

**Engaging with Māori Communities:
An Exploration of Some Tensions in the
Mediation of Social Sciences Research**

A monograph produced in the
Tihei Oreore Series
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Written by
Joanna Kidman (PhD)

He Pārekereke
Victoria University of Wellington
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This monograph has been prepared for publication
by
Dr J S Te Rito
Māori Language Editor & Series Editor
of the
Tihei Oreore Series
&
Knowledge Exchange Programme Leader of
Ngā Pae o te Māramatanga
(The National Institute of Research Excellence for
Māori Development and Advancement)

www.maramatanga.co.nz

Contact details
Waipapa Marae Complex
The University of Auckland
16 Wynyard Street
Private Bag 92019
Auckland 1142
New Zealand

info@maramatanga.co.nz

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EXPLANATION OF SERIES TITLE ‘TIHEI OREORE’

The title ‘Tihei Oreore’ signifies the heralding of the awakening of indigenous peoples. The monograph series provides a forum for the publication of some of the research and writings of indigenous peoples.

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INTRODUCTION - COLLABORATIVE SOCIAL RESEARCH ENGAGEMENT WITH MĀORI COMMUNITIES

In 2006, I was awarded a Research Fellowship by Ngā Pae o te Māramatanga, the Māori Centre of Research Excellence hosted by Auckland University. My purpose was to explore the ways in which collaborative research relationships with Māori communities can be effectively and appropriately developed and, to that end, I was working with the hypothesis that the epistemological dimensions of academic inquiry are broadened when indigenous peoples are directly engaged in research processes which affect their communities.

My original intention was to prepare a set of ‘best practice’ protocols which could be applied to field research in Māori communities; however this task was set aside when I discovered Garth Harmsworth’s (2005) excellent report for Landcare Research New Zealand Ltd., which directly addresses the issue.¹ The principles outlined in Harmsworth’s paper were developed with scientific research partnerships in mind, but the author has managed to accomplish what so many university ethics committees have failed to do in that he has formulated principles which can be readily transferred to social research environments. Nevertheless, whilst research with Māori and other indigenous communities has been the subject of much recent scientific debate, and Harmsworth’s report has greatly contributed to research practice in these fields, research engagement in the social sciences remains under-theorised, and it is here that I have focused my attention.

There were two courses of action open to me as I planned this project. Either I could follow my heart as a Māori sociologist and go directly to a range of hapū and iwi-based communities and work alongside them to identify their priorities for social research

¹ Harmsworth, G. (2005). *Good practice guidelines for working with tangata whenua and Maori organisations: consolidating our learning*. Landcare Research Report LC0405/091. New Zealand: Landcare Research New Zealand Ltd.

initiatives and perhaps further develop a set of guiding principles for social researchers; or, I could turn my attention to analysing the institutional and epistemological environments that social researchers work within. My first preference is always to work with communities, but after discussions with mentors at Ngā Pae o te Māramatanga, and once I had begun to look more closely at the literature in this field, we agreed that I would take the latter course, and explore tensions in the structure of academic social research itself. Thus, we decided that I would approach the question of research engagement with Māori communities by problematising academic research establishments and environments. This posed an immediate dilemma because Linda Smith (1999) has already explored these matters thoroughly in her book *Decolonising Methodologies*.² However I was interested to see what has happened in the years since the publication of the book and whether there has been significant change in the way in which the academy promotes research engagement with Māori.

In fact, there is a growing body of international literature about social sciences research engagement with indigenous communities, although much of it is comprised of descriptive accounts of researchers' field experiences which, while interesting, do not necessarily provide helpful guidance for future researchers beyond the vague insistence that indigenous research partners should be treated with respect. There are relatively few researchers who actively theorise the institutional, political, and conceptual frameworks surrounding the research engagement process with indigenous communities. Moreover, most scholarly publications are written by non-indigenous researchers who have had positive experiences in their research communities. There is an emerging literature by native researchers but their works appear less frequently in the international journals.

As I read these texts it occurred to me that, with one or two notable exceptions,³ most of the academic researchers who had written about collaborative research relationships with indigenous groups had skimmed rather lightly over the

² Smith, L.T. (1999). *Decolonising methodologies: research and indigenous peoples*. London & New York: Zed Books Ltd, Dunedin: University of Otago Press.

³ Toronto-based scholar, Celia Haig-Brown, is one of the comparatively few ethnographic researchers who have provided a theoretical scaffolding for researchers who are thinking about collaborative research projects. Some of her works appear in the bibliography at the end of this document.

structural impediments in their own institutions and disciplines which can hinder effective collaboration. Certainly, collaboration is a necessary goal for researchers who plan to engage with indigenous communities. The word conjures an agreeable image of indigenous people and researchers united in a common purpose; of building cultural alliances; and of mutually beneficial relationships based on trust and good-will. Yet academic articles devoted to the significance of ‘collaborative’ research with indigenous communities often seem to miss the point.

Perhaps it is the earnest conviction of writers who adopt a tone of churchy solemnity when discussing native peoples, or the laudable, but rather sappy, idealism that inflects some cross-cultural research studies which is a little unconvincing. The focus in these papers lingers on the sincerity of the researchers; the trials and difficulties *they* encountered in building a dialogue; the belief that being treated with kindness and respect by an indigenous community equates with being accepted by that community. While these studies provide a vehicle for enthusiastic researchers to debate their own scholarly integrity and commitment to social justice and race relations, the concerns and priorities of the indigenous communities seem to fade into the background.

It seems to me that the problem with most of these studies is that they are initiated by researchers rather than by indigenous communities. In New Zealand, the results of hapū or iwi-commissioned research are often quite different from researcher-initiated investigations. In the Treaty claims sector, for example, while the system is very far from ideal, researchers are commissioned on behalf of iwi and hapū to write historical narratives for Treaty claims. Their studies are reviewed by claimants and passed through an intensive process of scholarly appraisal before researchers themselves take the stand and give evidence to the Waitangi Tribunal. During Tribunal hearings, historians are routinely and combatively challenged by Crown lawyers, and they must therefore be able to defend their analyses under sustained questioning. In the cut and thrust of cross-examination, romantic or idealised academic perspectives don’t last very long. Researcher biases are exposed and interrogated, and their interpretations of historical

events are questioned, usually at considerable length. In this environment there is little room for equivocation. You have to get it right the first time.

While much has been written about the epistemological basis of academic disciplines, researcher-initiated investigations in the social sciences in New Zealand universities are not generally examined as closely nor in quite such an antagonistic environment. In a small place like New Zealand, we run into our critics more often, and for that reason we tend to stage our disagreements in the most refined terms; over a glass of sherry and a vol-au-vent at the conference dinner, or in hissed undertones while waiting in the Library check-out queue. Our pitched battles are waged under the cover of politeness because the day might come when we are called upon to work at close quarters with our academic opponents, and for that reason academic enmities are usually (although not always) reasonably discreet.

Moreover, when we question our disciplines in the social sciences, we tend to challenge the work of disciplinary practitioners overseas, rather than mount direct attacks on local researchers in our fields. Our niceness is often insufferably monotonous, but it is also a kind of social cement in the small commons of the nation. Nevertheless a closer examination of our academic research practices here in New Zealand is important if we are genuinely committed to improving the quality of our work with Māori communities. If I had opted to focus primarily on Māori community perspectives of social research, the emphasis of this paper would be quite different. However in choosing to problematise academic research environments my attention began to turn towards my non-Māori colleagues and emerging researchers in the social sciences who are often anxious or confused about how they might go about working alongside Māori to produce better research or develop projects which are of greater relevance to local groups. The arguments in the following pages are made with them in mind.

This work is comprised of a series of papers about the epistemological and institutional tensions which emerge when academic researchers engage with Māori communities. The argument is organised around the idea that academic disciplines and

institutional frameworks are structured in ways which mediate the research relationship. I thank my colleague, Wally Penetito, for the suggestion that I apply Berger's theory of mediating structures as an organising principle for this analysis.

Early on, I noticed that many social theories of community research engagement are predicated on a series of broad assumptions about the constitution of scholarly and indigenous 'communities'; for example, indigenous 'communities' are frequently theorised unproblematically as a mandated 'unity of unities', or alternatively, their very existence is problematised. These assumptions guide the kinds of mediating structures which are established by research organisations when attempting to form research collaborations. Where there is broad and mutual agreement about the nature of tribal and academic communities, mediating structures can lead to positive research collaborations and outcomes. However, research collaboration can quickly run adrift when misunderstandings occur over scholarly and/or tribal community priorities, mandates, and needs. When this happens the kinds of mediating structures that are set in place effectively discourage constructive communication between groups.

In a chapter on mediating structures I have outlined Berger's ideas about the ways in which communication between communities and institutions takes place, and I have linked this to a discussion about research engagement between Māori communities and universities. I have also identified how academic ways of thinking about community, and particularly the tendency to problematise the concept, can stand in the way of establishing effective mediating structures.

Following this, in the chapter about the attacks on the Twin towers and the Pentagon, I explore the effect of the current world political climate on the ability of academic researchers and indigenous peoples to construct responsive collaborative relationships. In the aftermath of 9/11 there have been profound losses of indigenous and academic rights and priorities, and these have had a devastating effect on the production of knowledge, especially as it relates to the needs of indigenous communities. This needs to be taken into account when developing a research relationship.

The mediation of meaning is central to the way in which academic knowledge is produced. In this chapter, I explore how the structures of disciplinary knowledge can undermine research with Māori.

In the final section I look at the work of university ethics committees in mediating the research relationship with Māori communities, with reference to the process of informed consent and concepts of ‘harm’ in social research.

MEDIATING STRUCTURES

Social researchers who wish to engage with Māori communities sometimes feel discouraged when they are confronted with institutional requirements advising them to consult with Māori, or recognise their own obligations under the Treaty of Waitangi,⁴ or operate in accordance with tikanga Māori.⁵ Despite the plethora of institutional exhortations for researchers to observe these principles and practices, it is not always particularly clear what all of that actually means, nor does it help when members of research institutions are insistent about these matters but are equivocal when pressed for clarification or advice on how to go about putting these ideas into practice. In the end, many social researchers are defeated by the cryptic or ambiguous edicts of their institutions with regard to research engagement with Māori communities, and all too often, it is simply easier for them to design projects which exclude Māori altogether. Later we shall see how Māori frequently slide off the intellectual radar of academic institutions as a result.

When Māori are excluded from the social narrative and the focus of social research shifts to non-Māori populations, there is a danger that research findings about non-Māori perspectives, cultures, attitudes and priorities will become the basis for interpreting and analysing the cultural concerns of Māori communities. The purpose of this paper is not to suggest ways in which academic protocols relating to Māori communities can be made less opaque, that is a task for university committees. Rather the intention is to explore the kinds of institutional structures which mediate, and at times,

⁴ Human Ethics Committees at the universities of Canterbury and Otago cite obligations to the Treaty of Waitangi as an underlying principle of its Human Ethic regulations. Retrieved 12 July 2006 from: <http://72.14.203.104/search?q=cache:hVJ08jIs5hQJ:www.canterbury.ac.nz/ucpolicy/GetPolicy.aspx%3Ffile%3Dhumanethics.pdf+%22University+of+Canterbury%22+%2B+%22human+ethics+committee%22+%2B+%22Principles+and+guidelines%22&hl=en&gl=nz&ct=clnk&cd=1> and, <http://telperion.otago.ac.nz/acadcomm/policyethicalpractices.html>

⁵ The Health Research Council of New Zealand advises that funding will not be given to research that breaches tikanga, unless the tangata whenua of the area in which the research occurs endorse breaches of protocol. See *Guidelines for researchers on health research involving Maori: 1998*. Retrieved 12 July 2006 from <http://www.hrc.govt.nz/assets/pdfs/guideresMaori.pdf>

obstruct, the development of productive research partnerships between social researchers and Māori communities. Certainly these mediating mechanisms exist, but they are located within institutional structures *and* disciplinary paradigms. My interest is in the latter domain because it is here that we find conceptual frameworks which mediate, and frequently, obfuscate, the development of research relationships with Māori communities. I am convinced that if social researchers become more consciously aware of the mediating structures within their own disciplines, which govern their thinking and professional behaviour, they will be better equipped to deal both with the tensions that emerge when they enter into research negotiations with members of Māori communities, as well as with the occasionally rather turbid university decrees and academic protocols relating to the initiation of research partnerships with those communities.

Mediating structures, cultural tensions and social research

The success of any partnership between Māori communities and researchers lies with the nature of the face-to-face interactions between individuals. Indeed research outcomes stand or fall on the degree of mutual respect and trust that people hold for each other. But after the hand-shakes and the cups of tea, the relationship is also shaped by the level of identification that people have with the institutions or communities they represent. Those institutions and communities are themselves embedded within a wider network of relationships and values which, to a greater or lesser degree, influence the actions, behaviour and attitudes of the individuals within.

Consequently, the relationship between members of indigenous groups and researchers often carries an undercurrent of tension stemming from their identification with, and loyalties to, different groups. These tensions may or may not be explicit or immediately apparent, nor are they necessarily a bad thing. Indeed they can add an agreeable *frisson* to the dialogues between individuals, but if left unexamined they can create problems and misunderstandings which may ultimately affect the research relationship.

Peter Berger, building on the theories of Emile Durkheim, was one of the first theorists to see the value of examining the tensions which emerge when members of different communities and institutions come into contact⁶. He argued that in the face of ever-expanding civic bureaucracies and the increasing dichotomy of public and private life, human beings have created organisational structures (megastructures) which are too large and unwieldy for people to communicate with each other efficiently. Consequently, mechanisms are developed which facilitate the mutual exchange of ideas and values between individuals in their private lives and large institutions within the public sphere. Berger calls these mechanisms, *mediating structures*.⁷

Berger was particularly interested in the way in which members of small scale social groupings (e.g. neighbourhood or parish groups) enter into dialogues with the larger and more impersonal public bureaucracies which govern important aspects of their lives. Better communication of ideas and priorities between different parties, he believed, increased the potential for constructive social change. Consequently, those structures which mediate between the public sphere of government and other civic institutions, and the private sphere of individuals, he argued, need to be responsive to the needs of the citizens who utilise them. He believed that mediating structures facilitate the flow of ideas between communities and organisations by constituting “a vehicle by which personal belief and values could be transmitted into the mega-institutions.”⁸ In this way, the values of private individuals are more accurately reflected in the larger institutions of the state.

Berger continues to advocate the relevance of mediating structures between the public and private spheres, although in later years he has acknowledged that he was somewhat naïve in his earlier belief that the values of *all* citizens in their private lives should be reflected in civic processes. He recognised, for example, that the values of small-scale groups such as the Klu Klux Klan or the Mafia would damage, rather than

⁶ Berger, P.L. & Neuhaus, R.J. (1977). *To empower people: the role of mediating structures in public policy*. Washington DC: American Enterprise Institute for Public Policy Research.

⁷ Berger, P.L. (1979). *Facing up to modernity*. Manchester: Penguin Books. p.169.

⁸ Berger, P.L. & Neuhaus, R.J. (1996). *To empower people: from state to civil society*. 2nd Edition. Washington DC: The AEI Press. p.148.

enhance the democratic process.⁹ More recently he has also argued that mediating structures established by community groups for the purpose of engaging with government processes, are themselves subject to co-option by the state, especially if they are highly efficient. This is because effective mediating structures often receive government funding in order to continue the work of mediation. He suggests that when this happens there is a danger that the very vitality that distinguishes those institutions from government agencies is destroyed and they effectively *become* government agencies albeit “under another name”.¹⁰

The role of mediating structures is a useful starting point for a discussion about collaborative research engagement between Māori communities and research institutions. In disciplines where qualitative methodologies are prevalent, social researchers are more likely to rely on smaller scale Māori communities for the collection of data. In the social sciences particularly, although by no means exclusively, priority is often placed on the identification and analysis of cultural value systems and their influence on specific areas of inquiry. Thus meaning is mediated via the kinds of methodologies applied in research projects, and the discourses inherent in academic disciplines, as much as by the social and tribal organisations of research partners. Moreover, an understanding of the mediating structures which guide the relationships between Māori communities and outside social researchers is essential if researchers wish to negotiate entry into communities in an efficient and appropriate manner. The problem is that there is not usually an effective mechanism for the two-way communication of ideas and values between researchers and Māori communities, and in this respect, the mediation of research is often ineffectual.

Some researchers take a great deal of time to identify the most appropriate tribal or organisational mediating structures for the kind of research they wish to undertake, and they are willing to find out about the varying roles that individuals assume within those structures. When this happens, and when members of Māori communities

⁹ *Ibid.* p.150.

¹⁰ *Ibid.* p.150-151.

endorse both the research project and the researchers themselves, the complexity of the ensuing relationships can be handled in a fairly straight-forward manner. Unfortunately, researchers are often driven by external deadlines and many either do not take the time to come to grips with the complexity of tribal or other organisational structures, or believe that they'll pick it up as they go along, and perhaps incorporate a note about it in their findings. In some cases, researchers are not familiar with the mediating structures or the mechanisms of decision-making that are in place in Māori organisations, and assume that they can rely on the goodwill of individuals to provide them with access to communities. In these instances, research projects can quickly run into difficulties and the quality of the data may also be compromised.

These latter examples are not those of collaborative research, rather they are typical of the sorts of complaints that Māori organisations make about flawed research methods and procedures. The constraints of time, the complexity of Māori tribal and social organisation, and the lack of familiarity with the tikanga of different iwi are all considerations that face many researchers who wish to work alongside Māori communities. However, when a research project is researcher-initiated as opposed to community-initiated, and if the researcher genuinely wishes to engage in a collaborative manner, then these matters need to be resolved and this is the point at which an understanding of the mediating structures which govern the research relationship becomes important.

In New Zealand, there are a number of different institutions which mediate research projects with Māori communities. For example, research is conducted on behalf of universities and government agencies, as well as by professional researchers and consultants, and members of iwi research organisations. However the primary focus here is the way in which researchers based in universities form professional relationships with Māori communities, and the tensions embedded within those relationships.

There are also numerous Māori organisations and communities which engage in research activities with universities and government agencies. Some of these groups

operate within tribal structures, while others are pan-tribal. Some have multiple functions, for example, a rūnanga or a kaumātua committee, while others maintain a single focus, for example, on specific health or educational matters. Some groups are located within a tribal area which can be geographically defined, while others are spread across the country, or are located in urban centres. Depending on the nature of the organisation, membership of these groups may or may not be stable, people may come and go, or they may maintain a life-long involvement with the tribal or hapū community. Some groups are hierarchically structured, while others are more fluid. Membership between groups often overlaps, and people assume different roles at different times.

All this can be bewildering for the outsider, but it begins to make sense if the notion of community is not conflated with the belief that a community is some sort of aggregating device; a kind of unity of unities whereby individuals are working in a state of mindless harmony. Rather, the nature of different communities and the varying priorities and goals of community members all need to be taken into account. But this begs the questions, what exactly *is* a community and how can collaboration take place?

