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**The Occupation of Moutoa Gardens-Pakaitore Marae:  
A Discourse Analysis**

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**Angelique Praat**

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In 1995, inter-ethnic relations between Maori, the indigenous people of New Zealand, and the New Zealand Government came to a head when a group of Maori occupied a public reserve in Wanganui. Issues of colonial injustice in the form of land and sovereignty claims were brought to the fore. The aims of this research were to identify and critically analyse the arguments Pakeha (people of European descent) employed to make sense of the protest and these issues. Interview texts of twenty Pakeha who were interested in, or involved with resolving the occupation were examined. Participants' constructions of sovereignty, land, local concerns and the law were explicated using the discourse analytic suggestions of Potter and Wetherell (1987), Parker (1992) and Foucault (1982). Analyses focused on the constitution of objects, subject positions and power relations in participant's texts. Three constructions of Maori sovereignty emerged. Two constituted Maori sovereignty as Maori desire to govern New Zealand or share sovereignty with the Crown, and the third construed Maori sovereignty as a process of consultation between Maori and the Crown. Land claims were generally construed as significant and in need of redress, although the claim to the land under occupation was contested. The implications of constructing the land under occupation as a marae or public gardens were explored. Examination of the debate surrounding the future of monuments offensive to local Whanganui Iwi located in the public reserve, revealed that accountability for Council's failure to attend to the monuments was differentially attributed to Council or Iwi. Law and order issues were construed as the paramount concern of the citizens of Wanganui. Varying constructions of the law in relation to the occupation allowed for its continuation or called for its conclusion. Analyses demonstrated that the occupiers concerns were undermined or warranted through appeals to rationality, knowledge and equality arguments. The social and political implications of these arguments were explored.

## Preface

For much of Aotearoa/New Zealand's colonial history, the process of building an equitable and harmonious relationship between the colonists and Maori was thwarted by the practices and policies of the British Crown and Settler Governments. These policies undermined and usurped Maori authority and institutions while denying Maori a significant place in the newly established political and social order. Maori became subject to the indivisible sovereignty of the Crown, and their rights to self-determination, affirmed by the second article of the Treaty of Waitangi, were largely ignored. The injustices perpetrated by this emergent political and social order, are the inheritance of current generations, both Maori and Tauwi (non-Maori). While Maori have struggled for over 150 years to make their voices heard, Tauwi have only recently begun to examine the ways in which our historical and current social, economic and political practices are party to continuing injustice.

The occupation of Moutoa Gardens/Pakaitore Marae may be seen as part of the continuing process to re-define the relationship between Maori, the Crown and Tauwi. Moutoa Gardens, a small reserve in the centre of Wanganui City, was occupied by members of Te Ati Haunui a Paparangi Iwi from the 28th of February to 18th of May, 1995. Iwi renamed the gardens Pakaitore Marae and asserted their authority over the gardens and lands adjacent to and including the Whanganui River. Claims by Iwi that they were celebrating their Whanganuitanga brought the concept of Maori local self-determination into the public domain.

Extensive media coverage of the occupation engaged public attention for nearly three months. Members of Parliament, police, local government, and various interest groups, all became involved in explicating/interpreting the issues of the protest and dealing with the protesters. Constructions of the issues and the linguistic resources that constituted those constructions provided the social and political context for the

occupation. Without a particular understanding of the issues, Iwi would not have protested and others would not have taken exception to the protest. The wider significance of this debate stems from its position in the ongoing process of negotiation between Maori, the Crown and Tauīwi and the way in which discourse shapes our collective futures. In this thesis I examine the arguments and themes that structured the debate using discourse analysis.

The theory and practice of discourse analysis is part of the growing challenge to the individually reductive theories and positivist methodologies of traditional psychology. From a discursive perspective, language is taken to be a constitutive and material force, producing the concepts that shape our understandings of the world, the people, and the situations we encounter every day. Accounts of the occupation are not seen as objective reflections of ‘the facts’; rather they are seen as constructions, negotiable and contestable, with attending political and material consequences. Post-structuralist theories broaden the focus of discursive research to include the analysis of power. The question then becomes one of which account will be accepted as truthful and acted upon, and which will become vilified and disregarded.

