reo's revitalisation:

> You may feel from time to time that the use of the Maori language in this way is simply tokenism. However, it is important to remember that the greater use of the language and increasingly positive attitudes will lay the foundations for the normalisation of the status of the Maori language as an integral part of our cultural landscape.[202]

Although it could be argued that the state's intervention in te reo has been flimsy and ineffectual, the ethical state's first priority must be a cautious cultivation of the fertile ground in which the seeds of language revitalisation can take root.

---

[202] *Promoting Positive Attitudes to the Maori Language in the Classroom*, p9

Languages Other Than English or Maori (LOTEMs)

INTRODUCTION

As recently as 2001, noted New Zealand sociolinguist Janet Holmes described New Zealand as "determinedly monolingual"[1], echoing another researcher who earlier observed that "Non-Maori…place little importance on learning either Maori or any other language..."[2] Two important implications arise from these statements. Firstly, they accentuate the reality that the majority of New Zealanders are fluent in one language only, and that language is English in most cases. Furthermore, they hint that this situation is not merely the product of historical sociolinguistic circumstance, but of an actual resistance in the New Zealand population to embrace languages other than their own. In contrast, the rhetoric of the New Zealand state on this issue has been far more cosmopolitan than Holmes might predict. The 1993 *Curriculum Framework*, (supposedly reflecting the views of the education sector, where language issues are perhaps most thoroughly considered), remarked that:

> Within New Zealand, a number of languages are used on a daily basis. Each has its own intrinsic value. For most students, the curriculum will be taught in English, for some, it will be taught in Maori, and for some in a Pacific Islands or other language.[3]

This pluralistic view was reiterated in the 1992 government-commissioned Waite report;

> The report explains the benefit of adopting a policy to maintain, enrich and expand the diversity of languages used by New Zealanders;[4]

and Shackleford, another sociolinguist, has reported the government as having described the diversity of language and culture as a "strength for New Zealand."[5]

Rasalingam, a prominent spokesperson for immigrant rights in New Zealand, has suggested that the apparent warming of New Zealand society towards speakers of languages other

[1] J Holmes, 'Introducing New Zealand sociolinguistics to New Zealand sociologists', *New Zealand Sociology*, vol 16 #1 2001, p3

[2] AGB McNair (consultants), *Survey of the Demand for Bilingual and Immersion Education in Maori*, Report to the Ministry of Education, March 1992, p6

[3] *The New Zealand Curriculum Framework*, Ministry of Education, 1993, p10

[4] J Waite, *Aotearoa: Speaking for Ourselves*, Part A, Ministry of Education, Wellington (NZ), 1992, p5

[5] N Shackleford, 'The Case of the Disappearing Languages Policy', *TESOLANZ Journal* #5, 1997, p2

than English or Maori (LOTEMs) may be symptomatic of a changing attitude towards immigration in general. As globalisation has stimulated and facilitated migration, and the volume of immigrants has continued to increase, Rasalingam argued that "…major recipient countries of refugees and/or immigrants have moved from assimilationist to integrationist or pluralistic long-term ideologies of immigration."[6] The focus has shifted from blending a small number of newcomers into the majority culture, to "…shorter-term issues of resettlement involving the concepts of access and equity, or non-discriminatory opportunities to participate in and contribute to the host country's economic and social life…(Fletcher, 1999:25ff)"[7] Tolerating the non-use of English may be seen as part of this inclusive trend.

However, changes in government rhetoric alone are not sufficient evidence that this trend has, indeed, occurred. My examination of government policies did not show any marked inclusivity, and implied a discrepancy between the government's words and its actions. Has the trend which Rasalingam described truly been a growing tolerance of cultural and linguistic diversity, or has it been, as a character in a popular movie would have it, a case of "people still hating each other just as much, but getting better at hiding it"[8]? As the models of the state are applied to LOTEM policies in New Zealand, the real motivations behind government action in this area will hopefully become clearer.

As with all three language groups, LOTEMs can be divided into those people who use LOTEMs as a first language, and LOTEM acquisition for speakers of other languages (that is, English or Maori). As is the case for all language groups, these two strands of language policy are not discrete. For example, the instruction of English-speaking New Zealanders in LOTEMs raises the status of those languages, and provides a boost for community language maintenance; likewise, community language maintenance creates a base of non-English speakers which may motivate English speakers in their LOTEM acquisition. Therefore, while these two policy areas are often separated for the purposes of discussion, the crossovers between them must always be kept in mind.

---

[6] N Rasalingam, *The Communication Gap: Immigrant Healthcare in Aotearoa – New Zealand*, Auckland University of Technology & New Zealand Federation of Ethnic Councils, August 2001, p7
[7] Ibid, p7
[8] Seymour in *Ghost World*

CURRENT POLICIES

Policies for LOTEMs have largely been confined to the education sector, and have concerned mainly LOTEMs as additional, rather than as first, languages. Policy issues surrounding the acquisition of LOTEMs by English or Maori speakers raise two broad questions; firstly, *whether* non-LOTEM-speakers ought to acquire them at all, and, secondly, *which* LOTEMs they ought to acquire. The government has been quick to expound the benefits of learning LOTEMs, but, in reality, LOTEMs appear to have occupied an increasingly weak position in New Zealand public policy. The Waite report remarked that "...the overall proportion of students learning international languages at the secondary school level has been decreasing over the past twenty years."[9] Waite also observed that, of the language groups to be taught in New Zealand, LOTEMs were "at the end of the priority list."[10]

Since Waite's report, the education sector has shown signs of reversing this trend. A series of documents has been published by the Ministry of Education concerning the place of various LOTEMs in the New Zealand curriculum,[11] and these were followed in 2002 by the issue of the International Language Series – a collection of multimedia materials in Spanish, Japanese, French and German – devised for introducing the languages to Y7-8 students.[12] The Ministry has also recently made available a contestable Second Language Learning Funding Pool, to help schools set up effective and sustainable second language learning programmes for students in Y7-10.[13]

These initiatives may be of assistance in understanding the government's judgments as to *which* languages would be promoted. As the New Zealand Association of Language Teachers has stated;

---

[9] J Waite, *Aoteareo: Speaking for Ourselves*, Part B, Ministry of Education, Wellington (NZ), 1992, pp70-71
[10] Ibid, pp70-71
[11] Ministry of Education, *Chinese in the New Zealand Curriculum* (1995), *Spanish in the New Zealand Curriculum* (1995), *French in the New Zealand Curriculum (Draft)* (2001), *German in the New Zealand Curriculum (Draft)* (2001), *Korean in the New Zealand Curriculum (Draft)*, 1998
[12] *Tukutuku Korero (Education Gazette)*, 5 August 2002, p1
[13] Ibid, p1

Priorities for languages to be offered in the school system may be in response to strategic, cultural and economic needs and/or to satisfy the individuals' needs.[14] The Waite report described a shift away from "traditional" languages (which he defines as French and Latin), and towards greater diversity and an increase in "international languages" such as Japanese and Spanish.[15] While the presence of French amongst the languages that the Ministry of Education has chosen to publish on may be indicative of a resurgence, there can be little doubt that 'classical' languages have gone, for the moment at least, out of *vogue*; evidenced, for example, by the provision of a $2000 Bursary scholarship for Latin in 2002, where other subjects (including some languages) received $5000.[16] The *New Zealand Curriculum Framework* made no mention of classical languages in its paragraph on LOTEM learning:

> Students will be able to choose from a range of Pacific, Asian and European languages, all of which are important to New Zealand's regional and international interests.[17]

It seems, then, that "interests" have superseded "interest" in the choice of which LOTEMs are taught in New Zealand schools. It must also be noted that these "interests" are those of "New Zealand". The interests of those from outside New Zealand, for whom LOTEMs often have especial relevance, do not appear to have been considered to anywhere near the same extent in New Zealand language policy.

While it seems that educational practice has not, educational theory has begun to recognise first-language use and maintenance for NEAL[18] children. *The New Zealand Curriculum Framework*, published in 1993, listed among its principles:

[14] New Zealand Association of Language Teachers, *Policy on Language Teaching and Learning in Secondary Schools*, August 1995, p7

[15] Waite, 1992B, pp70-71

[16] P Pollard, letter to the editor, *New Zealand Herald*, 09/03/02

[17] *The New Zealand Curriculum Framework*, p10

[18] I have adopted the acronym 'NEAL' as per Rasalingam 2001, p48: "Perhaps it would be a good idea to use this term in acronym form (NEALs = Newcomers for whom English is an Additional Language) since, quite apart from political correctness, the usual term (NESBs – non-English speaking background) clearly connotes both negativity or deficit and raises English to the status of the 'default' language." The irony of taking this precaution in a section concerning "Languages Other Than English or Maori (LOTEMs)" is not lost on me. I defend this by arguing that LOTEMs refers to the languages themselves, and therefore cannot really be patronising, whereas NEALs refers to the people who speak them.

> The school curriculum will encourage students to understand and respect the different cultures which make up New Zealand society. It will ensure that the experiences, cultural traditions, histories and languages of all New Zealanders are recognised and valued. It will acknowledge the place of Pacific Islands communities in New Zealand society, and New Zealand's relationships with the peoples of Asia and the South Pacific.[19]

This principle was expanded further in the 1994 document, *English in the New Zealand Curriculum:*

> The prior knowledge, first language, and culture of each student should be respected and incorporated in English programmes. Where students have some facility in a first language, they should be encouraged to explore tasks in that language, moving between their first language and English.[20]

These ideas have continued to appear in more recent educational policy. The Ministry's 1999 document, *Non-English Speaking Background Students: A Handbook for Schools*, urged teachers to "Encourage first-language maintenance in every practical way."[21] The following year, Secretary for Education Howard Fancy remarked that "... it is more important that a child gets that really strong foundation in a language, rather than what that language is"[22].

Although the Ministry may have been clear on the value of first-language use in the classroom, it has been less clear on the practicalities. The 1999 *Handbook* included a list of ways in which a school can promote first-language maintenance, but these did not seem to accord LOTEMs much more than peripheral or novelty status. Advocating the promotion of LOTEMs in arts, school displays, and libraries does not alter the fact that the language in which the student will be expected to absorb most of their vital learning is still English.[23] A lack of concrete direction and logistical support has kept LOTEM use at a minimum in mainstream New Zealand classrooms. The following exchange, taken from a recent edition

[19] *The New Zealand Curriculum Framework*, p7
[20] *English in the New Zealand Curriculum*, Ministry of Education, 1994, p3
[21] *Non-English Speaking Background Students: A Handbook for Schools*, Ministry of Education, 1999, p19
[22] Howard Fancy, (Secretary for Education), Samoan Minister's Convention Speech, 4 July 2000, www.minedu.govt.nz, 7/1/03
[23] *Non-English Speaking Background Students: A Handbook for Schools*, p53

of Parliamentary Debates, clearly illustrates the kind of no-man's-land into which LOTEM use in the classroom has drifted, between recognition and action:

> Pansy Wong: Would the Minister support... teachers who believe strongly that children should also maintain and strengthen their mother tongue, by pursuing a New Zealand language policy that will enhance our children's opportunity to become bilingual speakers?
>
> Trevor Mallard (Minister of Education): My inclination is towards saying "Yes". I want to have a good look at the research in the area, because there is some debate that for people whose family language is other than English we are getting the worst of both worlds. Therefore some children are coming through bilingual and other systems who do not have a good grasp either of their family's mother tongue, or of English. My inclination is to agree with the member, but I want to see the research data first.[24]

While the government has appeared non-committal with regard to most of the LOTEMs in New Zealand, it has taken a more active role in Pacific languages. This has possibly been a result of the special relationship created between Pacific peoples and the state by the existence of the Ministry of Pacific Island Affairs, which has recognised the growing importance of "language preservation and maintenance" for Pacific peoples in New Zealand.[25] The Waite report suggested another reason for the special status Pacific languages enjoy in New Zealand, by describing the role New Zealand could play in preserving certain Pacific Island languages which, due to dwindling populations in their homelands, were at risk of extinction.[26] Also influential, no doubt, has been the fact that Samoan is the most widely spoken language in New Zealand after English and Maori.[27]

Samoan was one of the first in the Ministry of Education's series of publications on community languages in the New Zealand curriculum. The general aims of *Samoan in the New Zealand Curriculum* included both the aim to:

[24] *New Zealand Parliamentary Debates*, 15/2/01, vol 590, p7674
[25] Ministry of Pacific Island Affairs, *Annual Report 2001-02*, p26
[26] Waite, 1993A, p15
[27] 2001 Census data

> Provide Samoan language learning opportunities for learners from non-Samoan backgrounds

and

> Enable children and students whose mother tongue is Samoan to develop and use their language as an integral part of their education[28]

This suggests a dual emphasis on promoting the learning of Samoan as a second language, as well as the maintenance of first-language Samoan, which was not evident in government literature on any other community language. In 2002, the Ministry drafted another Pacific language curriculum statement, this time for Cook Islands Maori.

Unfortunately, implementation of both Pacific language statements has been hamstrung by budget constraints, and a lack of the trained personnel required to implement them.[29] In an effort to overcome these obstacles, the statements have been complemented by the Ministry of Education's 2001 Pasifika Education Plan, one of the aims of which was to "increase the proportion of learning and teaching materials produced in Pacific languages".[30] The government has also provided some support for community-initiated Pacific language preschools, through the Early Childhood Discretionary Grants Scheme – Pacific Islands Pool,[31] and the latest Budget allocated more money to help support Pacific early childhood centres, particularly in licensing and chartering. At primary and secondary school level, contestable funding has been made available for Pacific education projects, as well as a growing number of Pacific Island resources.[32]

Outside the education sector, Pacific languages have also received special attention. The Arts Board of New Zealand, (a valuable vehicle for promoting cultures and, correspondingly, languages,) includes a Pacific Arts Committee. Apart from Maori, who have a separate Arts body of their own, Pacific Islands is the only culture to have been singled out in this manner. Furthermore, the statute under which the Board was

---

[28] *Samoan in the New Zealand Curriculum*, Ministry of Education, 1996
[29] Fancy, 2000
[30] *Pasifika Education Strategy*, Ministry of Education, April 2001, www.minedu.govt.nz, 7/1/03
[31] Ibid
[32] Ibid

established, the Arts Council of New Zealand Toi Aotearoa Act 1994, lists among its principles:

> 5. In achieving the purpose of this Act, all persons exercising functions or powers under it –
>
> (c) Shall recognise the arts of the Pacific Islands' peoples of New Zealand

No other non-indigenous group receives such a mention in the legislation.

The jewel in the crown of Pacific language maintenance has been the recent announcement of almost $7.7 million to be allocated over the next 4 years for a national Pacific radio network.[33] Many minor government documents (leaflets, FAQs, etc) have also been made available in Pacific languages, particularly in the areas of health and justice. Overall, the government appears to have demonstrated a commitment to Pacific language issues which significantly outweighs its involvement in the languages of other ethnic communities.

Far from offering the support afforded to Pacific languages, government policy towards other LOTEMs has appeared to actively discourage them. Shackleford has argued that the government's entrance policies for new immigrants are the point at which non-inclusive language policies begin:

> ...the adoption of the International English Language Testing System (IELTS) for principal applicants seeking immigration, and the punitive measures for those dependents unable to meet the minimum required standard, are symptomatic of reactive responses to language issues rather than a planned approach which places value on diversity and multilingualism.[34]

Once inside New Zealand, immigrants have encountered little governmental support for maintaining their first languages. While government rhetoric may have indicated a high level of tolerance and understanding of the importance of languages other than English and Maori, this has not been reflected in actual state policies. The following sections seek to use the models of the state articulated in the introduction to explain why these policies – or lack thereof - have eventuated, with the aim of further clarifying the apparently ambiguous relationship between LOTEMs and government in New Zealand.

---

[33] *New Zealand Parliamentary Debates*, 18/12/01, vol 597, p13929
[34] Shackleford, 1997, p10

MINIMAL STATE

The minimal state will only provide LOTEMs if the market and the community fail to do so, and if there is a perceived risk of harm to citizens if it doesn't. As with te reo Maori, LOTEMs are probably not sufficiently widely used or understood in New Zealand to cause much harm by being used in verbal conflicts. It seems that the largest group that LOTEMs may cause harm to is those New Zealanders who object to, or feel threatened by, their presence on New Zealand's cultural landscape. Harm may also be caused, though, by a *lack* of LOTEMs. This harm is comparable to that which a lack of te reo Maori was purported to inflict – that those with a cultural affiliation to a LOTEM will suffer the pain of not being able to speak their own language. Neither of these possible causes for harm currently seems to be much of a cause for concern for the New Zealand state, as it does little either to promote LOTEMs or prevent them from being used. Instead, it leaves LOTEM use or non-use to the prerogatives of individual citizens or communities.

One migrant's case-study of their own ethnic group revealed that all initiatives to maintain that group's culture and language were community-based,[35] and the absence of LOTEMs from government policy suggests that this may not be an isolated case; that is, if LOTEMs are being maintained at all. The same study described a lack of knowledge within the community of the benefits of first-language maintenance,[36] and this has been backed up by a later study, in which respondents cited "avoiding mother tongue" as one of their responsibilities to facilitate English acquisition and successful settlement.[37] Thus the community sector may fail to prevent the harm caused by lack of LOTEMs simply by not being aware of the risks.

On the other hand, evidence can also be found to support the view that NEAL communities are committed to maintaining their mother tongues. Numerous after-school language programmes exist in areas with a concentration of an ethnic minority, and recent government statistics on Pacific Island children have revealed a preference among Pacific

[35] N Shameem, 'ESOL and First Language Maintenance: Language Loss or Language Gain?', *The TESOLANZ Journal*, vol 5, 1997, p20
[36] Ibid, p17
[37] C White, N Watts & A Trlin, *Immigrant and Refugee Experience of ESOL Provision in New Zealand: Realities and Responsibilities*, New Settlers Programme Occasional Publication #5, Massey University, Palmerston North (NZ), 2001, p21

communities for Pacific-language preschools.[38] Several LOTEM-medium radio programmes have been created by NEAL communities, for NEAL communities. A recent survey on immigrant health provision has gone further, in showing that NEALs are concerned not only with the maintenance of their language within their own community, but also their ability to use it in public settings such as health services.[39] For many immigrants, it seems, complete assimilation into English-speaking New Zealand society is not the most desirable option, and there are some needs which are best met in the language of their homeland.

It is, of course, possible for LOTEMs to survive, and even flourish, within these communities, without any state assistance. Even if the New Zealand state and society do not accommodate them, LOTEMs may co-exist with English and Maori in what Shameem has described as "a diglossic relationship, having specific roles in defined situations."[40] Nevertheless, if LOTEMs are to be expanded outside the boundaries of their host communities, it may be that state assistance will be required. Fuimaono Les McCarthy, Chief Executive of Pacific Island Affairs, has described how, prior to the government's intervention, "there had been many previous attempts by Pacific communities to establish a national radio network to preserve and enhance Pacific culture and language."[41] The failure of the community to set up the network suggests that the sector may not have the resources necessary to establish LOTEMs outside of the communities in which they are spoken, and that state assistance is, indeed, necessary for LOTEMs to enter mainstream institutions such as public broadcasting.

Nor does the market seem likely to promote or provide LOTEMs in New Zealand. Although universities which successfully sell LOTEM courses to students may be seen as indicative of a certain level of market demand, it has been a common complaint of such students that the languages they love are unlikely to help them "get a job".[42] This is in

---

[38] Fancy, 2000
[39] J Rees, 'Poor English unhealthy for migrants', *New Zealand Herald*, 15/09/01
[40] Shameem, 1997, p21
[41] *Annual Report 2001-02*, Ministry of Pacific Island Affairs, p12
[42] Based on personal communications during two years studying French and Spanish at the University of Auckland.

sharp contrast to the benefit which appeared in all the language curriculum statements, with regard to learning LOTEMs:

> Broaden their employment options, both in New Zealand and internationally.

It may be true that employment options could be broadened a little, in that some specialised occupations do require LOTEM use, but it may also be that the government has here rather overstated the importance of language skills to employers, especially New Zealand ones.

If the New Zealand labour market offers few opportunities to English-speakers with LOTEM skills, it seems that it offers even fewer for NEALs to utilise their language skills. While NEALs have been said to offer special skills and opportunities to businesses which employ them,[43] a recent study suggested that these resources have not been utilised in New Zealand as widely or effectively as they might have been.[44] The study proposed that this may be due to employers' ignorance regarding the benefits of NEAL employees, or perhaps the result of reluctance to recognise these benefits even when they are known, as one contributor related:

> New Zealanders do not give a fair chance to new immigrants. They [immigrants] must go through a long and agonising process of acceptance by New Zealanders. I speak with experience.[45]

Although a multilingual Kiwi may be sought after in the labour market, immigrant workers encounter particular barriers which no amount of language skills would appear to overcome. All in all, it appears that neither market nor community forces are enough to sustain LOTEMs in New Zealand. Yet the government's apparent apathy with regard to this failure suggests that the harm that may be caused by LOTEMs' loss is not considered sufficient motivation for active intervention. It will now be seen whether other models of the state offer any more compelling imperatives.

INSTRUMENTAL STATE

In an instrumental model of the state, the objective of government intervention is to create the necessary conditions for a flourishing market. As seen in the introduction, one area

[43] H Chung, 'Dialogue', *New Zealand Herald*, 27/11/02, Newztext reference #3006311
[44] N Watts & A Trlin, *Utilisation of Immigrant Language Resources in International Business, Trade and Tourism in New Zealand*, Massey University (NZ), 1999, p33
[45] Ibid, p33

where the state becomes involved in the market is in the provision of public goods. Effective communication with citizens is essential for many public goods to be delivered. When a communication breakdown between government and governed occurs, (as is often the case with NEALs,) two remedies are available. The first, which has been dominant in New Zealand policy so far, is to change the language of the governed to promote understanding. This approach will be discussed in greater detail in the chapter on English. The other possibility is to change the language of the government. As the volume of NEALs has increased, and the social problems associated with poor provision of public goods have been exacerbated, this possibility has begun appearing in the public sector. One instance recently has been the introduction of multilingual signage at hazardous beaches, prompted by lifeguards' complaints that immigrants and tourists were drowning due to language problems.[46] Another, more substantial, recent initiative has been the government's decision to fund the Pacific Radio Network. Fuimaono Les McCarthy, Chief Executive of Pacific Island Affairs, explained:

> In the course of the *Pacific Capacity Building* consultation process it became evident that many services required by Pacific peoples were already being provided by government agencies but were not known to parts of the communities. A more effective communications medium was required.[47]

Pacific Island Affairs minister Mark Gosche has also identified a breakdown in communication between government and Pacific Island peoples:

> Currently, the only national communications vehicle for Pacific people is the television programme *Tagata Pasifika*. A national radio network will complement that programme's work and the work of local Pacific radio stations, by helping Pacific people access information that is relevant and of benefit to them.[48]

Pacific languages have also been used in the translation of a number of government leaflets and other minor informative publications.[49] Translations into other migrant languages are available for a few government pamphlets, particularly those on essential services provided by the Refugee and Migrant Centre. The vast majority of government information, though,

---

[46] S MacLeod, 'Language barrier lethal when surf's up', *New Zealand Herald*, 29/12/01, Newztext reference #584330

[47] *Annual Report 2001-02*, Ministry of Pacific Island Affairs, pp11-12

[48] *New Zealand Parliamentary Debates*, 18/12/01, vol 597, p13929

[49] See, for example, *Law Access Catalogue*, Legal services agency, sixth edition, October 2002, for a directory of which law resources are available in which languages.

has continued to be disseminated in English, indicating that the preference for LOTEM-speakers to make the effort to bridge the communication gap, rather than the English-speaking state, has continued to reign.