Academic researchers and the problem of community

Once social researchers have made a commitment to work with communities, another issue often comes along to muddy the waters: namely, the ‘problem of community’. The so-called problem of community is not so much a community problem as it is an academic problem. These days, academics don’t much like the notion of community. Indeed it is a notoriously slippery concept to define and one which causes endless debate amongst social scientists. New Zealand sociologist, Phil Harington, wrote about its elusive quality:

It flourishes in grand statements, official records, political rhetoric, technical discourse, talkback radio and in general everyday chat. In each case it provides a shorthand reference to some enigmatic quality in the social order: a belonging, an identity or a commonality of some sort. Herein lies its fascination: it seems to be the sociological equivalent of greywacky, a backbone concept of core material, but

capable of disintegrating as we seek to study it closely. It crumbles into lumps or silt yet still permeates the stuff we take as our raw material.¹¹

Most social researchers are highly aware of the sociological debates surrounding the notion of community, and this presents immediate challenges if they wish to work with Māori communities as research partners. At the very whisper of the word ‘community’, their disciplinary training intervenes and they are reminded that if communities are so difficult to define, then they better take a highly critical stance towards the idea that Māori communities might exist as viable entities and potential research partners. Indeed, community is a concept that many sociologists view as being as rare and mystical and difficult to capture as a bunch of stropo taniwha.

However the term has not always been so hotly contested. Earlier generations of anthropologists conducted fieldwork in tribal communities where patterns of kinship and social organisation were relatively contained within a particular geographical area. Early sociologists had comparatively little difficulty in identifying neighbourhood community networks in which to conduct their surveys, and health and education researchers could confidently approach neighbourhood schools or health services knowing they would receive sufficient information about local residents to form a reasonably accurate picture of the surrounding community.

This confidence has wavered in recent years as patterns of Māori migration and social behaviour have changed. Tribal communities in New Zealand may well be located in geographically bounded areas, but many of their members are likely to live outside their tribal district. Some community members travel frequently back and forth between the tribal area and their other places of residence, while others come and go less often. Some people rarely, if ever, return to the tribal heartland, but still maintain a strong sense of affinity with the community. In this respect the shape of tribal communities is constantly shifting and it is less easy for outsiders to identify the individuals who actively contribute to the life of the hapū or tribe.

¹¹ Harington, P. (1997). ‘Community’: language and ideology. In Bell, C. (Ed.). *Community issues in New Zealand*. Palmerston North, NZ: The Dunmore Press Ltd. p.17.

Certainly it would be inaccurate to describe tribal or hapū communities simply in terms of kinship groups living in localised physical and mainly rural territories. Modern hapū are indeed anchored to a particular place, their members are custodians of particular territories, and they do have kinship relationships, but their activities are not exclusively focused on local matters. People are usually involved in wider iwi, national and even international affairs which affect their communities both in the local home territories and beyond. Moreover, in city areas it is not uncommon for tribal enclaves to form around members who live outside their tribal areas. While allegiance to the tribal area is often maintained by those who live outside physical tribal boundaries and is a significant factor in defining a sense of tribal identity, the notion that tribal communities can be narrowly described as bounded local entities elides the extensive set of relationships which surround those communities.

Multiple iwi and hapū membership is also problematic for those social researchers who seek a tidy definition of tribal communities, although it is less so for Māori who tend to negotiate multiple community loyalties without the need to experience an identity crisis each time they shift position. However if community membership is counted in terms of tribal loyalty, and the belief that an exclusive sense of solidarity or common purpose with a tribal group is needed in order to distinguish members from outsiders, then it is very difficult to understand how members of one tribal community can simultaneously maintain equal levels of loyalty to one or more others. The answer for Māori is straight-forward, it makes sense because of one's whakapapa links to several tribal groups. Difficulties certainly arise when various hapū or iwi are in conflict, but there are usually (although not always) reliable procedures in place that allow multiple kinship loyalties to be maintained and mediated. However, given this, it is clear that a fixed, primary allegiance to a particular tribal group is not a useful device for defining a Māori community and nor is it a satisfactory mechanism for distinguishing between community insiders and outsiders.

Neither does the idea suffice that a Māori community can be defined by the existence of common goals. Certainly hapū members are concerned that their group

prospers and undoubtedly they hold the best interests of the community at heart, but the means by which these interests are realised may well be a source of disagreement. Anyone who has had even the most passing acquaintance with tribal politics will be aware that tribal unity is often a romantic ideal rather than an on-the-ground reality. Indeed, the polemics of tribal debate are often as critical to final outcomes, as are the disputes and disagreements over common goals. This is not necessarily a bad thing; unity and conformity to an ideal can be stifling, whereas conflict and debate can provide the spark that mobilises a dynamic community; it's a fine balance.

Yet, many scholars in New Zealand back away nervously from explorations of conflict within and between Māori groups, which makes it all the more difficult to identify those factors which define Māori communities and all the more confusing to work with them. Some writers have used popular tropes, such as 'matrix' or 'mosaic' to describe tribal, hapū and related social arrangements.¹² These terms offer a picture of Māori society as a series of small parts which jig-saw into a larger pattern. The problem with this image is the underlying assumption that the various sections each dovetail neatly together to provide a stable, coherent, fixed, and rather pretty, single entity. It's a pluralistic, unity-in-diversity point of view which is compelling, but which glosses over serious social and tribal divisions.

Anne Salmond (2003) neatly captured this dilemma when she spoke of social arrangements in New Zealand as "the paradox of a small, intimate society, with a highly fragmented social order."¹³ She suggests:

On the face of it, the way we organise ourselves looks remarkably atomistic. In so small a society, this is quite puzzling. Perhaps it is because of the pioneering spirit, carving your own group [...] out of the wilderness; the spread of a small population across two long islands; or perhaps lack of

¹² See for example, Taylor, N., Fitzgerald, G. & McClintock, W. (2001). *Resource community formation and change in New Zealand*. Christchurch, NZ: Taylor Baines and Associates. Retrieved 11/05/06 from http://www.tba.co.nz/frst_projects/ISSRM_1999.pdf

¹³ Salmond, A. (2003, February 21). *New Zealand snapshot – community*. Presentation to Knowledge Wave 2003: The Leadership Forum. Auckland, NZ. Retrieved 10/05/06 http://www.knowledgewave.org.nz/forum_2003/speeches/Salmond%20A.pdf p.1.

leadership that brings people together across social boundaries, creating networks and critical mass in collective activity.¹⁴

Salmond comes closer than many in identifying what makes our communities tick. Social and cultural groupings in New Zealand are characterised by densely overlapping membership, and while this can engender trust, foster shared experience, and generate a satisfying level of flexibility and fluidity, it can also create problems if groups act in isolation. This, Salmond argues, creates social division and fracture, building barriers rather than networks, and diverting effort and limited resources into running a “myriad of small, competing organisations.”¹⁵ Perhaps this helps to explain a certain defensive response towards groups that do not conform to the cultural or social expectations of an imagined ‘mainstream’ New Zealand society.

Perhaps this also partly explains why some academic commentators outside the Treaty claims sector, avoid in-depth analysis of Māori-Pākehā and Māori-Māori relations within small communities. New Zealand is a small country, and while social and tribal patternings have a great deal in common with those of other countries, academic theories of conflict formulated by people in larger metropolitan areas and nations, particularly those in the Northern Hemisphere, do not quite fit the circumstances of social organisation here in New Zealand. Local attitudes towards anomic cultural and social behaviours, and the wistful desire for social cohesion, are informed more by the relative smallness of our communities and all that entails, than they are by the magnitude of social groupings. Perhaps too, these things just matter all the more in smaller societies.

In order to gauge these concerns, social scientists in New Zealand need to shed some of their dependence on imported theories of community and social organisation, and look for explanations closer to home. At the very least, imported theory should be integrated into local theory more fully, rather than left to stand at the centre of the intellectual spotlight. Indeed some social scientists have sought local solutions for many years, most notably the sociologist, David Pearson, the anthropologist, Joan Metge,

¹⁴ *Ibid.* p.2.

¹⁵ *Ibid.*

and of course the historian, Anne Salmond, but others still find it difficult to relinquish their reliance on external commentators. This is not to suggest that imported theory is irrelevant; of course it is not. But unless academic researchers are willing to focus on identifying those forces which differentiate local communities in New Zealand from those in larger nations, and unless they momentarily set aside their search for local behaviour which mimics the theoretical explanations of social behaviour elsewhere, research with Māori communities will continue to be under-theorised and poorly mediated, and a large intellectual terrain will remain unexplored.

The ‘problem of community’ is indeed an academic problem, and one that academics need to address if they wish to engage with Māori groups in meaningful ways. Perhaps the answers would become clearer if researchers were to set aside their heavy tomes for a moment, and instead seek explanations from Māori themselves about the nature of community, conflict, loyalty, culture and belonging. The answers may not be the ‘right’ ones, nor the ones that neatly fit a recognisable theoretical pattern; they may not resolve the problem of community, at least as far as academics are concerned, but they may just open up new intellectual ground. In the end, social researchers need to find ways of dealing with their own intellectual taniwha: namely, their reluctance to recognise the complex communal, and indeed, *community*, aspects of much Māori social organisation. At any rate, it’s worth a shot.

The bureaucratisation of community-based mediating structures

If the notion of community is mediated by disciplinary debate (rather than defined by community members), the role of community-based mediating structures in academic research also offers its own challenges. Researchers who wish to engage with Māori communities usually look towards community groups and organisations with whom they can form collaborative relationships. However at this point, many find the vexed question of cultural authenticity intervening in their conceptualisation of research communities. Cultural authenticity is a problem which, as we will see later, causes tedious and prolonged debate amongst academics. Suffice to note here; in problematising the notion of cultural authenticity, social researchers often miss the subtle, but important,

nuances of who they can, and should, approach when negotiating access to Māori communities. All too often, social researchers get bogged down in questions about which organisations are the most independently tūturu Māori, and which are merely bureaucratic imitations, or Crown inventions.

Peter Berger has discussed the way in which community organisations run the risk of being co-opted when state or local government funding is provided¹⁶. This happens, he suggests, because government and local bodies have more or less calculated and rational strategies both for shaping interaction and for annexing their authority through a large number of agencies and organisations. The effect of this in New Zealand is to open up private, non-government spaces to public governance. Phil Harington suggests that once the work of community organisations is financially supported through government agencies, these organisations often become professionalised and a whole new set of managers steps into them.¹⁷

Certainly the presence of government within state-funded community organisations constitutes a challenge to customary forms of authority. Harington argues that government agencies shape and drive definitions of community by recruiting iwi members into the fold sometimes to the extent that “the client becomes captive to the structure”.¹⁸ This is a problem in a few community-based Māori organisations, but for some outsiders it also raises the question of whether these groups are culturally ‘authentic’ enough and they worry that government-funded community agencies might simply be government entities in disguise. For that reason some researchers treat these groups with suspicion, questioning whether they continue to be community-based mediating structures, or if they have simply become the local arm of government agencies acting as mediating structures for the state or local government.

¹⁶ Berger, P.L. & Neuhaus, R.J. (1996). *To empower people: from state to civil society*. 2nd Edition. Washington DC: The AEI Press. p.150-151.

¹⁷ Harington, P. (1997). p.23-24.

¹⁸ *Ibid.* p.27.

This has certainly been a problem in other parts of the world. In Canada, for example, Gertrude MacIntyre (1997) notes the wide variety of community development initiatives which have “arisen, flourished for a while, then vanished. Some descended into anarchy, others became bureaucratized”.¹⁹ Part of the problem is that while many government agencies are set up to deal with communities, and some incorporate community organisations into their enterprises, their activities are rationalised by invoking a concept of community that is so abstract, it is invisible in their operations.

Indeed there is a somewhat lifeless quality in the glossy New Zealand government posters and brochures that cheerfully extol community development and ‘whanau’ values, alongside photographs of smiling Māori and Pacific Islanders holding babies. The Te Puni Kōkiri website, for example, features an extensive programme for strengthening Māori communities in which iwi, hapū and whanau are portrayed as if they operate within a uniformly harmonious web of cultural goodwill.²⁰ An unremitting focus on the problems of community can present an entirely false picture, but so too can airbrushing out the rough edges; and when that happens, something of the mauri of community is lost.

Whilst the government co-option of community organisations is an important issue, it is easy to get bogged down in these matters, especially if researchers begin to feel anxious about which organisations are ‘authentic’ or appropriate enough to approach. A couple of points can however be made in support of these groups. The first is that government grants do not in themselves create inauthentic community organisations within the Māori world. To suggest otherwise is to gaze at Māori groups solely through a bureaucratic lens in which Māori have little or no agency; they are seen as simply *reacting* to the Crown. Within any number of these organisations, there are individuals who have not become ‘bureaucratized’, nor seduced by the offer of government funding into abandoning their cultural priorities or surrendering their commitment to Māori.

¹⁹ MacIntyre, G. (1997). Active partners: education and community development. *International Journal of Social Economics*. 24, 11. pp.1290-1302.

²⁰ See Te Puni Kōkiri website: <http://www.tpk.govt.nz/community/default.asp>

These individuals know how the official structures work and where the weaknesses lie, and they are often highly able mediators between community members and outsiders.

The second point is that there is political leverage for Māori community groups which receive government support. Indigenous spaces are notoriously contentious and difficult for government because organisational structures and internal affiliations are managed in different ways. The co-option of community groups by government does happen, but there are also occasions when the reverse is true. It is not unheard of for government or state processes to be co-opted into the service of certain communities as was the case during Te Ohu Kai Moana debates about definitions of tradition and iwi.²¹ However regardless of whether Māori organisations receive funding or not, once the law, the state, and its agencies recognise tribal identity as the basis for negotiation and mediation, ethnicity is transformed into a political force. In this respect, there is much to be gained by Māori hapū and iwi who seek legal and political redress for grievances against the Crown. Thus when the larger issue of tribal or Māori agency is taken into account, the question of which community-based groups can be described as ‘authentic’ mediating structures becomes somewhat redundant.

On the other hand, not all researchers are concerned about this particular set of tensions. There are those who take an entirely different approach to Māori organisations and their role as mediating structures. Indeed, some researchers question whether traditional tribal politics have a place in a modern democracy at all. James Liu, the Deputy Director of the Centre for Applied Cross Cultural Research at Victoria University gives Māori what he calls “advice from the heart”²² on our prospects for the future:

My brief encounters with Māori tribal politics have led me to question what place they may have in the running of a modern, multi-ethnic state. [...] Traditional forms of governance have problems with transparency, as

²¹ See for example, Webster, S. (2002). Maori retribalization and treaty rights to the New Zealand fisheries. *The Contemporary Pacific*. 14, 2. p.341-378.

²² Liu, J. H. (2005). History and identity: a system of checks and balances for Aotearoa/New Zealand. In Liu, J.H., McCreanor, T., McIntosh, T. & Teaiwa, T. (Eds.). *New Zealand identities: departures and destinations*. Wellington, NZ: Victoria University Press. p. 83.

corruption becomes a part of life when the rules of the game are defined by social relationships/group membership and not by law. As Māori tribes become increasingly vested with money, and stalk the New Zealand landscape as corporations, they may find the accountability and transparency demanded of public institutions in a liberal democracy to be a useful counterweight to the demands of tribal politics.²³

This kind of observation is linked to a popular media-fuelled fiction in New Zealand that customary forms of Māori leadership are inherently corrupt. Victoria University's media commentator, Sue Abel, has provided extensive critiques of the media's tendency to portray Māori as either "tame Māori" who support the status quo and "wild Māori" who pose an ideological threat to dominant groups, and these ideas need not be restated here.²⁴ Suffice to say that Abel's point is a valid one, and it is worrying when academic researchers, particularly those working in the area of cross-cultural research, rely on the stereotyped views of Māori favoured by the mainstream media.

The oppositional depiction of tradition (customary Māori leadership) and modernity (modern liberal democracy) is so deeply embedded in the way in which cultural relations are conceptualised in New Zealand, it is difficult, if not impossible for some researchers, particularly those who have had only 'brief encounters with Māori tribal politics', to break free of the intellectual quotidian and ask meaningful questions about the role of Māori organisations in civic society.

Advice for researchers

A few words of advice then: if research with Māori communities is to break new ground and open the way for new forms of intellectual inquiry, there are several issues that researchers need to address as they design their conceptual frameworks and methodologies.

²³ *Ibid.* p.84.

²⁴ See for example, Abel, S. (1996). 'Wild Maori' and 'tame Maori' in television news. *New Zealand Journal of Media Studies*. 3, 2. pp.33-38.

The first issue is purely pragmatic. In order to work effectively with Māori communities, researchers need to be aware that access to those communities depends on rather more than the goodwill of one or two individuals who operate within those groups. Researchers who are not community members need to identify, and work alongside, those community organisations which have influence amongst its members, and these groups may not necessarily be the ones which are the most visible or obvious to outsiders. Moreover such groups may not have received formal recognition or mandates from government or other civic authorities. Indeed, in order to work in communities where tribal or cultural structures are important, it may well be necessary to step outside the relative familiarity of institutional or other conventional civic structures and seek groups which carry different kinds of influence. A word of warning though, these groups may not necessarily have a stable membership, nor organisational structures that are immediately familiar to the outsider, and they may not always be willing to welcome social researchers into the fold.

The second point that researchers would do well to keep in mind is that tensions emerge when people from different kinds of organisational structures come into contact, namely researchers and community members. These tensions need not be a negative factor in the relationship, indeed they can provide fertile ground for opening up new fields of inquiry but obviously they need to be handled carefully. It is more productive when researchers take the time to identify which groups have community mandates to operate as a mediating structure between researchers and the community. Researchers themselves also need to maintain an awareness of their affiliation with their own mediating structures, their academic disciplines or their research organisations, and the ways in which these can be most effectively deployed.

Finally, the kinds of assumptions that researchers make about Māori communities are often informed by academic theories about the nature of communities, cultural authenticity, and traditional or customary ways of life. While the assumptions behind these theories carry weight within academic disciplines, they are not always relevant or interesting to community members, nor do they necessarily offer a useful fit in

practice. Theory-driven research methodologies can be extremely helpful in providing answers for academic questions, but community members are less likely to buy in to the research process if their own priorities and questions about a particular research topic are not included in the design or the outcome. Community research participants are quick to work out when a research project is unlikely to meet their needs, or if it is skewed towards a particular ideology or theoretical stance, and in those cases, word spreads amongst participants very quickly. Researchers can expect a difficult time if they have not questioned their own academic theories and assumptions about Māori communities in advance of designing their methodologies. Furthermore, if they are working for a research organisation or unit, and have not thought through the way in which they represent their professional affiliations to community members, they can also expect to be asked some hard questions by participants.

The academic structures which mediate research relationships between social researchers and Māori communities are an important aspect of research, and when researchers are embedded in university environments, it is easy to forget that those contexts are themselves cultural products. It is worth remembering then, that the cultural and disciplinary lenses that researchers and their colleagues cast over Māori communities, can shed new light on Māori concerns, but they can also induce a kind of cultural myopia. At that point, it is time for researchers to embrace new cultural reference points, and ask different kinds of questions as the quest for new knowledge unfolds. It's not always a comfortable or easy task, and it takes time to formulate an alternative focus, especially when one's discipline is so deeply ingrained in the way the world is viewed, but the rewards for researchers and for communities are worthwhile.