Drawing upon these theories and methodologies I have identified and critically analysed the arguments and themes Pakeha employed to make sense of the protest. The texts used for analyses were drawn from a series of interviews conducted with people involved with or interested in the occupation. Participants included members of the Wanganui District Council, the police, One Wanganui (a group opposed to the occupation), and members of the public who supported or opposed the occupation. My analysis juxtaposes the broad patterns of argument and themes constituting various claims and examines the social, political and material consequences of them. I have been particularly interested in the way talk constitutes and positions people involved with the protest and have specifically sought to identify constructions which undermine and uphold the claims of the occupiers. My interest in talk that

supports the claims of occupiers, distinguishes this study from previous research which has focused on the oppressive functions of text.

Chapter One discusses the theoretical influences of this thesis and examines the implications of the “turn to the text” for traditional psychological approaches to the study of inter-group relations. In addition, I attempt to address the consequences of employing constructionist and post-structural approaches for the work I produce, through an examination of reflexivity. In Chapter Two, the method and methodologies of my research practice are outlined.

A version of the historical and contemporary context of the occupation is offered in Chapter Three. This version provides my understanding of the conditions from which the occupation emerged and also informs my analysis of the issues. I discuss some of the policies for Maori enacted by the New Zealand Government and Maori responses to them. A history of Wanganui in relation to Moutoa/Pakaitore is outlined and claims to the land are discussed.

Chapter Four is the first of five analytic chapters. In this chapter a selection of previous studies examining the resources and repertoires used to oppress Maori are presented as a discursive history of Maori/Pakeha relations. These studies inform my analysis of the general argumentative forms used to undermine and uphold the claims of the occupiers of Moutoa Gardens/Pakaitore Marae. Analysis in this chapter is broadly focused, drawing out the general themes which structure arguments and their attendant implications.

Chapter Five tackles the issue of sovereignty. What was meant by the term sovereignty was a source of great confusion in the media and in my interviews. This chapter represents my effort to distinguish the varying nuances brought to the term and examine the implications of each construction. The analysis is fine-grained focusing not only on the definitions of sovereignty, but on how the various accounts advocated or undermined Maori rights to sovereignty and positioned Maori, Tauīwi and the Crown.

Chapter Six begins with the observation that Maori claims to land were generally construed as legitimate, and redress constituted as an issue of justice. One of the goals of this chapter is to demonstrate how construing land as an issue of justice allows this issue to be addressed. A further goal is to examine the implications of naming the reserve in Wanganui Moutoa Gardens or Pakaitore Marae. Moutoa Gardens and Pakaitore Marae are objects constructed by different discourses with differential rights ascribed to the subjects occupying each discourse.

The dispute over the location and wording on the statues at Moutoa is briefly explored in Chapter Seven. Analysis focuses on the accounts of two Councillors and their divergent ascriptions of responsibility for the failure to address the statues issue.

The focus of Chapter Eight moves from constructions of the occupiers claims, to talk of law and order. Law and order was constituted as a major concern for the citizens of Wanganui. Varying constructions of the occupation in relation to the law are contrasted, and the implications of these constructions for the supporters of, and objectors to the occupation are discussed.

Finally, in Chapter Nine, I offer my thoughts and reflections about engaging with discourse analysis in the field of Maori/Pakeha relations.

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## Chapter 1

# Discursive Psychology

*Language contains the most basic categories that we use to understand ourselves: affecting the way we act as men and women... and reproducing the way we define our cultural identity... (Burman & Parker, 1993, p.1).*

Discursive psychology is underpinned by a recognition of the constructive and pragmatic properties of language, and the assumption that language plays a central role in shaping our understandings of ourselves and the world we live in (Wooffitt, 1992). These conceptualisations of language are essential to many constructionist perspectives including my own. In this chapter I chart the epistemological and theoretical approaches that have been influential in my adoption of a discursive approach to talk and text. To begin, the assumptions underlying the use of the constructionist metaphor are outlined and the implications of these assumptions for psychology are examined with reference to language, the individual and power. These implications are explored through the work of Potter and Wetherell (1987) and a number of post-structural theorists (Foucault, 1982; Weedon, 1987, 1997; Parker, 1990a, 1990b, 1992). The last two sections of this chapter address two questions. First, what are the implications of the rearticulation of the subject and knowledge for traditional social psychological explanations of inter-group relations? These implications are explored through discursive critiques of the notion of prejudice. Second, what does the uptake of constructionism and post-structuralism mean for the researcher (me) and work I produce? This question is addressed through an examination of my attempt to justify a relativist approach and come to terms with reflexivity.