The choice between making others understand and making oneself understood extends beyond the government itself and into the nation-state as a whole. Again, this debate will resurface in the English chapter, but it is perhaps worth touching on here with regard to one of the government's stated benefits of learning a LOTEM:

> Communicate more effectively with New Zealand settlers from [LOTEM]-speaking backgrounds, and develop and maintain relationships with them.[50]

The state appears to hint here that making oneself understood to NEALs may not simply apply to the provision of public goods of an economic nature, but also to the provision of non-economic 'public goods' such as friendship and social interaction. And, as with economic public goods, the benefits of effective communication can be seen to flow both ways.

Aside from providing public goods, the instrumental state is also concerned with providing the opportunities which will enable the market to reach maximum productivity. The promotion of LOTEMs has a part to play here, too, as learning a LOTEM may augment a citizen's productive potential. This has been a prominent rationale behind the government's promotion of second-language learning for English-speaking New Zealanders:

> The promotion of international languages has gained prominence in government thinking because it is associated with the government's political and economic agenda. There has been considerable rhetoric about the need for an enterprise culture and the desire to increase productivity through international trade and business, especially in the Asian region (McKinnon, 1992).[51]

The Ministry of Education's series of publications on languages in the New Zealand curriculum provides ample examples of market-driven language policy. The first

---

[50] *Spanish/Japanese/Chinese in the New Zealand Curriculum*
[51] Shackleford, 1997, p9

dimension of this rhetoric concerns *why* languages will be taught. One of the benefits listed for learning Spanish, Chinese, Japanese and Korean was that students would:

> Become confident in communicating with native Spanish/Japanese/Chinese/ Korean speakers about trade, travel or tourism, or in other professional, educational, or social contexts.

By 2001, when the French and German publications were released, this had changed to:

> Become confident in communicating with native German/French speakers about trade, travel, tourism and other topics.[52]

The high priority placed on the trade opportunities offered by knowledge of LOTEMs seems consistent with the model of the instrumental state.

The second dimension of market-oriented language policy concerns *which* languages will be taught. Economic rhetoric has been used to explain the choice of languages for the Ministry of Education to promote; take, for example, these near-identical paragraphs in the Spanish and Japanese publications:

> Spanish is a particularly significant language for New Zealand because of the important economic and cultural ties this country is developing with Spain, Latin America, and the rest of the Spanish-speaking world. The large and rapidly growing Spanish-speaking Pacific rim populations, in particular, offer New Zealand considerable potential for tourism and trade.[53]
>
> Japanese is a particularly significant language for New Zealand because of the important economic and cultural ties this country is developing with Japan. As a Pacific country, New Zealand has increasing contact with this major trading partner. The rapid increase in tourism in both countries provides many opportunities for personal contact and communication.[54]

References to the size of the market, and the economic opportunities afforded by the language in question, appeared to varying degrees in all the language curriculum statements. Curriculum facilitator Gail Spence, in a recent interview, indicated that market imperatives have continued to play an important role in LOTEM policy:

---

[52] *German in the New Zealand Curriculum (Draft)*, Ministry of Education, 2001, p7
[53] *Spanish in the New Zealand Curriculum*, Ministry of Education, 1995, p5
[54] *Japanese in the New Zealand Curriculum*, Ministry of Education, 1995, p6

> Knowing and using other languages… has the ability to extend international relations and increase opportunities for trade.[55]

While these alleged benefits appeared to be part of a standard formula for most of the statements, they did not appear in *Samoan in the New Zealand Curriculum*. It has already been explained that this publication dealt more with the maintenance of Samoan for first-language speakers than with the teaching of Samoan as a second language. This differing emphasis may account for the absence of market imperatives in the list of benefits offered by learning Samoan at school.

As well as knowledge of a LOTEM having a productive value of its own, so too have the cognitive abilities that LOTEM learning is said to develop. The *New Zealand Curriculum Framework* described how LOTEM speakers may experience benefits to their internal development, as well as receiving increased external opportunities:

> It enriches them intellectually, socially, and culturally, offers an understanding of the ways in which other people think and behave, and furthers international relations and trade.[56]

A prominent theme in all government literature on LOTEM education was that it would foster the ability to learn other languages too. All the language curriculum statements claimed to

> Develop skills, attitudes and understandings that will help [students] to learn other languages.

For learners of LOTEMs as a second language, this ability was most often applied to the subsequent acquisition of further LOTEMs, although the *Curriculum Framework* described the learning of a LOTEM as facilitating English (first-language) development as well:

> All students benefit from learning another language from the earliest practicable age. Such learning broadens students' general language abilities and brings their own language into sharper focus.[57]

This benefit merited especial mention in the German booklet, perhaps due to the close resemblance it bears to English:

---

[55] *Tukutuku Korero (Education Gazette)*, 5 August 2002, p1

[56] *The New Zealand Curriculum Framework*, Ministry of Education, 1993, p10

[57] Ibid, p10

> Learn more about their own first language through becoming aware of how it resembles, and differs from, the German language.[58]

Cognitive abilities aside, second-language learning was also said to expand a student's expressive repertoire. In the Samoan curriculum statement, one of the alleged benefits of learning the language was to "Discover ways to be creative and expressive in Samoan."[59] This benefit had disappeared from subsequent language reports, but a recent article in the Education Gazette showed that it has remained readily apparent to LOTEM teachers, even if not promoted by the state. In addition, the increased scope for expression has brought with it increased self-esteem, as this principal attested:

> Giving the children a taste of language learning has boosted self-confidence. "Because it's often something the parents can't do, the children become the teachers. They love showing off to mum and dad what they can say."[60]

Thus it seems that LOTEMs may offer certain skills and opportunities to English-speakers. This conceptualisation of other languages as resources has been extended to their speakers by the Ministry of Education:

> Students from backgrounds other than English add valuable language resources and experiences to the classroom.[61]

The benefits of the skills these resources have to offer may be applied to all areas of life. For the instrumental state, though, the most important benefit to be gained is increased productivity in the labour market.

For NEALs, LOTEM-learning was most often described as beneficial in that it would facilitate the learning of English, rather than offering the intrinsic developmental benefits derived from first-language maintenance which were applied to te reo Maori. For example, the Samoan report, more LOTEM-as-a-first-language oriented than the others, stated that:

> For children and students whose home language is Samoan, maintaining that language will enhance their learning of English.[62]

---

[58] *German in the New Zealand Curriculum (Draft)*, Ministry of Education, 2001, p7
[59] *Samoan in the New Zealand Curriculum*, Ministry of Education, 1996, p6
[60] *Tukutuku Korero (Education Gazette)*, 5 August 2002, p4
[61] *English in the New Zealand Curriculum*, Ministry of Education, 1994, p15
[62] *Samoan in the New Zealand Curriculum*, Ministry of Education, 1996, p7

In 2000, Education Secretary Howard Fancy explained that the shift towards LOTEM-as-a-first-language maintenance was part of a strategy to improve the English acquisition and subsequent academic performance of immigrant children:

> What is becoming evident... is that, for a number of children, when they start school they do not have a strong enough base in their first language to support both the learning of English and their learning in English.[63]

A recent editorial on LOTEMs in schools echoed the government's position:

> [Advocating LOTEMs in schools] is not to say that [NEALs'] need to learn English would in any way diminish. New Zealand is a predominantly English-speaking society and they will need to function fully in their new country. It may be, however, that their ability to learn English will be enhanced if they are able to progress in other subjects unimpeded by language difficulties.[64]

The interpretation of the phrase "functioning in society" will depend upon the reader's understanding of what "functioning" means. For the instrumental state, to be functional in society denotes productivity in the market economy, and enhanced ability to learn English will be a means to that end. Certainly there has been much rhetoric in the current political environment to support this view, with references to the "knowledge economy", in which all learning is conceptualised as a marketable commodity.

The commercial value of LOTEMs has not always been appreciated. In the 1920s, when business groups were advocating a "commercial point of view" in education, they strongly argued against teaching foreign languages and the classics, particularly Latin, as New Zealand was "so far from other countries".[65] In today's increasingly globalised economy, one may just as well maintain that the earth is flat as hold such a view. This is an important reminder that the application of political theories changes with time just as the policies themselves do, and no theory will provide solutions which will not be subject to the changing whims of time. However compelling the arguments that instrumental theory may supply for learning LOTEMs, though, they do not seem to have been considered important enough to the market to have received much support from the New Zealand state.

---

[63] Fancy, 2000

[64] Editorial, *New Zealand Herald*, 05-06/01/02, Newztext reference #585130

[65] J Soler & J Smith (eds), Literacy in New Zealand: Practices, politics and policy since 1990, Longman, Auckland (NZ), 2000, p6

JUST STATE

Under the model of the just state, citizens are seen as much more complex beings than consumers in a market. As discussed in the introduction, human rights make up one facet of this complexity; participation in society for the just state model may be understood as the possession and exercise of these rights. Applying the model of the just state to LOTEMs therefore involves examining the status of LOTEMs in the instruments which enshrine these rights in New Zealand.

Doing so would not seem to be an easy task. As a spokesperson for the Human Rights Commission remarked, the general status of language in New Zealand's human rights law is "horribly uncertain".[66] The source of this uncertainty may well be the ambiguity identified in the introduction to this chapter – while LOTEMs are embraced rhetorically by the New Zealand state, there is a reluctance to afford them anything other than peripheral status. The only specific reference to LOTEMs in New Zealand human rights law occurs in the New Zealand Bill of Rights Act 1990, s20:

> Rights of Minorities – A person who belongs to a...linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority...to use the language, of that minority.

The message sent out here appears to be a similar one to that of the Ministry of Education's recommendation that students be encouraged to use LOTEMs in conversation with others of the same language group.[67] Nowhere are the rights to use LOTEMs in the wider English-speaking society specifically protected.

Any protection extended to the use of LOTEMs outside of LOTEM-speaking communities can be found in the Human Rights Act 1993 s(21), which lists the prohibited grounds for discrimination in New Zealand. Even here, the protection offered is indirect. Language is omitted from the list, despite being included in Article 26 of the UN International Covenant on Civil and Political Rights (ICCPR), and in the UN Universal Declaration of Human Rights, Article 2(1) of which states that

[66] D Fleming, Human Rights Commission, personal communication, 6/11/02
[67] *Non-English Speaking Background Students: A Handbook for Schools*, p53

....everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as...language.[68]

As it is the only difference between the UN list and New Zealand's, this omission has come under criticism from the UN monitoring committee:

> The Committee regrets that the [New Zealand] State party does not consider it necessary to include in the prohibited grounds of discrimination all the grounds stated in the Covenant, in particular, language, although in New Zealand language has been interpreted as an aspect of race. The State party should revise its domestic law in order to bring it into full conformity with the provisions of articles 2 and 26 of the Covenant.[69]

In defence against such criticism, New Zealand's representative replied that:

> ...the Human Rights Act treated both language and accent as aspects of racial identity and ethnic or national origin which were included among grounds for racial discrimination. Subsequent jurisprudence had upheld that view in New Zealand, as it had in other countries, including Canada and Australia.[70]

The legislation the representative is referring to is s21(f) and s21(g) of the Human Rights Act 1993, which prohibit discrimination on the grounds of Race, and Ethnic or National Origins, respectively. Language could be understood to be covered by these grounds. A similar situation can be found in the specific area of education. While the *New Zealand Curriculum Framework* announces the Ministry's commitment to "provide all students with equal educational opportunities,"[71] language is not listed in its prohibited grounds for discrimination. However, ethnic groups once again rate a mention.

While, then, interpretation is possible to protect the use of LOTEMs in New Zealand society, the deliberate and ongoing omission of language from human rights instruments hints at a reluctance on the part of the government to recognise any specific entitlement for every citizen to express themselves in the language of their choice. No domestic case law

[68] Fernand de Varennes, *Language, Minorities and Human* Rights, Kluwer Law International, The Hague (Ndl), 1996, p29
[69] United Nations, *CCPR/CO/75/NZL. (Concluding Observations/Comments)* 7/08/02, on www.unhchr.ch, 6/11/02
[70] United Nation, *CCPR/C/SR.2016 (Summary Record)*, 15/07/02, on www.unhchr.ch, 6/11/02
[71] *New Zealand Curriculum Framework*, p7

currently exists to support this interpretation, and the "horrible uncertainty" of the human rights dimension of LOTEM use remains.

It could, of course, be argued that defending the right to use LOTEMs in English-speaking society is ludicrous, as one could not make oneself understood anyway. This argument is relevant if language is to be conceived as serving only one purpose: communication. On the other hand, it has already been seen that communication may not matter when language is used as a means of expression. The chapter on te reo Maori provided ample evidence that the communicative usefulness of a language in society has had little bearing on the allocation of the right to use it.

The communication issue raises another complication for LOTEMs as human rights – what constitutes discrimination? Language differs from many other grounds for discrimination in that it refers not only to an aspect of identity (such as gender, sexuality, or political preference, for example), but to a set of skills. This is particularly relevant to non-discrimination in employment: is it discriminatory, for example, to refuse to employ a salesperson who is perfectly able to perform all requisite tasks, but not in the same language as the customers? The Human Rights Commission is currently arguing this point in the Court of Appeal.[72] In the past, the Commission has usually adopted a definition of discrimination based on "any distinction" made on the prohibited grounds. If the New Zealand state has been adhering to such a broad interpretation, its omission of language may come as no surprise, as it would be sure to cause untold human rights conundrums. Nevertheless, the Human Rights Commission spokesperson interviewed for this research hinted that a narrower definition, based on international jurisprudence (especially Canadian), might soon be adopted. The new interpretation would contextualise the distinction, and ask whether it indicated any "stereotypical assumptions about the worth or value" of that characteristic.[73] Discrimination on the grounds of inability to communicate would thus be legitimised, protecting employers and others from dilemmas like the example given above. On the other hand, in instances where communication may not be

---

[72] D Fleming, Human Rights Commission, personal communication, 6th November 2002

[73] Ibid

important, it would leave the way open for protection against discrimination on the basis of language use to enter more easily into New Zealand human rights law.

The status of LOTEMs in human rights law has vastly different implications for those with LOTEMs as their first languages (NEALs), and those for whom LOTEMs are additional. For NEALs, being deprived of the ability to use their own languages diminishes their power in society; not only their power to communicate, but also to express themselves and their cultural identity. Researcher Shameem has made this link between language and power by likening the loss of language to the oppression of a people,[74] and described the predominance of English as disadvantaging NEALs in education and, subsequently, society at large.[75] Any policy (or absence thereof) which advantages one group over another may be seen as detrimental to the principles of equality on which human rights jurisprudence is based.

For LOTEM-as-a-second-language speakers, the human rights dimension of language has considerably less significance. Speakers are unlikely to be concerned that their right to communicate and express themselves in a second language is not protected, when they can do so adequately in their first language. Nevertheless, some human rights issues do arise in the teaching of LOTEMs in schools. A standard general education is provided by right to all New Zealand citizens (see English: Just State), and, as mentioned in the *Curriculum Framework,* this education is supposed to be provided equally to all. LOTEMs have not been made a part of the compulsory curriculum, and are provided at each school's discretion, so it is not certain that every student will receive LOTEM education. If, as has been discussed above, knowledge of a LOTEM brings certain cognitive, economic and social benefits, unequal LOTEM provision may be seen as disadvantaging those students who miss out. This demonstrates once again the tension between ideology and pragmatism – although it may be desirable for all students to be treated equally, the reality is that not all things can be provided to all people. The government's answer has been to return the question to communities, and let individual schools decide whether, and which, LOTEMs are to be taught.

---

[74] Shameem, 1997, p24
[75] Ibid, p18

The democratic right to participate in government is also relevant to LOTEMs. LOTEMs are in a different position to New Zealand's indigenous languages, in that many LOTEM users are temporary visitors or newcomers to New Zealand, and are not entitled to participate in democratic elections. This renders them relatively unimportant to political parties trying to maximise their share of the vote. However, as the immigrant population of New Zealand has continued to grow, many immigrant groups have put down roots and become more stable, and thereby more influential, features of the political landscape. This New Zealand Association of Language Teachers commentator described how this may challenge policy-makers to think beyond customary lines:

> [Education in LOTEMs] would be a departure for our education system, which strives valiantly to give extra tuition in English where needed and which sees its obligations to bilingualism met by investing a commendable amount of resource in fostering the Maori language. However, our society is becoming more ethnically diverse, and, in meeting the needs of those elements of our community we may have to think beyond our indigenous imperatives (be they Maori or Pakeha).[76]

If NEAL communities are to make an impact on language policy in New Zealand, the state must be receptive to community concerns. The importance of community opinion in language policy is beginning to enter governmental discourse. The Waite report remarked that

> ...community-based initiatives have an important feature: they are under community control. It is vital that the community have the responsibility for making decisions that are linguistically and culturally appropriate.[77]

Pacific Islands language policies, in which new ground in LOTEM policy is being broken, have shown further signs of a consultative trend. One of the general aims of *Samoan in the New Zealand Curriculum* was to

> Support the development of programmes that are responsive to Samoan community needs and initiatives.[78]

This was not mentioned for any of the non-Pacific languages reported on, which seemed to be regarded more as academic subjects in their own right than attached to their respective

---

[76] New Zealand Association of Language Teachers, August 1995, p5
[77] Waite, 1992, p57
[78] *Samoan in the New Zealand Curriculum*, p7

immigrant communities. Government responsiveness to the Pacific community was also one of the reasons for the Pacific Radio Network's inception. The network was described by Pacific Island Affairs Minister Mark Gosche as

> ...something that the Pacific communities have wanted for years. The network will be driven and operated by the Pacific communities for the Pacific communities, and it will run on a not-for-profit basis.[79]

McCarthy has explained how the design of the network had incorporated substantial community input:

> The consultation process was wide and inclusive. More than 1,500 Pacific peoples participated in the process.[80]

It seems that Pacific communities have established a firm footing in New Zealand's participatory democracy.

Pacific and non-Pacific NEAL communities alike may also become involved in LOTEM policy in choosing which LOTEMs are taught in their schools. Education secretary Howard Fancy recently explained how "the Ministry is encouraging teachers to find out more about children's home and community literacy practices so that they can build on these at school,"[81] and a recent article in the *Education Gazette* described how some schools have conducted surveys to this effect.[82] The languages spoken in the school community are certain to be contributing factors in the schools' choice, as areas with a high population of speakers of a particular LOTEM may be expected to offer it as a subject. The Ministry of Education has suggested that languages in the community may also be a deciding factor for other reasons. In the Spanish and Japanese reports, one of the justifications for choosing these languages was that "speakers of Maori and Pacific Islands languages often find it easy to reproduce Spanish orally, because the vowel system is similar to their own."[83] Areas with high Maori and Pacific populations may use such information in making language choices.

---

[79] *New Zealand Parliamentary Debates*, 18/12/01, vol 597, p13929
[80] *Annual Report 2001-02*, Ministry of Pacific Island Affairs, p19
[81] Fancy, 2000
[82] *Tukutuku Korero (Education Gazette)*, 5 August 2002, p6
[83] *Spanish in the New Zealand Curriculum*, p6

Although there is obvious merit in leaving LOTEM choice to communities, it is not without potential drawbacks. Communities with strong monolingual majorities may overlook the wishes of NEAL minorities. Curriculum facilitator Gail Spence has acknowledged this, in a comment which hints at the pervasive monoculturalism discussed in the previous section:

> If the school community is monolingual, they may not see the advantages of second language learning.[84]

Overcoming this hazard has been part of the Ministry's objective in producing the reports on languages in the New Zealand curriculum, by educating schools and communities about LOTEMs' benefits.

Just as schools may elect their LOTEMs to be taught as second languages, LOTEM-as-first-language programmes are also to be responsive to community needs, as per the *New Zealand Curriculum Framework*:

> The nature of mother tongue programmes will be decided by schools in response to local community needs and initiatives.[85]

Ascertaining what these needs and initiatives are may be a challenge to even the most well-resourced of schools, especially given that there are likely to be language and cultural barriers involved in the research. The Ministry has offered some suggestions as to how this might be accomplished,[86] but it remains to be seen how readily or effectively school staff will respond to this addition to their workload. This may be a great opportunity for ethnic communities to take the responsibility for making their views known.

The government has also been shown to consult with NEAL groups on topics for which this is considered expedient. However, the scope and effectiveness of this consultation may be a matter of some doubt, as the example of interpreters in healthcare illustrates. When the Code of Health and Disability Services Consumers' Rights, which established the right to interpreters in hospitals, was under construction, the Health and Disability Commissioner was required by law to consult with "representatives of health consumers"; no doubt including NEAL consumers. Only five years later, Rasalingam's independent research into immigrant health consumers' needs seemed testimony to the inadequacy of the

---

[84] *Tukutuku Korero (Education Gazette)*, 5 August 2002, p1
[85] *The New Zealand Curriculum Framework*, p10
[86] *Non-English Background Students: A Handbook for Schools*

interpretation service in the community's eyes. In fact, one of Rasalingam's recommendations was that a "representative advisory board for immigrant and refugee communities be consulted,"[87] suggesting that whatever "representatives" had been consulted previously had not been effective advocates.

Research is another way in which communities may participate in policy. Earlier in this chapter, the Minster of Education was quoted as saying that his promotion of the use of LOTEMs in schools was in part conditional on what research was available on the subject. Shameem has described how one Pacific Island researcher has proved that "students actually benefited from the opportunity to discuss their school work in Samoan even though the instructions, tasks and tests were in English".[88] It can only be expected that more such research will follow, from other regions in New Zealand's growing immigrant landscape, which may be enough to goad the government into action.