COLLABORATIVE RESEARCH IN THE POST-9/11 CLIMATE

Collaborative research between indigenous peoples and researchers involves the careful negotiation of a range of institutional, cultural and scholarly meanings. As we saw earlier these negotiations, even when taking place at a local or community level, are embedded in a wider set of relationships which extend beyond the immediate cultural location of individuals involved. Indeed, world events can affect small communities in dramatic ways. Before we turn our attention to the theoretical and institutional mediating structures involved in the development of collaborative research ventures, we should first explore the political and cultural contexts which surround those relationships. Foremost amongst these, is the international conditions since the 2001 attacks on America by al Qaeda.

Since the events of 11 September 2001, members of indigenous groups and academic researchers have witnessed a shift in the way in which cultural and ethnic discourses are constructed. These discourses are important because they directly affect the manner in which knowledge is produced and prioritised in cultural and scholarly environments. I shall argue here that the actions of the United States and its partners on the world stage have created an environment in which intellectual inquiry and cultural debate is under attack, and that this has increased the level of distrust amongst indigenous groups around the world, including those of Māori communities in New Zealand, towards engaging in research initiatives with outsiders.

Certainly the prevailing intellectual and political climate since 9/11 has shaped the research dialogues which take place between indigenous communities and outside researchers. Both parties have experienced rapid changes in their own institutions and environments resulting from recent international events which have diminished the opportunity to establish meaningful collaborative research programmes. In the post-9/11 era, no new mediating structures have emerged through which indigenous peoples and academic researchers can effectively speak.

Civilisation and the forces of 'evil' after-9/11

Part of the difficulty of creating meaningful engagement between indigenous peoples and researchers lies with the way collaboration is perceived. The problem extends beyond the uneasiness that arises when academics and members of indigenous communities attempt to speak to each other across institutional and cultural boundaries. It also extends further than the notion that collaboration is some kind of reality-show strategy whereby competing individuals form temporary alliances to vote someone 'off the island'. It is rather that the word 'collaboration' has itself assumed a certain post-9/11 quality.

After the attacks on the Twin Towers and the Pentagon, the issue of national loyalty and cultural allegiance quickly became a question of whether people supported 'civilisation' as it was embodied by the American government and its allies, or the so-called 'axis of evil', which was portrayed as the forces of anti-civilisation. As President George W. Bush told Congress shortly after the events of 11 September 2001, "[e]very nation in every region now has a decision to make. Either you are with us, or you are with the terrorists."²⁵ In this context, civilisation was represented to the nations of the West in terms of the cultural hegemony of the United States, while other cultures and ethnicities were constructed in public discourse as potentially suspect.

After 9/11, earlier detractors of American imperialism, notably large numbers of indigenous peoples, were scrutinised afresh. Neither the American government nor its allies believed that neutrality was an option for those cultural or ethnic groups which preferred not to collaborate with either side, and in this environment the war quickly became a cultural mission which was fought not only between nations, but in playgrounds and street corners around the world. The so-called 'war on terror' was itself reframed in America as the re-conquering of 'Indian country,' a term U.S soldiers have used since the Indian wars of the nineteenth century when referring to enemy territory.²⁶

²⁵ Bush, G.W. (2001, September 20). Speech to a joint session of Congress. [Transcript].

²⁶ Terrorism as 'Indian country' is wrongful assumption. (2004, October 5). *Indian Country Today*.

Indigenous populations who refused to be silent about their concerns at home were viewed if not as terrorists, then at least as traitors who were weakening the war effort.

Members of Māori communities in New Zealand are perfectly aware that local researchers don't represent the United States or the war on terror when seeking their cooperation on research initiatives, but they are also aware that the desire of academics to engage with indigenous groups carries a weight of baggage which can work against them. In the 21st century, wars are in a very real sense, culture wars. As we shall see later, Māori have good reason to be protective about providing access to outsiders who seek their information and knowledge.

Moreover, academic researchers who wish to initiate studies with Māori are often unaware of how well-informed members of Māori communities are about current events and the degree to which they engage with indigenous struggles overseas. Non-Māori investigators often underestimate the extensive contact that takes place between Māori and other indigenous groups, as well as the efficiency with which news travels in the Māori and international indigenous worlds. In fact, while academics and policy makers in New Zealand pondered the likely impact of 9/11 on trade and foreign policy, Māori were already engaged in intensive dialogues about the implications of these events for native peoples. Of particular concern, was the way in which public debate about cultural and ethnic matters was engineered by various governments in the post-9/11 environment and the effect of this on indigenous populations.

The suppression of dissent: universities and indigenous populations after 9/11

Certainly public debate and the freedom to dissent from government administrations were amongst the first casualties of the war on terror. In a BBC interview, Dan Rather, a star news anchor for CBS, described the pressures the Bush Administration placed on the media in the wake of the attacks on the World Trade Centre and the Pentagon. He said:

It is an obscene comparison [...] but you know there was a time in South Africa that people would put flaming necklaces around people's necks if they dissented. And in some ways the fear is that you will be necklaced here, you will have a flaming tyre of lack of patriotism put around your neck [...] Now it is that fear that keeps journalists from asking the toughest of tough questions.²⁷

The constraints placed on public debate preceded the introduction of a raft of counter-terrorist legislation. The USA Patriot Act, the United Kingdom's Crime and Security Act, and Australia's Anti-terrorism Act, each aimed to identify people who were presumed to be 'dangerous' or 'anti-social', or who posed a threat to the American, British or Australian way of life. These tough new laws created a discourse of power focused on detecting 'the enemy within', notably ethnic minorities and asylum seekers, but the climate of distrust extended to other 'enemies' at home including vocal indigenous activists who came to be viewed by some, as agent provocateurs or fifth columnists.

In any event, the suppression of dissent was the first step towards a dramatic shift in the nature of intellectual discourse and the way it was mediated between native and non-native populations in American public life as well as in that of its allies, notably Britain and Australia. The alliance of America and Australia, two nations with a dismal track record with their own indigenous peoples, coupled with the British government at its most stridently militaristic, raised alarm bells amongst many Māori and other First Nations intellectuals. Soon after the events of September 11 and during the war in Iraq, the US and some of its allies conducted a series of domestic campaigns against people who opposed the war. Many of those targeted were academic staff who were inclined to be well-disposed towards cultural, ethnic and religious diversity. Members of research and teaching institutions in America quickly discovered that a critical stance was not welcomed by the Bush administration, and a number of high-profile academic dismissals of staff who had voiced opposition to the war amply demonstrated that speaking out would carry unpleasant consequences.²⁸

²⁷ Engel, M. (2002, May 17). US media cowed by patriotic fever, says CBS star. *The Guardian*.

²⁸ Walters, R. (2003). *The War on Terror and the Suppression of Dissent*.

Attempts were also made to silence political criticism in the United Kingdom. Experts and intellectuals in Britain who were willing to speak out against the war were given a clear warning after the death of former United Nations weapons expert and Oxford University graduate Dr. David Kelly, following the leak of information about the British government's claims about weapons of mass destruction in Iraq. Telling the truth about one's field of expertise was, in certain contexts, a dangerous occupation.

In Australia, academics suspected of "moral equivocation about terrorism" were 'named and shamed' in Parliament.²⁹ Labour and employment activist and Professor of Industrial Relations at Griffith University, David Peetz laid a formal complaint to the Committee of Privileges after he was named in Parliament as a terrorist sympathiser by the Minister for Employment and Workplace Relations, Senator Eric Abetz. The Minister claimed that Professor Peetz had published a pro-terrorist poem entitled *The President and the Terrorist* in the *Sydney Morning Herald* on 17 September 2001, shortly after the attacks on the World Trade Centre and the Pentagon. In his submission, which was later included in the Hansard records, Peetz wrote:

While I am deeply concerned by these attempts to portray me as an extremist and terrorist sympathiser, I will not be dissuaded from speaking on industrial relations matters in public. However, my deeper concern is for the impact that such attempts at character assassination have on discouraging informed debate in Australia today.³⁰

The Australian Minister for Defence, Senator Robert Hill had earlier set the scene for a swing against both academic inquiry and the involvement of progressive scholars in world affairs, when he scathingly commented:

Academics might discuss the typologies, or the appropriate nomenclature for the terrorism which confronts us today and debate exactly when and how it emerged. But there is no question that the world changed on September 11, 2001, and from that date the war against global terrorism really began. For Australians the transformation of our world became complete one year, one

²⁹ Parliament of the Commonwealth of Australia (2005, December 6). *124th Report – Person referred to in the Senate: Professor David Peetz.*

³⁰ *Ibid.*

month, and one day later when eighty-eight Australians were murdered in Bali.³¹

Government attempts to silence or shame these groups created a climate of anxiety amongst both native and non-native intellectuals as the tenor of debate between academics and indigenous peoples shifted from an environment of relative, if at times somewhat hostile, openness to one of much greater caution and distrust. The stigmatisation and marginalisation of potentially sympathetic researchers also signalled a decline in the number of people with whom indigenous communities, who wished to engage in meaningful collaborative research, could work.

In the post-9/11 climate, new kinds of academics rose to prominence. Experts on terrorism became celebrities in a society which sought explanations for the attacks on the Twin Towers and the Pentagon. However the problem with many of those named as experts by government organisations and the media, was their focus on the symptoms of terrorist activity; the suicide bomber or the hostage-taker, rather than the underlying causes that propel men and women towards acts of terrorism. Thus, the *spectacle* of terrorism became a driving force in *defining* terrorism. As a result politicians and the spectacle-hungry media were more inclined to discuss any kind of public protest, but especially that undertaken by ethnic and minority groups, in terms of the prevailing focus on terrorism, and this had implications for indigenous communities engaged in protest against their own governments.

Media coverage during the invasions of Afghanistan and Iraq, at least in America, Britain and Australia, also tended to promote conservative academic spokespeople who focused on the need for military intervention in terrorist activity. A few home-grown terrorist experts emerged in New Zealand, but local media coverage tended to rely on Australian speakers, many of whom were based in Canberra and involved with government-led think tanks. While the government and the media actively sought conservative academics to speak publicly on behalf of world affairs, the concerns of academics who opposed conservative or militaristic solutions to the war were

³¹ Hill, R. (2004). *Australia's response to terrorism*.

effectively ignored in the public realm. This contributed to the creation of a more conservative attitude towards indigenous protest movements.

It might have been possible for members of non-Islamic indigenous communities to continue to debate their uneasy relationship with academics, and forge new collaborative research ventures regardless of the religious and cultural wars that swirled around them. So long as religion, ethnicity and cultural diversity didn't get in the way, it might have worked. But cultural prejudice is amplified in wartime and the wars that were being fought overseas were essentially wars over the cultural primacy of the West.

Alongside the mounting death toll of civilians in Afghanistan and Iraq, another war was being waged on behalf of cultural imperialism. The hegemonic march of Western civilisation into sovereign nations in the East, redefined intellectual public discourse amongst US-allied nations as well as in New Zealand. And in New Zealand and elsewhere, the stage was set for a crackdown on the rights of indigenous peoples in a post-9/11 battle that would be waged in the universities, in government organisations and in indigenous communities.

Indigenous rights and the crisis in reason

The wars on terror and in Iraq did not directly result in a breakdown of indigenous rights, but they created a climate of distrust and uncertainty, within which suspicion towards domestic activism relating to cultural or ethnic matters prospered. Heightened cultural and racial tensions during wartime and the treatment of political dissent as a form of sedition, influenced the way in which activism at home was handled. Domestic concerns, particularly those long-held by indigenous groups, were relegated to the background of public attention during the conflict. By the time governments and the public were ready to be distracted from the war effort and concentrate on domestic affairs, attitudes towards cultural and ethnic concerns had hardened in the crucible of wartime rhetoric, and this worked to the detriment of indigenous communities. The

Sicangu Lakota scholar, Edward Valandra, was unimpressed by the outpouring of patriotic fervor in the wake of the war:

Nonwhite students, staff, and faculty working in universities throughout the country have apprehensively witnessed how the current regime, in order to get what it wants or to gut or blunt criticism of its behavior, has only to wave the bloody shirt of September 11th, the equivalent of crying out “Remember 9-11!” For nonwhite communities, then, whenever the regime or its supporters unabashedly invoke the cry of “Remember 9-11!,” it has an all-too-familiar echo: “Remember the Alamo!,” “The Little Big Horn!,” “The Maine! and Pearl Harbor!” Each of these previous cries evoke a vivid – but misleading – cultural imagery of brave and hardy whites defending “The American Way” against the uncivilized hordes of nonwhites.³²

Yet despite mass public protest against the actions of the US and its coalition partners, there were still many Americans who saw the attack on architectural monuments, the Twin Towers and the Pentagon, as a symbolic invasion by the forces of unreason on the cultural and moral primacy of the United States in world affairs. In the good guy/bad guy world of moral absolutes, America and its allies represented themselves as upholders of a rational and ethical moral imperative, while the enemies, who Bush named the ‘axis of evil,’ were condemned as irrational fanatics who simply wanted to murder people. Indeed the coalition spin on the war centred on a construction of the conflict as an apocalyptic battle between reason and unreason.

Many First Nations peoples were unconvinced that the US and its allies represented a just and rational moral authority; certainly the assault on the Twin Towers held a different kind of symbolism for them. Jan Hare, the Anishinaabe scholar and member of the M’Chigeeng First Nation of northern Ontario, wrote tellingly of her response to the events of 11 September, 2001. She described how the day unfolded for her mother, whose birthday it was. While people around the world were glued to their television sets trying to make sense of the attacks, her mother and her friends went to the bingo hall.

³² Valandra, E.C. (2003). White belligerence in the academy. *The American Indian Quarterly*.

It gave me pause, bringing to mind how the bingo hall was our own center of trade on the rez. There, amid the bingo dabbers, good luck trinkets, and smoldering cigarettes, we invest, we risk, and we trade. We trade our stories about what's going on in the community and our hopes for winning a game. I could see my mother poring over her cards, talking with the women about the unbelievable, historic events of the day, while pulling back on her Craven A cigarettes. This image of her, amid the rising smoke of the bingo hall, merged in my mind that evening with the haze enveloping New York on my television screen. Where was the link between these worlds and lives if not in a history going back to when we were not playing bingo but were at the very center of trade in this so-called New World, when my people were the New World trade center, some centuries ago.³³

Hare's comments hold a particular resonance for many indigenous peoples. The events of September 11 stir antithetic reactions amongst those who have experienced, first hand, a history of foreign invasion and attack on their native soil. She concludes:

So I was left to wonder if my mother won anything that night at bingo. Against the friends, smoke and hopes of the bingo palace that night stood the historic and tragic collapse of the World Trade Center in New York and the attack on the Pentagon. It caused me to reflect on how, after being formidable New World trade partners, our geographic, economic and spiritual base was roughly traded out from under us, leaving us with, what? Bingo.³⁴

Moreover, the attacks on the Pentagon and the Twin Towers and the ensuing crisis had ongoing consequences for indigenous peoples in coalition nations, as well as in those countries, most notably New Zealand, whose governments had opposed the war in Iraq but had sent a small number of troops for reconstruction duties following the invasion of Afghanistan. The attacks in America unleashed a nostalgic yearning for a return to conservative values.³⁵ Implicit in these anxious desires was a romantic view of a society living in a golden summer of shared beliefs and common cultural and political goals. However these fantasies could only be realised if society was rid of cultural and ethnic diversity. Accordingly, these fantasies translated into practice in a world-wide retrenchment of indigenous rights. As New Zealand academic Jon Johansson has argued:

³³ Hare, J. (2004). Is the bingo palace burning? *Signs*.

³⁴ *Ibid.*

³⁵ Wickham, J.A. (2002). September 11 and America's War on Terrorism: A new manifest destiny?

[P]hantom enemies or out-groups are externalised as impediments to achieving a harmonious or better society. Appeals are made to deep-seated prejudices; scapegoats are identified and held responsible for slow progress. The majority is pitted against minority groups, or perhaps social cleavages are exploited to create a new majority – usually by exploiting a perceived grievance or by making a coded appeal to ignorance, or worse, to prejudice and hatred.³⁶

Public tolerance towards diversity, erratic at the best of times, was replaced with the revival of agendas of cultural assimilation. This was demonstrated in America when Amnesty International (USA) completed a year-long study into racial profiling in the United States, and found that the practice had drastically increased since 11 September 2001.³⁷ Native American testimonies to the Domestic Human Rights Programme public hearings on racial profiling included stories about police cars lining country roads outside tribal jurisdiction waiting to harass Indians as they left cultural and ceremonial activities; about the harassment by law enforcement officers of locals using tribal tags on their cars; of homes being ransacked without warrants by police; and, chillingly, of the death in custody of a 26-year-old man from the Seminole, Creek, Osage, Cherokee and Blackfoot Nations.³⁸

The post-9/11 climate also affected indigenous Australians. The government abolished the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2005, after which time indigenous services were mainstreamed. ATSIC was an elected body represented at the UN Permanent Forum of Indigenous People. Its role as a government organisation was to formally involve indigenous Australians in the processes of government affecting their lives. This move was undertaken without consultation with aboriginal communities, and the delivery of aboriginal services into the mainstream removed significant opportunities for self-determination.³⁹ In addition, a distinct hardening of attitudes towards matters of ethnicity around this time preceded a number of

³⁶ Johannsson, J. (2004). Orewa and the rhetoric of illusion. *Political Science*.

³⁷ Amnesty International, (n.d). *Threat and Humiliation: Racial Profiling, National Security and Human Rights in the United States*.

³⁸ Horse Chief, G. (2003, October 16). Amnesty International hears testimony on racial profiling. *Indian Country Today*.

³⁹ Govt abolishes ATSIC. (2005, March 16). *The Age*.

race riots which took place in various locations across Australia.⁴⁰ As far as the Australian government was concerned, the priority was to send troops to Iraq and, in return, secure lucrative trade deals from a grateful American administration. Moreover, as indigenous rights were steadily chipped away in coalition nations, similar problems were also occurring in post-9/11 New Zealand.

Māori and the Crown in the post-9/11 climate

People in New Zealand were not inured to the events of September 11 nor to their aftermath. Despite mass public protest against the United States invasion of Iraq and the refusal of the New Zealand government to commit troops during the US-Iraq conflict, there was a pervasive mood of tension and public anxiety stemming from the events overseas. Media coverage of the attacks on the Twin Towers and the Pentagon had been extensive and ongoing in New Zealand. As a result national and local security measures were tightened and brought into line with other nations directly involved in the conflict.⁴¹ Then, following the 2002 Bali bombings in which two New Zealanders were killed, the war was brought much closer to home. That event, combined with an upcoming election, triggered a series of political manoeuvrings against Māori.