## Social Constructionism

There is no single feature that describes social constructionism, rather social constructionist approaches have been depicted as sharing a family resemblance (Burr, 1995; Potter, 1996a). Burr offers four key assumptions, one or more of which could be

shared by perspectives recognised as social constructionist. The first is “a critical stance towards taken-for-granted knowledge” (p.3). This assumption encapsulates the idea that there are no determinate relationships between our observations or understandings of the world and reality. The way we define or conceptualise the world is a function of the categories and meanings available through our language. Thus social constructionism calls us to question our assumptions about what we take the world to be. The second assumption is that the concepts and understandings we have are specific to our culture and time. For example, in nineteenth century New Zealand the racial policy of assimilation was considered humanitarian and just. Today however, the enforcement of this same policy would be considered racist, as it does not allow for cultural autonomy and assumes British culture is superior. These assumptions suggest that understandings are seen as products of a specific historical and cultural milieu and are not considered fixed or true for all time and peoples.

Thirdly, knowledge is assumed to be the product of interactions between people in their daily lives. People are seen as constructing their shared accounts of the world when they interact. Knowledge is not the result of scientific observation of the “real” world but rather is a product of shared meanings constructed through social processes. Finally, different knowledges are assumed to allow for, or permit certain actions. For example, prior to the 1990s, ethnicity questions in the New Zealand census were informed by a knowledge of identity based on race. Thus, ethnicity was established on the basis of how much blood one had from a particular race. In the 1990s, ethnicity questions were informed by a knowledge of identity based on culture. Ethnicity was established on the basis of cultural affiliation and self perception. These changes allowed people to identify in different ways. Changes in the knowledges informing census classification led to fluctuations in the number of “Maori” and other groups in New Zealand and have had important consequences for a range of health and social statistics (Boddington, 1998). Thus, constructions are seen to permit or constrain social action. Potter (1996a) adds a fifth and important general feature of social

constructionist perspectives implicit in all the above assumptions, that is, a concern with discourse as the central organising principle of construction.

### Social Constructionism and Psychology

Social constructionism entered psychology at the beginning of the nineteen-seventies, in response to concerns that psychology implicitly supported the values of dominant groups (Burr, 1995; Harré, 1995; Henriques, Hollway, Urwin, Venn & Walkerdine, 1984). Psychologists were also challenging empiricist research practices (Gergen, 1985, 1994) that ignored the meanings that subjects themselves brought to psychological studies, and sought to give ordinary people a voice in psychology. The move to involve constructionist perspectives in psychology meant that meanings and language became a central concern. Constructionist conceptualisations of language bore little resemblance to the way in which language was regarded in traditional psychological research. Constructionism also had radical implications for the way in which the individual, knowledge and truth were understood.

In traditional psychological research, language is regarded as a medium through which external events and the workings of the mind may be examined. Psychologists working in this tradition are concerned with explaining behaviour according to the machinations of an internal cognitive world, governed by strict rules of process that represent and modify objectively perceived events in the environment (Wooffitt, 1992). Language is seen as a reflection of this underlying mental world, merely describing what goes on in the head and in the environment. This approach is based on the assumption that language is a passive medium through which an independent psychological or external reality can be accurately described or named.

Theorists working from a broad range of traditions (Austin, 1955; Garfinkel, 1967; Harré & Gillett, 1994; de Saussure, 1974; Wittgenstein, 1953) have taken issue with

this assumption and refocused analytic attention on the constructive, pragmatic characteristics of language itself (Wooffitt, 1992). Although these theorists differ on many important ontological, epistemological and methodological questions, all have contributed to an essentially social understanding of language. Generally speaking, language has been reformulated as constitutive of versions of reality which are assembled according to the demands of the context (situation at hand) and in accordance with the conventions or rules constraining language use in a particular culture and historical period.

