Perceptions of the Treaty /te Tiriti

**A study of how education changes
students' perceptions of the current relevance of the
Treaty of Waitangi / te Tiriti o Waitangi**

A thesis presented in partial fulfilment of the requirements

for the degree of

Master of Social Policy

at Massey University, Albany Campus

Ruth Ruka

March 1998

Abstract

The issues surrounding the Treaty of Waitangi/te Tiriti o Waitangi are a major concern in New Zealand society today. Regrettably, most New Zealanders do not know the history relating to these issues and are therefore unable to carry out informed debate on the current relevance of the Treaty of Waitangi/te Tiriti o Waitangi or fully understand the basis of Maori grievances. Education is an important tool which can be used to give society a more balanced understanding of the issues. Over the last twenty-five years a number of both Maori and Pakeha groups have been in the forefront of raising New Zealanders' consciousness of the unequal social, economic and political outcomes of Maori in comparison to other New Zealanders. Many of these groups have been directly agitating for change while other groups have been involved with anti-racist education and, Treaty/Tiriti. However, little research has been done to ascertain whether these actions are effective in changing people's perceptions of the current relevance of the Treaty/te Tiriti.

This mainly qualitative study describes the perceptions of first year tertiary students of the current relevance of the Treaty/Tiriti, the education process they encountered through their first year of study and the degree to which their attitudes and perceptions changed as a result of education in this subject. The thesis considers the cultural aspects that are instrumental in forming these perceptions by examining the influence of family and friends, school, the media and the current debate on Treaty/Tiriti issues and recent Maori "activism."

By comparing the two different educational approaches observed in this study, the thesis develops an understanding of the necessary criteria for effective education on the Treaty of Waitangi/te Tiriti o Waitangi, which is likely to lead to changes in perceptions and attitudes, so that changes in the structures of society can ultimately be instigated. The thesis concludes with recommendations for policy and future research.

Acknowledgments

This thesis would not have been written without the support and encouragement of others. I thank you.

My most heartfelt appreciation goes to Dr Mike O'Brien, particularly for his supervision of this thesis, but also for his encouragement and support over the whole of my Masters programme. Dr O'Brien's knowledge has been invaluable and his theoretical critique has been enlightening and challenging. Above and beyond the call of duty, Dr O'Brien has constantly provided both academic and emotional support and encouragement through the times when I thought I would never make it. For your incredible patience and continual support I thank you Mike. Your lasting legacy to me is the challenge I now give to my own students "who benefits?"

Thanks also go to Dr Michael Belgrave for his helpful comments.

To my friends - thank you for understanding my preoccupation with the task. Especially to Paula and Kay, thank you for the help and support each of you have freely given, and to Chris, who understands.

I would also like to thank the academic staff, who taught the Treaty/te Tiriti programmes, for the time you willingly gave me and for allowing me into your classes - keep up the good work.

Finally I am indebted to the students who gave their time to participate in this research, especially to those students who volunteered to take part in the interviews. I appreciate the time you gave. This thesis could not have been completed without all of you. Good luck in your future careers.

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It was something different
Something nobody counted on

Allan Curnow
Extract from "The Unhistoric Story"

Introduction

The current debate on the issues concerning the Treaty of Waitangi/te Tiriti o Waitangi[2] and biculturalism is, in my opinion, one of the most crucial issues we, as New Zealanders, are facing today. The Treaty/te Tiriti[3] and bicultural issues have implications for the way we distribute land, resources and power. Our response to this debate will affect the future of Aotearoa/New Zealand society. Maori have been challenging Pakeha[4] policies and political power for 158 years, since the signing of the Treaty of Waitangi/te Tiriti o Waitangi in 1840. The ongoing Maori focus on Treaty/Tiriti issues surely indicates that this is a problem. For most of this time Pakeha have interpreted this concern as a Maori problem, putting efforts into dealing with the effect rather than the cause. Maori are now becoming more insistent, more radical. I maintain that the Treaty of Waitang/te Tiriti o Waitangi issues are equally a Pakeha problem, and the colonial imperialism of both past and current Pakeha Governments have incurred the current racial instability and dissension. It is a common fault of the powerful to blame the victim (Nairn, 1989:75). It is therefore the responsibility of Pakeha to rectify the problem that was created by our forefathers and is being perpetuated today. This cannot begin without an understanding of the issues. New Zealanders, especially Pakeha, on the whole, are woefully ignorant of our own history. Sir Peter Elworthy referred to the perceptions of a *marginally*

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[1] Tuatahi translates as "First"

[2] Throughout this thesis I shall refer to this by both the English and Maori names, especially as these are, in fact, two separate documents. The differences between these two documents will be discussed in Chapter Three.