While LOTEMs may languish in political limbo at present, pressure from community forces, exercised through the rights of citizens in a participatory democracy, may be sufficient for changes to take place. The growing success of Pacific languages in breaking into government policy suggests that opportunities to influence policy do exist for those communities who can make use of them, and, as the NEAL population of New Zealand continues to grow, the government is being compelled to extend these opportunities further. Ultimately, language can be a powerful tool in the shifting power dynamic between the many groups in society, as Shameem has observed:

> I suggest that for a Pacific language with minority status in a largely monolingual country like NZ, it is... important to urgently communicate to our students and the community, the benefits of maintaining and using a mother tongue... leading eventually to a greater empowerment of the minorities.[89]

If the status of a people in society is reflected in the status of their language in public policy, then it seems that there is a glimmer of recognition for both immigrant communities and the languages that they speak. It will be up to the communities to decide whether to

---

[87] Rasalingam, 2001, pp49-50
[88] Lameta-Tufuga, 1994, quoted in Shameem, 1997, p16
[89] Ibid, p23

take advantage of what participatory rights are offered to them, and so relinquish a certain amount of control over their language's destiny by allowing the state to intervene.

ETHICAL STATE

In an ethical model of the state, policies reflect the aggregate of values in society. An ethical state may also take the part of a kind of moral evangelist, promoting certain beliefs amongst its subjects and seeking to eradicate others. As language is a means of capturing or conveying the values that are resident in a society, intervention in language by the state may be expected to reveal some of the values that the government may have sought to promote.

The moral aspect of state intervention in language has little relevance for LOTEMs, as moral issues are unlikely to arise if they are not understood by the majority of the population. For the Broadcasting Standards Authority (BSA), intervention is stimulated by public complaints, so LOTEMs, not being a source of complaint, have not been an area of concern for this agency. As such, the BSA's research into what constitutes offensive language has also been limited to English words only. For the other linguistic 'moral watchdog' of the state, the Office of Film and Literature Classification (OFLC), LOTEMs appear more frequently, as material it receives sometimes has foreign text or soundtracks. While foreign soundtracks are translated into English for classification, as per s146 of the Films, Videos and Publications Classification Act 1993, consideration is also given to offensive content in the LOTEMs themselves. A spokesperson for the OFLC provided me with the example of *My Name is Joe*, a film which uses a Glaswegian dialect so thick it required subtitles for viewers outside of Scotland, and can therefore be described as LOTEM material. The OFLC's analysis of the film remarked that

> Within the dialogue there are... terms which have no obvious meaning to people outside Glasgow or perhaps Scotland but are used in ways which would appear to be abusive or offensive.[90]

LOTEMs may therefore be subjected to the same moral standards as English or Maori.

[90] Office of Film and Literature Classification, Ref: 1012, 9 August 2000, p3

While New Zealand values may have little relevance for what a LOTEM is used to say, they seem to have much stronger bearing on whether a LOTEM is used. Here, the values in question reach beyond the morality applied to the use of "bad" or "offensive" language, and into the territory of interracial attitudes and levels of tolerance. As the presence of LOTEMs in New Zealand society is inextricably intertwined with the presence of immigrants, attitudes towards LOTEM use can be seen as a reflection of attitudes towards the immigrants themselves. It is arguable that this has never been brought to such prominence in New Zealand as at the time that I am writing (November, 2002). The government has just announced its intention to raise the requisite passmark in the English language test for prospective immigrants (IELTS); a policy which may effectively reduce the level of LOTEM use in New Zealand. Accusations of racism levelled at the New Zealand government, compounded by the widely-publicised views of opposition MP Winston Peters, have sparked an unprecedented examination of the New Zealand state (and society)'s attitude to those of different linguistic and cultural backgrounds.

As the controversial policy itself concerned English and not LOTEMs directly, most discussion of it has been reserved for the English chapter. However, aspects of this debate have also surfaced in the government's attitude to LOTEMs. The Ministry of Education, the agency whose writing on LOTEMs has been most prolific, has identified itself as an advocate of tolerance. In 1999, it published *Non-English Speaking Background Students: A Handbook for Schools*, in which the principles of interracial tolerance were strongly upheld:

> This book discusses the language needs of NESB students and stresses the importance of knowing and appreciating different ethnic communities and their cultural practices, encouraging students to maintain their first languages, and developing positive attitudes to diversity and good race relations within the school community.[91]

Likewise, interracial tolerance has cropped up in the Ministry's language curriculum statements. For Spanish, Chinese, Japanese and Korean, one of the objectives for students was to:

---

[91] *Non-English Speaking Background Students: A Handbook for Schools*, p4

Broaden their knowledge beyond cultural stereotypes and national boundaries, and promote tolerance and positive attitudes between people of different linguistic, cultural and national backgrounds.

and also to

...develop an awareness of the interdependence of all people.

The Samoan publication reiterated this idea, in its objective to:

Extend [students'] understanding of New Zealand as a country with a diversity of linguistic and cultural perspectives.[92]

By 2001, when the French and German publications were released, this paragraph had vanished.

The learning of another language has also been linked to learning about other cultures. In the Spanish, Chinese and Korean publications, understanding other cultures was described as a path to accepting them, as students would:

Come to understand, as they grow in understanding and acceptance of Spanish/Chinese/Korean language and culture, how Spanish/Chinese/Korean people act and think

In the Japanese publication, "acceptance" had been replaced by "appreciation", and in the French and German reports the parallel between understanding and tolerance seems to have disappeared completely:

Broaden their understanding of people and their languages and cultures.[93]

Tolerance may have simply seemed less important for French and German, as their Western cultures are quite similar to Pakeha culture anyway. However, the fact that tolerance was included in the Spanish statement (another Western culture) six years previously suggests that this gradual change in rhetoric may indicate a move away from the objective of interracial harmony.

Winston Peters provides perhaps the best example of intolerant attitudes towards immigrants and their languages in the New Zealand state. Even before the current debate was stimulated by the change to IELTS policy, Peters was beating the monocultural drum.

---

[92] *Samoan in the New Zealand Curriculum*, p6

[93] *German in the New Zealand Curriculum (Draft)*, p7

This exchange from *Hansard*, following the Minister of Pacific Island Affairs' announcement of the Pacific Radio Network in 2001, is ample proof:

> Winston Peters: ... what sort of country does he think we might have in 10 to 20 years from now, when every ethnic group that has ever come to New Zealand has its own radio station?
>
> Mark Gosche: ... I can assure the member that many, many ethnic groups in this country already utilize parts of the radio networks, particularly through Access Radio. They clearly want better than that in return for the taxes they pay.[94]

The Minister carefully avoids entering any ethical debate by answering Peters in economic terms, but the question still raised an important issue for New Zealand's values system; whatever "sort of country" ethnic pluralism may produce, is it the sort of country that New Zealanders want?

It is impossible to ascertain for certain how far Peters reflects the views of society at large towards non-New Zealand cultures. A recent *One Network News* Colmar-Brunton poll sought to find out, but elicited only contradictory responses. While 49 per cent of the 1000 surveyed believed Peters was simply reflecting the views of New Zealand, 61 per cent believed that Asian migration was good for the country, and 71 per cent believed that Peters' views increased tension and division.[95] This would seem to suggest that those who thought New Zealand agreed with Peters did not necessarily agree with him themselves, perhaps due to an excessive normalisation of his opinions by the media. On the other hand, a poll such as this may equally be misleading in the opposite direction, as people with intolerant views are unlikely to wish to admit to them.

Media debate has also hinted at ambiguity between what New Zealanders think they think and what they actually do. Political commentator Jane Clifton has described

> ... the way that we like to see ourselves in the world: as tolerant, knowledgeable, cosmopolitan, compassionate, idealistic and principled. We're proud that we've never had a "whites only" policy like Australia.[96]

---

[94] *New Zealand Parliamentary Debates*, 18/12/01, vol 597, p13930

[95] *New Zealand Herald*, 19/11/02, Newztext reference #3005038

[96] J Clifton, *NZ Listener*, 30/11/02, p16

Another commentator has opined that the reality of New Zealand bears little resemblance to this ideal:

> Let's not pretend this is a liberal wonderland. The happy-families, racist-free, holding-hands-across-the-nation image many have of New Zealand is a deceit. Conservatism, racism and intolerance migrated here a long time ago and have assimilated very well.[97]

Such a discrepancy between self-perception and reality recollects the aforementioned ambiguity between government rhetoric and policy.

Another theme which emerges more strongly in the discussion in the English chapter, and which counterbalances the apparent reluctance to actively embrace diversity, is a commitment to 'New Zealand'. For all that Clifton may attest that "immigrantness is indivisible from New Zealandness"[98], it seems that New Zealandness is not part of immigrantness, as immigrants appear to be regarded as additional to, in conflict with, or otherwise *outside* New Zealand society. Therefore, any discussion concerning LOTEMs in the New Zealand state is hampered by the fact that LOTEMs do not seem to be included in the New Zealand state. Immigrants only seem to have entered New Zealand government policy when they have caused a problem 'for New Zealand' (such as being unable to find a job and raising unemployment), rather than experiencing difficulties of their own. This may perhaps be evidenced by the concentration of LOTEM policy on Pacific Island peoples, New Zealand's largest and most 'problematic' immigrant group.
While immigrant languages may not have been regarded by the state as part of New Zealand's culture, they are an integral part of the culture of those who speak them. The te reo Maori chapter showed how highly a language may be valued by those who come from the same cultural background as that language. Little material could be found in government discourse regarding those of the same cultural background as their LOTEM, so it is difficult to identify themes, but this passage appeared in what is perhaps the strongest report on the subject, *Samoan in the New Zealand Curriculum:*

[97] C Avery, 'Dialogue', *NZ Herald*, 18/11/02, Newztext reference #3004767
[98] J Clifton, *NZ Listener*, 30/11/02, p16

> If children whose first language is Samoan can maintain that language, the development of their knowledge of, and confidence in, their culture and heritage will be enhanced.[99]

This uses a similar rhetoric of heritage and cultural identity to that which has pervaded the te reo Maori debate. The Waite report made a similar, more general, observation:

> ...ethnic communities see their own language as central to their culture, and culture as central to their identity.[100]

In more recent policy, the Minister of Pacific Island Affairs described one of the reasons for the Pacific Radio Network as providing "much-deserved" airtime for Pacific musicians and artists.[101] This is a ground-breaking recognition by the New Zealand government of the value of assisting those from non-New Zealand cultural and linguistic backgrounds to express themselves in their own ways.

For LOTEMs-as-second-language policies, heritage arguments do not seem to have been used, even with LOTEMs which are closely related to English. In the German curriculum statement, one of English's closest cousins, we find:

> German and English belong to the same language family, so it is easier for speakers of English to learn German than it is for them to learn many other languages... In fact, about thirty-five percent of English words have German origins.[102]

Here, closeness of origin is seen solely as facilitating learning, rather than providing insight into the history and 'heritage' of an English-speaker's mother tongue. Possibly because English itself is taken for granted as part of New Zealand's culture, a matter which will be discussed further in the next chapter, the LOTEMs which form part of the English language's rich history are also ignored. In the quest for national identity, New Zealand has seemed almost determined not to place any value on languages or cultures which come from outside New Zealand's borders and which may 'pollute' the national culture. This kind of attitude has made it very difficult for LOTEMs to establish a place for themselves as a legitimate concern of New Zealand public policy.

---

[99] *Samoan in the New Zealand Curriculum*, p7
[100] Waite, 1992B, p57
[101] *New Zealand Parliamentary Debates*, 18/12/01, vol 597, p13929
[102] *German in the New Zealand Curriculum (Draft)*, p6

The English Language

INTRODUCTION

Although English is the dominant language of New Zealand society, it has not been the most prominent in public policy rhetoric. This is not to say that it has not been the most prominent in policy itself, and the government has arguably done more to protect and promote the English language than any other. In fact, the English policy situation appears to be a reversal of the situations which have emerged for LOTEMs and, more obviously, te reo Maori. Where, in those cases, the government's rhetoric has demonstrated more of a commitment to their promotion than its actions have, the importance of English in policy has far outweighed its prominence in government discourse. Or, at least, it has not received much *active* prominence in governmental rhetoric. Passively, the importance of English for the New Zealand government is evident in almost every publication. After all, even most of the material which describes governmental 'support' for other languages is written in English!

The predominance of English in first-language policies seems to have been largely taken for granted by the public and the state, as the *Curriculum Framework* demonstrated:

> Because English is the language of most New Zealanders and the major language of national and international communication, all students will *need* to develop the ability and confidence to communicate competently in English, in both its spoken and written forms.[1]

The presupposition that "New Zealanders speak English" that lies behind the unquestioned promotion of English as a first language has been extended to those for whom it is an additional language. The government appears to have been convinced of the necessity of English to participate in New Zealand with respect to NEALs, and the prevailing view seems to have remained that of the 1986 review of immigration policy:

[1] *The New Zealand Curriculum Framework*, Ministry of Education, 1993, p10 (emphasis added)

> For immigrants…to make their place in their new homeland, it is important that they should have adequate English language skills and thus be able to communicate with the wider New Zealand community.[2]

This seems to ignore the fact that those in New Zealand who do not speak English are equally able to communicate as those who do – just not with the English-speaking majority.

Immigrants arriving with little or no English skills have forced the government to confront this issue, both in deciding the level of LOTEMs which will be allowed to enter the country, and deciding how to deal with LOTEM-speakers once they are here. So far, the overall picture presented by ESOL (English for Speakers of Other Languages) policy has been a complicated one, and one recent article described it as "piecemeal, uncoordinated and characterized by ad hoc arrangements".[3] Another researcher makes a similar observation with respect to the English test applied to migrants seeking to enter New Zealand; a measure which he describes as:

> …symptomatic of reactive responses to language issues rather than a planned approach which places value on diversity and multilingualism.[4]

Lack of planning can come as no surprise in an area where most government intervention appears to take place unwittingly. With little discussion or, apparently, thought about how the state approaches English for people already in New Zealand, it is little wonder that the state's approach to English for people coming in is somewhat confused.

The non-English speaking population entering New Zealand creates a tension between the maintenance of LOTEMs and the learning of English, which also surfaced in the LOTEM chapter. If the government does not clearly articulate its position in this debate, language policies for NEALs are likely to remain too confused to be effective. Unfortunately, the government has not taken this debate by the horns, as very rarely has the trade-off between first-language maintenance and English appeared in government discourse. In fact, this

---

[2] Burke, 1986: 16, in N Watts, White and Trlin, C White and A Trlin, *English Language Provision for Adult Immigrants and/or Refugees from non-English Speaking Backgrounds in Educational Institutions and Training Establishments in New Zealand*, 'New Settlers Programme', occasional publication #4, Massey University, Palmerston North (NZ), 2001, p1

[3] Altinkaya, 1998; Lowrie-Neilson, 2000)Watts, White and Trlin, White & Trlin 2001#4, p38

[4] N Shackleford, 'The Case of the Disappearing Languages Policy', *TESOLANEW ZEALAND Journal* #5, 1997, p10

passage taken from *English in the New Zealand Curriculum*, (in response the *Curriculum Framework*'s ideal that "Learning programmes should affirm the value of the learner's own language and experience,"[5]) seems to have overlooked the tension completely:

> If the learner is not a native English speaker, then the value of his or her first language is certainly not denied by the teaching of English. [6]

The oversight may be the result of what Watts, White and Trlin have described as "the wider difficulty in New Zealand of a lack of awareness of language issues."[7] On the other hand, it may be that the state seems unaware of language issues because it is easier to ignore them. The question of English-or-LOTEMs is inextricably intertwined with the assimilation-or-tolerance aspect of the immigration debate. The government's recent increase of the English standard for entry into New Zealand has plunged it headlong into this debate, where it seems to be floundering among allegations of racism on one side and betraying "New Zealand" on the other. The consequences of English or LOTEM use can be a matter of cultural life or death for immigrant communities trying to survive in New Zealand, and Holmes has described English as "the killer language"[8]. In using English, the government is wielding a powerful weapon without seemingly being aware of its capabilities or even its very existence. It is little surprise, then, that a casual blow with this instrument of destruction has caused such a vehement and apparently unanticipated backlash towards the state.

The government's answer to both sides has come in the form of a concept known as "settlement". [9] There has been little clarification as to what "settlement" actually means, or why it ought to necessarily include English (one could refer, for example, to a number of European "settlers" some years ago who got by quite nicely in New Zealand without learning much Maori). In broad terms, it seems to have been used to refer to the ability of a new migrant to become a functional citizen in New Zealand society. Yet even this seems

---

[5] *The New Zealand Curriculum Framework*, p10

[6] Education Forum, *English in the New Zealand Curriculum: A Submission on the Draft*, Auckland (NZ), April 1994, p14

[7] C White, N Watts, White and Trlin & A Trlin, *Immigrant and Refugee Experience of ESOL Provision in New Zealand: Realities and Responsibilities*, New Settlers Programme Occasional Publication #5, Massey University, Palmerston North (NZ), 2001, p31

[8] J Holmes, 'Introducing New Zealand sociolinguistics to New Zealand sociologists', *New Zealand Sociology*, vol 16 #1 2001, p5

[9] See, for example, *New Zealand* , 20/11/02, Newztext reference #3005259

inadequate. It is not enough to say that a citizen needs to speak English to function because a functional citizen speaks English. Once again, then, the question of what a functional citizen actually is becomes salient. This question will now be explored with reference to how government policies on English may have been motivated by the four theoretical models of the state.

CURRENT POLICIES

Policies for English as a first language represent one of the government's earliest interventions in New Zealand language, as English has been a compulsory subject in the New Zealand curriculum since 1904. It was also in 1904 that a pedagogical benchmark was set which has had tremendous bearing on language in New Zealand ever since; the skill of "reading" was subsumed under the subject heading "English", thereby rendering literacy and English inseparable in New Zealand schools.[10] As Soler and Smith have observed, English has maintained its dominant position in the school curriculum ever since:

> The use of English language and culture as the sole means of literacy instruction in the Native Schools was not seriously challenged until the 1950s. The possible links between literacy instruction and a culture other than English would not be recognised while curriculum policy and the methods of teaching literacy instruction upheld the supremacy of English.[11]

The chapter on languages other than English and Maori (LOTEMs) described how challenges to the supremacy of English have once again been mounted, but have met with only limited success.

Thus the government's active promotion of English has taken place under the guise of an active promotion of literacy. Most such promotion has taken place in the primary and secondary education sector, with the assumption that most school-leavers will have attained sufficient (English) literacy skills by their final year not to require linguistic help from the state afterwards. For the relatively few cases where (English) literacy has not been achieved through mainstream schooling, the government has provided adult (English) literacy support as well. In 2001, the government renewed its commitment to (English)

[10] J Soler & J Smith (eds), Literacy in New Zealand: Practices, politics and policy since 1990, Longman, Auckland (NZ), 2000, p2
[11] Ibid, p35

literacy by launching a new adult literacy strategy, to "complement the intensive work already under way to improve the literacy and numeracy of school-age children."[12] For the first two or three years of the programme, the government intended to "concentrate on increasing the number of tutors and building up support services for the delivery of the programme, particularly in the workplace."[13] It is perhaps telling that part of this strategy included training grants for ESOL teachers.[14] The implication that literacy in New Zealand is synonymous with literacy in English is clear.

Once New Zealand citizens have reached proficiency in English through the school system or adult learning programmes, it remains for the government to ensure that they do not use their skills for ill purposes. To this end, the other facet of government intervention in English concerns not *whether* the language is used, but *what* it is used to say. Monitoring has mainly been achieved through two government agencies: the Broadcasting Standards Authority (BSA) and the Office of Film and Literature Classification (OFLC), established by the Broadcasting Act 1989, and the Films, Videos and Publications Classifications Act 1993, respectively. While language is not the sole concern of either agency, both were established to uphold certain standards which language may reflect.

One of the BSA's statutory functions, under the Broadcasting Act 1989 s21(d), is:

> To issue to any or all broadcasters, advisory opinions relating to broadcasting standards and ethical conduct in broadcasting.

These "opinions" are the result of extensive research conducted by the Authority into the opinions of society at large. As well as advising, the BSA was established, under s21(e):

> To encourage the development and observance by broadcasters of codes of broadcasting practice.

The subsequent list of matters which these codes are to be "in relation to" does not include language, or even any mention of offensive material. Two items on the list may be related to language, though. These are:

> 21(e)(i) The protection of children

and

[12] *New Zealand Parliamentary Debates*, 8/5/01, p9021
[13] *New Zealand Parliamentary Debates*, 8/5/01, vol 592, p9021
[14] *New Zealand Parliamentary Debates*, 15/2/01, vol 590, p7674

21(e)(iv) Safeguards against the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community...

Language may be the medium through which damage to children, or denigration of sections of the community, is perpetrated, and is therefore an implicit concern of the BSA. This was reflected in the two Codes which resulted from this statutory function; the *Radio Code of Broadcasting Practice*, (BSA July1999), and the *Free-to-Air Television: Code of Broadcasting Practice*, (BSA 2002).

Both codes were based on s4 of the Broadcasting Act, which states:

(1) Every broadcaster is responsible for maintaining in its programmes and their presentation, standards which are consistent with:

(a) The observance of good taste and decency; and

(b) The maintenance of law and order; and

(c) The privacy of the individual; and

(d) The principle that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view...

In addition to citing s4, the radio code noted in its guidelines that:

Broadcasters will take into consideration current norms of decency and good taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs and the wider context of the broadcast (eg time of day, target audience).

The television code cited s4 as well, and has a similar guideline to the radio code's, followed by a suggestion that "on-air visual or verbal warnings" be used for programmes containing (among other things) "coarse language". Although language does not appear specifically in the BSA's statutory functions, then, it has entered broadcasting standards through these instruments.

The OFLC's main statutory function likewise does not include language. Under s77(a) of the Films, Videos and Publications Classification Act 1993, the Office was established to "determine the classification of any publication submitted to it under this Act". The

classification must determine whether the publication is Unrestricted, Objectionable, or Objectionable except in certain circumstances, as per s23(2). S(3) of the Act defines "objectionable":

> (1) For the purposes of this Act, a publication is objectionable if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.