After 9/11, Muslim communities in New Zealand had been subject to a number of attacks by racist individuals⁴² and calls to tighten immigration policies continued to hold broad appeal for those New Zealanders who were already hostile

⁴⁰ Indeed after the 2002 Bali bombings in which a number of Australian nationals were killed by members of the militant Islamic group Jemaah Islamiyah, race riots in Australia were triggered with greater frequency. These riots reflected the anger of some white Australians towards people who appeared to be of Middle Eastern origin (notably the race riots at Cronulla Beach) but also the increasing frustration of indigenous Australians with the number of aboriginal deaths in custody (notably after the death in custody of Cameroon Doomadgee on Palm Island, and in Sydney after the death of T.J. Hickey).

⁴¹ Less than two weeks after 9/11, the government adopted the United Nations Security Council Resolution 1373, relating to the financing and support of terrorist activities. The 2002 Terrorism Suppression Act and the 2003 Counter-Terrorism Act (Smith 2003) followed closely soon after. But the effects of world events were probably felt most strongly in New Zealand when in 2002 three New Zealanders were killed and many others were injured after two nightclubs in Bali were bombed in an attack which was believed to be directed at Australia in response to its close alliance with the United States.

⁴² de Bres, J. (2005, December 8). The police and minority ethnic communities. Keynote Address to the Australasian Police Multicultural Bureau. Wellington: New Zealand. Retrieved 19/4/06 from <http://www.hrc.co.nz/home/hrc/newsandissues/thepoliceandminorityethniccommunities.php>

towards ethnic groups other than their own,⁴³ but Māori also bore the brunt of wartime xenophobia as a number of politicians sought to make political capital from the heightened ethnic tensions of the post-9/11 climate. The 2005 election campaign was a case in point.

During the campaign, New Zealand First leader, the Rt. Hon. Winston Peters delivered a speech entitled “End of Tolerance” to a Grey Power group in Kaitiāia. Arguing that radical Islamists should not be allowed into the country, he told a cheering crowd, “[y]ou don’t allow preachers of anthems of hate and violence into the country to pervert minds.”⁴⁴ The address was given in July 2005 and the timing was significant. A fortnight later he addressed a Grey Power group in Manukau Counties and spoke in a similar vein. But in this speech, entitled “Is There an Enemy Within?” he claimed that it was in fact Māori who constituted an Islamic threat to New Zealand:

My office has been contacted by a man within the prison service, who does not wish to be identified because it may impact on his employment, but who has expressed his concern at a new phenomenon in our prisons – the growth of radical Islam among disgruntled mainly Māori prisoners who are former gang members. [...] It seems the message of radical Islam has fallen on fertile ears among the disaffected in our prison systems.⁴⁵

Peters publicly identified the leader of the Aotearoa Māori Muslim Association, claiming that he was actively recruiting Māori prison inmates to the cause of al Qaeda.⁴⁶ Despite these wild accusations and racial slurs, Winston Peters accepted the post of Minister of Foreign Affairs in the Labour-led coalition government just over a month later when the September 2005 election had taken place.

The linkage of Māori activism with terrorist activity is not a new phenomenon in New Zealand. In the past, politicians and the media have made considerable mileage

⁴³ Harvey, C. & Taylor, K. (2005, July 29). Peters warns of Muslim serpents. *The New Zealand Herald*.

⁴⁴ *Ibid.*

⁴⁵ Peters, W. (2005, August 10). Is there an enemy within? Address by the Rt. Hon. Winston Peters to Manukau Counties Grey Power, Manurewa Football Club. Manukau: New Zealand. Retrieved 19/4/06 from <http://www.hrc.co.nz/home/hrc/newsandissues/thepoliceandminorityethniccommunities.php>

⁴⁶ *Ibid.*

from accusations that Māori radicals constitute a national danger⁴⁷ but in the post-9/11 climate these allegations hit a chord with a jittery public.⁴⁸ The Leader of the National Party, Don Brash had earlier led an attack on Māori designed to increase poll ratings by triggering voter sensitivities towards race relations.⁴⁹ In his 2004 Ōrewa speech, Brash blamed Māori, who he said had adopted a grievance mentality⁵⁰ and their elite Pākehā supporters, who he named “fifth columnists,”⁵¹ for the damage to racial harmony. He held Māori and the Labour government firmly responsible for slowing the Treaty settlement process and creating a racially segregated society, arguing:

We should not use the Treaty as a basis for creating greater civil, political or democratic rights for Māori than for any other New Zealander. In the 21st century it is unconscionable for us to be taking that separatist path, and this Labour government deserves to be defeated on that basis alone. [...] It is essential to put this behind us if all of us – and Māori in particular – are to stop looking backward and start moving forward into this new century as a modern, democratic and prosperous nation. [...] The “principles of the Treaty: - never clearly defined yet ever expanding – are the thin edge of the wedge and we want no part of that.”⁵²

Furthermore, he argued that Māori no longer constituted a distinct ethnic group due to high rates of miscegenation, in which case race-based funding of health, education and other social services was unwarranted. This last argument directly fed a common prejudice about the racial ‘impurity’ of Māori; and the belief that the prevalence of Māori of mixed descent belied the need for any special consideration. This will be discussed further in a later section, but of note here is the way in which Brash

⁴⁷ Former Member of Parliament, Ross Meurant claimed in his maiden speech to Parliament in the 1980s that Maori radicals would plunge New Zealand into civil war, see for example, Gregory, A. (2005, May 6) Meurant’s Red Squad baton up for sale. *The New Zealand Herald*. However Meurant is one of a number of politicians who have made these kinds of claims.

⁴⁸ For an account of how the threat of terrorism affects the New Zealand public’s attitudes towards Maori activism, see M. Grimshaw (2006). Religion, terror and the end of the postmodern: rethinking the response. *International Journal of Baudrillard Studies*. 3, 1.

⁴⁹ J. Johansson (2004). Ōrewa and the rhetoric of illusion. *Political Science*.

⁵⁰ In his Ōrewa speech, Brash said “Too many Maori leaders are looking backwards rather than towards the future. Too many have been encouraged by successive governments to adopt grievance mode.” See: Brash, D. (2004 January 27). *Nationhood: an address to the Ōrewa Rotary Club*. [Transcript]. Retrieved 18 April 2006 from http://www.national.org.nz/files/OrewaRotaryClub_27Jan.pdf

⁵¹ *Ibid.*

⁵² *Ibid.*

manipulated the views of a particularly conservative section of the New Zealand public through his systematic attacks on Māori.

The National Party's spike in popularity directly following the Ōrewa speech did not win them the election the following year, but the widely reported address uncovered a desire amongst some New Zealanders to return to the assimilationist policies of the past.⁵³ In the post 9/11 environment, these attitudes held wide currency and not only in New Zealand. Indeed, the steady erosion of domestic civil rights during wartime and the increasingly polarised ethnic climate of national and world affairs⁵⁴ provided greater license for coalition ally and non-Islamic governments to introduce legislation which overrode indigenous rights at home. In New Zealand, the Labour-led government introduced a review of targeted programmes in a swift reaction to the surge in poll ratings of Opposition members who had successfully deployed racial sensitivities to attract voters.⁵⁵ At the time of writing, the first stage of the review was complete and the Coordinating Minister, Race Relations Trevor Mallard, announced that a) the ethnicity weighting would be removed from the decile funding of schools, and b) the ethnicity component of equity funding to community-based non-profit early childhood education services would also be removed.⁵⁶

But the government had even bigger fish to fry. In 2004 the Foreshore and Seabed Act was passed creating a wave of fury and protest amongst Māori tribal communities throughout the country. According to the government, the Act was intended to preserve the public foreshore and seabed in perpetuity as the common heritage of all New Zealanders and to recognise the rights and interests of individuals and groups in

⁵³ Jon Johansson (2004) has argued that the Ōrewa speech garnered a great deal of support amongst many New Zealanders and there was a surge in popularity ratings for Don Brash and the National Party, particularly among men, blue-collar workers and the 45-59 year-old and over-60 age groups. The income groups most supportive of Brash's speech tended to be amongst the lowest paid, who Johansson suggests, "perhaps feel particularly aggrieved by perceived 'favorable treatment' towards Maori – and our country's highest earners."

⁵⁴ For further discussion on the erosion of civil rights in the post-9/11 era, see David Cole (2003, April 14) Shocks to the constitution. *The Nation*.

⁵⁵ Mallard, T. (2004, August 12). *Update on review of targeted policies and programmes*. Retrieved 20/4/06 from <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=20626>

⁵⁶ First results of review of targeted programmes. (2004, December 16). *Press Release: New Zealand Government*. Retrieved 20/4/06 from <http://www.scoop.co.nz/stories/PA0412/S00432.htm>

those areas.⁵⁷ To this end, the Act vested full and beneficial ownership of the public foreshore and seabed in the Crown.⁵⁸ The problem was that the areas designated by the Act are an integral part of Māori life; and customary ownership, occupation and use of the foreshore and seabed were assumed under the Treaty of Waitangi. The 2004 legislation effectively extinguished Māori customary title. Moreover the Crown blocked attempts at legal redress by Māori groups.

As the Bill passed through its committee stages, Māori launched mass protest action which culminated in a march (hīkoi) on Parliament in 2004. The hīkoi drew between 30,000-50,000 people in a show of unity against the government's actions.⁵⁹ But the Prime Minister Helen Clark responded with the same kind of moral rhetoric that had served both George W. Bush and the Australian Prime Minister, John Howard, so well in the post-9/11 environment. Her comments to the media framed her government as the champion of decency and rational, ethical justice for all New Zealanders, while Māori were depicted as "haters and wreckers."⁶⁰

This political manoeuvre was particularly effective in swinging a portion of public opinion against Māori rights and directing attention from the issue of customary title. Māori were portrayed as irrational and greedy and possessed of a selfish desire to maintain their relationship with the foreshore and seabed against the more 'sensible' wishes of Pākehā citizens. Indeed Clarke was reported as saying that "[i]f anything it [Māori protest against the Foreshore and Seabed legislation] drives it the other way because people have had a gutsful of the extreme language and the extreme rhetoric."⁶¹ Extremists! Terrorists! The forces of darkness pitched against the civilised urges of Pākehā to picnic at the beach! Māori were depicted in a way which stirred the post-9/11

⁵⁷ Ministry of Justice. (2004, December). *The Foreshore and Seabed Act 2004*. [Brochure]. New Zealand Government publication.

⁵⁸ *Ibid.*

⁵⁹ United Nations. (2006, March 13). Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen. Addendum. Mission to New Zealand. Retrieved 14 April, 2006, from <http://img.scoop.co.nz/media/pdfs/0604/srnzmarch06.pdf>. p.14.

⁶⁰ Helen Clark slams hikoi. (2004, May 4). *Television One News*. Retrieved 18 April, 2006, from http://tvnz.co.nz/view/news_story_skin/424042%3Fformat=html

⁶¹ Hikoi will make no difference to seabed and foreshore policy, says Clarke. (2004, April 26). *The New Zealand Herald*.

fears and anxieties of conservative right-wing New Zealanders and, in the end, the Bill was passed.

In a report to the United Nations Commission on Human Rights regarding the human rights implications for Māori, the Special Rapporteur, Rodolfo Stavenhagen, agreed that the Act extinguished the inherent rights of Māori to the foreshore and seabed without sufficient redress or compensation.⁶² He concluded:

... the Crown extinguished all Māori extant rights to the foreshore and seabed in the name of public interest and at the same time opened the possibility for the recognition by the Government of customary use and practices through complicated and restrictive judicial and administrative procedures.⁶³

According to a national poll, most Māori believe this legislation amounts to the extinguishing of customary title⁶⁴ and it is also likely that most Māori would agree with Stavenhagen's comment:

[A] return to the assimilationist model appears increasingly in public discourse, redirecting concern about the collective rights and the place of Māori as a people within the wider society, to an emphasis on the protection of the individual rights of all New Zealanders, including the rights to equal opportunity, due process of law and freedom from illegal discrimination on any grounds, including ethnicity or race.⁶⁵

These concerns underpin the very nature of the post-9/11 zeitgeist, a climate in which public opinion has driven a conservative backlash in discourses about race and ethnicity. For many indigenous peoples, it seems as if reason and rational debate have been deployed in the service of assimilationist policies. 'We have given them everything,' is the righteous echo of the Crown and a hostile public, 'and look at how they have repaid us'.

⁶² United Nations. (2006, March 13). Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen. p.14ff.

⁶³ *Ibid.* p.19.

⁶⁴ Young, A. (2003, August 11). Maori: Hands off foreshore. *New Zealand Herald*.

⁶⁵ *Op. cit.* p.20.

Universities in the post-9/11 era

The conservative political climate since September 11 2001 has provided a new environment for the production of knowledge and, within this intellectual landscape, new forces are reshaping academic priorities. This has implications for researchers who wish to engage with Māori communities. The suppression of dissent; the shrill cry of patriotism amongst more conservative members of the public; the marginalisation of some forms of social inquiry and research; the scapegoating of ethnic and indigenous minorities; the focus of governments on the external ‘terrorist threat’ which diverts attention from internal social issues; the increased appeal of tough or militaristic responses to the question of law and order; the reversion to assimilationist agendas; and, the witch hunts for ‘fifth columnists’ particularly among the ranks of ethnic minorities and liberal Pākehā - all of these form a backdrop to social research on cultural and indigenous matters in the post-9/11 world.

The ascendancy of moral and political conservatism also has a pervasive influence over which forms of knowledge are currently ‘in favour’; which academic disciplines will receive funding, and which will face lean times. Additionally, the rise of managerial and corporate systems of governance coupled with the aggressive pursuit of free market policies for commercial gain, and the emergence of new discourses of power, have each made their mark on knowledge production within the academy. As Walters (2003) has argued, universities are increasingly expected to behave as corporations in the race to generate profit from research contracts and programmes.⁶⁶ To this end, the realm of knowledge has become increasingly privatised by commercial arrangements between contracting researchers and fee-paying clients; and within this environment, the value of researchers lies in their ability to generate commercial profit from their fields of knowledge.

The intellectual landscape did not suddenly start to change on 11 September 2001; rather a series of trends, which predated the attacks on the Twin Towers and the Pentagon, gathered momentum. In the aftermath of 9/11, the *dernier cri* of conservative

⁶⁶ Walters, 2004. *The War on Terror and the Suppression of Dissent*. pp.62-64.

university administrators for corporatist governance intensified, and the drive towards the commodification of new forms of knowledge accelerated within the universities. In this respect, there were far-reaching implications for indigenous peoples as the focus of academic research shifted towards commercial models. Prior to the events of 9/11, indigenous knowledge was a much sought after commodity by pharmaceutical and bioprospecting organisations, but hardening attitudes towards ethnic and cultural minorities after 9/11 worsened the atmosphere in which intellectual inquiry took place, particularly when lucrative research contracts were involved. Subsequent disputes between indigenous communities and researchers over intellectual and cultural property rights were bound to become more complicated.⁶⁷

In the divided ethnic milieu of the post-9/11 era, cultural priorities and allegiances became increasingly polarised, not only in the political and social domains, but also within the realm of knowledge production. As indigenous communities lose patience with sustained attacks on their civil and customary rights, some are now much less willing to welcome outsiders into their midst, and this sometimes includes researchers.

In conclusion, it would be fair to say that history and culture were on a collision course well before September 2001, but in the wake of the attacks, ideas about collaboration, political allegiance and identity have assumed a new cultural dimension and a far greater sense of urgency. This much was clear before the smoke had cleared over ground zero. But for those indigenous peoples who watched the unfolding of events in the post-9/11 era, and who saw an acceleration in the loss of their customary rights to land, the erosion of their civil liberties as citizens, and the steady chipping away of government structures aimed at promoting ethnic and racial equality; as well as those who fought against the strident jingoism of the times, and were caught between the

⁶⁷ For a fuller discussion see Greene, S. (2004). Culture as politics, culture as property in pharmaceutical bioprospecting. *Current Anthropology*. 45, 2. pp.211-238 and Belejack, B. (2002). Bio “gold” rush in Chiapas on hold. *Report on Science and Technology*. 35, 5. pp.23- 52.

widening divisions between ethnic groups in the wake of the attacks on American soil – the war on terror is also, for them at any rate, a war on reason.

THE MEDIATION OF MEANING: ACADEMICS AND THE CULTURAL LOGIC OF THE TANIWHA

When academic researchers gather data in the course of their research with Māori communities, they are actively engaging with different systems of cultural meaning. However while the information they seek is located within the cultural logic of Māori communities, the way in which they collect, structure and interpret data is directly mediated by the mores and conventions of their disciplinary field. That different groups have their own way of organising knowledge is hardly surprising news. Researchers working inside practically any community are aware that different groups have their own ways of thinking about the world which do not necessarily correspond with the systems and deep structures of world-views within academic disciplines. What is surprising is that in New Zealand there are many academic researchers who are deeply reluctant to incorporate academic inquiry with Māori cultural meanings and knowledge. As a result, there is today, an intellectual ‘disconnect’ between Māori forms of knowledge and much academic research.

Countless pages in academic journals have been filled with discussions about the shortcomings of various academic discourses in offering explanations about the knowledge systems of marginalised or peripheral groups of people. Indeed, in the social sciences, academic careers are built on explorations of the relationships between marginalised peoples and dominant groups. These discussions are often staged between warring factions of structuralists and post-structuralists, as well as between advocates of modernism and post-modernism. But in many cases, regardless of their theoretical inclinations, the intellectual ‘disconnect’ of academic researchers signifies an almost total refusal to engage on a human level with the communities about which they have theorised.

The reluctance of many academics to directly engage with indigenous communities, despite their professional fascination with social or cultural ‘otherness’, has

almost become a standing joke amongst people outside the academy, but in New Zealand the disconnection between Māori communities and academic researchers has a lengthy history. Consequently, the absence of an ongoing and meaningful dialogue between Māori cultural and historical knowledge experts and academic practitioners has resulted in the reproduction of disciplinary structures which are ill-equipped to address the real-life concerns and issues confronting Māori people in the twenty-first century. Conversely, knowledge producers in Māori communities can't always rely on academics to develop relevant, locally-generated intellectual responses which can be readily incorporated into problem-solving activities at a local or cultural level.

The enduring silences surrounding Māori cultural knowledge and history within the academy have, over time, effectively slowed the creation of new forms of knowledge, and generated an intellectual timidity which is passed from academic generation to academic generation. To comprehend the ways in which academic disciplines mediate (or fail to mediate) the production of knowledge and research outcomes with regard to Māori communities, we must first understand how academic knowledge is shaped and produced in New Zealand. From there we can begin to explore the silences that befall so many intellectuals and academics when they come into contact with Māori knowledge. If collaborative research is to take place, the silences inherent within the mediating structure of academic disciplines, need to be properly addressed.