[3] In this thesis theTreaty/te Tiriti refers to the Treaty of Waitangi/te Tiriti o Waitangi.

[4] For the purpose of this thesis I shall refer to non-Maori New Zealanders as Pakeha. There is much debate about the use of the word "Pakeha" and this will be discussed more fully in Chapter Two.

informed Pakeha and the misunderstandings and misconceptions which have led to injustices (Elworthy, 1988:9). We have not learned about Aotearoa/New Zealand history through the education system. Why have we been kept ignorant of New Zealand's true history? In whose interests is it to maintain this ignorance? How can we develop a strong national identity and culture without a true understanding of our past and without an understanding of what makes us unique in the world? How can we make informed judgments on the current events which are related to the Treaty/te Tiriti? The motivation for this thesis comes from the desire to examine ways to reduce the misconceptions between Maori and Pakeha that began in 1840. Maori have voiced their grievances concerning the lack of adherence to the Treaty/te Tiriti by the Pakeha Government since 1840, but it is only in recent years that most Pakeha have become aware of the intensity of Maori grievances. Kelsey asserts that:

The treaty entered Pakeha consciousness and the mainstream political agenda during the 1980s not because of Pakeha politicians, judges, intellectuals or activists, but because Maori left us little choice (Kelsey, 1996: 179).

Pakeha reaction has been varied, some maintaining that we should honour the Treaty/te Tiriti while others have reacted with a backlash against Maori, blaming young, "radical" Maori for destroying the so-called racial harmony they believed had previously existed.

What are the issues that have recently brought Pakeha reaction, both positive and negative? Previously, Maori grievances were not only ignored, but for the most part, were not even part of Pakeha consciousness. On what understanding do we base our reactions? What are our perceptions of the relevance of the Treaty of Waitangi/te Tiriti o Waitangi and on what are these perceptions based? These are the questions that are posed in this thesis. Further to this, I pose the question how, if at all, would

these perceptions change if we learned through our education and understood, not only the historical perspective, but also the ideological perspective? The primary data for this thesis is based on research which examined the current perceptions of first year tertiary students of the relevance of the Treaty of Waitangi/te Tiriti o Waitangi, the educational process related to the Treaty/te Tiriti they encountered during their first year of study, and the degree to which students' attitudes and perceptions changed as a result of their study of this topic. In attempting to research this issue I have concerned myself specifically with the nature of the participants' perceptions at the end of their secondary schooling, and what has influenced the participants to acquire these perceptions and attitudes.

The first issue is to establish what knowledge the participants actually have concerning the Treaty of Waitangi/te Tiriti o Waitangi. The degree of their knowledge must, at least partially, impact on their perceptions of the relevance of the Treaty/te Tiriti today. We are not likely to consider relevant anything we either have little knowledge of and/or little understanding of. Secondly, in examining what has influenced these perceptions and attitudes, I have particularly concentrated on the impact from the following categories:

i. Family and friends: The influence of the people we mainly interact with either as family members, particularly parents, or our peer groups is likely to sway our opinions on all aspects of our lives. Here I shall consider the degree of influence the participants believed came from other people close to them in their personal lives.

ii. School: In what way has the school environment and curriculum influenced students' attitudes to the Treaty/te Tiriti?

iii. The Media: What is the role of the media in terms of understanding and influencing attitudes towards the Treaty/te Tiriti?

iv. Current Issues: By how much have the current Treaty/Tiriti issues influenced students' perceptions of the current relevance of the Treaty/te Tiriti?

The categories listed above have the greatest influence on individual and cultural racism. This thesis will concentrate more on the perceptions that are formed by individual and cultural aspects of the participants' lives than the influences of institutional racism. However, I acknowledge that it is not always possible to segregate individual and cultural racism from institutional racism as our lives do not fit into separate compact spaces. The perceptions gained from the institutions we deal with are accepted as the norm and carry over into other parts of our lives.

The first three categories above will be discussed in Chapter Two. Next, however, I shall examine some of the current Treaty/Tiriti issues that have impacted on our attitudes towards the Treaty/te Tiriti. These categories of family and friends, school, the media and current issues will be picked up again in Chapter Five when I record how participants in this research were influenced by these aspects of their lives.