In the past, language was thought to be included in the list following "such as", and could therefore be considered in classification in its own right. However, in a "gateway" case in 2000, the list following "such as" was deemed to be exhaustive. Language could therefore not be included, as it was not specifically mentioned. Currently, language is considered in classification only as an adjunct to those specific matters listed above, as it is a factor in determining what impact their depiction may have on the viewer.[15]

The Films, Videos and Publications Classification Act 1993 does make explicit mention of language later in s10, Issue of Labels. S10(2)(b) stipulates that a label shall contain:

> Where appropriate, a description of the contents of that film indicating whether the film contains... offensive language.

This section relates not to the OFLC, but to a lesser agency, the Film and Video Labelling Body, suggesting that language has not been a priority for the government in protecting the public from offensive material.

While English as a first language policies are usually concealed among 'literacy' or 'censorship' policy, policies regarding English as a second language can often be found under the auspices of immigration. ESOL policies are the linguistic aspect of the broader issue of how the New Zealand government copes with new migrants. Policies based on acceptance of NEALs' first languages are discussed in the chapter on LOTEMs, whereas this chapter focuses on those policies which favour an Anglocentric, assimilationist position. The spectrum of options available to the government in this area can be seen as having three main points. On one end, the government can encourage English use by discouraging non-English speakers from entering the country. On the other end of the

[15] V Burns, Advisor, OFLC Information Unit, personal communication, 22 November 2002

spectrum are policies which allow NEALs into the country, but encourage/demand that they learn English once they are here. The middle option is to allow NEALs in, and to continue speaking their first languages, but to use bilingual intermediaries to interpret what they say into the language of the mainstream; English. Current policy has demonstrated examples of all three of these options.

Firstly, the government has put measures in place to ensure that those entering the country speak a certain amount of English at the outset. In the Citizenship Act 1977, s8(2)(e), it is required that an applicant for New Zealand citizenship has "sufficient knowledge of the English language", and candidates for citizenship face personal interviews in which their English proficiency is assessed. English is also tested at immigrants' initial point of entry into the country, by means of the International English Language Testing System (IELTS). The IELTS score required for entry has been left to the discretion of the Minister of Immigration, who has just raised it from 5 to 6.5 in the general skills category, and from 4 to 5 in the business category.[16] Broadly, this has meant that general skills applicants will need a skill level which would enable to them cope, albeit at a very basic level, with university study, whereas business migrants need English to approximately secondary-school level.

Notwithstanding the storm of controversy this move has provoked, it may indicate a growing recognition of the part language has to play in immigration. As one commentator would have it, the importance of language has not been acknowledged substantially in immigration policy so far:

> ...ad hoc immigration policies prone to political opportunism and with insufficient thought to successful integration need to be changed. English tests, provided that they are not used crudely to control numbers, might be a valid starting point.[17]

It is difficult to see how such a policy could be "used crudely to control numbers", as it does not concern the *number* of immigrants entering the country, but the *type*. The government does not seem to be exhibiting any aversion to immigration *per se*, merely a clear preference for those who can speak English over those who can't.

---

[16] *New Zealand Herald*, 25/11/02, Newztext reference #3006042

[17] Editorial, *New Zealand Herald*, 23-24/11/02, pA22

Language thresholds are also evident within the country's borders. One example is the recent toughening of the English and area skills test applied to new taxi drivers, a response to what Transport Minister Paul Swain described as industry concern and "considerable anecdotal evidence about the poor English and area knowledge skills of some taxi drivers."[18] English tests are also common in entry criteria for New Zealand universities.[19] If immigrants are to face such tests once they are inside New Zealand, the testing of migrants before they enter the country becomes less an isolated incident of exclusionism and perhaps more a realistic admission of what seems to be a widespread practice. Possible reasons for this pervasive preference for English-speakers will be discussed below, in applying the various ideological models.

Of course, the IELTS policy falls short of guaranteeing that immigrants who enter the country will be fluent enough in English to slip seamlessly into New Zealand society. Barriers still exist to settlement which some would argue the government would do better to remove. In the words of one immigrant:

> Being able to communicate in the language does not mean that our experience and/or qualifications will be recognised.[20]

Others have said that the test will not even succeed in its objective of raising the English levels of migrants, as language is not the grounds on which it will make a distinction:

> Someone could do very well in an academic test like this and still communicate badly, while someone who can communicate well might not do well in the test. English language is also only one of the factors that need to be considered.[21]

While there are obviously many more aspects to settlement than just language, the government has identified English as central, both in instigating this policy, and in previous literature on the topic.[22]

---

[18] 'Taxi tests harder', *New Zealand*, 02/10/02, Newztext reference #2997096
[19] For example, *New Zealand Herald*, 4/11/02, Newztext reference #3002500
[20] Letter to the editor, *New Zealand Herald*, 21/11/02
[21] *New Zealand Herald*, 21/11/02, Newztext reference #3005428
[22] White, Watts, White and Trlin & Trlin, 2001 #5, p1

Raising the English threshold for new migrants does little to ameliorate the linguistic problems of those NEALs who are already here. Migrants who have come to New Zealand with very little English face the task of learning enough of the language for "settlement" to take place. In a recent study, Watts, White and Trlin compiled an inventory of ways in which migrants can extract linguistic assistance from the government, which I have paraphrased below:

- The Refugee Education Policy announced in July 2000 provided for up to five years of English language support for refugee students in schools.
- After a "stand-down" period of two years (instituted in 1999), immigrants were able to claim a student allowance in order to attend tertiary classes.
- There was an induction course for refugees at the Mangere Refugee and Migrant Centre that includes an ESOL component.
- Quota refugees received a modest setting-up allowance which could be used for ESOL lessons.
- Unemployed people were eligible for an annual $200 training grant, which could help some to access ESOL courses.
- NEAL adults who were classed as "long-term unemployed" could gain places in ESOL-related courses that formed part of the Training Opportunities Programmes (TOP) funded/managed by Skill New Zealand. Such courses had the advantage of combining ESOL with job-seeking skills, but were usually only 24-48 weeks in length.
- This left an option for NEAL immigrants and refugees who were not accepted into such courses, and who had limited means, to join classes run by community education providers, with access to the restricted number of tutor hours paid by the Ministry of Education. These classes usually provided English tuition at little or no cost to learners and involved one or two hours a week of group learning. The Volunteer Home Tutor Scheme also received some government assistance, and provided individual tuition to NEALs in financial hardship.[23]

Watts, White and Trlin also identified "a number of external funding sources... ranging from Vote: Education and Vote: Employment funding... to financial support contributed by

[23] Watts, White and Trlin, White & Trlin, 2001 #4, pp5-6

charitable organisations, trusts, local authorities etc."[24] The overall picture of ESOL provision by the New Zealand government displayed little discernible coordination or commitment, with a jumble of sources for both funding and provision.

In a later study, Watts, White and Trlin commented on the government's abdication of responsibility for ESOL provision, but suggested that a change may be taking place:

> One of the main barriers to government provision has been the view that if people choose to uproot their families and start a new life, in a new language, in a new community, then responsibility for making a successful transition should lie with them (Altinkaya, 1999a). However, there are now some early indicators from government that the hitherto 'hands-off' approach to post-arrival settlement policy may be changing.[25]

One such indicator may be a recent attempt to improve ESOL provision in schools. Fifty primary school and secondary school teachers have been provided with government scholarships to study part-time towards ESOL teaching diplomas.[26] This may be a departure from the immersion-focused, 'sink-or-swim' attitude that could be found in earlier government literature.[27] Beyond the schools, though, ESOL seems to have remained outside the government's sphere of interest. One current instance provides a case in point. A lack of professional standards in the flourishing ESOL industry has been identified as jeopardising the profession's survival. The government has responded by placing a levy on income received by ESOL providers from student fees, in order to pay for "the administration of a new code of practice on the care of foreign students, scholarships, and more market and industry research."[28] Although the government has seen fit to intervene, then, the onus of paying for such intervention rested on the industry itself, indicating that ESOL provision in New Zealand, for students at least, has remained the responsibility of the market, not the state.

---

[24] Ibid, p12
[25] White, Watts, White and Trlin & Trlin, 2001 #5, pp28-29
[26] *New Zealand Parliamentary Debates*, 15/2/01, vol 590, p7674
[27] Ministry of Education, *English in the New Zealand Curriculum*, 1994, p15
[28] K Taylor, 'Levy has English tutors livid', *New Zealand Herald*, 02/05/02

For a variety of reasons, not all NEALs are able to utilise those resources the state and the market provide to secure adequate ESOL tuition. They may not have the means to access formal tuition, or it may simply be that they have no use for the employment-focused programmes that are typical in private training establishments.[29] There exists a layer in New Zealand society of immigrants who have circumvented (in whatever way) English entry requirements, but who have not acquired sufficient language skills since their arrival to interact with providers of essential services. The middle option on the spectrum - the use of interpreters – has been deemed most appropriate for this group. The government has provided some interpretation services where it has perceived communication to be vital; that is, in hospitals and courts. Hospitals and courts can apply for government funding to employ interpreters in whatever languages are necessary, and there is no charge for this service to clients. For hospitals, this service was established by statute. The Health and Disability Commissioner Act 1994 required that the Commissioner develop a code of practice for hospital service provision. The Code had to contain provisions relating to:

> The duties of health care providers and disability services providers as they relate to the measures (including the provision of interpreters) necessary to enable health consumers and disability services consumers to communicate effectively with health are providers and disability services providers. S20(d)

For Courts, the service is guaranteed by human rights legislation, discussed later in this chapter.

For other government services, interpretation provision has demonstrated the "ad hocery" which seems to have characterised ESOL policy in New Zealand. Watts, White and Trlin, again, provided a summary of options available to NEALs interacting with the public sector:

> Currently, a number of organisations do provide free translation or interpreting services, such as for initial interviews with new arrivals in schools. However, this is not an entitlement and is dependent upon the knowledge and contacts of the service provider.[30]

[29] Watts, White and Trlin, White & Trlin, 2001 #4, p12
[30] White, Watts, White and Trlin & Trlin, 2001 #5, p31

There is therefore no assurance for NEALs that an interpreter will be available when they utilise a public service. The government has appeared reluctant to allocate funds to ensure its provision; for example, in the Refugee and Migrant Service, where high numbers of NEAL clients makes interpretation indispensable, interpreters on short-term contracts from the work programme Taskforce Green have been used, because government funding was not sufficient to finance a more permanent solution.[31] Even in those services where interpretation is an entitlement, Watts, White and Trlin have observed that "It does require the doctor or lawyer to activate the service, which some are reluctant to do."[32] In all cases, the power over whether interpretation is possible rests with the New Zealand service provider, and not with the NEAL.

Nor has the government done much to overcome language barriers outside of the public sector. In 1949, the New Zealand Translation Service was established to deal with the demands that growing immigration was placing on society.[33] However, although it is a public sector agency, the service operates as a business, and the ability to use it therefore depends upon clients' ability to pay. This is consistent with the government's apparent opinion that ESOL belongs in the market.

As with LOTEM policies, then, English policies in the New Zealand state seem to favour the prevailing language and culture, leaving any newcomers who may differ to largely fend for themselves. Where services for immigrants have been provided, as will be seen in the discussion below, they seem to have been orientated as much towards meeting the needs of English-speaking providers in dealing with NEALs as towards the needs of the NEALs themselves. In the Waite report, the author acknowledged there may be an element of self-interest in immigrant language services:

> It is important to keep in mind that the interpreter works for the benefit of both parties, not only for the less powerful party.[34]

---

[31] S Collins, 'Staff cuts loom for refugee service', *New Zealand Herald*, 06/10/01, Newztext reference #220850

[32] White, Watts, White and Trlin & Trlin, 2001 #5, p31

[33] *New Zealand Translation Service* spokeswoman (name unknown), personal communication, 22/11/02

[34] Waite, 1992B, p54

Many explanations for this apparent bias have been proposed, ranging from sinister accusations of racism to praise for pragmatism and common sense. The following discussion will explore a few possible explanations, once again using the four theoretical models of the state.

Before we commence our journey through the four models of the state, I wish to qualify my remark that ESOL policies have been primarily located in the domain of immigration. With the number of Maori-medium schools growing, English as a second language has assumed another dimension. English is taught in all *kura kaupapa Maori*, but not until adequate language and literacy skills have been acquired in te reo Maori.[35] Such a separation of English and literacy challenges the status that English enjoys as the 'default' language of New Zealand, and challenges policy-makers to explore the reasons why English ought to be learnt; ironically, a challenge which te reo Maori advocates have had to face as they strove for their own language's survival. It has also raised issues for English-speaking teachers or those in bilingual classes, as it creates a type of non-English-speaking-background (NESB) student quite different from the usual understanding of the term. Where immigrant children seem to be regarded as 'non-English-speaking' by an accident of birth, and therefore requiring remedial assistance, Maori-speaking children have made a deliberate statement that they do not *need* English to communicate. Perhaps for this reason, it seems the government is prepared to consider what it might be that Maori-speaking students *want* from English. In contrast to the somewhat paternalistic approach exhibited in most ESOL policy for NEALs, one Ministry of Education publication suggested that:

> Teachers need to be aware that some Maori students – particularly those in bilingual classes – may have to meet two sets of cultural expectations... Teachers in mainstream classes need to plan their programmes so that they are relevant to Maori students...[36]

The Maori declaration of linguistic self-sufficiency has placed them in a position of power with regard to English that is not enjoyed by any of New Zealand's other language groups. For them, then, the following discussion of English policies may be of particular relevance, as they have proved that the necessity of English cannot be taken for granted.

---

[35] *English in the New Zealand Curriculum*, p14
[36] *English in the New Zealand Curriculum*, p14

MINIMAL STATE

The Maori and LOTEM chapters showed how communities could play an active role in promoting and providing their languages, to the point where state intervention may be considered unnecessary. For English, too, community action can, and, arguably, has elevated the English language to the status of supreme language in almost all areas of New Zealand society.

Recalling that the minimal state intervenes to prevent harm being done to its citizens, it must first be determined how English (or lack of it) may be deemed to cause harm. As English is the most widely used and understood language in New Zealand, it has the most potential to be used as an offensive weapon. Censorship may be seen as the main way in which the government has sought to defuse this liability. The Vision Statement of the OFLC aimed to create:

> A society that fairly balances the need to protect and encourage freedom of expression and the need to limit any social harm caused by the availability of material that is injurious to the public good.[37]

This vision is consistent with the Films, Videos and Publications Classification Act, s(3), which defines as "objectionable" any matter which may be "injurious to the public good." The BSA – the other agency in which language standards are upheld – is also concerned with the prevention of "offence", or harm, resulting from inappropriate language use. A language act may also cause injury as a result of what the language is used to communicate, rather than as a result of the words themselves. The BSA and the OFLC are not only concerned with "offensive language" in terms of swearwords, but also language acts which are degrading or discriminatory. The 1992 Defamation Act is another example of where (English) language may cause harm in which the state has seen fit to intervene.

A lack of ability in English may also be seen as potentially harmful. This is, of course, particularly salient for English for Speakers of Other Languages (ESOL). Not only does not knowing English put NEALs at a significant communicative disadvantage in New Zealand's predominantly English-speaking society, it also creates potential for the kind of

[37] www.censorship.govt.nz/about.html, 7/1/03

"coercion" that the minimal state is concerned with eliminating, as those who cannot communicate effectively are vulnerable to intentional or unintentional deceit.

For ESOL, there has been some debate within the wider community as to how far the government ought to be responsible for ESOL provision. Watts, White and Trlin's research into the subject revealed that the migrant community has expected surprisingly little in the way of government assistance:

> One of the key findings from this study is that support for ESOL provision is part of a complex nexus of responsibilities involving the individual immigrant, the ethnic community, the Kiwi community and government. The views expressed by respondents run counter to the assumption that responsibility in relation to English language support is perceived by new settlers to rest primarily or exclusively with the government. This assumption arises, at least in part, from the ethnic community's repeated calls on government to provide English language learning resources.[38]

Nor did providers of ESOL services place a heavy burden of responsibility on the government. For them, "the government was seen as having a responsibility for the provision of opportunities for tuition, in some cases for subsidizing tuition, and for providing an emphasis on workplace English."[39] In general, then, community expectations for government intervention seem to have been relatively modest, and may indicate that state intervention is not strongly required.

Furthermore, it may be that government provision of ESOL is not only unnecessary but undesirable. One researcher has remarked that the interests of the communities in question have not been taken into account in government ESOL policy, making particular reference to English language tests:

> [Language] requirements have often been selective and reactive, and based more on political considerations than concern for the welfare of the immigrants themselves.[40]

---

[38] White, Watts, White and Trlin & Trlin, 2001 #5, p36
[39] Ibid, p28
[40] Henderson, 1998, quoted in Watts, White and Trlin, White & Trlin, 2001 #4, p2

Watts, White and Trlin also remarked how language tests can require immigrants to spend time learning skills which are not actually useful to them in the day-to-day business of "settlement":

> Participants argued that the learning of skills and techniques to pass the IELTS test did not help in the improvement of their everyday English.[41]

Language lessons were another area in which it was felt that immigrant concerns have not been met, as they placed unrealistic demands on families grappling with the monumental task of adjusting to a new country:

> ... formal tuition may be a luxury in terms of time, energy and commitment for those immigrants and refugees who have primary responsibility for establishing a new way of life and attending to family needs.[42]

In particular, formal tuition seems to have excluded immigrants for whom time and access present particular difficulties; the elderly, carers of dependents, and women from cultures which do not value a woman's role outside the home. The government's emphasis on English as a means to employment has also excluded these groups, who are not seeking paid employment, but may still require English for their everyday contact with New Zealand society.

Watts, White and Trlin also found the third strand of ESOL policy, translation, to be perceived as wanting by the communities it was supposed to serve, as it did not tackle the real problems faced by NEALs in New Zealand:

> Perceived government responsibilities for free translation services were viewed and placed within the context of wider responsibilities for the provision of effective, speedy recognition of qualifications and the provision of employment opportunities as a basis for settlement... The responses also reveal that for the participants themselves, the question of the development of English language proficiency is linked to broader issues of opportunities for participating in and contributing to society, and of gaining recognition for skills and experience.[43]

Rasalingam is another researcher who has discovered that interpretation services are not entirely meeting immigrants' needs, and his recent study reveals some worrying statistics:

[41] White, Watts, White and Trlin & Trlin, 2001 #5, p1
[42] Ibid, p34
[43] Ibid, p32

- Three quarters of the total sample would prefer to interact with a GP who could speak their first language, and
- Just over half of all respondents had serious misgivings about their ability to understand medical personnel if they were hospitalized for serious illness[44]

It seems, then, that government action and community needs have not been very effectively aligned, suggesting that the state may not be the most effective ESOL provider.

The immigrant community in New Zealand has taken steps to alleviate its English difficulties itself. Some immigrant communities have organised their own English language groups, and these appear to have been especially successful options among groups whose needs have not been met by the state system. Watts, White and Trlin described how the crèche at one mothers' language group became a language workshop for their children,[45] and a recent television programme showed a similar group which had sprung out of a social club to ease loneliness for Asian women in the home.[46]

Formal classes aside, immigrant communities have confronted their English difficulties in less formal settings as well. The home is a vital domain for promoting and practicing language, and many immigrants now speak English at home to further their settlement prospects, often at the expense of their mother tongues.[47] Shameem's study of the Indo-Fijian community uncovered a belief that English was superior in both status and utility to the Indo-Fijian language,[48] and therefore the home, potentially a precious domain for first-language maintenance, had been willingly surrendered to English invasion.

Initiatives to provide NEALs with English have also been undertaken by the English-speaking community. Rasalingam described how English-speakers have worked with immigrants to fill the gaps left in the government's provision of interpreters:

> [A] few groups have formed to specifically address an urgent need for interpreters, such as the unfunded Wellington Community Interpreter Service, which also

[44] Rasalingam, 2001, p45
[45] Watts, White and Trlin, White & Trlin, 2001 #4, p31
[46] *Asia Down Under*, Canterbury TV, 11/5/02
[47] White, Watts, White and Trlin & Trlin, 2001 #5, p21
[48] Shameem, 1997, p19

organizes Telis (the national Telephone Interpreting Service), and the Hamilton Multicultural Services Trust.[49]

Probably the most prominent community ESOL initiative has been the Volunteer ESOL Home Tutor Scheme, which earned high praise from Watts, White and Trlin for its effectiveness and flexibility:

> The National ESOL Home Tutor Scheme is one form of tuition which enables the immigrant to have extended interaction with English-speaking New Zealanders about issues and areas which are of interest to them. Thus it is recommended that further investment be made in this form of provision since, by virtue of its flexibility and community base, it can meet many of the basic requirements of immigrants and refugees who wish to gain proficiency in English through instruction and interaction with native speakers.[50]

The Home Tutor Scheme has the added benefit of establishing direct interpersonal relationships between NEALs and English-speaking Kiwis, and thereby assisting with a wide range of settlement issues, from finances to friendship. This scheme has received funding from the state, but remained largely under the auspices of the community sector. Still, the need for the state to back the scheme up financially suggests that the community failed to provide adequate ESOL services on the strength of its own means.

Another way in which the English-speaking community has sought to assist NEALs is through the eradication of the values which are causing difficulties for them in the first place. This was a strong theme in Watts, White and Trlin' responses from ESOL providers and consumers:

> [T]here was a strong plea [from respondents] for Kiwis to maintain a positive orientation to new immigrants and refugees, evidenced in such values as tolerance, patience, understanding, encouragement, neighbourliness and friendship.[51]

ESOL providers have solicited the help of the government in this matter, through "an ethnic relations policy to educate the wider society and to reduce xenophobic, monolingual tendencies, so that all may benefit from the increasingly diverse nature of New Zealand

[49] Rasalingam, 2001, p8
[50] White, Watts, *White and Trlin* & *Trlin*, *2001* #5, p39
[51] White, Watts, White and Trlin & Trlin, 2001 #5, p37

society".[52] We have seen already how such values have been purported to already be a part of New Zealand's education system, but it is hard to see how this will be effective as long as immigrants are marginalised in government policy. There seems to have been an underlying message of "Do as I say, not as I do" in the government's promotion of inclusivity. The community may be better to look to its own institutions to instigate such values change, as families, churches, and social groups are ideal grounds in which tolerant behaviour can germinate and grow.

On the other hand, it could be argued that the English-speaking community has provided ample resources for ESOL, in the plethora of community initiatives which use English as a first language. After all, as Watts, White and Trlin have acknowledged, "in many cases there is a very fine line between "formal" and "informal" ESOL provision."[53] English may be taught and learnt in many settings other than a formal classroom.