A brief history of silence

Academics are not generally lost for words. Even on a bad day they can usually form an opinion and articulate it in complete sentences. But in New Zealand many academics are reluctant to speak openly about matters relating to Māori communities, unless their viewpoints can be hidden in impersonal discussions about Māori health, crime, income or education statistics. Moreover, this unwillingness to initiate or enter fully into cultural debates appears to be a factor in the socialisation of the next generation of academics if we judge by the large number of mainly non-Māori thesis students who also adopt this stance when they formulate their research proposals. Drawing on his experiences as a member of a university ethics committee, demographer

Martin Tolich has written about non-Māori research students who make clear choices to exclude Māori from their general population research samples.⁶⁸ He claims that “Pākehā social science students are warned off contemplating researching Māori in second year research methods courses, and this message is sustained in postgraduate education.”⁶⁹ He suggests that this has resulted in what he calls “Pākehā paralysis” on research matters relating to Māori. This paralysis, he argues, creates a blanket of invisibility around Māori which ultimately skews the results of population samples.

In this respect, Tolich has a good point. However he suggests that the cause of Pākehā paralysis in research involving Māori lies with the emergence of kaupapa Māori research. Kaupapa Māori research is a methodological and conceptual framework which places Māori at the centre of analysis, and in recent years it has become a paradigm in academic research circles. Tolich argues that as a result of the Māori “renaissance” of the 1970s, “well intentioned Pākehā researchers were run out of Māoridom.”⁷⁰ He cites the example of Pākehā historian, Michael King, who made a famously grand exit from researching Māori in the 1990s, as an example of the backlash against Pākehā researchers telling Māori stories. In this respect, Tolich has drawn a false conclusion, but one which is so often repeated that it has gained considerable credibility amongst Pākehā researchers who choose to exclude Māori from their research samples.

In fact, Pākehā were not “run out of Māoridom”; the suggestion conjures an image of bands of respectable and bespectacled researchers being hounded off Marae at the point of a taiaha, and is quite frankly, absurd. During the 1980s and 1990s, kaupapa Māori research gained momentum as an intellectual discourse amongst a growing number of Māori scholars. Despite the uptake of these methods and theories, the actual number of Māori staff in New Zealand universities was (and still is) extremely small. Moreover, not all Māori academic staff were located in the social sciences, so the number of kaupapa Māori research practitioners in those fields during that period was even smaller.

⁶⁸ Tolich, M. (2002). Pakeha “paralysis”: cultural safety for those researching the general population of Aotearoa. *Social Policy Journal of New Zealand*. December. pp. 164-179.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

Moreover, Māori academic staff were (and continue to be) extremely isolated in institutions where the great majority of researchers are non-Māori. Consequently, Māori academic staff tend to be ‘pepper-potted’ around university departments. So even if academic practitioners of kaupapa Māori research had wanted to mount intellectual night-raids against the ‘well-intentioned Pākehā researchers’, their numbers simply weren’t sufficient to guarantee success.

In fact, theoretical models of research were never wrested from Pākehā researchers by Māori; it was all much less convoluted than that. Kaupapa Māori research methodologies validated a fresh set of perspectives which enabled Māori researchers to draw on new research paradigms for their people. Pākehā researchers were not irrelevant to this mission; indeed there was always a role for them.⁷¹ The problem was that many didn’t stick around to develop those roles. I do not wish to diminish the genuine hurt that some Pākehā researchers experienced when they were challenged by emerging Māori researchers,⁷² but perhaps the surprise of discovering that Māori research participants had their own ideas about how research should be conducted, and that these ideas didn’t necessarily mesh with those of researchers working within dominant or conventional research paradigms, was too much for some scholars. At any rate, many withdrew from the field and abdicated their roles as critic and conscience of New Zealand society (by virtue of refusing to include Māori in their analyses), in a great huff of Māori-blaming.

It is here that non-Māori researchers who wish to work with Māori communities need to examine their own training, and perhaps even challenge what they

⁷¹ The bulk of historical research in the Treaty Claims sector for example, continues to be written, in the main, by Pākehā historians who are contracted on behalf of iwi groups. While it is a priority for greater numbers of Māori to be writing these histories, iwi are under intense pressure from the Crown to provide scholarly evidence in support of their claims as quickly as possible, and for that reason, they do not have the luxury of waiting until tribal members have gained postgraduate training and experience in the sector in sufficient numbers to allow them a wide range of amongst contracting researchers. This is not an ideal situation, but it does show that there is a role for Pākehā researchers, and that iwi authorities are willing (in some cases, more than willing) to work with them.

⁷² Michael King (1985), in his book *Being Pakeha: an encounter with New Zealand and the Maori renaissance*. Auckland, New Zealand: Hodder and Stoughton, presents another side to the shift in attitudes towards Pākehā researchers in his painful and intimate testimony. He offers an alternative view to the one I have given here, and while I maintain that Māori did not storm the academy, I also recognise that others, who were there at the time, may see things differently. Certainly Dr King was not amongst those who judged Māori who wished to write their own histories, in a negative light.

have been taught about their ability to contribute to research involving Māori. The catchcry of some kaupapa Māori practitioners that research should be “for Māori, by Māori, about Māori” does not actually mean that Pākehā nowadays are automatically excluded from all research projects involving Māori, although it does mean that conventional academic thinking needs to be questioned. But this is what good scholars do; they continually question the basis of their disciplines in order to advance knowledge. Regardless of whether the questions involve Māori or not, that’s the job of scholars and in the end, it is a choice. The New Zealand Education Act protects academics from being forcibly removed from a field of inquiry and for that reason, if they are genuinely committed to advancing knowledge in their field, they will not willingly avoid or ignore certain sections of the research population, nor, if they are genuinely committed to advancing indigenous research, will they vacate the field in a flurry of accusations against indigenous peoples who have spoken out about their own concerns. Certainly silences have been created around research involving Māori, but non-Māori academic researchers need to look carefully at their own contribution to those silences. In fact, research silence about Māori communities has a much longer history than the advent of Kaupapa Māori, and it is this history which has created the conditions for the exclusion of Māori voices.

When the University of New Zealand was founded in 1870, the early generations of professors were, for the most part, eager to replicate the kind of teaching they had received in English and Scottish universities and little research was conducted on the native or settler populations in their new land.⁷³ Indeed, seventy years after the founding of the country’s tertiary education system, Professor Sir Thomas Hunter said in a Centennial lecture:

I have often wondered what our university education would now be like and what its influence on our country would have been if the university fathers, instead of concentrating their efforts on the traditional subjects tested by means of examinations, had made the work of the university centre around the problems of the new land: agriculture, mining, forestry, Polynesian Studies and attacked these

⁷³ See Kidman, J. (2001). *Travelling in the present historic: a case study of socialization in an academic community in New Zealand*. PhD Thesis. Canberra: Australia. The Australian National University. p.94.

problems from the side of research. Perhaps it was too much to expect that people trained under the old regime [would] adopt such a radical change of attitude.⁷⁴

He added that had they approached higher education in this way, it would be likely that by 1940, there would have been a fully developed School of Polynesian Studies. As it was, much of the seminal research in the Pacific had been initiated in other countries.⁷⁵

It is clear that scholarly silences surrounded *both* Māori and settler communities from the early days of the New Zealand university and the research environment had still not greatly changed in the nineteen years following Professor Sir Thomas Hunter's Centennial lecture. In 1959, a Report was released which had a far-reaching impact on university education in New Zealand. The authors of *The Report of the Committee on New Zealand Universities*, commonly known as the Hughes Parry Report, launched a stinging attack on the state of New Zealand tertiary education. They noted the absence of local research and were scathing of the refusal of New Zealand academics to fully engage with the social and cultural problems of the country through conducting meaningful, relevant and rigorous research. They suggested that while the pioneering traditions embedded in the nation's university were of historical importance, they had directly contributed to a failure to accord a high priority to original investigation and academic research. The Hughes Parry Committee was adamant that the university needed to quickly foster a local intellectual community of its own rather than rely on what had deteriorated into an inferior imitation of British scholarship.⁷⁶

If the dependence of New Zealand-based academics on foreign scholarship created a climate of intellectual stagnation with regard to local research innovation, this was particularly the case with regard to Māori research. In Wellington, for example, it was not until 1965 that the Victoria University Council succumbed to public pressure in the form of a letter-writing campaign, to create a Department of Anthropology and Māori

⁷⁴ Hunter, Professor Sir T. (1940, June 7). *The place of the university in the first hundred years: centennial lecture*. Auckland, New Zealand: Auckland University College. p.15.

⁷⁵ *Op. Cit.*

⁷⁶ Kidman (2001). p.93.

Studies.⁷⁷ In 1973, when Māori Studies was finally removed from the umbrella of the Anthropology Department and a full-time Professor was appointed, after which it became a stand-alone Department in its own right.

In the years following the Second World War, the absence of a locally oriented research culture was particularly problematic. This was partly because the northern hemisphere lexicon of war and nation did not quite fit the experiences of young New Zealanders who had fought abroad, nor was there yet a confident local voice for the wartime narratives of those who stayed at home. The post-war era in New Zealand was characterised in Pākehā intellectual circles, at least, by a desire to find a way of speaking about matters of cultural identity and nationhood which did not rely on Britain for meaning. But here they ran into difficulties because while the staff at the University of New Zealand continued to teach Greek and Latin, they had not found a way of talking about New Zealand as a nation, nor were they particularly well-equipped to go and find out what that might mean for different groups of New Zealanders.⁷⁸

Consequently Pākehā intellectuals in post-war New Zealand themselves encountered difficulties as they sought to explain their own nascent cultural and national identity. They aspired to a sense of connection with their location in the South Pacific, but they, too, were hampered by the absence of a locally-generated academic framework through which they could pursue their inquiries into the matter. In the end, it was left largely to public intellectuals outside the academy to find expressions for these new voices.⁷⁹

A discernible pattern of silence begins to emerge here. Pākehā academics dominated the early university environment and were slow to articulate a local Pākehā and national identity within the university context. It is hardly surprising then, that many were either silent, or reluctant to discuss or pursue in their research, matters pertaining to Māori. Given that the numbers of Māori academic staff in the post-war university were

⁷⁷ *Ibid.* p.155.

⁷⁸ See Kidman (2001), chapters 6 and 7.

⁷⁹ *Ibid.*

practically non-existent, it also comes as no surprise that Māori themselves did not step in to redress the imbalance, nor fill the gaps in university research. Perhaps they would have done so had they been in academic employment in any significant numbers at the time, but they weren't, so these matters had to wait until the 1970s when Māori began to trickle into the university in greater force.

The mediating gaze: visions of Māori in the academic disciplines

As the New Zealand tertiary education system developed, institutional silences were responsible for creating a series of Māori absences within intellectual academic inquiry, but this formed only part of the problem. Other difficulties lay with the structures of the academic disciplines themselves, as well as the way in which they were practised in New Zealand throughout the 19th, and much of the 20th centuries. A further dilemma for early academic researchers was that the disciplinary lenses through which they gazed at an evolving New Zealand society, often failed to provide a rigorous scholarly regimen around which they could conceptualise their research. That is to say, they were a fair few implements short of a theoretical toolkit.⁸⁰

The absence of a robust local culture of scholarly inquiry in early New Zealand academic circles created an enduring legacy in local research. Scholarly analysis is mediated through disciplinary structures, but certain critical aspects of the social sciences in particular, remained largely unexamined for a long time, at least as far as Māori were concerned. Moreover, the disciplinary lenses through which academics in New Zealand viewed society were imported constructs which had their roots deep in nineteenth century romanticism.

Romantic narratives of the alienation experienced by many nineteenth century Europeans from their rapidly industrialising societies, and the subsequent valorising of the 'primitive', have been discussed endlessly in a range of academic contexts, and need not be repeated here. Of note however, is the way in which the 'Native' was

⁸⁰ The absence of a robust culture of intellectual inquiry was certainly a key concern for the Hughes Parry Committee in 1959.

conceptualised not only in the popular imagination, but also in early academic narratives. James Belich has written of the ‘racial optics’ of the settler and the academic gaze.⁸¹ Through these, he contends, Māori were variously located on a European spectrum of otherness; at one end, Māori were perceived as racially inferior; at other points on the spectrum Māori were portrayed as being potentially convertible to ‘whiteness’ through a range of assimilating cultural manoeuvres; or, at the far end of otherness, Māori were seen as a dying race, beyond hope or salvation.⁸²

This latter depiction of Māori as a dying race drew heavily upon the rapid depopulation of American Indian communities in the sixteenth century, and Belich argues that this image was applied to Māori and Pacific peoples in the late eighteenth century as evidence of native decline and degeneration. He contends that there was a kernel of truth in the ‘fatal impact’ thesis insofar as during the early contact period Māori and Pacific populations had not built a strong immunity to European diseases, but he argues that these ideas led to an exaggeration of population decline amongst Māori, “empty villages,” he argued, “were automatically attributed to the ravages of disease rather than a summer at the beach.”⁸³

The Them/Us focus of the European gaze has also been documented elsewhere⁸⁴ and it is hardly worth reiterating here except for the notion that academic disciplines have historically been racially inflected and this legacy remains embedded in the social sciences, albeit in less hawkish ways. Nowadays academic researchers are much less likely to make aggressive Them/Us distinctions when exploring Māori/Pākehā relations or Māori culture. More recently they have preferred the term ‘relational identities’. In other words, Māori culture and identity is viewed, rather homogenously, in relation to a range of Pākehā culture and identities. Psychologist, James Liu, for example, agrees with the historian Michael King that “Māori and Pākehā are mutually constituted

⁸¹ Belich, J. (2001). Myth, race and identity in New Zealand. In Binney, J. (Ed.). *The shaping of history: essays from the New Zealand Journal of History*. Wellington, New Zealand: Bridget Williams Books. p.357.

⁸² Belich, J. *Ibid.*

⁸³ *Ibid.*

⁸⁴ See for example, Kidman, J. (2001); as well as Linda Smith’s book *Decolonising Methodologies*.

in one another's gaze", and that "[c]onsciousness of Māori as a people was forged through the crucible of colonisation and continues to be realised in relation to Pākehā and New Zealand identity."⁸⁵

Indeed, Māori are constantly reminded that modern forms of tribal organisation and cultural identity have come into existence because of the Pākehā presence in New Zealand. The anthropologist Jeffrey Sissons, for example, has written extensively and insightfully about Māori tribal and cultural identities, yet he too reminds us:

Ironically, the very concept of a 'tribe' is largely the creation of colonial administrations. British colonialism's most successful strategy, indirect rule, required officially recognised leaders of bounded groups occupying fixed areas of land. Chiefs, tribes and mapped territories were among the essential conditions of empire.⁸⁶

Well, yes. Traditional notions of iwi have shifted across history and adapted to new circumstances. Certainly, nineteenth century Māori were aware of the far-reaching impact of the British Empire, and new forms of tribal organisation evolved as a result. Although, it should be noted that the structures and organisation of Māori life were extraordinarily flexible prior to the arrival of the colonial administration, a factor which probably contributed to their continued survival, albeit in new manifestations, across time.⁸⁷ But these ideas have been translated into a popular, conservative, talkback-show consciousness as some sort of 'proof' that were it not for Pākehā, Māori would be living in mud huts, dying of unpleasant diseases, and performing acts of cannibalism. How often are we reminded that were it not for colonisation, we wouldn't have polio vaccinations, modern plumbing, the Auckland Harbour Bridge, Four-Wheel Drives, or microwave ovens?

⁸⁵ Liu, J. H. (2005). History and identity: a system of checks and balances for Aotearoa/New Zealand. In Liu, J.H., McCreanor, T., McIntosh, T. & Teaiwa, T. (Eds.). *New Zealand identities: departures and destinations*. Wellington, NZ: Victoria University Press. p.77.

⁸⁶ Sissons, J. (2005). *First peoples: indigenous cultures and their futures*. Great Britain: Reaktion Books Ltd. p.52.

⁸⁷ See for example Angela Ballara (1998). *Iwi: the dynamics of Maori tribal organisation from c.1769 to c.1945*. Wellington, New Zealand: Victoria University Press.

Relational identity theorists tend to overlook the fact that there are many Pākehā who actively avoid cultural or social contact with Māori; that there are Māori who draw strong cultural identities from other Māori; and, that despite extensive engagement with the Crown, many iwi continue to define important aspects about themselves in relation to other iwi as well as their own hapū, depending on the circumstances, rather than depending exclusively on Pākehā political needs and priorities for meaning and identity.

Furthermore, while theories of relational identity inform much of the academic imagining of Māori culture and communities nowadays, problems emerge when academic theorists too readily attribute and incorporate Pākehā-ness with definitions of Māori-ness, but are less willing to explore the ways in which Māori-ness might be a precondition for being Pākehā. Thus, we have studies about Māori using non-Māori forms of music, such as hip-hop, in which they manipulate a range of cultural expressions; and research papers about Māori cultural identity in mainstream education and health programmes, but very few which explore the ways in which Pākehā contemporary cultural identities might respond to the presence of tangata whenua, or look towards Māori identities for meaning. This impoverishes the research environment and creates less of a sense of cultural relatively [relativity?], as it does a distinct feeling of theoretical imbalance.

Authenticity wars: ‘real’ and ‘fake’ Māori

Academic overstatements about the Māori/Pākehā cultural divide are actively discouraged nowadays, and have been replaced, to a certain extent, by theories about relative cultural identities. But although this thinking has found favour in New Zealand universities, it does not ultimately achieve the objective of including Māori in the theoretical narrative. Indeed, certain aspects of identity relativism have created a range of theoretical dilemmas, not least because the deep structures of academic disciplines mediate scholarly perceptions of what is real, genuine and authentic.

Regardless of whether cultural practices are analysed from a modernist or postmodernist basis, or indeed any other discipline-based perspective, the fact remains that theoretical paradigms and methodological practices within academic disciplines structure the way in which culture is conceptualised, portrayed and explained. This is not only problematic when imported theories and methodologies fail to provide adequate explanations for local practices, but also when assumptions which lie deep within the conventions of disciplinary endeavour, come to regulate and guide perceptions of cultural behaviour.

Academic research involves a systematic sorting of truth from fiction, opinion from fact, genuine from fake, pure from impure, and in the social sciences the systems and procedures used to sift these data frequently require the imaginative and creative exercise of judgement. It is these kinds of judgements, grounded in the deep structures of disciplinary thinking, that allow researchers to decide what is, and is not, patterned cultural behaviour, and whether or not those behaviours are ‘genuine’, ‘traditional’, and ‘customary’, or ‘invented’, ‘hybridised’, perhaps part of a cultural ‘pastiche’, or an act of cultural ‘mimicry’.

That these preoccupations shape academic thinking to a very considerable degree is not surprising, but the tyranny of theory is all too often realised in the way in which perceptions of culture and cultural authenticity are policed by the unquestioning application of imported social theories and assumptions to local settings. Indeed young and inexperienced researchers regularly overemphasise the importance of cultural theories that have been developed in non-New Zealand contexts, and employ methodologies which require research participants to reproduce their popular consciousness along the lines of a pre-determined social theory of identity. Yet when those theories fail to provide sensible explanations for lived cultural practice, or are unable to accommodate cultural practices and behaviours which do not fit prescribed patterns, they are often unable to see beyond the assumptions of the theories they have been taught; or, they discount or ignore what they have seen and observed in the real life of their research participants; or, they try to find ways of editing their observations to fit

more neatly with existing theoretical structures. Emerging researchers are often reluctant to challenge the theoretical canons of their disciplines, while many experienced researchers have already incorporated theoretical assumptions into their thinking to such a degree that their careers have been built upon them, and in that respect, they have a vested interest in maintaining the status quo. The result, too often, is academic silence.