Viewed in this way, language does not provide an independent commentary on events and objects in our world, rather the language we use is pivotal to the way we come to understand the world. Our tools or concepts for understanding our environment and ourselves are contained in our language. How we come to know the world is necessarily prescribed by those concepts available to us.

Humans can be seen as sense making agents whose interpretative practices are informed by sets of knowledge about the world (which some people call discourses (Parker, 1990a, 1992), or interpretative repertoires (Potter & Wetherell, 1987)) which are held in common with other people (Garfinkel, 1967). To understand why a person acts in a particular way in a given situation, it is necessary to examine what the situation means to that person. These meanings are available to us when we examine the accounts or stories people tell, and are intelligible to us because we share the cultural understandings that inform social action.

Understood in this way, the study of language use becomes essential to any venture with the explication of social behaviour as its goal.

## Discourse Analysis

My initial understanding of constructionism and “the turn to the text” in psychology was shaped by the work of Potter and Wetherell (1987) and later supplemented by Foucauldian based post-structuralist approaches (Parker, 1990a, 1992). Discourse analysis is a term applied to both these approaches, reflecting their common assumptions regarding the constitutive nature of language and knowledge addressed above. Thus, in this chapter, discourse analysis refers to these two discrete, but in many respects complementary, styles of analysis. I begin with a discussion of analyses developed by Potter and Wetherell, then move to a selective review of Foucauldian inspired poststructuralist theory concerning discourse, power and the subject. It is a blend of these approaches that informs the analyses undertaken in this project.

### Potter and Wetherell's Discourse Analysis

Drawing on insights from speech act theory, semiology and ethnomethodology, and using analyses from a broad range of perspectives derived from these traditions, Potter and Wetherell (1987) have articulated an alternative, language based approach to the traditional concerns of social psychology. What follows is a brief discussion of the basic arguments advanced by Potter and Wetherell in their attempt to formulate an alternative to the predominantly cognitive based explanations of human social behaviour.

Potter and Wetherell (1987, p.7) broadly define discourse “to cover all forms of spoken interaction, formal and informal, and written texts of all kinds.” Discourse analysis involves the investigation of all these forms of discourse, understood as social practices. Their interest is in how talk and texts are socially organised to achieve psychological goals such as attributing blame, and justifying actions. An explication of the organisation of talk and texts is achieved by attending to four features of language

use; its construction, function or action orientation, variability and rhetorical arrangement.

Potter (1996b) claims that, where applied to language, the construction metaphor works on two levels: (1) descriptions and accounts construct versions of the world, that is, language is constructive; (2) these versions are themselves constructed. Language is constructive in that the world is endowed with meanings that are embedded in our language. "Language and linguistic practices offer a sediment of systems of terms, narrative forms, metaphors and common places from which a particular account can be assembled" (Potter, Wetherell, Gill & Edwards, 1990, p.207). We construct our realities using concepts that are made available through language.

A functional perspective of language further provides the understanding that language will be constructed for specific purposes as we negotiate meanings and perform social actions, using a variety of linguistic resources. Wetherell and Potter (1988) state that language function may be conceptualised as existing on a continuum with the interpersonal functions of language representing one end (for example, blaming, excusing, complimenting), and the wider consequences of language characterising the opposite end. The wider consequences of discourse are attended to through the analyses of ideological effects. The study of ideology in this case is not concerned with identifying a specific system of thought, but with the study of ideological practice and outcomes. Ideological discourse is that which has the effect of rationalising or legitimating oppression (Wetherell, Stiven & Potter, 1987; Wetherell & Potter, 1988, 1992).

As speech is typically orientated to a multiplicity of interpersonal and or ideological functions, variation in language is evident over time and both intra- and inter-individually. For example, in developing accounts of Maori/Pakeha relations, negative or positive constructions of Maori may be drawn on by speakers depending on whether

the speaker is justifying discriminatory practices, or impressing on the listener his or her liberal perspective. Variation in accounts is used by the discourse analyst to determine the function of language, as discourse will vary systematically as a consequence of the function of the language (Potter et al., 1990).