Current Treaty/Tiriti Issues

The current issues relating to the Treaty/te Tiriti have led to the recent controversy between Maori and Pakeha, as can be witnessed in letters to the editors of our newspapers. Although there has been Maori activism since 1840, challenging the way the Treaty/te Tiriti has been interpreted or, more frequently, ignored, it is the more recent activism that has generated a Pakeha reaction. It is this more recent activism that I will address here. Walker refers to the rising Maori consciousness of the seventies, instigated to some extent by the new awareness of writings of Black Americans, now African Americans (Walker, 1983:5). A new Maori group MOOHR[5] set up in Wellington in 1968, publishing newsletters and *Te Hokioi* which

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[5] Maori Organisation on Human Rights.

began leading to the conscientization[6] of Maori. Simultaneously, a new group of radical, young Maori, such as Nga Tamatoa in Auckland, emerged and began establishing themselves. Activism took on a new look. It changed from the old style of Maori elders sending submissions to Government to a more aggressive approach of young, frequently highly educated Maori participating in social action, including petitions, demonstrations and picketing (Walker, 1983:5). 1975 saw the Maori land march of 30,000 people who marched to Parliament in protest against the loss of Maori land. In January 1977 the Maori occupation of Bastion Point began, lasting 507 days, until they were forcibly removed by the police and the army. This was the beginning of more land occupation, including, among others, Pakaitore in Wanganui, the Kaitaia airport and Takahue in Northland in 1995, and currently in 1998, Waikaremoana. Other more direct action has also followed; the burning down of the school in Takahue, the chain saw attack on the pine tree at the top of One Tree Hill, the smashing of the Americas Cup, the contempt shown by some Maori of the judicial system, which they see as being monocultural. This contempt for the judiciary has been demonstrated particularly in relation to civil action surrounding Maori customary rights and Government inaction on land claims. These forms of protest have brought a backlash reaction from many Pakeha New Zealanders.

At the same time the Treaty of Waitangi Amendment Act 1985[7] and the Waitangi Tribunal[8] have opened up a way for iwi to claim compensation for their confiscated lands and fisheries, leading (according to many Pakeha) to excessively large payouts

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[6] "Conscientization" was used by Friere to refer to the process of the development of the collective critical consciousness of the oppressed.

[7] The 1985 Amendment to the Treaty of Waitangi Act 1975 made provision for Treaty/Tiriti claims to be backdated to 1840.

[8] The Waitangi Tribunal was established in 1975 under the Treaty of Waitangi Act, 1975. It was set up by the Government to hear Maori claims against Crown policy that might be contrary to the principles of the Treaty of Waitangi. See Chapter Three for a further discussion on the principles of the Treaty of Waitangi.

to Maori. The Sealord settlement,[9] and the fiscal envelope,[10] considered by many Pakeha to be too generous, and unanimously rejected by Maori as being too low, have caused dissension in all quarters. Throughout the various forms of protest is the one constant, and becoming stronger, demand for Maori sovereignty or te tino rangatiratanga. This is an issue that will not go away, despite Government's steadfast refusal to even consider it (Kelsey, 1996:201). The demand for tino rangatiratanga, as promised in the Article II of the Treaty of Waitangi/te Tiriti o Waitangi, is the central issue (Kelsey, 1996:199) and the primary reason Maori continue to call for the Treaty/te Tiriti to be honoured. Maori sovereignty is at the root of all other Maori protests. Kelsey notes that by 1988, Maori claims for land and resources were inseparable from Maori claims for political power and tino rangatiratanga for iwi (Kelsey, 1996:184). It is germane at this point, therefore, to direct the discussion to the sovereignty debate.

Maori Sovereignty - Te Tino Rangatiratanga

In Article II (Tuarua) of the Maori text of te Tiriti o Waitangi, Maori retain in perpetuity *te tino rangatiratanga* in respect to their lands, villages and all their treasures. Rangatiratanga is derived from *rangatira* meaning chief. The addition of the suffix *tanga* creates chieftainship. Maori understanding of chieftainship goes further than the English interpretation. According to Sir Hugh Kawharu, rangatiratanga means *evidence of breeding and greatness* which connotes leadership criteria. This evidence is displayed in the mana endowed on the individual by priests, chiefs and elders of the iwi or hapu, including a spiritual component (Kawharu, 1989:xix). Mana is demonstrated by a relationship, not only between the individual and his god, but also between the individual and his iwi. Implicit in this is a reciprocity, in that a rangatira acts as a trustee for his people (Kawharu, 1989:xix). He is therefore unable to cede sovereignty as he is holding it in trust for both past and future generations.

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[9] For further discussion on this refer to Kesley, 1996:191-193; McDowell and Webb, 1995:215-217.