This brings us to the role of the community in English as a first language. Harm here is most often conceived in terms of offensive language. The voluntary sector has played a significant role in protection from such harm, as most citizens simply choose not to verbally offend others out of respect and altruism, which Robinson has described as one of the core motivating values of the voluntary sector.[54] The household can also be influential, as many parents raise their children not to use abusive language in public. Still, it seems that these sectors cannot protect harm from language offence entirely, as many of the language media which people are exposed to on a day-to-day basis are beyond their control. The community sector in New Zealand has done very little to actively alleviate the harm caused by *lack* of English as a first language; volunteer adult literacy tuition is one of very few examples. However, most New Zealand communities make an acting contribution to the language every day simply by using it. Families and other community institutions are constantly ensuring the survival of their language, as one Te Puni Kokiri staff member has observed:

---

[52] Ibid, p37

[53] Watts, White and Trlin, White & Trlin, 2001 #4, p8

[54] D Robinson, 'Values in the Voluntary Welfare Sector', in G R Hawke & D Robinson (eds), *Performance Without Profit: The Voluntary Welfare Sector in New Zealand*, Institute of Policy Studies, Wellington (NZ), 1993, p106

> It is this process of intergenerational transmission of language which has allowed the English language to keep itself alive for the last two centuries![55]

While the perpetuation by communities of the English language may not be perceptible to those who undertake it unwittingly, it seems that it is more obvious to those whose language has been largely lost because of a lack of it.

For this reason, community initiatives to promote English defy discussion, as they have been many and varied. The main difference between these initiatives and those for other languages is that they have seldom been performed as conscious political action. While community groups which utilise either te reo Maori or a LOTEM make a visible linguistic affirmation, community groups using English are merely "the norm". English-medium preschools were not set up with the intent of raising the status of English in New Zealand society – they did not need to be, as it had priority status already. Even language-orientated organisations, such as literary appreciation, or creative writing classes, have usually been identified by the *use* of language that they involved, rather than the language itself. Yet, intentional or not, a political statement has still been made. Taking it for granted that community organisations will use English has probably been the single strongest contributing factor to the language's hitherto unchallenged supremacy in New Zealand.

One writer has gone so far as to say that English, to a limited extent, may be a free good; that is, provided neither by state, community nor market, but naturally occurring and available to all:

> It is important to remember that without any help at all from school, all children in New Zealand not suffering a disability will learn to speak and understand English, at however primitive a level, and will learn to watch and understand movies and television, however uncritically.[56]

However, the quality of such an education is doubtful. While it may furnish learners with basic communication, it would not give them the skills to develop and apply their knowledge. It also seems that learning in this manner would be an excessively protracted task, without the benefit of tuition to accelerate apprehension. Furthermore, the same

[55] Te Puni Kokiri, *Kei Roto i te Whare*, 2001, p7
[56] Education Forum, April 1994, p8

writer added that "without schooling most will not learn to read or write; and without advanced schooling the reading and writing of most will not advance."[57] While language may be a free good to a certain extent, then, the level of language necessary for literacy, it would seem, is not.

If quality English is not available as a free good, perhaps it may be provided by the market. After all, if literacy in English is an essential skill for functioning in New Zealand society, people can be expected to be willing to pay for it, in which case it could be adequately provided by market forces. For adult NEALs, the prevailing government opinion seems to be that this is so, and, as Watts, White and Trlin have remarked, the burden of funding has been allocated accordingly:

> In the case of adults, the official view appears to be that they can and should cover personally the costs of upskilling in English.[58]

As well as exempting the government from paying for it, leaving adult ESOL provision to the market has generated a bonus for the New Zealand economy. The ESOL industry is booming, and the economic worth of English as a commodity has not been lost on the New Zealand government:

> Our status as an English-speaking country is being turned to advantage as the growth of the EFL industry testifies.[59]

> We, Maori and Pakeha, are enormously fortunate that simply by being born into New Zealand society we inherit this instrument of international communication which others struggle so hard, and spend so much money, to acquire. There is no need to apologise for the effort to improve the performance of all students in their knowledge, understanding and use of English, and no need to dress it up or disguise either its present reality or its rich history. It is a gift, a treasure, a *taonga* of immeasurable value. Let it be affirmed and celebrated accordingly.[60]

Here, English is shown to be a highly saleable asset, with sufficient demand to make market provision both possible and profitable.

---

[57] Education Forum, April 1994, p8
[58] Watts, White and Trlin, White & Trlin, 2001 #4, p5
[59] Waite, 1992A, p9
[60] Education Forum, April 1994, p19

It seems that the market is capable not only of avoiding the harm caused by a lack of English, but also the harm that "offensive language" may cause. Although it may not be possible to purchase comprehensive protection from offensive language, it may be possible to buy property in a more 'desirable' suburb, for example, or to purchase one of the 'censorship' devices now available for pay-per-view television channels. Another example is provided by the music industry. While the BSA, the OFLC and the Labelling Board control the content of language in films, literature and broadcasting, the government does not control the language used in music. Despite being offered free rein by the state, many CDs and other recordings are now entering New Zealand stores with warning labels advising whether "explicit lyrics" are used, or whether "parental guidance" ought to be exercised.

Yet market provision of English seems far from reliable in this regard. In fact, sometimes the market almost seems to have worked in reverse. The above case provides one such example. Warning labels on music may appear to protect consumers from "offensive" language, and therefore to improve the overall standard of language used. In reality, record companies have discovered that a warning label can be a valuable marketing tool, especially for the lucrative and impressionable youth market. As a result, companies import more music on which labels can be placed. In this way, the net standard of language in music, in terms of moral offensiveness at least, has actually deteriorated.

This 'reverse provision' can also be found in ESOL tuition. The ESOL industry has done so well because demand has far exceeded supply; or, to put it another way, because provision has been inadequate. This has enabled suppliers to raise their prices and lower their production costs (eg the costs of staff training or teaching resources), and has pushed quality down. Free market ideologues would no doubt argue that consumers can punish poor-quality providers by taking their money elsewhere. However, Altinkaya has retorted that "choice, the hallowed tenet of educational provision in the nineties, is scarcely an issue for an ill-informed newly-arrived purchaser of English courses".[61] For choice to work effectively in the market, consumers must be informed of their options, and of the quality

[61] Altinkaya, 1999b:2, in White, Watts, White and Trlin & Trlin, 2001 #5, p30

of the goods they are purchasing. Immigrants with little knowledge of what to expect from New Zealand providers are very vulnerable in the market, as the power of informed choice is not available to them.

Another area of concern in market provision of English tuition is that "an imposed market-driven ideology [has] led to increased competition between providers, which in turn [has] resulted in wastage of time and resources."[62] Although competition in a market allegedly encourages providers to improve quality, it may have the opposite effect where demand is high and resources are relatively scarce. The volunteer ESOL Home Tutor Scheme is a case in point. At a recent meeting of the North Shore Branch, co-ordinator Christine Ball described how a volunteer class was sharing a local community facility with a privately-funded English class, and one partially funded by the state. To differentiate and ensure that volunteer's students were not "poached" by other schemes, the Home Tutor Scheme had to devote some of its very limited resources to what Ball described as "branding".[63] This could only have led to a deterioration of core activities for which those resources would otherwise have been used.

In short, the market is not a reliable provider of English services because provision is not its end goal. The delivery of services is simply a means to an end – profitability. If profitability can be increased by lowering the coverage or quality of provision, as appears to be the case for English services, then the market pays no heed to those who might miss out in the process. This may be a satisfactory system for non-essential services. It is arguable, though, that English is far from non-essential, and that those who have most need of it are those without the means to afford expensive lessons, not least because of the handicap their lack of language places on their earning power. Market provision of English therefore traps some citizen/consumers in a vicious cycle, which ultimately excludes them from any language tuition other than that provided charitably by volunteer organisations.

In general, it seems that neither the community nor the market are capable of providing English effectively to all of those who need it, nor to entirely prevent the harm that may be

---

[62] Watts, White and Trlin, *White & Trlin, 2001 #4*, p25
[63] North Shore Home Tutor Scheme, Home Tutor refresher seminar, 09/10/02

caused by English used offensively. For this reason, the minimal state may see fit to intervene. Yet the state's intervention in English has caused harm in some areas, while preventing it in others. The te reo Maori chapter demonstrated how promotion of English over the Maori language has caused emotional harm to those who would prefer to speak te reo, and a similar effect may be imagined for speakers of LOTEMs who may feel compelled to assimilate into an English-speaking society. The minimal state, then, fails to coherently explain the New Zealand government's intervention in English.

INSTRUMENTAL STATE

It is difficult to dispute that English is necessary for the market to flourish, as it is the language of communication for most of New Zealand. However, it is also important to reiterate that the English language and the ability to communicate need not be linked as presumptuously as they have been in most government policy. Growing NEAL communities have begun to develop their own markets, where LOTEMs can be used effectively in transactions. However, for the market to function optimally, it is desirable that one language be shared by all producers and consumers, to allow everyone to have as many trading opportunities as possible, and thereby maximise their productivity. As English is the language of those who have fashioned the market in New Zealand, that is the language which has become predominant.

As has been shown previously, one of the instrumental state's motivations for intervention is to supply those public goods that the market cannot provide. Although language itself may not be a public good intrinsically, furnishing citizens with language skills has considerable external benefits from which public goods arise. This does not only refer to primary public goods like street signs and libraries. It also refers to an array of government services where the public good is not the service itself, but an externality. To clarify, take the example of healthcare: although the direct benefit of individual health is a private good, the external benefit of a healthy population is said to be enjoyed by the public at large. The same may be said of education and the justice system, another two areas where communication issues are important.

The potential of literacy for facilitating government services was part of the debate surrounding the establishment of New Zealand's national education system in 1877. Soler and Smith have described the public good which entered the debate at the time as "social control"[64], suggesting that literacy is fundamental to the very authority of the state and the organisation of society as we know it. This debate seems now to have cooled, with literacy being taken for granted now as "essential", with little explanation of what it is essential for. The correlation of literacy to the English language is likewise made tacitly.

The debate concerning English and essential services has resurfaced in contemporary policy debate in a different form, with respect to immigration. Communication has been recognised as one reason that NEALs are missing out on a number of government services. Rasalingam, in a review of several government studies on the subject, found that:

> The dominant finding, common to five of the studies, also very clearly indicates that an inadequate command of English represents the chief barrier, for both immigrants themselves and health care providers, to migrant access to health services, as well as to employment services and key, local, socio-cultural information generally.[65]

Watts, White and Trlin discovered a similar theme in government literature:

> The Health Funding Authority (1998: 20), for example, reported that: "The greatest barrier to Asians seeking a GP when they or a family member is sick, by far, was language."[66]

Nor was healthcare the only area of government where language barriers were preventing access. For example, the teaching of English in schools has been motivated by a desire to "support student learning and effective teaching."[67]; in other words, to improve access to education services. Rasalingam provided another example:

> Communication in English was...perceived as the main problem in... immigrants' accessing of WINZ services, leading to the priority recommendation for an increase in the availability in ESOL courses and associated recommendations concerning the

[64] Soler & Smith, 2000, pi
[65] Rasalingam, 2001, p14
[66] Watts, White and Trlin, White & Trlin, 2001 #4, p3
[67] Ministry of Education, *Pasifika Education Plan*, April 2001, www.minedu.govt.nz, 7/1/03

need for a paid interpreters service and the translation of key information into the major local ethnic languages.[68]

Here a special paradox for English access emerged – as WINZ was one of the agencies which provided ESOL schemes for immigrants, if immigrants couldn't access WINZ services, they couldn't access the schemes which may remedy the situation. For this reason, it is important, as Rasalingam has recommended, that translation or interpretation are among the options available for NEALs in dealing with government services.

Yet it is not only access to public goods which has motivated government provision of English services. The Waite report revealed a second dimension:

> It is important that all New Zealanders have a good knowledge of English, whether as a first or second language. Without this, access to an enormous array of information and services is denied and opportunities for employment severely curtailed.[69]

A lack of English does not simply mean that citizens cannot access public goods provided in English, but also means they cannot participate in a predominantly English-speaking labour market. If they cannot participate in the labour market as earners, then their ability to participate in the commodity market as consumers is also undermined, and their overall 'economic productivity' is dramatically reduced. In the interests of productivity, then, the state must provide citizens/consumers with the necessary skills to participate productively in the New Zealand market.

Research findings concerning NEALs have indicated that English is one such necessary skill. This has emerged both within government agencies:

> A study of Work and Income New Zealand (WINZ) services, for example, sought to identify the main barriers to employment for culturally different, recent immigrants (n=90) in the Hamilton area and found that the English language stood out in immigrants' perceptions as the main barrier to finding employment.[70]

and from outside sources:

---

[68] Rasalingam, 2001, p12
[69] Waite, 1992A, p7
[70] Abdi & Sako, 1998:3, *quoted in* Rasalingam, 2001, p12

Winkelmann and Winkelmann (1998) in their economic study also concluded that English language proficiency is an important predictor of labour market outcomes.[71]

In response to such information, the government has acknowledged the importance of English to employability in its recent IELTS policy, revealed in this statement from Immigration Minister Lianne Dalziel:

> The poorer the English, the poorer the chance of qualified employment. The poorer the chance of qualified employment, the poorer the prospect of successful settlement...[72]

Dalziel went on to describe the recent raising of the IELTS pass mark as policy "specifically designed to address the employability and settlement prospects of migrants."[73] Prime Minister Helen Clark explained the policy as "targeted recruitment to meet New Zealand's skills deficit," and Dalziel has also claimed it was about "ensuring that those who come under the general skills category are meeting labour force needs"[74]. Overall, it seems that the government has accepted that whatever "deficits" or "needs" may exist in the labour market, they can only be filled by workers who have a good command of English. Clark compared this to the approach between 1991 and 1999, which she calls "passive acceptance of those who meet a points threshold"[75]. Once again, it seems that the government is designing immigration policy with New Zealand's interests in mind, rather than accepting immigrants any way that they might come. This echoes the assimilation/tolerance debate which has recurred throughout discussion of immigration policy.

The labour market aspect of English has also been applied to English-as-a-first-language policies. In 1994, Dr Maris O'Rourke, then Secretary for Education, said of *English in the New Zealand Curriculum:*

> [This curriculum statement] focuses on developing the highest levels of literacy and understanding of language for a variety of purposes, to enable students to participate fully in society and the world of work.[76]

---

[71] Watts, White and Trlin, White & Trlin, 2001 #4, p3
[72] *New Zealand* , 26/11/02, Newztext reference #3006126
[73] *New Zealand Herald*, 20/11/02, Newztext reference #3005259
[74] *New Zealand Herald*, 26/11/02, Newztext reference #3006126
[75] *New Zealand Herald*, 19/11/02, Newztext reference #3005038
[76] *English in the New Zealand Curriculum*, Ministry of Education, 1994

> Winkelmann and Winkelmann (1998) in their economic study also concluded that English language proficiency is an important predictor of labour market outcomes.[71]

In response to such information, the government has acknowledged the importance of English to employability in its recent IELTS policy, revealed in this statement from Immigration Minister Lianne Dalziel:

> The poorer the English, the poorer the chance of qualified employment. The poorer the chance of qualified employment, the poorer the prospect of successful settlement...[72]

Dalziel went on to describe the recent raising of the IELTS pass mark as policy "specifically designed to address the employability and settlement prospects of migrants."[73] Prime Minister Helen Clark explained the policy as "targeted recruitment to meet New Zealand's skills deficit," and Dalziel has also claimed it was about "ensuring that those who come under the general skills category are meeting labour force needs"[74]. Overall, it seems that the government has accepted that whatever "deficits" or "needs" may exist in the labour market, they can only be filled by workers who have a good command of English. Clark compared this to the approach between 1991 and 1999, which she calls "passive acceptance of those who meet a points threshold"[75]. Once again, it seems that the government is designing immigration policy with New Zealand's interests in mind, rather than accepting immigrants any way that they might come. This echoes the assimilation/tolerance debate which has recurred throughout discussion of immigration policy.

The labour market aspect of English has also been applied to English-as-a-first-language policies. In 1994, Dr Maris O'Rourke, then Secretary for Education, said of *English in the New Zealand Curriculum:*

> [This curriculum statement] focuses on developing the highest levels of literacy and understanding of language for a variety of purposes, to enable students to participate fully in society and the world of work.[76]

---

[71] Watts, White and Trlin, White & Trlin, 2001 #4, p3
[72] *New Zealand* , 26/11/02, Newztext reference #3006126
[73] *New Zealand Herald*, 20/11/02, Newztext reference #3005259
[74] *New Zealand Herald*, 26/11/02, Newztext reference #3006126
[75] *New Zealand Herald*, 19/11/02, Newztext reference #3005038
[76] *English in the New Zealand Curriculum*, Ministry of Education, 1994

Confidence (or "standing strong") also appeared as a motivation for teaching English in Maori-medium schools:

> For the children, let there be two languages. First the language of ancestors, second the language of the settlers. Let the growth of each language be equal, so that the children stand strong in the Maori world and in the world of the settlers.[82]

Building self-confidence was mentioned, too, in connection with ESOL programmes outside Maori-medium schools.[83] The benefits of self-esteem, of course, are not confined to market participation, but it has been shown in the te reo Maori chapter that self-knowledge and self-confidence have been linked to greater success in the labour market. The increase to productivity offered by more capable workers may be another reason for the instrumental state to become involved in English provision.

Yet the Education Forum has argued that, while the government may have aimed to promote self-esteem through language, it has not succeeded. A lengthy quotation is needed to capture the intricacies of the Forum's argument:

> No one will deny what is also asserted on p10, that language, identity and confidence are interrelated; and it is fully conceded that this means sensitivity is required of English teachers, so that confidence is not undermined and resistance to learning set up. But there is no point in teaching English at all if its only purpose is to affirm whatever passes for "language" through the mind and mouth of the learner. Excellence should be the aim; and when that cannot be achieved, then at least an improvement. From a sense of something achieved will spring *real* confidence. The pretence that a minimal vocabulary, slovenly articulation, and an ignorance of the written word, deserve to be "affirmed and valued" because they happen to be what the student arrives with, is patronizing and will fool nobody, least of all the one in need of help.[84]

It could be argued that, in advocating the affirmation and inclusion that will give rise to self-esteem, the government has missed out on an opportunity to raise the calibre of its workforce by taking their English abilities to the highest possible level. Although the

---

[81] Ibid, p10
[82] Ibid, p14
[83] E Sarney, 'Working class', *New Zealand Herald*, 03/12/01
[84] Education Forum, April 1994, p14

benefits of English to personal development may have been universally recognised, then, the strategies by which they may be reaped have not.

A further externality of language learning which may be seen to increase productivity is enjoyment. It is not the place of this research to go into the details of how a happy population may be valued in economic terms (the reader may find this in the work of either Putnam or Fukuyama on "social capital" or "trust"[85]). This benefit of language use was mentioned in *English in the New Zealand Curriculum*, which, in its principle aims, sets out to help students to:

> Engage with and enjoy language in all its varieties[86]

The idea that language might be fun can likewise be seen as a beneficial under any model of the state, as well as having considerable intrinsic value of its own!

If enjoyment of language may be conducive to greater productivity, then it would follow that citizens would be best to use the language in which they were most likely to find such pleasure, which may or may not be English. Here, a tension between the productive benefits of communication and the productive benefits of self-expression emerges. Current policies, as has been shown, have favoured the former, but the simple assessment of English as essential in the labour market should not be accepted uncritically. It may well be indisputable that English is necessary in some areas in the New Zealand labour market, but the assessment has been extended to mean that English is required in all areas at all levels. Most importantly, it has been labelled essential for *entry* into the New Zealand workforce, which is actually a matter of opinion, not of fact. By this I mean that NEAL job-seekers may encounter certain arbitrary hurdles, in addition to the practical barriers imposed by a lack of communication. One volunteer Home Tutor succinctly captured the difference between being able to *do* a job and being able to *get* a job:

> "Just being able to be understood isn't enough if you want to work... It's OK if they [immigrants] are among us [Home Tutors], but out there most people aren't really very tolerant."[87]

---

[85] R Putnam, Democracies in Flux: The Evolution of Social Capital in Contemporary Society, Oxford University Press, New York (USA), 2002, or Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity*, Free Press, New York (USA), 1995

[86] *English in the New Zealand Curriculum*, Ministry of Education, 1994, p9

It may be telling that, after English difficulties, the second greatest barrier to employment discovered by Rasalingam's study was "discrimination." [88]

It may even be that the government's emphasis on English-for-work may be the wrong way round. In one of Watts, White and Trlin' reports, it was noted that:

> ... for those [NEALs] who could access opportunities for work, the work environment was highly valued as a means of developing language skills. [89]

Perhaps English is not as important as it has been purported to be in the finding of employment, in that relevant English skills can be learnt 'on the job'. If this is true, then the government would be better to focus directly on employment in its immigrant settlement strategy, rather than naming language as unemployment's cause. Such a shift in emphasis is likely to give migrants more choice in employment, as they would not be restricted to jobs that their English is "good enough for". This would answer one criticism that Watts, White and Trlin's respondents levelled at the state:

> A common concern was that the outcomes expected of programmes funded/managed by Work and Income New Zealand (WINZ) and Skill New Zealand were too narrowly linked with predetermined employment outcomes... Another training provider commented that outcome requirements did not discriminate between appropriate and inappropriate employment. [90]

Whatever the logic of this argument, the government's belief that English and employment go hand-in-hand may have become something of a self-fulfilling prophecy. As long as employers are encouraged to believe that a good worker speaks English, then English will remain the key to labour market participation.

State intervention in English for the labour market may therefore be seen as resulting in a gain in productivity, as it increases labour market participation, and the effectiveness of workers. If an instrumental state is concerned with profitability, though, it will take care to minimize losses at the same time as maximising gains. Remember from previous discussion that English provision left to the market is likely to result in a layer of people

---

[87] North Shore Home Tutor Scheme, 09/10/02
[88] Rasalingam, 2001, p12
[89] White, Watts, White and Trlin & Trlin, 2001 #5, pp14-15
[90] Watts, White and Trlin, White & Trlin, 2001 #4, p26

with underdeveloped language skills. Acting to prevent the emergence of this layer suggests that its existence would impose some kind of loss on the market, which will now be investigated.