A common feature of accounts is that they are organised argumentatively (Billig, 1991). Discourse analysts make use of this insight from rhetorical analysis as it “takes the focus of analysis away from questions of how a version relates to some putative reality and asks instead how this version is designed successfully to compete with an alternative” (Potter & Wetherell, 1994, p.48). Edwards and Potter (1992) note that attention should be given to versions that participants treat as alternatives. This narrows down the scope of analysis and keeps the analysis grounded in the account as understood by the participant.

Potter and Wetherell's (1987) constructionist approach negates a realist position in which accounts are conceptualised as reflections of reality, or an individual's mental processes, by demonstrating the action orientation of accounts and the attending variation evident in discourse.

## Two Shades of Analysis

Within the framework advocated by Potter and Wetherell, two strands of distinct though largely complementary analyses may be discerned (Potter & Wetherell, 1994). The first is concerned with identifying broad patterns or themes within talk, and is linked conceptually to the work of Gilbert and Mulkay (1984) and Foucauldian analyses and extrapolations of these analyses to social psychology (Parker, 1990a, 1990b, 1992). Repertoire analysis involves firstly identifying repertoires and secondly, attending to how they are deployed in practice. The second strand of discourse analytic work focuses on the techniques and linguistic tools through which accounts are imbued

with the status of fact and specific actions are accomplished. This style of analysis is more closely linked to conversation and rhetorical analyses and asks questions such as: How is blaming realised? How are descriptions made to seem solid and factual? (Potter, 1996b).

The style of analysis in this project has more in common with Potter and Wetherell's (1987) repertoire approach (and Foucauldian discourse analysis discussed below) than with analyses of fact construction. My primary concern is with the explication of arguments used in the debate surrounding Moutoa Gardens/Pakaitore Marae and their social and political implications for groups and institutions in the community. The repertoire style of analysis lends itself to an examination of content of talk; the way discourse constructs objects and subjects and allows for or constrains social action. This style has much in common with the poststructuralist accounts of discourse, power and subjectivity discussed next.

### **Poststructuralism - Discourse, Power and Subjectivity**

My understanding of the relationships between discourse, power, knowledge and the way in which subjectivity is constituted is informed largely by the poststructuralist work of Foucault (1982), Weedon (1987, 1997), Henriques et al. (1984), Parker (1992) and further by positioning theory advocated by Harré and colleagues (Harré & Gillett, 1994; Davies and Harré, 1990; van Langenhove & Harré, 1994).

## Power and Discourse

Like Potter and Wetherell (1987), Foucault (1980) also conceptualises reality or what may be taken as true, as socially constituted through language. However, in addition to creating a methodology for the study of discourse, Foucault examined the role of power in the production of knowledge, discourses and subjectivity. As the following quote demonstrates, power is seen as instrumental to the constitution of discourse.

In a society such as ours there are manifold relations of power which permeate, characterise and constitute the social body, and these relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation and functioning of a discourse. (Foucault, 1980, p.93)

Discourses are produced by, and are constitutive of, technologies and relationships of power. Foucault (1980) produced the couplet, power/knowledge which emphasised the material and social bases of discourse and knowledge. Discourses and knowledges are thus more than accounts. They are intimately related to our social organisation and practices (Burr, 1995) reproducing institutions and power relations. For example, in sending children to school, parents and children are participating in a discourse about education and endorsing the education system as an institution. The effects of power are thus observable through the social practices that they invest - through knowledge that is produced and the objects, subjects and concepts that are constituted (Rouse, 1994).

However, to assert that all discourses are equally powerful would be a misinterpretation of Foucault. Foucault (1980) distinguished between those discourses which are taken by society to be truthful, therefore producing powerful effects in that they define what society should be like and the sorts of objects one should be

concerned with (called knowledge), and those discourses that are marginalised or “subjected”. For example Foucault writes:

Each society has its regime of truth, its ‘general politics’ of truth: that is the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned....It's not a matter of emancipating truth from every system of power (which would be a chimera, for truth is already power) but of detaching the power of truth from the forms of hegemony, social, economic and cultural, within which it operates at the present time. (1980, pp.131-133)

It is around this regime of truth that forms of resistance and struggle are articulated. Although there are (subjected) knowledges that exist outside dominant practices, we may be constrained by the power of true discourses that determine who we are and how we live.