[10] For further discussion on this refer to Kelsey, 1996:193-194; McDowell and Webb, 1995:217-220.

Rangatiratanga may be asserted differently by each iwi. Nevertheless, however separate iwi express their individual style of rangatiratanga, it remains the core of each group's identity, tribal ethos and sense of pride and self respect (Kawharu, 1989:xix). The use of the word rangatiratanga clearly indicated to the chiefs that they would retain, not only the possession of their land, but also their mana and full traditional authority. This is emphasised in the Waitangi Tribunal Motunui Report by the following:

> *We consider that the Maori text of the Treaty would have conveyed to Maori people that amongst other things they were to be protected not only in the possession of their fishing grounds, but in the mana to control them and then in accordance with their own customs and having regard to their own cultural belief* (in McCreanor, 1989:38).

In comparison, by 1840 the British notion of sovereignty had progressed to a territorial relationship between sovereign and country, or, in this case, colony, and away from the more personal relationship directly between sovereign and individual. The Queen of England's sovereignty (rangatiratanga), although possessing the attributes of mana, differs from the Maori interpretation, as the Queen displays no reciprocity between the Crown and the individual Maori in terms of his/her tribal status. The Queen does not act as a trustee for her people, as individuals or collectively. The sovereignty that the British considered was being ceded was parliamentary sovereignty, a concept unknown to Maori in 1840. Williams maintains that the Whig theory of consent, which underlies parliamentary sovereignty, did not apply as Maori did not initially have voting rights,[11] therefore they could not express

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[11] Initially voting rights applied only to men holding individual titles to land. As Maori held land collectively, not individually, they did not qualify to vote. Later, as Maori began to acquire individual land titles, they were allocated four Maori seats in Parliament, thus reducing the potential for Maori to dominate politics, particularly in some parts of the country where the Maori population outstripped the Pakeha population.

either consent or dissent (Williams, 1991:190-191). More importantly, according to Williams, Maori, expressly, did not consent to parliamentary sovereignty as they had preserved tino rangatiratanga themselves, as stated in the Treaty/te Tiriti (Williams, 1991:191). Whatever Maori did cede it was not their own sovereignty. Maori sovereignty has been defined in a number of different ways. The most radical seek all non-Maori to return to the country of their origin and give Aotearoa back to Maori. Less extreme definitions still insist on a bicultural society for Aotearoa/New Zealand. (Biculturalism is a theme I shall return to and elaborate more fully in Chapter Two). Awatere describes Maori sovereignty thus:

> *Maori sovereignty is the Maori ability to determine our own destiny and to do so from the basis of our land and fisheries. In essence, Maori sovereignty seeks nothing less than the acknowledgment that New Zealand is Maori land and, further, seeks the return of that land. At its most conservative it could be interpreted as the desire for a bicultural society, one in which taha Maori receive an equal consideration with, and equally determine the course of this country as, taha Pakeha. It certainly demands an end to monoculturalism.* (Awatere,1984:10).

The reactions of the participants to this research to the issue of Maori sovereignty will be analysed in Chapter Five.

Having located the motivation for this thesis and discussed some of the background, particularly the current issues which are causing a reconsideration of the implications of the Treaty/te Tiriti, with special emphasis on the question of sovereignty, I shall move on to describe the process and direction of the thesis.

Organisation of the Thesis

Chapter Two will begin with a brief analysis of ideology and its influence on political power. This will develop into a comparison of the three different definitions of equality and an explanation of how each of these reflect a competing ideology. A further expansion of the concept of ideology will examine the individual and structural explanations of inequality. The following discourse will demonstrate how the dominant ideology has produced a monocultural society in Aotearoa/New Zealand and consider how competing ideologies can challenge the dominant ideology. I shall, particularly, contrast tikanga Maori (Maori ideology), which stresses collective responsibility with the dominant ideology of Aotearoa/New Zealand which emphasises individual responsibility. This will lead into a contrast of biculturalism and multiculturalism as competing ideologies. An analysis of language and discourse will follow to demonstrate how the use of language can influence an ideological perspective. Further expansion on the use of language and ideology will introduce an examination of how attitudes and perceptions are formed, particularly our attitudes to the relevance of the Treaty/te Tiriti. The influence of family, school, the media and current Treaty/Tiriti issues will be the focus. These topics will be discussed again in Chapter Five when the research participants' responses are analysed. Chapter Two will end with a discussion on anti-racist education, particularly as it pertains to Aotearoa/New Zealand.