Questions about cultural authenticity and authentic cultural identities are frequently rehearsed and debated by researchers and theorists who have cast their eye over life in American Indian and Australian aboriginal communities.⁸⁸ To the great disappointment of some twentieth century and early twenty-first century social scientists who seek the ‘genuine’ indigenous Other, large numbers of indigenous peoples nowadays have television sets, insurance plans, electricity, and running water in their homes. In some cases, they are more often to be found wearing t-shirts and trainers, than feathers and shell necklaces. Many drive cars, read books, and go to the movies. Some have borne children with partners outside their ethnic or tribal group, yet they and their children, continue to maintain a primary sense of identity and affiliation with their tribal, cultural or ethnic groups. How can this be, some researchers and theorists wonder? How can native populations insist on the primacy of indigenous culture in their own lives when those cultures have so visibly changed over time, even to the point where some no longer appear to be fundamentally ‘alien’ nor provide a clearly identifiable counterpoint to Western identities? Can they still be considered ‘culturally authentic’ if they do not fit identity theories that demand a relatively visible Other? The answer for many social theorists, is a resounding, no!

Thomas Biolsi warned that researchers can be led astray when they are unable to think beyond their disciplines when he wrote about the influential cultural anthropologist, Haviland Scudder Mekeel, whose career spanned the 1930s and 1940s.

⁸⁸ See for example, Biolsi, T. (1997). The anthropological construction of “Indians”: Haviland Scudder Mekeel and the search for the primitive in Lakota country. In Biolsi, T. & Zimmerman, L.J. (Eds.). *Indians and anthropologists: Vine Deloria Jr. and the critique of anthropology*. Tucson: The University of Arizona Press. Also, Lattas, A. (1993). Essentialism, memory and resistance: aboriginality and the politics of authenticity. *Oceania*. 63, 3. pp.240-268.

Mekeel's early work involved a study of the Oglala Lakota of the Pine Ridge Reservation in South Dakota. He was particularly interested in examining a culture that was incommensurably different from his own, and for that reason he was not drawn to American Indian people who were of 'mixed blood' or had adopted aspects of white American culture.⁸⁹ Biolsi describes how Mekeel drove from reservation to reservation seeking 'genuine' Lakota people, rejecting those who he saw as less authentic, or 'tainted' by their contact with white American culture. In effect, he wrote off as inauthentic, any person who did not 'act' Indian enough.

There is an issue here for social researchers in New Zealand, who go in search of Māori communities only to find that their disciplinary paradigms do not allow them to recognise emergent behaviour which is neither 'traditional' nor 'acculturated'.⁹⁰ Jeffrey Sissons (2005) describes this group of Māori as the 'excluded middles':

Included in the excluded middles of many post-settler states today are millions of indigenous people variously described as 'half-castes', 'mixed-bloods', 'urbanized', 'non-traditional' and 'westernized' – usually the majority of their indigenous citizens.⁹¹

This kind of approach removes a large section of the Māori population from the social narrative and can be seen in a range of research projects in the social sciences. Outside of the Treaty sector, there are, with notable exceptions, few non-Māori researchers who are particularly interested in the Treaty of Waitangi. Following Biolsi's analysis of Mekeel's work, I suspect there is an undercurrent of feeling amongst some social researchers that the Treaty is not authentically Māori, rather it is seen as a consequence of Anglo-settlement and contact. The haka, carvings on whareniui, oral traditions, traditional waiata can be admired as 'authentic' cultural products and seem to have greater appeal than tribal relationships with the Crown. Moreover, there are those who are drawn to the notion of the spiritual or traditional connection of Māori with the land, regardless of how much land has been alienated or lost. Consequently, not only are

⁸⁹ Biolsi (1997). p.141.

⁹⁰ Biolsi also makes this point with regard to Mekeel's work with the Lakota. p.148.

⁹¹ Sissons (2005). p.39.

the ‘excluded middles’ absent from the conversation, much recent tribal history is also ignored.

Indeed, Māori culture in New Zealand is regularly, and tediously, challenged in this way. The print and television media frequently present interviews along these lines with politicians and government officials, or ‘person on the street’ comments. And then there are the assiduous writers of letters to the editor, who claim that Māori are no longer sufficiently exotic in their everyday lives to be considered terms of a distinct cultural identity. A further popular claim is that since there are no longer many ‘full-blooded’ Māori, the race can be considered to have been bred out of existence through miscegenation. The insistence here is that since Māori bloodlines are no longer ‘pure’, Māori can not lay claim to a distinct ethnic or cultural identity. Academic researchers are usually loathe to repeat these sorts of allegations although Auckland University’s educational studies lecturer, Elizabeth Rata comes close when she writes:

The ideology of primordialism has a strong following despite the fairly obvious reality of ethnic fluidity. Everyone living today is descended from the same genetic origins. Everyone comes from a history of genetic mixing. Even groups, such as Māori that had several centuries in isolation, come from origins shared by all human beings. In the past two centuries, Māori have contributed to the larger gene pool.⁹²

Rata is arguing here that there is no primordial Māori ethnicity because Māori bloodlines have always been mixed in with the larger ‘human’ gene pool. Well, yes—Māori genes are indeed human genes. She adds:

The past five hundred years of intensive globalisation have seen even those more isolated gene pools fed back into the human pond. [...] The New Zealand experience of intermarriage and cultural assimilation is the human experience. All New Zealanders, if they go back far enough, can identify a range of ancestral groups. They have an identity as Celts or Polynesian or Slav simply because the group settled for a period of time in a particular place long enough to be identified as such. When the group did move out and mix with or assimilate into others it may or may not have retained a strong historical memory of the original

⁹² Rata, E. (2005, May 19). *The subversion of democracy in New Zealand education*. Address to the New Zealand Secondary Principals’ Conference. Wellington, New Zealand. Retrieved 30 May 2006 from <http://www.education.auckland.ac.nz/doclibrary/pdf/postgraduate/staff/erata/RataNZPrincipalsAddress.pdf> p.5.

group and continued certain cultural practices. Recent claims for a new indigenous New Zealand identity consisting of all migratory groups are within this process of ‘regrouping’.⁹³

Herein is the crux of the problem for many academic researchers and theorists in New Zealand, theories of essentialism and biological determinism are definitely *non grata* in the social sciences. However, whakapapa is the basis for Māori identity, and whakapapa in its strictest genealogical sense, requires a blood-link to a Māori ancestor. There are currently very few theoretical spaces in the social sciences in New Zealand where the primary importance of whakapapa can be acknowledged, without the attendant intellectual luggage of theories based on western histories, perspectives and practices of essentialism. In staff common rooms in various universities around New Zealand and in Australia, I have heard social science practitioners equate the primacy of whakapapa in Māori culture with National Socialist theories of race and genetic inheritance, yet not once have I heard similar condemnation of the ranks of Pākehā amateur genealogists (sometimes known as ‘granny hunters’) who spend their lives studying microfiche files in libraries in an ongoing quest to discover their own ancestry.⁹⁴ Indeed, it seems to me that those people who cheerfully (and noisily) spend hours at the microfiche machine while the rest of us wait in line, are always just one ancestor away from discovering a Duke or an Earl or some other famous historical personage who has unwittingly ennobled their bloodline or otherwise contributed to their genetic make-up. All that aside, there is simply no intellectual framework for non-Māori academic researchers who have been trained in contemporary identity theories, to speak meaningfully about whakapapa – a critical component of Māori life and identity – without being accused of essentialist biases.

If Māori communities are to be involved in research projects as partners, there are certain assumptions that researchers need to address if they are going to operate effectively. Foremost amongst these is the need to distinguish between the way that

⁹³ *Ibid.*

⁹⁴ Indeed, Elizabeth Rata links Kaupapa Maori to Nazi Aryan ideology in her paper, *Ethnic ideologies in New Zealand education: What’s wrong with Kaupapa Maori?* Paper presented at the Teacher Education Forum of Aotearoa New Zealand Conference (TEFANZ). Auckland, New Zealand. Retrieved 30 May 2006 from <http://www.education.auckland.ac.nz/doclibrary/pdf/postgraduate/staff/erata/RataTefanzFinal1June04.pdf>

whakapapa is perceived and played out in real, everyday lives, and the way that it is 'imagined' and theoretically 'invented' by academic researchers. James Belich argues that "[k]inship was the conceptual language of Māori social organization, not necessarily the thing itself."⁹⁵ And he warns "of the dangers of assuming that lineage was inflexible, and of static and reductionist conceptions of the tribe."⁹⁶ Researchers would do well to consider this advice. They might perhaps also consider the implications of portraying Māori culture simply as a relational identity; or as a method of social patterning that exists in order to affirm, and to be affirmed by, Pākehā mores. One way of breaking free of this set of theoretical assumptions is to begin with the notion that Māori culture and Māori communities are neither static nor bounded in the same way that conventional non-local theories of boundedness might suggest.

Thinking beyond disciplinary paradigms

Within social sciences disciplines, there are historical, theoretical and institutional silences surrounding Māori communities. As a result, local knowledge remains under-theorised and largely excluded from the intellectual life of the academy, except in comparatively isolated pockets. There is a way beyond this, but it is not an easy road for researchers who have built strong allegiances to their disciplines.

Notions of social justice are deeply embedded in the social sciences. In practice, this often relates to what Celia Haig-Brown calls the "perennial desire of progressive academics 'to be of use'" to the research populations they believe they are serving.⁹⁷ In rather more forceful terms, she refers to Crichlow's condemnation of the "drippy liberal notion [of] "bettering the oppressed and downtrodden""⁹⁸ Indeed, she doesn't mince her words but she has some justification. She argues that regardless of the lofty intentions of researchers to get the 'native point of view', all too often the ultimate goal is to capture it and return it to "the civilised world of academe where we [read Euro-

⁹⁵ Belich (2001). p.360.

⁹⁶ *Ibid.*

⁹⁷ Celia Haig-Brown (2001). *Continuing collaborative knowledge production: knowing when, where, how and why*. Journal of Intercultural Studies. 22,1. p.21.

⁹⁸ *Ibid.* p.26.

Canadians] will make sense of it in ways that the people ‘out there’ do not have access to”.⁹⁹

Moreover, once indigenous knowledge has been translated into academic texts and publications, it is often imbued with scholarly (*not* indigenous) ideas about the nature of power in indigenous communities. In the social sciences, power is frequently conceptualised in terms of conflicting forces, a notion which many indigenous people find extremely limiting as an analytic tool.¹⁰⁰ Certainly, there is no doubt in my mind that indigenous peoples are doing more in their everyday lives than merely reacting against or resisting domination. Indeed, the concept of power as a binary activity between oppressor/oppressed seems extraordinarily impoverished, yet it lies at the basis of much social sciences thought.

And it is here that researchers need to focus their attention. If there is a genuine commitment to the advancement of knowledge, then there are moments when the theoretical and conceptual structures that lie deep within academic disciplines, will limit the field of inquiry. There are also times when the genuine goodwill and sincere intentions which emerge from scholarly training in social justice, need to be reinforced with careful scholarship and rigorous analysis. Theories of relative identities may not serve researchers well if they wish to create dialogues with community members. Indeed, they may need to look elsewhere for explanations. The best place to begin is with Māori communities themselves. Identity analysis happens in Māori cultures, as much as it does amongst Pākehā, and there are ways of thinking about these matters which have not yet made much impact in the academic intellectual environment.

Moreover, non-Māori researchers need to find less self-conscious ways of talking about whakapapa. Jeffrey Sissons suggests one way to begin, although there are others:

The politics of authenticity needs to be replaced by a politics of belonging and connection. Indigeneity is not primarily an individual biological or cultural

⁹⁹ *Op.Cit.*

¹⁰⁰ *Ibid.* p.29.

identity; it is a mode of belonging to places, communities and nations. It is also a type of connection between people who belong to these places, communities and nations in indigenous ways. Indigenous belonging to places cannot be quantified – nor is it a question of either belonging or not belonging. Indigeneity, as a particular attachment to place, is a variable condition – it can be stronger or weaker at different times for different people in widely differing circumstances. Similarly, attachments to communities – rural and urban, on reserves and off reserves, on tribal land or away from tribal land – vary in strength throughout people's lives.¹⁰¹

At any rate, the silences in the disciplines and all too frequent absence of Māori from the social narratives of academic researchers has become an intellectual bugbear, a device for frightening the horses. It does not serve any of us well.

¹⁰¹ Sissons, J. (2005). *First peoples: indigenous cultures and their futures*. Great Britain: Reaktion Books Ltd. p.58.

RESEARCH ETHICS COMMITTEES AS MEDIATING STRUCTURES

Many social scientists have stories to tell about problems they have encountered in the field when they are caught between the conflicting demands of their research ethics committees and those of social groups which hold differing priorities and expectations about the ethical behaviour of researchers.

My own story began in the summer of 2005, when members of a research team that I was leading, attended a Māori community hui in the Far North of New Zealand to talk about a project we hoped to undertake with young Māori in the area. We had met with many local Māori in the preceding months, but the hui was important because hapū and other community members would come to a decision about whether they would allow us access. The hui went well, and the families gave us permission to work in their community.

After the meeting, I was washing dishes in the kitchen and one of the research participants, a 14-year-old boy, came and sat at the table with his mother, and together they began to fill out the research consent form that I had given them. The form had been through several iterations before the human ethics committee at my university was willing to approve it, and I was unhappy with the highly legalistic language of the final version. My fears were confirmed as I watched the mother and her son struggling with the official nature of the consent form. The boy's mother read out the text and explained it to him. He wrote his name in full at the top of the page, but in the place where he needed to sign the form, he just scribbled his initials. Their conversation ran like this:

Mother: That's just your initials. You're supposed to sign your whole name.

Boy: No, it's ok.

Mother: They won't let you be in the [*research*] group if you don't sign.

Boy: Well, I don't want to sign it.

Mother: If you don't sign it, we may as well go home right now.

Boy: But they know who I am – See, my name's at the top.

Mother: Yes, but you might get them [*the researchers*] into trouble if you don't sign it.

Boy: I don't think so.

Mother: Well, ask the lady if it's ok [*she indicates me*].

Me: It's ok, you don't have to sign your whole name. The main thing is that you want to be involved.

Boy: I do want to be involved, but I don't want to sign my name.

Later the boy's mother explained to me that while she was happy with the discussion that had taken place during the community hui, the consent form made her nervous. She joked that the last time an ancestor of hers signed a document couched in such official language, her family ended up losing most of their land. In fact, Māori in that area have a long history of land loss to the Crown, and at the time of our visit, local iwi were in the midst of preparing a treaty claim. The woman had spoken humorously, but she was also giving a warning. She expected me to do a good job as a researcher, but she was also reminding me that as a Māori researcher, I had a set of responsibilities to the community, and I would be judged on how I handled them. This interaction led me to consider my own role with the participating community, and the problems that social researchers face when negotiating ethical research practices between two competing traditions; namely tikanga Māori and academic convention.

Over the past twenty years, human ethics committees in New Zealand universities have become an influential mediating structure in academic investigations. Indeed, the ways in which researchers and research participants interact and work together to create new knowledge is, by and large, governed by a set of ethical templates designed by university committees. Yet until the mid-1980s, ethics approval procedures for social sciences research in New Zealand were applied in a relatively *ad hoc* manner, and researchers were generally expected to regulate their own conduct in the field. Questions about informed consent, anonymity and confidentiality, and the exposure of research participants to harm were seen as important but were more often treated as ethical dilemmas for people working in laboratory settings in the biomedical sciences.

There were occasional whispers within universities about social scientists who behaved unprofessionally, or were rumoured to have collected data in deceptive ways; and from time to time, complaints were made to university authorities by research participants who were unhappy about the ethical standards of researchers with whom they had come into contact. But it wasn't until debates about research methodologies became integral to social sciences discourse, and formal training in research methods was subsequently embedded in New Zealand postgraduate degrees, that university human ethics committees became central to the research process in these disciplines.

Yet despite the proliferation of research methods courses in universities, the training of qualitative researchers in research ethics often seems comparatively underdeveloped. This is partly because universities have established their own protocols and procedures for approving research involving human subjects, and this removes the burden from investigators of having to think too much about ethical complexities and tensions. Indeed, some critics would argue that the approval of research projects is sometimes little more than a polite ceremony, culminating in a formal university blessing to go forth into the field.¹⁰² In any event, qualitative research practices in the social sciences are mediated in significant ways by university human ethics committees, and consequently, the relationship between researchers and Māori communities is heavily regulated by institutional procedures and expectations.

There are strong arguments for ensuring that ethical research standards are maintained, but what hangs in the balance is the requirement for researchers to behave in responsible and ethical ways, and the need to satisfy a set of institutional conventions which do not necessarily reflect the priorities or understandings of research participants outside of university settings. This results in a series of tensions for research partners in Māori communities and universities who wish to engage in collaborative projects but are stymied by shortcomings in the institutional mediation of research practices.

¹⁰² Alderson, P. & Goodey, C. (1998, November 7). Theories of consent. *British Medical Journal*. pp.1313-1316.

A large part of the problem lies with the way in which ethical codes of conduct have developed in the social sciences, and the nature of the mediating structures which have subsequently emerged. But a further complication is that while human ethics committees are adept at mediating the behaviour of researchers in the field, they are less effective when it comes to adapting ethical templates in ways that respond to the ethical priorities and expectations of fieldwork communities. This is partly because institutional ethics committees derive their ideas from a range of practices that have been conceived and structured by academic practitioners with vested interests in the kind of research they conduct. Māori are occasionally consulted on aspects of ethical research, usually in relation to particular research procedures which need to incorporate a statement about Māori culture, but the conceptual structure of academic research ethics, and the nature of the ethical templates that are in use, are not generally formulated in consultation with stakeholders outside the institution.

The origins of ethical codes in social sciences research

The origins of research ethics in the social sciences are inextricably tied to developments in other disciplines. In the early twentieth century, social scientists were eager to present their emerging disciplines on an equal footing with prestigious disciplines in the sciences which had already gained academic and public acceptance.¹⁰³ Anthropologists in particular, armed with the belief that universal patterns of human behaviour and organisation could be tested and explained through the careful application of rational, empirical methods, aimed to align their research findings with scientific conventions of inquiry. Thus, they turned to these areas of investigation for inspiration as they developed ethical paradigms in their own fields of research. Consequently, the ethical frameworks that university institutions apply to social sciences research involving human subjects were, and continue to be, largely derived from biomedical research practices within the sciences, most particularly, studies involving some form of clinical or laboratory testing of human beings, or the harvesting, storage and use of human tissue.

¹⁰³ See Johnson, H. (2004). Investigating the dilemmas of ethical social research. *Journal of International Women's Studies*. 6,1. pp.41.