### Technologies of Power

In Foucault's account, power in the modern episteme is not to be seen as a commodity passed on or through individuals and collectivities, rather power is the “operation of the political technologies throughout the social body” (Dreyfus & Rabinow, 1982, p.184). Forms of power refer not to an initiator or holder of power but to specific techniques and strategies. Disciplinary techniques and strategies have the human body as their target. In the following quote, Parker (1989), gives an example of how positions of domination and submission may be established and maintained through technologies available to psychology, without reverting to a formulation of power that assumes it is located within an individual.

The discovery of a 'truth' about the nature of a normal individual, and an apparatus to elicit that 'truth', necessitates conceptions of deviance. The question that social psychology should ask about the exercise of power is then transformed. We can move from a concern with the 'will' or intention of a power holder to an analysis of the positions from which power is exercised. We gain an understanding of how the 'normal' person and the 'deviant' each produce power relations in everyday interaction. (p.63)

Practices of discipline and training, for example those of surveillance, normalisation, and examination, made previously inconspicuous subjects visible and thus individualised. Disciplinary practices constituted new kinds of objects for knowledge to be about, for example, delinquents, deviants, distributions of heart disease in a family, and new subjects to be known. Disciplinary power was extended to the regulation and care of the population through the medium of normalising judgement. Thus, Foucault came to describe disciplinary power, or biopower as he later called it, "both an individualising and totalizing form of power" (1982, p.213). Foucault linked the expansion of these techniques of power with the rise of the modern state which appropriated them in order to manage the population. However, the state was not seen to be origin of disciplinary power. As Foucault explains:

It is certain that in contemporary societies the state is not simply one of the forms or specific situations of the exercise of power... - even if it is the most important - but that in a certain way all other forms of power relation must refer to it. But this is not because they are derived from it; rather because power relations have come more and more under state control. (1982, p.224)

Foucault resists tracing power back to any origin because this conflicts with his claim that these categories are themselves constructed within discourse (Beechey & Donald, 1985). Thus, knowledges that reduce phenomena, for example racism, to the individual (psychological malaise) or social groups in society (class conflict) are

rejected in favour of examining the knowledge and discourses producing oppressive institutions and subject positions. Tracing power back to an origin further appeals to a juridical or sovereign form of power which, in contrast to Foucault's conceptualisation, is essentially monolithic, repressive and implies an epistemological position that sees the holder of power as somehow outside meaning constituting processes, thus allowing them to judge what is real and what is untrue. Foucault diverts attention away from formulations of power as repressive and instead emphasises the productive aspects of power.

What makes power hold good, what makes it accepted, is simply the fact that it doesn't weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network which runs through the whole social body. (Foucault, 1980, p.119)

### Relationships of Power

As well as speaking of techniques of power, Foucault used the term power to designate a relationship between partners (individuals and collectivities) where the action of one side affects the actions of the other. Modern technologies of power such as disciplinary technology, bring into play relationships between collectivities and groups when they are taken up. They affect not only those to whom they are applied but also those who administer them.

Although power is conceptualised as a network that invests the whole social body, there are limits to it. Power is seen to operate only where there is freedom. That is, where subject/s have available to them a field of possible options from which to choose. In this situation power works through structuring the possible field of actions available to the subject. "The exercise of power consists in guiding the possibility of conduct and putting in order the possible outcome. Basically power is less a

confrontation between two adversaries or the linking of one to the other than a question of government” (Foucault, 1982, p.221).

### Becoming a Subject: Post-structuralism and Humanism

For Foucault and other post-structuralist writers subjectivity is socially constituted through the discourses and meanings available to us as subjects at this particular point in history within our culture (Weedon, 1987, 1997). This conceptualisation of the subject stands in opposition to a humanist position which “tends to see the individual as the agent of all social phenomena and productions, including knowledge. The specific notion of the individual contained in this outlook is one of a unitary, essentially non-contradictory and above all rational entity.” (Henriques et al., 1984, p.93). The humanist position underpins much theorising in the social sciences and psychology in particular and makes it possible for example, to speak about and measure the individuals personality, motivation and intelligence as relatively stable characteristics of their psychological make-up. Post-structuralists argue that it is necessary to decentre the sovereign subject to open up new ways of theorising subjectivity and its relation to power, discourse and change.