Watts, White and Trlin have shown that the costs that poor English represents to New Zealand have long been recognised by the government, along with the settlement considerations already discussed:

> ...the 1995 policy summary stated that "English is a key to successful settlement" and went on to argue that "...a lack of language skills can impose [a cost] on New Zealand" (New Zealand Immigration Service, 1995: 10). The dual messages embodied in these statements (that possession of English language skills positively assists immigrants to adjust to a new life in New Zealand, and that a lack of such skills places a burden on the country) are not, however, new. They have been a recurrent theme in immigration discourse since the early 1900s.[91]

The specifics of these costs are so wide-ranging as to defy enumeration. As long as English skills retain their position as the gateway to health, education, employment, and other services, a lack of these skills brings with it all the public and private costs that a lack of all these services incurs. Less often mentioned have been the non-economic costs represented by a society where citizens cannot communicate with each other; what may be conceived, to coin Putnam's term, as a loss of "social capital". Non-economic costs may also occur at a private level, and one of Watts, White and Trlin's respondents gave a poignant example of how far-reaching the consequences of poor English skills can be:

> "...children adapt very quickly, but if the parents are making really limited progress...the whole parental authority is undermined. That's very destructive."[92]

In general, poor communication is a costly state of affairs, and, as long as communication in New Zealand takes place in English, deficiencies in English will be costly too.

Of course, providing ESOL services incurs a cost as well. Winston Peters has made this point, this time with respect to interpretation:

---

[91] Watts, White and Trlin, White & Trlin, 2001 #4, p1
[92] Director of ESOL centre, Watts, White and Trlin, White & Trlin, 2001 #4, p32

> This is just another cost of bringing in thousands of new immigrants who can't speak English. While the Government can't raise the money to pay our secondary school teachers, it has no problem finding millions for secret payouts and the provision of translation services.[93]

"Secret payouts" aside, it *is* true that money spent on providing English services for New Zealand's immigrant population has been money not being spent on New Zealand's indigenous citizens (both Maori and Pakeha). As with all policy-making, the answer is simply to decide upon which side the costs are likely to be worse. Peters has clearly taken one position; Rasalingam, unsurprisingly, has taken an opposite view:

> A nationally organized and appropriately funded ESOL programme must, therefore, be regarded as an essential settlement tool to ease the transition to life in this country for NESB immigrants and refugees. Admittedly, the costs of providing such a comprehensive programme may be substantial, but as one of the participants in the study remarked, "the [personal/social/economic] costs if you don't are worse."[94]

The government's strategy, if the recent IELTS policy is anything to go by, has been to avoid making the choice, by reducing the likelihood that immigrants' English levels will be low enough to impose costs in the first place.

Some critics have argued that current policy for NEALs has not minimised costs. On the one hand, one service provider argued that the government has not provided enough English support:

> You'd think it would make economic sense to give 5 years of English support to [NESB] adults as they would then be more work ready.[95]

Conversely, another commentator proposed that too much English may impose costs of a different kind, not just on NEALs, but on society at large:

> The learning of English will give [non-native speakers] access to the opportunities offered by the society, but if the unique resources that their cultures have given

[93] New Zealand First Press Release, 23/6/02
[94] Watts, White and Trlin, White & Trlin, 2001 #4, p37
[95] HoD of ESOL in tertiary institution, Watts, White and Trlin, White & Trlin, 2001 #4, p34

> them are lost in the process they will have less to give back to the society as adults.[96]

Thus, although reducing costs may provide some justification for ESOL policies, it may just as easily be used as an argument against them.

For English-as-a-first-language policies, their contribution to economic productivity seems less controversial. It appears to have been considered beyond debate that the costs of illiteracy far outweigh literacy's costs, and the very idea of trying to provide public goods or a market economy to an illiterate population appears ample justification for this view. With respect to access to public goods, the Department of Courts has made the point that just the fact that a client has English as a first language does not mean communication need not be a concern. In the Core Service Standards of the New Zealand Courts, for example, we find:

> Communicate effectively, taking account of factors such as age, literacy and disability, and the need to avoid legal and technical jargon.[97]

This has taken into account the different levels at which effective communication may take place, even between two speakers of the same language. The more English is taught to the New Zealand population, the less likely it is that such barriers will arise.

While the benefits of literacy may seem unambivalent, Soler and Smith remarked that debate on the issue was raised in 1877, when the education system was in its infancy. Interestingly, the cost that they reported as salient to the debate then was not the monumental economic cost of teaching literacy in all New Zealand's schools, but the "potential literacy has for inciting social disorder."[98] This externality shows again that no policy is ever without costs of some kind, and that instrumental theory, like all theories of the state, may be used to argue for or against any policy development.

---

[96] R Benton, 'Whose language? Ownership and control of te reo Maori in the third millennium', *New Zealand Sociology*, vol 16 #1 2001, p38
[97] www.courts.govt.nz , 7/1/03
[98] Soler & Smith, 2000, pi

JUST STATE

According to the just state model, every citizen possesses certain rights which the government defends. English enters the sphere of human rights in two main ways. Firstly, it is one means by which human rights may be upheld. Just as English allows New Zealand citizens to access public goods for which communication is required, English can also be a tool of access for a number of human rights. The state must therefore intervene to ensure that it is provided. Secondly, English is one medium through which human rights may be abused. In this respect, the state intervenes to limit, or police, the English language, to prevent such infringements.

Health is probably the best example of where communication in English can facilitate access to a human right. The Code of Health and Disability Services Consumers' Rights (Health and Disability Commissioner 1996) listed the human rights entitlements of those using the New Zealand Health Service, a regulation passed under the Health and Disability Commissioner Act 1994. The Act itself had two principal purposes, which clearly established its status as an instrument of human rights:

- To promote and protect the rights of health consumers and disability services consumers; and
- To that end facilitate the fair, simple, speedy and efficient resolution of complaints relating to infringement of those rights....[99]

Consumer rights in healthcare were formalised as a response to a human rights abuse revealed by the 1988 Cartwright report. The abuse in question was the use of cervical cancer patients in experimentation, without their knowledge or consent. It was widely felt that all healthcare users had a right to be informed of, and to consent to, any treatment being offered them. The 1994 Act sought to enshrine this previously unspoken right in law.[100]

Of course, a healthcare consumer cannot be informed, nor give consent, if they do not understand the language of the provider, and the Ministry of Health has acknowledged that

[99] M Burgess (ed), *Complying with Codes in the Health Sector*, Rakaunui Publications, Gisborne (NZ), 1997
[100] Lianne Dalziel, *New Zealand Parliamentary Debates*, 16/06/94, vol 540, p1807

"many problems of consent arise from poor communication".[101] The necessity of language in obtaining informed consent was recognised by the Code:

Right 5: *Right to be Fully Informed*

(1) Every consumer has the right to effective communication in a form, language, and manner that enables the consumer to understand the information provided. Where necessary and reasonably practicable, this includes the right to a competent interpreter.

The entitlement to interpretation is not without qualification. "Necessary and reasonably practicable" are mercurial terms which are likely to have very different meanings for healthcare providers and their clients. For example, NEALs have not been entitled to interpretation in consultation with GPs, and have been left to overcome the language barrier themselves. Rasalingam has said that this responsibility can be highly problematic in some situations, challenging the state's assumption that it is not "necessary":

> Can you imagine, if you are a woman, having to ask for a prescription for oral contraceptives and having to rely on your teenage daughter to translate.[102]

Rasalingam went on to recommend "that health interpreting services be extended, in the case of serious illness, to the general practitioner level."[103] Waite has also suggested that current interpretation practices may leave some rights of service users unmet:

> In order to ensure confidentiality and impartiality – requirements that are applicable to a wide variety of situations, but which are particularly important in areas such as health care and administration of justice – interpreters need to be committed to a strong code of ethics. For all of these reasons, the ad hoc recourse to untrained interpreters, whether they be relatives, neighbours, friends or fellow staff members, is too fraught with risks to be acceptable in a professional environment.[104]

Researcher Professor Ron Holt has reported that interpretation provision may have fallen short in other sectors, too, due to an insufficient commitment of government resources:

[101] www.moh.govt.nz/wwwconsent.nsf, 7/1/03
[102] J Rees, 'Poor English unhealthy for migrants', *New Zealand Herald*, 15/09/01
[103] Rasalingam, 2001, ppp49-50
[104] Waite, 1992B, p54

> It's not just the medical system where there is strain. It is showing up in the legal system, too. I know of judges who have been forced to abort trials because of a lack of interpreters.[105]

Rasalingam also recommended "that health interpreting services be extended, in the case of serious illness, to the general practitioner level."[106] It seems, then, that while the right to interpretation may be defended by the state, it may not, in its present form, have met the original objective of the legislation:

> It is designed to ensure that consumers are able to participate fully in decisions affecting them and to take part in health and disability services without being or feeling like the weaker, disadvantaged 'recipient' of those services.[107]

Although NEALs have been empowered to some degree by interpretation, the power to determine the nature and scope of its provision has remained with the healthcare provider. For this reason, it may not meet the genuine needs of NEAL consumers to the extent that they do not feel "weaker" or "disadvantaged."

This brings us to a point which may require clarification: my decision to discuss interpretation under "English" policies. After all, the provision of interpreters may also be understood as an entitlement to use a LOTEM. I have included the policy here because it seems to me to uphold the supremacy of English in the health service, and, as such, the right to communication may be understood as the right to English. Rasalingam has compiled a list of suggestions from the immigrant community as to how the government could promote LOTEM use in healthcare. These are neither especially expensive nor complicated – including, for example, "publications of regional directories of practitioners with particular language skills", or "taking the needs of NEAL patients into consideration favourably in the accrediting of medical doctors and nurses with overseas qualifications"[108] That the government has not taken any such measures seems to indicate that the state has regarded LOTEMs as anomalies in the health system to be remedied, rather than an integral part of it to be embraced. Rather, English is the language which its policies have promoted.

---

[105] J Rees, 'Poor English unhealthy for migrants', *New Zealand Herald*, 15/09/01
[106] Rasalingam, 2001, ppp49-50
[107] *Burgess, 1997, p1*
[108] Rasalingam, 2001, ppp49-50

The other area in which communication has been provided by right is justice. There is a certain logic to this: if the right to English is to be protected *by* the justice system, then it is only fitting that it is also protected *within* the justice system. Perhaps because of this close connection between legislation and courts, the right to interpreters in courts is directly protected by one of New Zealand's major pieces of human rights legislation, the New Zealand Bill of Rights Act 1990:

> S24 Rights of persons charged – Everyone who is charged with an offence –
> (g) Shall have the right to have the free assistance of an interpreter if the person cannot understand or speak the language used in court.

This is the only specific mention of interpreters in New Zealand's major human rights instruments. S23 of the same act, Rights of Persons Arrested and Detained, places strong emphasis on the detainee's entitlement to be informed of their rights, but is not as explicit about how this information is to be conveyed to those who do not understand English.

Still, the explicit mention of interpretation does not appear necessary, if the right to communication (or, in this case, information), is in place. A police officer interviewed for this research described why officers make sure they provide effective interpretation when making an arrest. Without it, the defendant could claim their rights were not respected and "get off" whatever charge they were facing.[109] A parallel can be found in the health sector. Director of Auckland University of Technology's Centre for Translation and Interpreting Studies, Ineke Creezee, has described the responsibility human rights law places on public hospitals:

> Not only are immigrants for whom English is an additional language particularly vulnerable in cases of serious illness, but hospitals themselves are vulnerable to litigation under relevant legislation. In the United States, several class action suits by non-English-speaking patients have recently been successful against major hospitals.[110]

While such litigation is yet to take place in New Zealand, it demonstrates the potential that language rights have for reversing the power imbalance between NEALs and the English-speaking public sector.

---

[109] Personal contact, 9/11/02

[110] J Rees, 'Poor English unhealthy for migrants', *New Zealand Herald*, 15/09/01

All of the rights discussed so far have concerned interpretation. As mentioned above, ESOL policies may also involve English 'screening', or English tuition, as well as the option of interpretation discussed so far. Neither of the other options are currently a part of New Zealand human rights legislation. New immigrants have not been afforded any special rights to English tuition, and therefore enjoy only the same educational rights as New Zealanders for whom English is a first language, to be discussed below. In the case of English screening for immigrants, anti-discrimination human rights law may be more pertinent. At the time of writing (November 2002), the Human Rights Commission had reported "informal complaints" concerning the recent changes to the IELTS test pass mark, and Immigration Service spokeswoman Metiria Turei remarked that "This test weighs heavily toward people who speak English as their first language."[111] Political commentator Jane Clifton has also raised the issue of discrimination between different immigrant groups:

> The English language requirement's toughening will hit Chinese-Asian immigrants, and those from poor countries such as Somalia particularly hard, as South African, Eastern European and Indian candidates are more likely to have competent English.[112]

Details of the uncertain status of language in anti-discrimination law were given in the chapter on LOTEMs. If the "informal complaints" are formalised, it may be that this policy will bring about a watershed on where languages fit into New Zealand human rights.

For citizens for whom English is a first language, the same rights to communication in healthcare and legal proceedings also apply. Usually, language does not present communication issues in dealings between English-speakers and the state, so the laws may seem superfluous. Still, they do prevent, say, a police officer reciting an English-speaking offender's rights in a LOTEM, or a doctor explaining a patient's condition using Latin terminology, or any other such perversions of justice that one might concoct with a little imagination.

[111] *New Zealand Herald*, 27/11/02, Newztext reference #3006415
[112] J Clifton, *New Zealand Listener*, 30/11/02, p16

Human rights are perhaps most applicable to English as a first language in the area of education. Neither of New Zealand's key human rights instruments makes special reference to education as a right, but there nonetheless seems to be a certain consensus that all citizens are entitled to free education from the state. S3 of the Education Act 1989 articulates this right:

> Except as provided in this Act or the Private Schools Conditional Integration Act 1975, every person who is not a foreign student is entitled to free enrolment and free education at any state school during the period beginning on the person's 5th birthday and ending on the 1st day of January after the person's 19th birthday.

The Act is not specific about what the "education" encompasses, so a right to education need not necessarily entail a right to language. Decisions as to what students will actually learn have been left to the Minister of Education, as per s60:

> The Minister may from time to time, by notice in the *Gazette*, publish...
>
> (b) National curriculum statements (that is to say statements of –
>
> i. The areas of knowledge and understanding to be covered by students; and
> ii. The skills to be developed by students; and
> iii. Desirable levels of knowledge, understanding and skill, to be achieved by students, - during the years of schooling):

S331 established Learning Media Inc as the body responsible for developing these statements. So far, Learning Media has seen fit to include English language and literacy as compulsory subjects, suggesting that they believe English to be one of the skill areas that children have a right to learn.

The school curriculum has also demonstrated another key tenet of the just state – equality. The English curriculum statement described how equality of opportunity was one of the principles of English in schools:

> All students should have equal access to the English curriculum. An inclusive curriculum, which is responsive to the wide diversity of perspectives and linguistic backgrounds in New Zealand, can enrich English education for all students.[113]

[113] *English in the New Zealand Curriculum*, Ministry of Education, 1994, p13

While equality may seem a noble goal for the curriculum, its merits (or, at least, the merits of this application of the concept,) are disputable. When the draft of the English curriculum statement was published, the Education Forum submitted a detailed critique. One of their criticisms was that a commitment to equality short-changes those who do not fit the common mould. This extract from the submission demonstrates both the reasoning and the passion behind this argument:

> However it has come about, and whatever obstacles there may have been to a better outcome, the fact remains that the present draft is at once long-winded and vague in its statements, insufficiently specific, and largely governed, or where not governed at least constrained, by the unstated but clearly present notion of the subject "English" as a means to social equalization and individual self-esteem. The attitude which lies somewhere behind a great deal of the framing is that those students who show signs of being articulate and well-read will be "privileged", "middle class", and that to spend the resources of the state on furthering their social advantage would not be productive of "equitable outcomes". That these students may also be, or simply be, *talented*, and that on their talent will depend the level of civilization our society is collectively capable of in the future, is largely ignored. In the study of language and literature the surest way to an "equitable outcome" is to lower your standards.[114]

Thus a tension emerges in human rights, between the right to be treated the same as everyone else, and the right to be treated differently. The New Zealand government's position on English in education seems to have favoured the former, and nowhere has this position been upheld more strongly than in anti-discrimination laws, the next aspect of human rights to be investigated.

Discrimination may occur where one group is left at a communicative advantage over another. It has already been shown that the government has made some effort to balance such inequalities, in providing interpretation. This may be seen as an anti-discrimination measure, and examples exist of it being recognised as such in government literature. The *Curriculum Framework,* under its principle of non-discrimination, stated that:

[114] Education Forum, April 1994, p21

Provision will be made for students who have special learning needs in the area of communication.[115]

Similarly, communication in healthcare may also be linked to its anti-discrimination policies, as per the Code of Health and Disability Services Consumers' Rights:

Right 1: *Right to be treated with respect*

Every consumer has the right to be provided with services that take into account the needs, values, and belief of different cultural, religious, social, and ethnic groups, including the needs, values and beliefs of Maori.

Right 4: *Right to Services of an Appropriate Standard*

Every consumer has the right to have services provided in a manner consistent with his or her needs.

Recalling from the chapter on LOTEMs that language can be included as a facet of ethnic identity in New Zealand human rights law, Right 1 could be applied to language too. Right 4 is broad enough that it may also encompass language, and seems to be embracing the possibility of difference in a way not usually seen in New Zealand government literature.

Discrimination may also be a factor in language policy when words are spoken which have the effect of disadvantaging groups in the community. This use of language for discrimination is directly prohibited by human rights law. In the Human Rights Act 1993, three sections are devoted to this matter:

S61 (1) It shall be unlawful for any person –

(a) To publish or distribute written matter which is threatening, abusive, or insulting, or to broadcast by means of radio or television words which are threatening, abusive or insulting...

being matter or words likely to excite hostility against or bring into contempt any group of persons in or who may be coming to New Zealand on the ground of the colour, race, or ethnic or national origins of that group of persons.

S62(2)It shall be unlawful for any person (in the course of that person's involvement in any of the areas to which this subsection is applied by subsection (3)

[115] *The New Zealand Curriculum Framework*, Ministry of Education, 1993, p10

of this section) by the use of language (whether written or spoken)...to subject any other person to behaviour that –

(a) Is unwelcome or offensive to that person (whether or not that is conveyed to the first-mentioned person); and

(b) Is either repeated, or of such a significant nature, that it has a detrimental effect on that other person in respect of [employment, union membership, partnership, qualifications, training, education, and access to goods, services and facilities.]

S63(1) It shall be unlawful for any person to use language (whether written or spoken)... that –

(a) Expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; and

(b) Is hurtful or offensive to that other person (whether or not that is conveyed to the first-mentioned person); and

(c) [same as s62(2)(b)]

The education sector, too, has demonstrated a commitment to "promote the use of language that does not discriminate against particular groups of people",[116] which may be of particular importance, as the language taught in schools largely determines what kind of language the general population uses in later years. The two agencies which act as 'language watchdogs' also have a role to play in ensuring that language is not used as an agent of discrimination. The OFLC is bound by the Films, Literature and Publications Act 1993, s3(3)(e), to consider, in making a classification, whether material:

> Represents (whether directly or by implication) that members of any particular class of the public are inherently inferior to other members of the public by reason of any characteristic that is a prohibited ground of discrimination specified in section 21(1) of the Human Rights Act 1993.

For the BSA, its main involvement in the issue comes in responding to any public complaints concerning discrimination.

[116] *The New Zealand Curriculum Framework*, Ministry of Education, 1993, p10

These restrictions placed on language in the name of non-discrimination come into direct conflict with the human rights law which applies to the expressive function of language. The right to use language to express whatever one chooses is upheld in the New Zealand Bill of Rights Act, s14:

> Freedom of Expression – Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.

This has been pitted against the aforementioned language restrictions in court[117], and demonstrates once again that the just state, as with all state models, does not yield any single coherent blueprint for state behaviour.

There is, of course, a whole spectrum of possible rights, some of which complement each other and some of which conflict, that the government can choose from in formulating human rights law. Political scientist Michael Belgrave suggests, now that "basic" rights such as non-discrimination are being protected, that the rhetoric on human rights law is shifting towards something more general known as "participation".[118] Certainly, if this is to be recognised in human rights jurisprudence, it may have implications for language policy, as the connection between language and participation in society is widely acknowledged.[119] Another 'right' which may be of relevance to language is that of human dignity. This appeared in the BSA's mission statement as their overriding aim:

> To encourage broadcasters to develop and maintain programme standards which respect human dignity[120]

As language is a major concern of the BSA, it must be that "standards which respect human dignity" are directly related to language.

Another set of rights which govern the state's behaviour in New Zealand may be those supplied by democracy. One of the foundation stones of a democratic state is the right of the citizens to participate in the decisions of government. While it could be argued that this

[117] See, for example, CA 58/00, Living Word Distributors Limited *vs* Human Rights Action Groups (Wellington)
[118] Massey University paper 2001
[119] See, for example, White, Watts, White and Trlin & Trlin, 2001 #5
[120] Broadcasting Standards Authority, *Annual Report 2001/2002*, p4

right is well met by New Zealand's universal suffrage for adults (and the provision of English interpreters for non-English-speaking voters), community participation in government decisions also takes place through other channels. In a sense, all English-as-a-first-language policies can be seen as a response to community preferences, right from the very first English-speaking settlers. Soler and Smith have explained, with respect to the literacy curriculum:

> ...the issues that surround why and how we teach literacy in our schools is not just a narrow issue to be decided by politicians and academic researchers. The policies and practices that arise from these questions are shaped by a whirlpool of ideas and voices from many sectors of society.[121]

In this sense, the influence that the community exercises over the government is largely involuntary; the community has not deliberately devised literacy policy, and the government has not asked it to. Examples may also be found, though, where the dialogue between community and government on English issues has been more deliberate. As mentioned above, the volunteer adult literacy programme is a rare example of a community English initiative having made its way into public policy. Associate Minister of Education Marion Hobbs has explained the place of community organisations in the government's new literacy strategy:

> In all that we do we will work with those who have already demonstrated commitment and experience in their volunteer work in the sector over the last 25 years....I have absolute faith that this strategy will work, because it is not in the ministry alone. It is a strategy of partnership between the ministry and community experts who have been working in this area for years.[122]

The Broadcasting Standards Authority was also established by the state to gauge community opinion:

> Through the established tools of public opinion measurement, the Authority is able to learn about trends in community attitudes.[123]

---

[121] Soler & Smith, 2000, pviii
[122] *New Zealand Parliamentary Debates*, 8/5/01, vol 592, p9021
[123] Broadcasting Standards Authority, *Attitudes Towards Good Taste and Decency in Broadcasting Among Pacific Peoples*, 2001, p11

In the course of its community research, the BSA has found, among its respondents, "general agreement about the need for an independent broadcasting standards body,"[124] which suggests that the BSA itself is a response to community preferences.