Chapter Three will concentrate on the historical background leading up to the signing of the Treaty of Waitangi/te Tiriti o Waitangi, and an analysis of the wording of both the Treaty and te Tiriti, including the Maori and Pakeha interpretations of the wording with particular emphasis on the differences between *te tino rangatiratanga* and *kawanatanga*. As these terms are critical to the meaning of the Treaty/te Tiriti I shall record the participants' understanding of the terms te tino rangatiratanga and kawanatanga in Chapter Five. Chapter Three will go on to evaluate the politics of the structural change that has occurred since the Treaty/te Tiriti and the impact these

have imposed on Maori. Finally an examination of the effectiveness of the newly created "principles of the Treaty" will be applied as a comparison to the actual Treaty/te Tiriti.

Chapter Four covers the methodology of this thesis which is within a feminist theoretical perspective. In this chapter I shall discuss the feminist framework, theory, methods and ethical considerations, while explaining how the concepts relating to feminist theory are applicable to ethnic research. Finally, in Chapter Four, I shall detail the research design, methods and ethical issues relating to the research for this thesis, with an emphasis on qualitative research methods.

Chapter Five will record the empirical data of my research into students' attitudes to the relevance of the Treaty of Waitangi/te Tiriti o Waitangi. Here I shall expand on the research methods discussed in the previous chapter, by describing the detail of the questionnaires, interviews and observations which were used to collect the data. The main thrust of this chapter will be to record the participants' responses to the research tools.

Chapter Six will proceed to draw conclusions from the data that is recorded in the previous chapter. Here I shall compare the similarities and differences between the sample groups, leading to the conclusion that the process is equally as important as the content in education relating to the history of Aotearoa/New Zealand and the subsequent implications relating to New Zealanders' perception of the relevance of the Treaty/te Tiriti.

Chapter Seven, as the final chapter, will bring together the various strands of the thesis under Fay's framework for reconstruction which embodies a complex of systematically related theories. These consist of a theory of false consciousness, a theory of crisis, a theory of education and a theory of transformative action.

The Researcher - Placing Oneself in the Text

Feminists, among whom I count myself, challenge the assumption that traditional research is non-political and value free. Traditional theory maintains that facts and values should be kept separate (Smith and Noble-Spruell, 1986:135) but, as I will demonstrate in Chapter Two, *facts* are already imbued with the values of the dominant power base. Society is structured as a result of the ideologies which have stemmed from the dominant power base. To the extent that these ideologies become accepted by society in general, they are taken as a given (Bryson, 1979: 89; Stanley and Wise,1990: 39; Lather, 1986:439). Feminist research challenges these so-called *givens* by demonstrating that all research is political (Finch, 1984; Bell and Newby, 1976; Bryson, 1979). Consequently, feminist researchers maintain that, as traditional research methods can no longer be accepted as value free, it is more ethical for the researcher to acknowledge her/his partiality (Mies, 1983:122). Hence, in line with the ethical approach of feminist research methods, I shall complete this chapter by acknowledging my position.

I am a fourth-generation Pakeha New Zealander. I realise that many non-Maori New Zealanders reject the label "Pakeha" and this is a discussion I will revisit later. However, for me, being Pakeha is what defines me as a non-Maori New Zealander, one who was born here, whose roots are in this country and who has been influenced by the Aotearoa/New Zealand culture. My paternal great-grandfather arrived in Aotearoa/New Zealand at nine months of age, coming with his parents from Tasmania, Australia. His grandfather had originated from the South-West of England. Unaccompanied, at twelve years of age, my paternal great-grandmother sailed from Norway to look for work as a domestic in New Zealand. She joined her brothers who were living in a Norwegian community in the Hawkes Bay. My maternal great-great-grandfather was a Russian sailor who jumped ship in Aotearoa/New Zealand and stayed to begin a new life. Not much is known about my maternal grandfather other than his family had originally come from Britain.

So who am I? Although I acknowledge my ancestry I do not identify myself as European. My culture is not English, Norwegian nor Russian. After several generations of my family living in Aotearoa/New Zealand and absorbing what that means, I am a Pakeha New Zealander. By using a Maori word to identify my ethnicity I implicitly acknowledge the influence that Maori (tangata whenua) have had in defining a native born New Zealander. My children, as well as inheriting my ancestry, also inherit the Nga Puhi whakapapa of their father. As a Pakeha New Zealander, I believe it is essential that we understand the bicultural nature of our country and that we all work towards making this a reality. This is what gives us a unique identity as a separate nation in the rest of the world.