The biomedical ethical paradigm, which is mirrored in social research, was developed in the aftermath of World War II during the Nuremberg War Crimes Trials (the Doctors' Trials). During these hearings, evidence came to light of horrific medical experiments conducted on unwilling subjects during the Nazi war-time research regime. In 1947, an international ethical statement, known as the 1947 Nuremberg Code, was designed with a view to preventing a recurrence of human rights abuses by future researchers.¹⁰⁴ The Code upheld the principle that research participants should give informed consent, participate voluntarily in research as well as have the right to refuse to take part in fieldwork, and that researchers should apply the principle of *non-maleficance*, that is, they should do no harm to participants in the course, or as a result of, their research.

In fact, the Code was not immediately adopted by researchers, but over the next 20 to 30 years as the latent effects of these war-time experiments became manifest, public and government scrutiny intensified as the number of law suits rose.¹⁰⁵ Professional societies were amongst the first to ratify the principles of the Nuremberg Code, and government bodies later followed suit. While it has been through many iterations as the fields of science and technology have advanced, the fundamental principles of the Code remain intact and are now widely employed by scientific and social researchers in many parts of the world.

Without question, universities are responsible for the ethical conduct of their researchers, and research institutions need to be pro-active in ensuring that abuses of human rights, carried out in the name of research, are prevented. By the same token, most qualitative research projects in the social sciences do not operate at this end of the scale, and therein lies the problem. Research methods in the sciences have developed

¹⁰⁴ See Corrigan, O. (2003). Empty ethics: the problem with informed consent. *Sociology of Health & Illness*. 25, 3. p.771; Also, Benatar, S.R. (2004). Towards progress in resolving dilemmas in international research ethics. (The Public's Health and the Law in the 21st Century: Third Annual Partnership Conference on Public Health Law). *Journal of Law, Medicine & Ethics*. 32, 4. pp.574-583. and, Van den Hoonaard, W.C. (2001). Is research-ethics review a moral panic? *The Canadian Review of Sociology and Anthropology*. 38, 1. pp.19-37.

¹⁰⁵ Van Den Hoonaard, W. (2001). Is research-ethics review a moral panic? *The Canadian Review of Sociology and Anthropology*. 38, 1. p.20.

considerably since the early twentieth century, as have conceptual and research paradigms within the social sciences, yet these fields continue to be linked through the application of ethical conventions specifically designed for empirical scientific investigation which favours deductive analysis over inductive schemas. This poses numerous problems for social scientists who wish to work alongside Māori communities with a view to developing new kinds of knowledge outside of conventional epistemological paradigms.

There is no question, in my mind at least, that social researchers should enact the principle of non-maleficence. Similarly, they should ensure that participants give voluntary consent, and that their methodologies do not involve deception. However, while human ethics policies also uphold these views, formal provision is also made for situations where these practices can be set aside. Indeed, there are clauses in ethics approval forms in all New Zealand universities which effectively allow researchers in certain, unspecified circumstances to inflict harm on research participants (this is usually described as ‘risk’ to participants, which researchers must ‘limit’ or ‘minimise’)¹⁰⁶ and practice deception.¹⁰⁷ Moreover, the Health Research Council has arrangements in place for researchers who wish to conduct research where informed consent is not given.¹⁰⁸ In these instances, researchers are usually reminded that they must prove to the satisfaction of the ethics committee that the benefits to the discipline and the importance of the knowledge gained will outweigh the act of deceiving research participants.¹⁰⁹ It is clear then, that even with a standardised set of ethical norms, universities occasionally make

¹⁰⁶ For example, on the University of Canterbury human ethics form, researchers are asked if their research will involve “foreseeable risks to the participants” (p.5) and if so, what action researchers intend to take if participants become “injured, distressed or offended” while taking part in the project. Retrieved 4 July 2006 from http://www.canterbury.ac.nz/humanethics/documents/HE_application_form1.pdf

¹⁰⁷ For example, on the University of Waikato’s Human Ethics Regulations, researchers are advised that “[d]eception of participants conflicts with the principle of informed consent, but in some areas of research it may be necessary to withhold information about the purpose of the research or the procedures involved.”(p.3). Retrieved 4 July 2006 from <http://calendar.waikato.ac.nz/assessment/humanresearchethics.html>

¹⁰⁸ Health Research Council (2005). *Guidelines for the completion of the national application form for ethical approval of a research project (NAF-2005 v1)*. p.23. Retrieved 4 July 2006 from <http://www.hrc.govt.nz/assets/pdfs/publications/NAFG.pdf>

¹⁰⁹ Victoria University’s Human Ethics Policy contains the statement: “Where a project involves a measure of deception, any departure from the standard of completely informed consent must be acceptable when measured against possible benefit to the subject and the importance of knowledge to be gained as a result of the research project” (p.3). Victoria University (2003, October 8). *Human Ethics Policy*.

allowances for exceptions or departures from those norms. Since many Māori are familiar with institutional processes and are aware of the exceptions that exist with regard to ethical standards, there are implications for the level of trust that people within Māori communities have for researchers.

One of the difficulties here is that while human ethics committees uphold certain principles, committee members tend to operate within a rule-based framework. Thus, they do not usually think in terms of employing a series of principles as a guiding force for solving problems in fieldwork situations, rather they focus on establishing a set of rules based on those principles, which they hope can be applied more or less universally. Moreover, the rule-based model within which researchers are expected to operate is connected to a particular view of moral virtue. Accordingly, if ethical concerns arise in the course of fieldwork and it is not clear how to enact the rules that ethics committee have formulated, it is anticipated that researchers will ask themselves what it means to be a good person, and, what virtues a good person would apply in order to resolve ambiguity. Yet most researchers are not trained in professionally virtuous behaviour. Consequently, they are, in effect, in a position of second-guessing the values of ethics committees which expect them to behave in a moral and universal, but non-specifically, benign manner.

As many cross-cultural researchers are aware, problems emerge during fieldwork when professional and moral codes come into opposition, or when working with research populations with different moral traditions and ethical priorities from those of university research ethics committees. A common example here is the requirement that researchers obtain written consent from individual participants prior to conducting field research. A signed written agreement is an ethics committee rule based on the principle of informed consent, and this is linked to the notion that a morally virtuous person would ensure that each participant is fully aware of the conditions and implications of their participation in a research project, and their agreement has been given voluntarily. Yet some research populations, including many Māori communities, view the knowledge they hold (and which researchers seek), as communal property, which can not be owned, nor

signed away, by any particular individual. Nor, in the Māori community mentioned earlier, did the written consent of individuals guarantee that communally-owned resources would be safe. Indeed in the past, signing the documents of community outsiders had directly resulted in the loss of ancestral lands.

However, if academic research ethics are linked to a rule-based moral framework then it makes sense that the conduct of researchers is regulated by these committees since much of their research is conducted within the same kind of moral structures and parameters that ethics committees themselves work within. What does *not* make sense is the fact that ethics committees are generally very unwilling to encompass different kinds of moral language and ethical traditions. The refusal to recognise non-Western ethical structures for example, not only privileges academic moral conventions, but ignores the realities and knowledge of many indigenous research populations. Until a dialogue between these traditions is established, and unless Māori and other indigenous ethical concerns and priorities are fully reflected in university research ethics procedures, many research populations continue to be vulnerable. Certainly, participant vulnerability and the potential for abuse exists in the rules surrounding several research practices, including those of informed consent.

Informed consent

There are several problems associated with the way in which informed consent is perceived by members of ethics committees. The cornerstone of academic practice is the belief that the advancement of knowledge for the good of humanity is a fundamental aim of research. This view is made explicit in statements of national research funding bodies such as the Foundation for Research, Science and Technology (FRST), which proudly declares that it:

... invests in research, science and technology (RS&T) on behalf of government, and the people of New Zealand. We aim to stimulate prosperity and improve the well-being of New Zealanders and the environment through investing in innovation and fostering the creation of new knowledge. As the largest single investor in RS&T, we

play a key role in facilitating participation in the achievement of economic, environmental and social benefits.¹¹⁰

The sentiment is echoed by thesis students around the country as they solemnly assure their supervisors that they hope to do ‘something really useful’ as researchers, which will be of practical value for their participant groups.

Certainly much discussion about research revolves around potential benefits, usually to society, the field of knowledge, or for specific groups of people. Accordingly, research is perceived as an altruistic exercise in the advancement of knowledge. Yet in reality, the altruistic nature of research generally tends to be a one-way street because participants are unlikely to reap long-term rewards from their involvement. University ethics committees discourage payment to participants, and in the social sciences, it is researchers, rather than participants, who are more likely to be compensated for their work in terms of promotions, public acknowledgement, enhanced professional status, and an increased ability to attract research grants. Moreover, the exact nature of the benefit to humanity, in the form of increased knowledge about a group of people, for example, is often somewhat vague, and it is frequently very difficult to assess subsequent improvements in the quality of life for participants, their families, or their descendents. In the end, there is, as yet, no mechanism for negotiating between what ethics committees deem to be good for humanity or society, and what Māori communities involved with research believe is good for society, or important for themselves.

If the one-way altruism of the research environment favours researchers rather than participants, the way in which consent is viewed by ethics committees also favours a particular kind of cultural logic. University research ethics committees think about consent in terms of the rational exercise of choice by an individual. However in this regard, the exercise of reason is conceptualised within a cultural and intellectual tradition of rationality which does not take into account the fact that different cultures also have traditions and structures of logic.

¹¹⁰ From the New Zealand Foundation of Research, Science and Technology website. Retrieved 10 July 2006 from <http://www.frst.govt.nz/About/>

It should also be noted that while academic ethics committees champion the rights of the rational individual, Māori communities may well give precedence to the communal logic of the collective. This is not a minor quibble over semantics, it represents a fundamental difference in worldviews. Universities in New Zealand are steeped in the cultural logic of western intellectual traditions which valorise individual rights over collective responsibilities. Indeed, the individual is frequently portrayed as a more rational and logical unit for the exercise of choice than social groups, which are often seen as limiting or subsuming individual choice. In Māori communities, the reverse is often true: it is the community which is responsible for protecting the welfare of the individual and conversely, the self-interested actions of individuals are, at times, seen in terms of weakening the well-being of the collective. Māori and academic perspectives of social justice and the social collective are therefore in opposition.

There are few institutional mechanisms for reconciling these differing world views. Certainly when it comes to the crunch, most ethics committees will back the choices of individuals even if those choices are at odds with the will of the collective. Waikato University, for example, clearly privileges individual choice over the decisions of the collective:

Because much social science research involves collectives, a researcher must recognise the complexities of relationships between individuals and collectives. In some cultures it is common for the leader of a collective to make a decision in respect of participation on behalf of its members. If an individual in a collective wishes to participate or not to participate in the research, in spite of a decision taken on behalf of the collective, the individual's wishes must be respected and all reasonable care taken to ensure that those wishes are also respected by other members of the collective.¹¹¹

In other words, when working across cultures, researchers are obliged to uphold the worldview of university ethics committees which favour individual choice, regardless of the cultural context in which they are operating. Moreover, a researcher is

¹¹¹ Waikato University Human Ethics Regulations. Informed consent of participants section 8.4 (c). Retrieved 4 July 2006 from <http://calendar.waikato.ac.nz/assessment/humanresearchethics.html>

expected to show support for individuals who act outside of collective decisions about participation by taking ‘all reasonable care’ to ensure that the community ‘respects’ or accepts the decision of those individuals. Essentially then, a researcher is expected to defend the choices of individuals, even against the wishes of other individuals or leaders within the group. In this respect, the researcher is perceived by the academic institution as a rational moral presence with the right to challenge cultural leaders and collectives with differing worldviews. But while ethics committees treat rational individual choice as if it is universally understood and applied, it is not, in fact, universal, nor is it context-free. Researchers need to acquaint themselves with these matters, and question members of ethics committees who deem it appropriate to apply this kind of cultural logic willy-nilly across different cultural groups.

A further problem arises when the notion of informed consent is presented as a culture and context-free event. In fact, institutional definitions of informed consent do not always translate well across a range of cultural contexts. Indeed, the institutional understanding of consent as a ritualised event involving a signature or a handshake which must take place before the next phase of research can begin is itself, a cultural perception of which some Māori communities are profoundly distrustful.

As far as ethics committees are concerned, once participants have signed the written consent form and provided information about the research project (usually including the proviso that they may choose to withdraw from the research at certain points), it is considered that the consent process is complete. In terms of institutional expectations, the right boxes have been ticked, and researchers are free to begin their field research. However, the ways in which consent is conceptualised, negotiated, and granted by communities is informed by their own cultural processes, which do not necessarily match those of universities. Moreover, in many Māori communities, consent is not seen as a one-off event which is fully accomplished once a participant has signed a piece of paper; rather, it is perceived as an ongoing cultural process which continues to be negotiated throughout the fieldwork, and often beyond the completion of the research project.

Ethics committees however, do not generally recognise these kinds of cultural practices surrounding the consent process. Thus, research participants are required to enter into institutional rituals involving informed consent, but there is little or no provision for researchers to submit themselves to the cultural processes that are practised in communities outside the university which involve the negotiation of consent. Furthermore, given the ongoing consequences of signing official documents in the past, members of Māori communities are frequently reluctant to place much faith in the reassurances of outside researchers who insist that signing a form will protect them or their communities. Indeed, in some communities the memory of Crown trickery in the use of formal written agreements with groups of Māori, and the subsequent loss of land and leadership, continues to be source of deep resentment. Social researchers who assume that those groups will hold the same reverence for written agreements as members of human ethics committees, may well find themselves on the quickest route out of town. Māori communities are not laboratories, and researchers do not control the environment as they would in a laboratory setting. Ethics committees would do well to institute procedures which better reflect that fact.

Harm and the transferral of risk

The need to safeguard research participants from harm is an important aspect of the ethics review process and one that is directly linked to the principles of the Nuremberg Code. However, in a study of international variations in ethics committee requirements across five Westernised nations, Goodyear-Smith *et. al.* commented on the danger that the ethical review process is becoming “increasingly adversarial, with researchers being seen as the source of the ethical problem and reviewers as the protectors and police.”¹¹² Indeed, the authors of this study found that human ethics committees in New Zealand tend to be more cautious when assessing negligible risk to research participants than in the United Kingdom, Israel, Canada and the USA,¹¹³ and in

¹¹² Goodyear-Smith, F., Lobb, B., Davies, G., Nachson, I. & Seelau, S.M. (2002). International variation in ethics committee requirements: comparisons across five westernised nations. *BMC Medical Ethics*. 3, 2. <http://www.biomedcentral.com/content/pdf/1472-6939-3-2.pdf>

¹¹³ *Ibid.*

this respect, assessments of potential harm and risk to participants are often somewhat exaggerated by many local ethics committees in their appraisals of qualitative social research. While conservative views about the level of risk to participants can be seen as a means of protecting research populations, the exaggeration of potential harm, all too often, reflects a paternalistic attitude linked to unexamined personal prejudices held by members of ethics committees.

These prejudices came into play in my own university when a Masters thesis student, an able young woman, who has since gone on to complete a PhD and start a successful academic career, applied for ethical approval to interview women who were former prison inmates about their experiences of incarceration. She writes:

The ethics committee told me I had to interview women who had not committed violent offences – however, there appeared to be an assumption that all woman ex-prisoners posed a violent risk, as I had to ensure that I interviewed them in a public space. I was also told that I had to have a cell phone set to page a person nearby if I was attacked. In one case, [my partner] was waiting in a nearby car – the residents of the community eyed him up as he was dressed in black, hanging around a car – to them, he posed a risk.

Later, I wanted to interview a person in my office [at the university] – the committee rejected this request on the grounds that it might pose a risk to the safety of other staff. I then suggested that I could use an interview room in the University Library, but I was asked to provide the committee with information about how I would keep students and books safe. I found this humorous as some University students have criminal backgrounds, but this is not used against them when they want to use the Library.¹¹⁴

In effect, the ethics committee constructed a series of scenarios around imaginary deviants. Had the student not challenged these assumptions, at some cost to her own candidature, it is unlikely that the research could have proceeded. Eventually, after several months of negotiation and delay, she managed to convince individual committee members to re-examine their thinking, and the interviews were conducted without harm to herself or others, and without any damage to library books.

¹¹⁴ Personal email communication from Dr. Fiona Beals, Victoria University of Wellington. 10 July 2006. I would like to thank Dr. Beals for her permission to use this information.

It is this kind of paternalistic attitude which creates problems when members of ethics committees apply ethical templates to qualitative social research projects without due regard for the way in which their own personal prejudices and biases can influence the approval process. Indeed, the tendency of ethics committees to operate within a climate of moral panic, coupled with the insistence that researchers issue dire warnings about remote possible risks, may well discourage potential participants from becoming involved in research projects.¹¹⁵ In terms of the possible risks associated with qualitative social research in Māori communities, it is surely more appropriate that those communities make these decisions on their own behalf, and in relation to their own needs and priorities, rather than ethics committees which make ethical judgements at a cultural, psychological and geographical distance from research populations.

Moreover, Alderson and Goodey (1998) argue that in medical research, ethics committees commonly use the written consent process to transfer responsibility for risk and harm to participants, thus allowing researchers to conduct their studies without fear of expensive litigation to the institution if things go wrong.¹¹⁶ This practice is embedded in the ethical review of social research projects and it certainly gives pause for thought. As it stands at present, research participants assume the burden of risk when they sign consent forms. But if members of ethics committees genuinely believe that most qualitative social research investigations pose substantial psychological risks, and if they are committed to protecting participants from harm, it surely makes more sense for them, *not* participants, and *not* researchers who are acting on behalf of their employers, to sign agreements indicating how the university institution will rectify psychological damage caused as a result of participating in qualitative social research studies. Of course, if ethics committees assumed responsibility for their decisions in this way, it is unlikely that *any* research would ever get done, so the status quo remains in place, and participants are expected to take responsibility if things go wrong.

¹¹⁵ Goodyear-Smith, *et.al.* (2002). *Op.Cit.* also suggest that the highly conservative views of New Zealand ethics committees towards potential psychological harm to participants, may have been a factor in the low numbers of participants who were willing to take part in the study. They argue that “the forcefulness of the warnings researchers were obliged to make about remote possible risks might have actually scared away potential participants.”

¹¹⁶ Alderson & Goodey (1998).

Certainly, individual members of ethics committees are not generally liable if their decisions are challenged in the field and complaints are made, or when litigation takes place. Indeed, not only is the responsibility for risk transferred to participants but it is also passed on to researchers. Imagine, for example, a hypothetical scenario in which a researcher who is gathering information about local economies discovers, in the course of the research, that several participants are involved in, or have information about, a flourishing local drug economy. If this information is gleaned in the course of interviews, where agreements about confidentiality have been set in place; and if participants, believing that they are protected by those agreements, admitted to direct involvement in, or inside knowledge about, the sale or use of drugs, a researcher has indeed collected some rich data. But if researchers are later approached by Police and asked to disclose information gleaned in the course of the research, it is they, not ethics committees, who must make the decision either to break the agreements made with participants, or risk being treated as complicit in illegal activity.