For Films and Literature, community involvement seems less entrenched. Research into community opinion is a lesser part of the OFLC's functions, as it draws as well on that conducted by the BSA. Some community presence is visible in the Film and Literature Labelling Body, as it is required by s74 of the Films, Literature and Publications Act 1993 to include a community representative, "for the purpose of ensuring that the interests of the general public are taken into account in the labelling of films under this Act". In general though, community language standards are chiefly the domain of the BSA, possibly because public broadcasting is more of a community asset than the private assets of movies, books, and other publications.

The Maori community also has a stake in English language policy. Although te reo Maori has usually been understood as the dominant linguistic concern of Maoridom, Maori MP Willie Jackson has explained how Maori have a growing interest in English, too:

> Te reo Maori does not mean just the Maori language; it is also the voice of Maori... What is the voice of Maori in the year 2001? Is it the Maori language all the time, or is it the Maori language and English? In fact, it is the Maori language and English.[125]

Just as English has become part of te reo Maori, so, too, has te reo Maori infiltrated the English language. This has given Maori a further interest in English policy from the opposite angle:

> English is also now a Maori language, and Maori may increasingly wish to exercise normative control over its Maori-derived content, at least within New Zealand.[126]

As te reo grows in prominence, and cross-over between the two languages inevitably increases, English and te reo Maori policies may cease to be the discrete concerns of their respective communities, and the future may bring a more collaborative effort on both sides.

---

[124] G Dickinson, M Hill, W Zwaga, *Monitoring Community Attitudes in Changing Mediascapes*, Broadcasting Standards Authority New Zealand, Dunmore Press, Palmerston North (NZ), 2000, p66
[125] Dickinson, *Hill & Zwaga, 2000, p66*
[126] Benton, 2001, p46

The reader will no doubt have noticed the parallels between the merging of the English and Maori languages, and the ongoing interweaving of Maori and Pakeha cultures and peoples. It has already been said that the relationship between a people's language and the state is symptomatic of the relationship between that people and the state. The responsiveness of the state to each community's linguistic needs may therefore be taken to demonstrate their attitude to that community in general. The omnipresence of English, both in government policy and in community action, may thus reveal the privileged position that English speakers occupy in the New Zealand state, and the growing input from Maori but not from NEALs could be seen as indicative of the direction in which the balance of power may be shifting within New Zealand democracy.

ETHICAL STATE

The ethical state acts to shape or uphold the prevailing values in society. Language is an important tool in this process, as it is both a cause and an effect of the values and culture of its speakers. Both possibilities have been reflected in the New Zealand government's intervention in the English language.

For an ethical state seeking to promote a certain set of values, language may be a valuable channel to utilise, especially in education. As it is the medium through which opinions are expressed, the scope of language available to a user can determine the scope of their opinions, and the Ministry of Education has acknowledged this relationship:

> The ways in which learners view the world are moulded by their language development.[127]
>
> Language is a vital medium for transmitting values and culture.[128]

Recalling the merger of English and literacy in New Zealand schools, literacy education is likely to be a prime location for promoting the values of English-speaking New Zealand culture.

---

[127] *English in the New Zealand Curriculum*, Ministry of Education, 1994, p10
[128] *The New Zealand Curriculum Framework*, Ministry of Education, 1993, p10

Soler and Smith have explained the link between literacy and values:

> A literacy curriculum is not constructed in a political or social vacuum; it is influenced by dominant social, cultural and racial values.[129]

In charting the development of literacy policy in New Zealand, they went on to demonstrate how the New Zealand state has capitalised on this opportunity to shape the values of the next generation. For the teaching of reading, it goes without saying that texts must be provided for children to read. The choice of these texts creates opportunities for teachers to instill certain values in their students. Early last century, considerable significance was attached to the selection of the literature to be taught, as per the "Moral Instruction" section of the then syllabus. The gist of this section was that "reading lessons were to play a key role in the formation of good character."[130] Soler and Smith described how moral education remained paramount until the middle of the century:

> The purpose of literacy in this period was to promote a cultured individual who was well acquainted with English literature. Implicit in this notion of cultural literacy was an ideal which stressed culture as an embodiment of universal values...Throughout the 1930s and into the early 1940s infant school mistresses provided examples of poetry and stories and directly linked these literary examples to the explicit moral messages that could be used for character training and development. The teaching of reading was a means to becoming a literate and moral individual...[131]

It is difficult to imagine a clearer example of the ethical state in action.

However, the overtly moral approach to literacy education has not survived into the present day. In the 1950s, a shift in New Zealand pedagogy, which combined scientific learning methods with a new emphasis on the individuality of the child, superseded morality as the driving force behind literacy education.[132] A distance was established between literature and literacy, as the latter, in what seems to be a lean towards instrumental ideology, became established as a tool of productivity:

---

[129] Soler & Smith, 2000, pi
[130] *Ibid*, p3
[131] Ibid, pp10-12
[132] Ibid, p14

> The [1953] syllabus advocated the importance of reading skills with the strong vocational links and refuted the need to include literature appreciation and its role in the civilized life.[133]

Although morality has not remained in *vogue* in contemporary pedagogy, the English curriculum is still being used as a channel for promoting values. This may be seen as somewhat problematic, as such promotion is no longer visible as the highly subjective 'moral instruction', but rather taken for granted as 'education' in truths which are not open to discussion or dissent. The Education Forum, in typically loquacious style, took issue with the English curriculum's commitment to promoting the value of "gender equity":

> It is extremely difficult to persuade well-intentioned and morally responsible teachers that they should no more let language and literature studies become an instrument for the promotion of "gender equity" than teachers in Nazi Germany should have permitted such studies to promote racial purity... it is quite wrong for a syllabus to require, as the Draft does taking its cue from *the New Zealand Curriculum Framework*, that any one particular conclusion should be arrived at, or that any one view of the matter is right. English in a democracy must serve all the members of that democracy equally, including those whose views the government, the education bureaucracy, or even the majority, happen to deplore.[134]

While the rhetoric, and indeed the values themselves (the gender roles, for example, in *Janet and John* readers are now widely considered moral anathema), may have changed, the practice of using English education as a vehicle for advancing the values of New Zealand society has not.

The government's use of English policy to promote New Zealand's values has extended beyond just the education sector. The Broadcasting Standards Authority (BSA) actively intervenes in both language and values. Here, the ethical state is acting not so much to promote a particular morality to the general public, but to reflect the morality which is already in existence. A commitment to responsiveness formed part of the BSA's mission statement:

---

[133] Ibid, p33
[134] Forum, April 1994, p18

To encourage broadcasters to develop and maintain programme standards which...acknowledge current social values[135]

The BSA is only authorised to intervene in matters where a complaint has been forthcoming from the public, evidence of the state's reluctance to formulate or espouse a set of values of its own. This arrangement seems to have caused some chagrin in Parliament for those who would have preferred a toothier moral watchdog, as the following exchange reveals:

Mr Graham: What sanction is there if a broadcaster breaches his or her responsibilities as set out – and all they are is a list of rather "motherhood and apple pie" statements? ...The authority has no power to initiate anything.

Richard Prebble: If there's no complaint what's the problem?[136]

The BSA's power seems to have been subjugated to the public will because of the high degree of subjectivity in moral judgment. At the time that the BSA was established, Parliament exercised considerable caution in setting itself up as a moral authority, preferring to leave moral decisions resting in the hands of the public at large. The advantage of this approach may be seen as a more accurate reflection of New Zealand society's opinions, rather than the opinions only of the New Zealand government. On the other hand, it could also result in only the opinions of those with the knowledge and resources necessary to utilise the channels of complaint being taken into account. The BSA's research into community values may be seen as a safeguard against capture by a vociferous minority.

The sphere of BSA activity is not restricted to moral judgments. In fact, the highest percentage of its complaints has concerned the standard of Balance, Fairness and Accuracy. Here it may be worthwhile to distinguish between morals and standards. A standard, for the purposes of this research, is a benchmark of what is acceptable, and may relate to morality, but also to other matters, such as quality or competence. Good Taste and Decency is the BSA standard where morality may be found. It has consistently occupied second place in the list of grounds for complaint, and was the site of 31.5% of the

[135] Broadcasting Standards Authority, *Annual Report 2001/2002*, p4
[136] *New Zealand Parliamentary Debates*, 13/12/88, vol 495, p8830

complaints ruled on in 2000.[137] This suggests that morality has been a significant, if not overarching, concern for New Zealand viewers.

The place that language occupies in Good Taste and Decency appears ambiguous. Statistics regarding the percentage of BSA complaints about language have not been kept, and it is not necessary to the objective of this research to conduct such in-depth analysis. Some clues as to the importance of language may be found in the BSA's 1993 *Good Taste and Decency Survey*, which revealed some discrepancy between the BSA's application of standards, and the views of the general public:

> ...respondents were asked what they saw as going against good taste and decency. The findings were interesting as the respondents' understanding of good taste and decency was perhaps different from the Authority's normal application of the standard.[138]

One of these differences was that only 24% of respondents associated standards of good taste and decency with language use. On the other hand, more recent reports have given language greater importance in value judgments:

> Public concern about broadcasting standards has been predominantly expressed through issues such as screen violence, the portrayal of sex and nudity, and language – more specifically language and blasphemy.[139]

> Being offended by language...appeared to be the most prominent category that participants listed spontaneously. In other words, language is perhaps one area in which the so-called slipping of standards is most acutely experienced.[140]

This apparent contradiction may indicate that, while New Zealanders may not have attached a high priority to language in their personal moral standards, language could still have a powerful moral impact by its very ubiquity. It may also show a difference between personal moral standards and offence felt on behalf of others. BSA research has discovered that:

---

[137] Dickinson, Hill & Zwaga, 2000, p13
[138] Ibid, p23
[139] Broadcasting Standards Authority, *Attitudes Towards Good Taste and Decency in Broadcasting Among Maori*, 2001, p9
[140] Dickinson, Hill & Zwaga, 2000, p37

As was found with the portrayal of sex and nudity, people took exception to bad language because of a concern that children might be watching or hearing it.[141]

Even if New Zealanders possess relatively liberal morality when it comes to language, they seem prone to being more conservative in their concern for others' moral wellbeing, especially in the case of children.

Of course, the existence of only one body to uphold the broadcasting standards of the entire nation ought not to be taken as an indication that any universal set of standards exists. The BSA acknowledged in their 2000 report that "opinion on the offensiveness of many commonly used swear words, blasphemies and expletives can be considered substantially polarized."[142] As a result, the BSA's research has investigated what differences may exist between the standards and values of different groups within the community. Sample groups were provided with lists of potentially offensive words, and asked to give each one a "score" for offensiveness. Within the population as a whole, the BSA reported the following differences:

> Gender and age are significant, since men tend to be more tolerant of 'bad language' than women, and the levels of unacceptability tend to increase with age.[143]

The BSA has also found that blue-collar workers, while less concerned about most broadcasting standards matters than white-collar workers, were more or less in agreement on language issues.[144] Between ethnic groups, there was little difference between Maori and Pakeha New Zealanders.[145] The other ethnic group that the BSA singled out for research, Pacific peoples, revealed the strongest differences with regard to language. Pacific peoples were found to be considerably less accepting of offensive language than the general population, with less marked differences between age brackets within the group.[146]

---

[141] Ibid, p24
[142] Ibid, p24
[143] Broadcasting Standards Authority, *Attitudes Towards Good Taste and Decency in Broadcasting Among Maori*, 2001, p12
[144] Dickinson, Hill & Zwaga, 2000, p26
[145] Broadcasting Standards Authority, *Attitudes Towards Good Taste and Decency in Broadcasting Among Maori*, 2001, p18
[146] Ibid, pp25-26

While the degree of offensiveness differed between demographic groups, the BSA remarked that "the ranking of the individual words generally followed the trends observed in the total population. In other words, there existed a broad consensus about the ranking of language judged acceptable and unacceptable."[147] It also observed that "attitudes have not changed fundamentally over the past ten years. Similar words still raise hackles..."[148] It seems, then, that the idea of some kind of universal values system in New Zealand is not entirely unfounded with respect to language.

The other arm of the ethical state's intervention in language is the Office of Film and Literature Classification (OFLC). Unlike the BSA, moral value-judgments are the main concern of the OFLC, as its purpose is to determine what is "objectionable". This does not necessarily mean that it need be concerned with language. We have seen in previous discussion that the laws establishing the OFLC made no explicit mention of language, and that contemporary jurisprudence has relegated language to auxiliary status in the classification of material by the Office. At the time that the legislation was passed, debate in Parliament was primarily concerned with pornography rather than language, another 'moral bad' which the OFLC was established to monitor.[149]

At the same time, it has been shown that language has sometimes come under the OFLC's jurisdiction, and the agency may therefore be seen as having some role to play in the state's intervention in language values. As with the BSA, the OFLC has sought to base its value-judgments on prevailing opinion within society. It has utilised "relevant research", such as that conducted by the BSA, and maintained "an extensive library of books, periodicals and articles". In addition, it conducted its own research "on discrete topics and particularly problematic publications."[150] The OFLC also took into account the classification given to publications by British and, particularly, Australian authorities, which suggests that it considered New Zealand's moral standards to be closely aligned with these countries'.[151] By creating rules out of New Zealand's values which limit the availability of material

---

[147] Broadcasting Standards Authority, *Attitudes Towards Good Taste and Decency in Broadcasting Among Maori*, 2001, p12
[148] Dickinson, Hill & Zwaga, 2000, p9
[149] *New Zealand Parliamentary Debates*, vols 536 &537, pp15985-15996, 17051-17068, 17491-17505
[150] V Burns, personal communication, 22/11/02
[151] www.censorship.govt.nz/censorship_system.html, 7/01/03

contrary to them, the OFLC has both reflected and influenced the moral standards of New Zealand society.

While the government seems to have been highly aware of how values may determine what English is used to say, there was little acknowledgment of the cultural values which were being exercised in choosing to use the English language in the first place. This type of argument was much more prominent for Maori or LOTEMs, where the culture to be expressed was different from the mainstream. In fact, the only place where English was described as a feature of New Zealand's cultural landscape was in teaching it as a second language in Maori schools:

> All students should be encouraged to appreciate New Zealand's bicultural heritage... Each kura kaupapa Maori has its own approach to the way English is to be taught, through Te Aho Matua which affirms English as a heritage language of New Zealand...[152]

For the Pakeha state, there seems to have been a reluctance to accept that the language of the mainstream actually forms part of a particular culture and worldview, rather than being simply 'normal' or 'neutral'. The Waite report touched on this point, in remarking:

> Language is one of the many factors involved in establishing a national identity... Both Maori and English can be proudly affirmed as symbols of our national identity.[153]

Combining Maori and English as part of "our" identity seems to have overlooked the fact that English has its roots in a culture very different from the Maori one. Although Maori New Zealanders are seen as having a culture (and language) of their own, the culture of English-speaking Pakeha New Zealanders has received less formal acknowledgement.

For English as a second language, the ethical state's priorities are quite different. It has been seen that the government has had only limited involvement in ESOL education, so the promotion of values found in English-as-a-first-language education has little relevance for ESOL. The exception has been the government's provision of ESOL through the mainstream school system, where the values promoted can be expected to have been similar

[152] *English in the New Zealand Curriculum*, Ministry of Education, 1994, p14
[153] Waite, 1992A, p13

to English-as-a-first-language literacy. In interpreting services for NEALs, morals and values have also been given little consideration. This is in spite of the fact that, because any language is a delicately crafted blend of its speakers' views and values, it is inevitable that translation will present ethical issues for the interpreter, if not the state. The ethical state's main concern with English as a second language can be found in the state's willingness, or otherwise, to accept those for whom English is an additional language. It has already been seen that a society's attitude towards a language is often indicative of its attitude towards the people who do (and do not) speak it. So too has New Zealand's attitude to English been revealing of our country's values, regarding both NEALs and English-speakers.

Soler and Smith have observed how value-judgments about languages and their speakers helped drive te reo Maori out of the New Zealand education sector:

> [The] unwavering belief in the supremacy of the culture of the Imperial power accelerated the exclusion of the indigenous culture and language within the school system.[154]

While not explicitly concerned with morality, this rhetoric has been included as part of the ethical state model because the state is shown to have exercised purely arbitrary standards as to the value of one culture over another. The grounds for this judgment have not been made in terms of justice, instrumental usefulness, or any other 'higher' purpose; one culture has simply been seen as 'superior'.

While many argue that this type of Anglocentricism has been exorcised from the national character with respect to Maori, recent events have seen its re-emergence in the direction of another non-English-speaking group: NEALs. The media frenzy which has surrounded the recent raising of the IELTS pass mark has thrust New Zealanders' attitudes to NEALs into the limelight, and one commentator found in New Zealand "an insularity that says if you aren't white and can't speak English well, there's no place for you here and you had better go back to where you came from."[155] Even before the new IELTS policy raised such issues, though, evidence that New Zealand's colonial mentality was being extended to

[154] Soler & Smith (eds) 2000, p37
[155] G George, 'Tension inevitable as migrants settle', *New Zealand Herald*, 24/01/02, Newztext reference #787673

NEALs was apparent, and the director of an ESOL centre, interviewed by Watts, White and Trlin, identified it as a vital issue for new immigrants:

> We have not thought as a country of the results of bringing in a population who have different cultures and traditions, look visibly different, who come into a small country that has a tradition of having very British attitudes to immigration.[156]

It is beyond dispute that a prevailing belief in the relative inferiority of non-British New Zealand cultures will cause settlement difficulties for immigrants at all levels of society.

The root of these difficulties is the *sequitur* that, if English-speaking culture is to be dominant, NEALs ought to adopt it. Embracing the prevailing language is an integral part of embracing the prevailing culture, as Peters has argued:

> How can we expect new New Zealanders to adopt our culture and values if they don't share our language?[157]

Another commentator explained the inevitability of an immigrant's inability to assimilate invisibly:

> Did we expect [immigrants] not to have serious difficulties acclimatising to our manner of living, or laws and legal system, our form of Government, our Judeo-Christian heritage? [158]

The change to IELTS policy can be seen as evidence that a belief that English language and culture is sovereign, and that people who will not be able to assimilate into it should remain where they belong – outside New Zealand's borders – has continued to prevail in New Zealand's government. The belief in NEALs' relative unimportance may be found in other policy, too. One researcher has discovered that "students who were withdrawn from mainstream classes for specific ESOL instruction were getting the message that their English was still not good enough,"[159] leading to feelings of inferiority among the students themselves, and to a degree of alienation from their classmates. The need for interpreters for NEALs in other government sectors can also lead them to be stigmatised as 'undesirable' clients.

---

[156] Watts, White and Trlin, White & Trlin, 2001 #4, p32
[157] New Zealand First Press Release, 23/6/02
[158] G George, 'Tension inevitable as migrants settle', *New Zealand Herald*, 24/01/02
[159] Shameem, 1997, p17

Of course, Anglocentricism is not the only salient feature of the New Zealand character. Ironically, the imposition of English on NEALs may be equally attributable to a willingness to accommodate people from other cultures. Immigration can be an apt forum for the expression of humanitarian sentiment (especially regarding refugees), and New Zealand has taken care to portray itself on the international stage as a nation with a warm heart and open arms (especially when compared to Australia). Yet humanitarian impulses are not without negative effects, and, with respect to language at least, they may well have caused as many problems as they have solved. One ESOL provider explained:

> I feel that people who are motivated by humanitarian impulse, as much as I admire that, are bringing people into the country who end up suffering because provision for them is inadequate.[160]

Another provider also argued that the goodwill of the country must follow new migrants further than the Arrival gates:

> We have a moral obligation... to put more resources into these people... We're only taking them and just abandoning them really.[161]

Providers who had witnessed the fallout from backfiring humanitarian policies attributed their failure not to ill-will or xenophobia, but simple ignorance:

> A view expressed by many of those interviewed was that there existed (outside the profession) a widespread lack of understanding of the needs of ESOL students.[162]

The provision of interpreters gives one example of where good intentions may have gone awry. Interpretation services are widely touted as evidence of a tolerant New Zealand that shows "respect and sensitivity" towards other cultures.[163] However, as shown in previous discussion, it seems that what is provided is not necessarily what NEALs need or desire. Shameem made a similar point regarding the teaching of English:

> Unfortunately many [new immigrant] adjustment problems were attributed to a lack of ability in English and therefore schools, peers and parents placed unnecessary and well-intentioned pressure on the children to assimilate linguistically to this environment.[164]

---

[160] Watts, White and Trlin, White & Trlin, 2001 #4, p32
[161] Ibid, p24
[162] *Ibid, p25*
[163] www.courts.govt.nz , 7/1/03
[164] Shameem, 1997, p18

While the New Zealand state may have had the best of intentions, then, it has not necessarily had the best ideas. The incongruous mix of Anglocentric patriotism and intercultural generosity which seems to characterise the New Zealand values system has created corresponding incongruities in immigration policy, through which the needs of NEALs themselves appear to have been overlooked.

The strong preference for English language and culture which seems part of the New Zealand character need not be interpreted as malicious xenophobia. A more positive name for the same phenomenon is nationalism, or, to coin a popular concept, "Kiwi pride". Soler and Smith have identified how nationalist sentiments have contributed to the dominance of English language and values in literacy instruction:

> ...the character training component of the syllabus and its promotion of literacy in the English language received a boost by the patriotism and nationalism that accompanied World War I. Contemporary teachers argued that this war between Germany and England served to reinforce the Englishness of the New Zealand heritage. Teachers and educational officials had a duty to stress English ideals in order to 'outmatch' German influences.[165]

Nationalist sentiment was also a contributing factor the demise of Maori in schools:

> [On Native Schools] English has been made the language of instruction because linguistic unity is the most important step towards national unity.[166]

While the war against Germany may have long since ended, some New Zealanders seem to feel we are now facing an invasion of another kind, as immigration continues to rise. Ironically, one commentator has likened the threat now posed to New Zealand language and culture to the colonisation of Maori over a century ago:

> Our Government's attitude to immigration is reminiscent of the mistakes made by Maori in the 19th century. Regarding the Treaty of Waitangi, one chief is said to have declared: "It is the Pakeha we want. The Pakeha will be ample payment for our land because we commonly expect to become prosperous through him." Look where that kind of attitude got Maori.[167]

---

[165] Soler & Smith, 2000, p4
[166] Ibid, p37
[167] Letter to the editor, *New Zealand Herald*, 22/11/02

The same "linguistic unity" arguments which were used to linguistically colonise Maori are now being dusted off to ward off the danger that English-speaking New Zealand may itself be linguistically colonised. If the Maori experience is to be a cautionary example, strengthening the indigenous (Pakeha and Maori) culture of the nation may be the best defence against such a threat.