The situation is hypothetical, and it is an extreme example, but it highlights the problem that while ethics committees make ethical rules at a moral and psychological distance from fieldwork communities, they are not directly accountable for the consequences of their decisions. That responsibility falls on others. However, it also highlights the need for communities to be involved in the assessment of risks to participants, and make decisions about what constitutes an ethical response to the question of confidentiality. At present, ethics committees make these rules, and they generally do so without knowledge of local communities, and without assuming liability if things go wrong.

The way forward

Universities have a responsibility to ensure that social researchers behave in responsible and ethical ways, but the application of ethical templates and norms which have been developed in the biomedical sciences do not necessarily ensure that this aim is achieved. For this reason it is heartening to see that work is now being done on formulating ethical principles specifically geared towards recognising the priorities of

indigenous peoples. To this end, the United Nations has recently ratified the *United Nations Declaration on the Rights of Indigenous Peoples*.¹¹⁷ The principles upheld within this document may eventually have some effect on the practices and perspectives of university ethics committees as decisions are made about social research practices in Māori communities.

The Mataatua Declaration is another document which has gained considerable international influence in the indigenous world. This Declaration was developed at the First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples which took place in New Zealand in 1993.¹¹⁸ It was ratified by delegates from fourteen countries and has since gained world-wide recognition from a wide range of indigenous communities and groups involved in the protection of indigenous intellectual property rights. It is to be hoped that ethics committees in New Zealand take heed of this document, although in my own University, the human ethics committee had no idea what the Declaration was when one of my PhD students used it as the basis of an ethics application in 2005.

However, indigenous groups around the world are mounting challenges to the primacy of university ethics committees with regard to research undertaken within indigenous communities. Since Vine Deloria Jr called for a new kind of ethical responsibility toward indigenous peoples whereby researchers (or ‘anthros’) would be required to apply to tribal councils for permission to conduct their research,¹¹⁹ many American Indian tribes and communities have developed their own protocols and ethical requirements for outside researchers. Included amongst these groups are the Association of Aboriginal Post-Secondary Institutes, the Hopi Cultural Preservation Office, and the Navajo Nation.¹²⁰ Discomforting as this may be for members of ethics committees, who will undoubtedly complain that academic freedom will be impeded (this, incidentally, is

¹¹⁷ See Appendix 1: United Nations Declaration on the Rights of Indigenous Peoples

¹¹⁸ See Appendix 2: The Mataatua Declaration

¹¹⁹ Deloria, V. Jr. (1969). *Custer died for your sins: an Indian manifesto*. New York: Macmillan. p.95-96.

¹²⁰ Lomawaima, K.T. (2000). Tribal sovereigns: reframing research in American Indian education. *Harvard Educational Review*. 70, 1. p.1.

not correct), these movements are not going to go away. Rather, these tribally developed policies and protocols uphold ethical perspectives which reflect the needs and priorities of indigenous groups which ethics committees have been largely unable, or unwilling, to address.

Universities then have important decisions to make about the role of institutional ethics reviews. They can maintain their status quo as moral gatekeepers, and risk being sidelined as Māori tribal and cultural communities develop their own research protocols, or they can encourage social researchers within the ranks to work alongside communities who have claimed ethical autonomy, as partners. If the latter is the preferred option, then there is much work to be done.

A large part of the way forward is for institutions to actively negotiate between their own ethical traditions and those of Māori. As different iwi continue the work of formulating their own ethical statements, this task will become much easier. It is likely too, that in the process, ethics reviews panels will also receive information about the ways in which social research can be considered, in its own right rather than as an adjunct to the ethical concerns of experimental scientists in different fields.

This involves something of a conceptual leap on the part of institutions because it entails a shift in the understanding of who is responsible for producing and managing knowledge. Currently, researchers are perceived as the primary producers of knowledge, and ethics committees act as managers of the knowledge production process. However, more is to be gained in terms of advancing knowledge if Māori communities are included in this vision, as producers, managers and communal owners of their own knowledge. In this respect, institutions have more to gain by working with Māori communities as partners in the research relationship rather than as gatekeepers. Certainly, the mediating structures within local communities operate on-the-ground, and not, as ethics committees do, at a psychological and moral distance. The potential here is clear if the goal is to ensure that ethical standards or perspectives are improved by the direct involvement of stakeholders, namely Māori communities.

At the outset, these larger issues can be enacted in small ways. For example, the ability of researchers to engage in participatory research with Māori communities is limited by the fact they must formulate proposals and interview questions in advance of their fieldwork. Yet, if they are given the blessing of ethics committees to work with the people in community-based mediating structures to develop proposals, methodologies and interview schedules, the knowledge that is ultimately produced, may well be of better quality because it will have been formulated in a manner more relevant to local situations.

It is also worth breaking the dependence of emerging researchers on ethical templates. University staff can contribute to this by developing research methods courses and training for postgraduate or emerging researchers which better reflect the ethical priorities and concerns of Māori in matters of social research. Similarly, there is value in educating emerging researchers about the ethical complexities of their own institutions as well as ethical paradigms within their disciplines.

Moreover, there is a degree of flexibility in most institutional ethical guidelines which allows researchers to add extra steps to the informed consent process so that it is in keeping with community expectations. At present, it is the responsibility of researchers to initiate these kinds of community-based consent procedures, and ethics committees generally perceive them as an add-on to their own formal written consent process, however it is an option which researchers should be actively encouraged to pursue.

Ultimately, if research partnerships between researchers and researched are to prosper, participating communities need to know that ethical procedures are in place which are transparent and relevant to their own needs and priorities. Where better to develop or assess the ethical processes which directly affect participants than their own communities? Māori communities and tribal organisations which have taken matters into their own hands and developed ethical statements for researchers have much to offer

ethics committees in universities, and the demand for greater ethical accountability is growing. It will be interesting to watch how universities respond.

CONCLUSION

I am writing these closing comments while a tangihanga is taking place in Ngāruawāhia for the passing of the Māori Queen, Te Atairangikāhu. Today, three white doves were released after her successor, Tūheitia Paki, was named. The first two birds flew quickly into the morning mists but the last stood calmly on the marae-ātea gazing at the mourners gathered around the coffin as if taking one last, long look before spreading its wings and arching slowly into the sky. This afternoon the new king will accompany his mother as she is taken to her final resting place on the slopes of the sacred mountain, Taupiri. It is a time for endings and new beginnings and I can not help but wonder what will happen next.

Māori society has changed greatly since the coronation of Te Arikinui Te Atairangikāhu in 1966. There was the revitalisation of the Māori language, spearheaded by the Kohanga Reo and Kura Kaupapa Māori movements; the establishment of the Waitangi Tribunal and the increasing influence of many iwi in the fishing and forestry industries; there is the growing significance of Māori identity in the arts and literature, and the affirmation of a new sense of place in the expanding towns and cities. In the past 40 years many have left our tribal areas, while others have made the return journey home; we are there inside the infrastructure of the nation, but we are also waiting on the outskirts in overcrowded homes and seated at empty tables. In this respect, our diversity is our biggest strength, and our greatest challenge. It is time for a new beginning.

It is time too, for a new beginning inside the academy. The old chiefs are making way for a new generation of scholars, and it is time for them to take their place at the table. This new generation, I think, is curious and ready to clear the worn pathways of social research to make way for fresh ideas and ways of working alongside Māori communities. They will, I suspect, be less intellectually timid, but I also hope they will not be in too much of a hurry nor too greedy for quick answers. We Māori are not going to go away so they have plenty of time, these new scholars, to do things properly and to get things right. Also amongst the ranks of social researchers there are growing numbers of

highly qualified Māori who are being carefully prepared to lead the way. I do not envy them. They will have the difficult task of ‘edgewalking’ between academic and Māori worlds and they will need to learn to navigate their way between their allegiances to Māori and their commitment to their academic disciplines; and for many of them there is no map nor signpost nor well-travelled track to guide them on their way. They’ll get there in the end, but for many the costs will be high and the journey long and hard.

I have not written here about the legions of social researchers outside the universities; the professional researchers working in the Treaty sector, private consultants, and the research units in government departments. Nor have I spoken directly to the new generation of Māori researchers in iwi research organisations, wānanga or universities although these are stories that need to be told – they are each an important component of the social research environment. Rather I have turned my attention to the people around me in the university; the old chiefs and the new growth. These are the people I have worked with for many years, and the students I teach today. These are also the people who at times have a tendency to speak too loudly at the wrong moments or to fall silent when it is dialogue that is most needed between university institutions and Māori communities. How I wish to shake them sometimes! But I am an academic so in that respect, they are my ‘kind’, in some ways they are a sort of family. We have to learn to rub along together.

We are witnessing a time of transition in social research and while I can see clearly where emerging Māori scholars are heading, I am occasionally less certain about what will happen next for non-Māori researchers who want to work alongside Māori communities. It will be up to them to find new ways of telling a new set of stories, but if they are careful and have courage to collaborate in genuinely respectful ways, I think they will come through in the end. In the meantime, I am watching the televised broadcast of the waka on its winding course over the Waikato River as it bears the old Queen to Taupiri Mountain. Here in Wellington, a hard rain is falling.

APPENDIX 1

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Retrieved 14 July 2006 from:

<http://www.ohchr.org/english/issues/indigenous/docs/declaration.doc>



Human Rights Council

Resolution 2006/2. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994

The Human Rights Council,

Recalling Commission on Human Rights resolution 1995/32 of 3 March 1995, in which it established an open-ended intersessional working group with the sole purpose of elaborating a draft United Nations declaration on the rights of indigenous peoples, considering the draft contained in the annex to resolution 1994/45 of the Sub-Commission on the Promotion and Protection of Human Rights, for consideration and adoption by the General Assembly within the first International Decade of the World's Indigenous People,

Aware that the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994 has held 11 sessions between 1995 and 2006,

Considering that the General Assembly, in its resolution 59/174 of 20 December 2004, urges all parties involved in the process of negotiation to do their utmost to carry out successfully the mandate of the working group and to present to the General Assembly for adoption as soon as possible a final draft United Nations declaration on the rights of indigenous peoples,

Stressing that paragraph 127 of the outcome document of the 2005 World Summit, adopted by the General Assembly in its resolution 60/1 of 16 September 2005,

reaffirms the commitment of the international community to adopt a final draft United Nations declaration on the rights of indigenous peoples as soon as possible,

Taking note of the report of the working group on its eleventh session, which took place in Geneva from 5 to 16 December 2005 and from 30 January to 3 February 2006 (E/CN.4/2006/79),

Welcoming the conclusion of the Chairperson-Rapporteur in paragraph 30 of the report of the working group and his proposal as contained in annex I to the report,

1. *Adopts* the United Nations Declaration on the Rights of Indigenous Peoples as proposed by the Chairperson-Rapporteur of the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994 in annex I to the report of the working group on its eleventh session (E/CN.4/2006/79);

2. *Recommends* to the General Assembly that it adopt the following draft resolution:

The General Assembly,

Taking note of Human Rights Council resolution 2006/2 of 29 June 2006, in which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

1. *Expresses its appreciation* to the Council for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples;

2. *Adopts* the Declaration as contained in the annex to Council resolution 2006/2 of 29 June 2006.

21st meeting

29 June 2006

[Adopted by a recorded vote of 30 votes to 2, with 12 abstentions.. The voting was as follows:

In favour: Azerbaijan, Brazil, Cameroon, China, Cuba, Czech Republic, Ecuador, Finland, France, Germany, Guatemala, India, Indonesia, Japan, Malaysia, Mauritius, Mexico, Netherlands, Pakistan, Peru, Poland, Republic of Korea, Romania, Saudi Arabia, South Africa, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia

Against: Canada, Russian Federation

Abstaining: Algeria, Argentina, Bahrain, Bangladesh, Ghana, Jordan, Morocco, Nigeria, the Philippines, Senegal, Tunisia, Ukraine.]

Annex
**UNITED NATIONS DECLARATION ON THE
RIGHTS OF INDIGENOUS PEOPLES**

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Further recognizing the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their

institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Recognizing also that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,

Considering that the rights affirmed in treaties, agreements and constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Also considering that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right of self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect,

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately-owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including

activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.

2. Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in Treaties, Agreements and Constructive Arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to have access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and

technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States, shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

APPENDIX 2

THE MATAATUA DECLARATION

Retrieved 14 July 2006 from:

http://www.tpk.govt.nz/publications/docs/tangata/app_e.htm

The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples

First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples, Whakatane 12-18 June 1993 Aotearoa New Zealand

In recognition that 1993 is the United Nations International Year for the World's Indigenous Peoples:

The Nine Tribes of Mataatua in the Bay of Plenty region of Aotearoa New Zealand convened the First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples, (12-18 June 1993, Whakatane).

Over 150 delegates from fourteen countries attended, including indigenous representatives from Ainu (Japan), Australia, Cook Islands, Fiji, India, Panama, Peru, Philippines, Surinam, USA and Aotearoa.

The Conference met over six days to consider a range of significant issues, including; the value of indigenous knowledge, biodiversity and biotechnology, customary environmental management, arts, music, language and other physical and spiritual cultural forms. On the final day, the following Declaration was passed by the Plenary.

PREAMBLE

Recognising that 1993 is the United Nations International Year for the World's Indigenous Peoples:

Reaffirming the undertaking of United Nations Member States to:

"Adopt or strengthen appropriate policies and/or legal instruments that will protect indigenous intellectual and cultural property and the right to preserve customary and administrative systems and practices." - United Nations Conference on Environmental Development: UNCED Agenda 21 (26.4b)

Noting the Working Principles that emerged from the United Nations Technical Conference on Indigenous Peoples and the Environment in Santiago, Chile from 18-22 May 1992 (E/CN.4/Sub. 2/1992/31)

Endorsing the recommendations on Culture and Science from the World Conference on Indigenous Peoples on Territory, Environment and Development, Kari-Oca, Brazil, 25-30 May 1992.

We

Declare that Indigenous Peoples of the world have the right to self determination, and in exercising that right must be recognised as the exclusive owners of their culture and intellectual property;

Acknowledge that Indigenous Peoples have a commonality of experiences relating to the exploitation of their cultural and intellectual property;

Affirm that the knowledge of the Indigenous Peoples of the world is of benefit to all humanity;

Recognise that Indigenous Peoples are capable of managing their traditional knowledge themselves, but are willing to offer it to all humanity provided their fundamental rights to define and control this knowledge are protected by the international community;

Insist that the first beneficiaries of indigenous knowledge (culture and intellectual property rights) must be the direct indigenous descendants of such knowledge;

Declare that all forms of discrimination and exploitation of Indigenous Peoples, indigenous knowledge and indigenous cultural and intellectual property rights must cease.

1. Recommendations to Indigenous Peoples

In the development of policies and practices, Indigenous Peoples should:

- 1.1 Define for themselves their own intellectual and cultural property.
- 1.2 Note that existing protection mechanisms are insufficient for the protection of Indigenous Peoples' Intellectual and Cultural Property Rights.
- 1.3 Develop a code of ethics which external users must observe when recording (visual, audio, written) their traditional and customary knowledge.
- 1.4 Prioritise the establishment of indigenous education, research and training centres to promote their knowledge of customary environmental and cultural practices.
- 1.5 Reacquire traditional indigenous lands for the purpose of promoting customary agricultural production.
- 1.6 Develop and maintain their traditional practices and sanctions for the protection, preservation and revitalisation of their traditional intellectual and cultural properties.
- 1.7 Assess existing legislation with respect to the protection of antiquities.
- 1.8 Establish an appropriate body with appropriate mechanisms to:
 - a. preserve and monitor the commercialism or otherwise of indigenous cultural properties in the public domain
 - b. generally advise and encourage indigenous peoples to take steps to protect their cultural heritage
 - c. allow a mandatory consultative process with respect to any new legislation affecting Indigenous Peoples Cultural and Intellectual Property Rights.
- 1.9 Establish international indigenous information centres and networks.
- 1.10 Convene a Second International Conference (Hui) on the Cultural and Intellectual Property Rights of Indigenous Peoples to be hosted by the Co-ordinating Body for the Indigenous Peoples Organisations of the Amazon Basin (COICA).

2. Recommendations to states, national and international agencies

In the development of policies and practices, States, National and International Agencies must:

2.1 Recognise that indigenous peoples are the guardians of their customary knowledge and have the right to protect and control dissemination of that knowledge.

2.2 Recognise that indigenous peoples also have the right to create new knowledge based on cultural traditions.

2.3 Note that existing protection mechanisms are insufficient for the protection of Indigenous Peoples Cultural and Intellectual Property Rights.

2.4 Accept that the cultural and intellectual property rights of Indigenous Peoples are vested with those who created them.

2.5 Develop in full co-operation with Indigenous Peoples an additional cultural and - intellectual property rights regime incorporating the following:

- collective (as well as individual) ownership and origin
- retroactive coverage of historical as well as contemporary works
- protection against debasement of culturally significant items
- co-operative rather than competitive framework
- first beneficiaries to be the direct descendants of the traditional guardians of that knowledge
- multi-generational coverage span.

Biodiversity and Customary Environmental Management

2.6 Indigenous flora and fauna is inextricably bound to the territories of indigenous communities and any property right claims must recognise their traditional guardianship.

2.7 Commercialisation of any traditional plants and medicines of Indigenous Peoples, must be managed by the Indigenous Peoples who have inherited such knowledge.

2.8 A moratorium on any further commercialisation of indigenous medicinal plants and human genetic materials must be declared until indigenous communities have developed appropriate protection mechanisms.

2.9 Companies, institutions both governmental and private must not undertake experiments or commercialisation of any biogenetic resources without the consent of the appropriate indigenous peoples.

2.10 Prioritise settlement of any outstanding land and natural resources claims of indigenous peoples for the purpose of promoting customary, agricultural and marine production.

2.11 Ensure current scientific environmental research is strengthened by increasing the involvement of indigenous communities and of customary environmental knowledge.

Cultural Objects

2.12 All human remains and burial objects of Indigenous Peoples held by museums and other institutions must be returned to their traditional areas in a culturally appropriate manner.

2.13 Museums and other institutions must provide, to the country and Indigenous Peoples concerned, an inventory of any indigenous cultural objects still held in their possession.

2.14 Indigenous cultural objects held in museums and other institutions must be offered back to their traditional owners.

3. Recommendations to the United Nations

In respect for the rights of Indigenous Peoples, the United Nations should:

3.1 Ensure the process of participation of Indigenous Peoples in United Nations fora is strengthened so their views are fairly represented.

3.2 Incorporate the Mataatua Declaration in its entirety in the United Nations Study on Cultural and Intellectual Property of Indigenous Peoples.

3.3 Monitor and take action against any States whose persistent policies and activities damage the cultural and intellectual property rights of Indigenous Peoples.

3.4 Ensure that indigenous peoples actively contribute to the way in which indigenous cultures are incorporated into the 1995 United Nations International Year of Culture.

3.5 Call for an immediate halt to the on-going 'Human Geonome Diversity Project' (HUGO) until its moral, ethical, socio-economic, physical and political implications have been thoroughly discussed, understood and approved by Indigenous Peoples.

4. Conclusion

4.1 The United Nations, International and National Agencies and States must provide additional funding to indigenous communities in order to implement these recommendations.

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