What constitutes the 'indigenous' culture of English-speaking New Zealanders has changed dramatically since the 'Rule Britannia' patriotism of WWI. Patriotism for New Zealanders no longer involves looking to Britain, but defining New Zealand in its own right. As New Zealand has striven to establish its national identity as distinct from its colonial 'home', the 'Queen's English' has been substituted by an emphasis on 'New Zealand English':

> Language development and study in New Zealand must be in the context of our own linguistic situation. Attention should be given to the distinctive New Zealand varieties of English and to New Zealand's own literature, while English programmes will continue to draw widely on the rich international and historical resources and achievements of the English language and of literatures in English.[168]

On the other hand, the Education Forum suspects that nationalism in language education may compromise quality:

> The purpose of this kind of focus should not be nationalistic but practical. New Zealand English is the variant we have most readily to hand, and the one of most particular interest to us...This will include an attempt to curb the worst excesses of demotic New Zealand speech – such as the pronunciation of "Alps" as "elps" – because they create confusion. We are talking about an educational process, and the aim should be "educated speech", not nationalistic self-assertion.[169]

This brings to light another rift in New Zealand values with regard to language, between those who embrace national distinctiveness, and those who still regard many features of New Zealand speech as undesirable.

It is important to note that linguistic prejudice in New Zealand has not been confined to those who speak English as an additional language. Just as immigrants are expected to

---

[168] *English in the New Zealand Curriculum*, Ministry of Education, 1994, p11
[169] Education Forum, April 1994, p16

acquire 'good' English, so too are certain standards set for varieties of first-language English. An element of linguistic snobbery has been evident from early in New Zealand's English-speaking history, especially with regard to pronunciation. Bayard provides a detailed history of the "cultural cringe" surrounding the "Newzild" accent, and the highly prescriptive approach which was taken to language education early last century.[170] English standards in schools and communities have now been considerably relaxed. The English curriculum statement shows that 'correct' English is now being taught as something useful rather than something inherently 'good':

> As students' understanding of language becomes increasingly complex and sophisticated, their ability to use language for specific purposes also develops. This involves understanding and using the formal conventions of English.[171]

Nevertheless, occasional articles, and, most especially, letters to the editors of popular periodicals, suggest that value-judgments are still applied to English usage by certain groups within New Zealand society.[172] If "incorrect" use of English is seen as undesirable in indigenous New Zealanders, it is unlikely that immigrants will be exempted from such judgments.

Bearing in mind that the ethical state acts to influence values as well as reflect them, the state could intervene to silence any Anglocentric or other opinions, if they were deemed detrimental to the health of the nation. To some extent, this has been achieved through the anti-discrimination laws described above. However, the government is prevented from entirely expunging such views by its adherence to what is considered a more important principle – freedom of speech (see "Just State"). One writer described this tension with reference to the current political debate:

> There are plenty of times when I would rather people like Winston [Peters] didn't have a soap box and weren't being encouraged by the press gang. But Winston speaks for a lot of people. So let's be real about that. It's better that we know who

[170] See D Bayard, 'Language Attitudes, Ethnicity, and National Identity in New Zealand', *New Zealand Sociology*, vol 16, #1, 2001, pp18-35
[171] *English in the New Zealand Curriculum*, Ministry of Education, 1994, p6
[172] See Bayard, 2001

> we are and what that means for this country than to pretend this country is something it's not.[173]

Former Race Relations Conciliator Rajen Prasad has also lamented the consequences of free speech for one popular medium, and raises the issue of responsibility that freedom brings with it:

> [Prasad] had concluded it [talkback radio] was "one of the most sinister" platforms for racial disharmony because it gave licence to hosts and callers to air racist views – however subtle – under the guise of freedom of speech. But, he said, the question of where freedom of speech ended and citizens' responsibility began needed to be addressed.[174]

If the ethical state's actions reflect the views and values of its citizens, the power lies with those same citizens to ensure that it acts wisely and fairly.

---

[173] C Avery, 'Dialogue', *New Zealand Herald*, 18/11/02, Newztext reference #3004767
[174] NZPA, 'Talkback attacked as platform for racism', *New Zealand Herald*, 12/04/02

Conclusion

All of the cells in the matrix have now been analysed for each of the language groups. It now remains to see what patterns have emerged, and to determine what these patterns may mean for language in the New Zealand state. Before I undertake this task, I wish to invite the reader to draw some conclusions of their own. In keeping with the subjective nature of this research, I have tried to present the data in such a way that it resembles, say, a box of Lego bricks, which can be assembled and reassembled as suits the imagination of the creator. The following discussion is what I have managed to build from the dataset I collected, but I wish to emphasise again that it is only one of a myriad of possibilities.

As my data collection progressed, a number of flaws in the matrix began to emerge. The most striking discovery was a significant imbalance in the amount of literature available for each language group. It was hard to delve into any area of government without encountering a raft of material on te reo Māori, whereas community languages and even English seemed considerably less well-researched or well-documented. There are, as I see it, two possible explanations for this imbalance. Firstly, it may indicate that te reo has had a special significance for government which has brought it more attention than other languages. On the other hand, it may be that the information on Māori language was simply more accessible to researchers, and to this researcher in particular. However, the imbalance in the number of policies (not just material) on te reo Māori would seem to support the former option.

Furthermore, *which* language was being used was not the only important consideration in language policy formation – it was equally, if not more, important to take into account *who* would be speaking it. This could be conceptualised as a difference in the status of that language for its users; whether it was to be a first, or additional, language. Generally, first-language status corresponded with a particular group of users: English as a first language for Pakeha, Māori as a first language for Māori, and community languages as the first languages of those living in that community. However, even these lines were blurred at the edges. English, for example, is the first language for many Māori, and policy imperatives

are also being created out of the growing number of immigrant children whose 'heritage' language is being relegated to second-language status. Different needs arise between learners of first and additional languages, and learners who are of the same ethnic group as their language and those who are not. Responding to this array of different imperatives makes language policy a much more complex area than could be accommodated by the simple matrix I developed in the introduction.

This brings to light another flaw in the matrix. Policies cannot often be said (as I wrongly predicted) to concern one language or another. For example, a policy of English for Speakers of Other Languages (ESOL) provision in schools may be, ostensibly, an English-related policy, but it has consequences for the maintenance of the community languages that ESOL students might use otherwise. Similarly, any policy which augments the status of te reo Māori as an official language of New Zealand detracts from the supremacy that English has so far enjoyed. It was less common to find evidence of overlaps between community language policies and te reo Māori ones, as these two languages usually seemed seen in opposition to English, rather than to each other.

Even though the Te Reo Māori chapter may have been substantially longer than the LOTEMs chapter because of an imbalance of material, a lot of the arguments offered in its discussion can be applied to LOTEMs as well. Many of the points raised with respect to te reo Māori have arisen only because Māori is the first language other than English to be actively recognised in New Zealand public policy. According to Waite, the entrance of te reo Māori into the public arena has paved the way for other languages to seek the same attention:

> Māori has led the charge for awareness of language issues, and brought language as an issue to the attention of more and more New Zealanders, as well as inspiring other language groups to use public policy as a vehicle for their language concerns.[1]

The Māori Language Commission hinted at a similar concept in stating that "attention given to the validity of Māori has a flow-on effect for other languages."[2] At present,

[1] Waite, 1992A, p9

[2] *Language Policies and Plans*, Te Taura Whiri i te Reo Māori leaflet (undated)

though, the government seems anxious to prevent such a flow-on effect, and Section 5 of the Māori Language Act explicitly states that:

> Nothing in section 3 or section 4 of this Act shall...
>
> (b) Affect the right of any other linguistic community in New Zealand to use the language of that community.

If other languages are to enter into the New Zealand state, they will have to forge their own policies and legislation, but the fortunes of te reo Māori may still provide a map for how the intricacies of public policy formation may be navigated.

In this sense, it is perhaps better to view languages in New Zealand public policy not so much in terms of Māori, English and Others, but as languages *within* the state, and languages *outside* the state. The term "state" can here be extended from the meaning given in the introduction ("policy-makers") to a wider meaning of "nation-state", as the government seeks to define the New Zealand nation-state's identity in terms of the languages that it uses. The shape of the New Zealand nation-state, as defined by its languages, is one in which English is dominant, Māori is growing in power and status, and other languages are peripheral, if they are acknowledged at all.

This may well have been the reason for the Waite report's failure to bring about the coherence in language policy it had aimed for; it did not explicitly acknowledge the realties of language policy in New Zealand. Waite's attempt to bring the disparate policy imperatives for each language group in New Zealand together was to publish a hierarchy of priorities:

> The priorities identified [in *Aoteareo*] were: the revitalization of the Māori language; second chance literacy; children's ESL and first language maintenance; adult ESL; national capabilities in international languages, and provision of services in languages other than English.[3]

These recommendations seem in many ways contradictory. Examine, for example, the equal priority given to children's ESL (ESOL) and first language maintenance. If these were *both* to be actively supported by the state, it seems inevitable that conflicts of interest would arise; for example, does that mean that NEAL children should be encouraged to use

---

[3] Shackleford, 1997, p3

their own languages in classroom discussion, or to practise their English? Waite's list also overlooked what has perhaps been the highest priority in New Zealand language policy; first language literacy in English. It is difficult to envisage a report being particularly effective, where the government's most important and pervasive language intervention has been omitted.

It is not hard to imagine a reason for the perceived shortcomings in the *Aoteareo* report. Making real decisions about language policy priorities must necessarily exclude some groups, as is the case with all policy decisions; proof of the time-honoured political adage that you can't please all of the people all of the time. Yet, in an age when inclusion and tolerance are seen as cardinal virtues of a nation-state, and exclusive nationalism has gone out of fashion, no government-commissioned report is likely to find the government to be acting exclusively. The consistent failure to acknowledge that teaching English as a first language to the vast majority of New Zealand children is actually a *language* policy seems to indicate a reluctance on the part of the state to assume an exclusive, nationalistic identity. The Waite report therefore walked the fine line between what *ought to be* and what *is*, and, in seeking to include both in its recommendations, lost the coherency that might have given the report more impact.

My interpretation of the findings of this research is a somewhat less optimistic vision of language policy in New Zealand. The separation of policies from the rhetoric that surrounds them has revealed, to my eyes, a tendency to overstate the importance of languages other than English in New Zealand public policy, and to significantly underrate the importance of English itself. It seems to have been assumed for the English language in New Zealand that, to coin a term more commonly applied to the steam-roller political reforms of the mid-1980s, "TINA" (There Is No Alternative). The pervasiveness of this assumption has meant that the supremacy of English has come about unchallenged and unchecked.

It is not the purpose of this research to pass judgment on whether the dominance of English is desirable, nor to advocate for any particular alternative to take its place. It is true, and has been demonstrated throughout the discussion, that the status that English enjoys as the

language of power has disempowered other languages (and their speakers). Waite hinted at this in his report:

> [T]he speakers of some languages are in a politically or economically dominant position when confronting the speakers of other languages, at both international and national levels. These powerful speakers have an interest in seeing that their own language remains a language of power...[4]

Although Waite fell short of making the connection between this idea and the New Zealand state, the perpetuation of English by the English-speaking state may be seen as a ploy to perpetuate its own power. Yet even such apparent self-interest does not necessarily mean that the state is acting contrary to the interests of any of its population. The idea that unity brings stability and prosperity is not new. Even the Machiavellian political theory of self-preservation at all costs was formulated in order to bring about the peace that an ever-changing government could not supply. The beauty, and tragedy, of politics is that there is never one correct solution.

The purpose of this thesis, then, has been simply to advocate that there is *always* an alternative, and that policy-making must never take anything for granted. In applying the models of the state to each language policy, it is hoped that it has been shown that, even within each ideology, a vast range of courses of action can be validated. In the end, it is the individual policy-makers, and not the ideologies that they may adhere to, who determine what policy outcomes will be. The introduction to this work acknowledged the subjectivity of the researcher, and the importance of transparency and responsibility in mitigating the effects of the bias this subjectivity inevitably brings about. In the same way, it is hoped that demonstrating the subjectivity of policy decisions may emphasise the importance of a transparent and responsible state.

[4] Waite, 1992B, p7

Bibliography

Donn Bayard, *Kiwitalk: Sociolinguistics and New Zealand Society*, Dunmore Press, Palmerston North (NZ), 1995

Donn Bayard, 'Language Attitudes, Ethnicity, and National Identity in New Zealand', *New Zealand Sociology*, vol 16, #1, 2001

R Benton, 'Whose language? Ownership and control of te reo Māori in the third millennium', *New Zealand Sociology*, vol 16 #1 2001

Broadcasting Standards Authority, *Annual Report 2001/2002*

Broadcasting Standards Authority, *Attitudes Towards Good Taste and Decency in Broadcasting Among Māori*, 2001

A Bryman & R G Burgess (eds), *Analyzing Qualitative Data*, Routledge, London (UK), 1994

M Burgess (ed), *Complying with Codes in the Health Sector*, Rakaunui Publications, Gisborne (NZ), 1997

V Burns, Advisor, OFLC Information Unit, personal communication, 22 November 2002
www.censorship.govt.nz/about.html, 7/1/03

www.censorship.govt.nz/censorship_system.html, 7/1/03

Noam Chomsky, *Powers and Prospects; Reflections on Human Nature and the Social Order*, Pluto Press, London 1996

John Cody, Introduction to G R Hawke and David Robinson (eds) *Performance Without Profit: The Voluntary Welfare Sector in New Zealand, Institute of Policy Studies*, Wellington (NZ), 1993

www.courts.govt.nz, 7/1/03

Courtside (Department of Courts magazine), Issue 26, Spring 2002

Rolf D Cremer, & Mary J Willes, *Overcoming Language Barriers to International Trade: A Text-Based Study of the Language of Deals*, Discussion Paper No. 94.2, Massey University School of Applied and International Economics, February 1992

C Davidson & M Tolich, *Social Science Research in New Zealand: Many Paths to Understanding*, Longman, Auckland (NZ), 1999

Department of Courts, *Speaking Māori in Court,* (leaflet), April 2001

Department of Courts Te Reo Māori Policy Statement, 2002

G Dickinson, M Hill, W Zwaga, *Monitoring Community Attitudes in Changing Mediascapes*, Broadcasting Standards Authority New Zealand, Dunmore Press, Palmerston North (NZ), 2000

Howard Fancy, (Secretary for Education), Samoan Minister's Convention Speech, 4 July 2000, www.minedu.govt.nz, 7/1/03

D Fleming, Human Rights Commission, personal communication, 6/11/02

Education Forum, *English in the New Zealand Curriculum: A Submission on the Draft*, Auckland (NZ), April 1994

Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity*, Free Press, New York (USA), 1995

John Martin Gillroy & Maurice Wade (eds) *The Moral Dimensions of Public Policy Choice: Beyond the Market Paradigm*, University of Pittsburgh Press, Pittsburgh USA, 1992

Elizabeth Gordon and Tony Deverson, *New Zealand English and English in New Zealand*, New House Publishers, Takapuna (NZ), 1998

C Hakim, *Secondary Analysis in Social Research*, George Allen & Unwin Ltd, London (UK), 1982

J Holmes, 'Introducing New Zealand sociolinguistics to New Zealand sociologists', *New Zealand Sociology*, vol 16 #1, 2001

J Holmes, *Introduction to Sociolinguistics*, Longman, London (UK), New York (USA), 1992

J Holmes & N Daly, 'Language and Gender Research in New Zealand', *New Zealand Sociology*, vol 16 #1 2001, pp108-127

Witi Ihimaera (ed), *Growing Up Māori*, Tandem Press, Birkenhead (NZ), 1998
Ko te Whanau, Putanga 3, Nama 3, Ngahuru 2001

Inge Kaul, Isabelle Grunberg and Marc A Stern, *Global Public Goods; International Cooperation in the 21st Century*, Oxford University Press, New York (USA), 1999

Legal Services Agency, *Law Access Catalogue*, sixth edition, October 2002

F Lewins, *Social Science Methodology: A Brief But Critical Introduction*, Macmillan, South Melbourne (Aus), 1992

Charles E Lindblom, & Edward J Woodhouse, *The Policy-Making Process* (3rd ed.), Prentice-Hall Inc, New Jersey (USA), 1993

AGB McNair (consultants), *Survey of the Demand for Bilingual and Immersion Education in Māori*, Report to the Ministry of Education, March 1992

Harvey McQueen (ed), *Education is Change: Twenty Viewpoints*, Bridget Williams Books, Wellington (NZ), 1994

Martin Morris and David Batten, 'Theories of the State: A Background Paper', *The Role of the State: Five Perspectives*, Ministry of Social Policy, Wellington, New Zealand, March 1988

Ministry of Commerce, *Four Hui on the the Theme: Broadcasting, Te Reo and the future, Te Whakapaho me, Te Reo a mua ake nei*, May 1991

Ministry of Education, *Chinese in the New Zealand Curriculum*, 1995

Ministry of Education, *English in the New Zealand Curriculum*, 1994

Ministry of Education, *French in the New Zealand Curriculum (Draft)*, 2001

Ministry of Education, *German in the New Zealand Curriculum (Draft)*, 2001

Ministry of Education, *Korean in the New Zealand Curriculum (Draft)*, 1998

Ministry of Education, *Learning Languages: A Guide for New Zealand Schools*, Learning Media, Wellington (NZ), 2002

Ministry of Education, *The New Zealand Curriculum Framework*, 1993

Ministry of Education, *Non-English Speaking Background Students: A Handbook for Schools*, 1999

Ministry of Education, *Pasifika Education Strategy*, April 2001, www.minedu.govt.nz, 7/1/03

Ministry of Education, *Pouwhakataki* (undated brochure)

Ministry of Education, *Samoan in the New Zealand Curriculum*, 1996

Ministry of Education, Spanish in the New Zealand Curriculum, 1995

Ministry of Pacific Island Affairs, *Annual Report 2001-02*

www.moh.govt.nz/wwwconsent.nsf, 7/1/03

Richard Mulgan, *Māori, Pakeha and Democracy*, Oxford University Press, Auckland (NZ), 1989

New Zealand Association of Language Teachers, *Policy on Language Teaching and Learning in Secondary Schools*, August 1995

New Zealand Translation Service spokeswoman (name unknown), personal communication, 22/11/02

North Shore Home Tutor Scheme, Home Tutor refresher seminar, 09/10/02

M Q Patton, *Qualitative Evaluation and Research Methods*, Sage Publications, Newbury Park, California (USA), 1990

Te Puni Kokiri, *Guidelines for Community Māori Language Profiles*, 2001

Te Puni Kokiri, *Kei Roto i te Whare*, 2001

Te Puni Kokiri, *Māori Television Service Questions and Answers*, July 2001

Te Puni Kokiri, *Matatupu, Māori Language Policies and Plans: Guidelines to assist Public Service Departments*, 1999

Te Puni Kokiri, *The National Māori Language Survey*, undated (c1997)

Te Puni Kokiri, *Te Reo Māori*, July 1998

Te Puni Kokiri, *The Use of Māori in the Family: Some Research Findings*, 2001

R Putnam, *Democracies in Flux: The Evolution of Social Capital in Contemporary Society*, Oxford University Press, New York (USA), 2002

N Rasalingam, *The Communication Gap: Immigrant Healthcare in Aotearoa – New Zealand*, Auckland University of Technology & New Zealand Federation of Ethnic Councils, August 2001

N Shackleford, 'The Case of the Disappearing Languages Policy', *The TESOLANZ Journal*, vol 5, 1997

N Shameem, 'ESOL and First Language Maintenance: Language Loss or Language Gain?' *The TESOLANZ Journal*, vol 5, 1997

Andrew Sharp, *Justice and the Māori*, Oxford University Press, Auckland (NZ), 1990

J Soler & J Smith (eds), *Literacy in New Zealand: Practices, politics and policy since 1990*, Longman, Auckland (NZ), 2000

Robert J Sternberg, *In Search of the Human Mind*, Harcourt Brace & Company, Orlando, Florida, USA, 1995

Te Taura Whiri i te Reo Māori, *Annual Report for the year ended 30 June 2001*, p1

Te Taura Whiri i te Reo Māori, *Ko te Whanau*, Putanga 3, Nama 3, Ngahuru 2001

Te Taura Whiri i te Reo Māori, *Language Policies and Plans*, (undated leaflet)

Te Taura Whiri i te Reo Māori, *Māori for the Office*, 1990

Te Taura Whiri i te Reo Māori merchandising leaflet, 2002

Te Taura Whiri i te Reo Māori, *Using Māori in the Home*, (undated leaflet)

Jill McLean Taylor, Carol Gilligan, Amy M Sullivan, *Between Voice and Silence: Women and Girls, Race and Relationship*, Harvard University Press, Cambridge Massachusetts, 1995

Tertiary Education Strategy, www.govt.nz, 7/1/03

Nin Tomas, 'Implementing Kaitiakitanga Under the RMA', *New Zealand Environmental Law Reporter*, July 1994

Tukutuku Korero (Education Gazette), 5 August 2002

United Nations, *CCPR/C/SR.2016 (Summary Record)*, 15/07/02, www.unhchr.ch, 6/11/02

United Nations, *CCPR/CO/75/NZL. (Concluding Observations/Comments)* 7/08/02, www.unhchr.ch, 6/11/02

United Nations, *CERD/C/61/CO/8. (Concluding Observations/Comments)*, 23/08/02, www.unhchr.ch, 6/11/02

Fernand de Varennes, *Language, Minorities and Human* Rights, Kluwer Law International, The Hague (Holland), 1996

Waitangi Tribunal of New Zealand, *Te Reo Māori Report*, 1986

J Waite, *Aoteareo: Speaking for Ourselves*, Part A, Ministry of Education, Wellington (NZ), 1992

J Waite, *Aoteareo: Speaking for Ourselves*, Part B, Ministry of Education, Wellington (NZ), 1992

N Watts & A Trlin, *Utilisation of Immigrant Language Resources in International Business, Trade and Tourism in New Zealand*, Massey University (NZ), 1999

N Watts, C White and A Trlin, *English Language Provision for Adult Immigrants and/or Refugees from non-English Speaking Backgrounds in Educational Institutions and Training Establishments in New Zealand*, 'New Settlers Programme', occasional publication #4, Massey University, Palmerston North (NZ), 2001

C White, N Watts & A Trlin, *Immigrant and Refugee Experience of ESOL Provision in New Zealand: Realities and Responsibilities*, New Settlers Programme Occasional Publication #5, Massey University, Palmerston North (NZ), 2001