Through language acquisition, individuals learn to express and give meaning to their experiences with discourses that predate their entry into language. As Weedon (1987) notes, these meanings “constitute our consciousness, and the positions with which we identify, structure our sense of ourselves, our subjectivity” (p.33). Technologies of power and their associated domains of knowledge and discourses, make available subject positions and forms of subjectivity which are taken up or resisted by individuals involved in relationships of power. In taking up these positions, individuals become subject to meanings and rights associated with that position and thus enabled or constrained to act in certain ways. As individuals are offered a wide range of possible positions through competing discourses, they are subjected to

multiple meanings and thus, their sense of subjectivity becomes a site of disunity and conflict. However, subjects continue to recognise themselves as the authors and agents of their knowledge and actions. For some theorists this recognition amounts to an imaginary relation or misrecognition brought about through ideological effects (Althusser, 1971), and for others is a result of pronoun usage and the reference to an 'I' in the current historical-cultural milieu (Davies & Harré, 1990). This misrecognition or imaginary relation of the individual with a subject position is important because it is this which gives the subject position its psychological and emotional force and fixes it to the individual (Weedon, 1987, 1997).

Up to this point I have discussed the poststructuralist account of the subject as it stands in relation to humanist perspectives. I return now to the links between subjectivity and power and their implications for discourse analysis.

### Subjectivity and Power

Power produces, and is produced by knowledge and discourses which offer forms of subjectivity and subject positions. As noted above not all discourses are given the status of truth in our society, but those that are, may become the dominant practices through which subjects are constituted. However, these subject positions and subjectivities offered by dominant practices are not the only ones. Retheorising the subject opens up alternative forms of subjectivity and social existence. Sites of resistance without which relations of power could not exist, offer alternatives to dominant practices. A struggle revolves around changing dominant meanings in discourse and thus legitimating alternative forms of subjectivity. As Weedon (1987, 1997) notes, redefining dominant practices in a discursive field (for example law) can have important implications for the forms of subjectivity available and therefore for those who are caught up in relations of domination. Discourse analysis can be viewed as a tool to locate and articulate the subjected forms of knowledge that are marginalised

through relationships and technologies of power, to criticise dominant practices. Foucault calls the establishment of the historical knowledge of struggles and their use in a tactical way genealogy, and notes:

We are concerned with the insurrection of knowledges that are opposed primarily not with the contents, methods or concepts of a science, but to the effects of the centralising powers which are linked to the institution and functioning of an organised scientific discourse within a society such as ours. (Foucault, 1980, p.84).

It is to these subjugated knowledges that the analyst should look to criticise dominant discourses or truths and to provide alternative forms of subjectivities. These knowledges form the basis of efforts to resist hegemony and alter the structure of existing power relations. Articulated in this way, discourse analysis takes on a political bent, with the skills of the analyst employed in charting and criticising dominant understandings, and bringing to the fore discourses and knowledges hitherto silenced.

### **Angelique and Discourse Analysis**

Although I have presented the theories of Potter and Wetherell (1987) and Foucauldian post-structuralism (1980, 1982) as complementary, there are tensions between and within them. For example, Potter and Wetherell, and Parker share the assumption that reality, knowledge and subjectivity are socially constructed, however their approaches to identify the linguistic resources that organise language use differ. Parker (1990a, p.191) explores texts, which are understood as “anything in which meaning is apparent” (for example, stained glass windows, novels, a gift of flowers), for the discourses embedded in those texts. Alternatively, Potter et al. (1990) study discourse (written and spoken texts) in which interpretative repertoires are embedded. Parker's “discourses” and Potter et al.'s “repertoires” share many similarities, however Potter et al. criticise Parker's approach for reifying discourse as an object, removing it from the

local discursive practice in which it is embedded to examine and construct its elements (for example, the word 'family' is assumed to have an attached 'familial discourse'). Potter et al. prefer to construct repertoires from the discourse in which they are embedded, thus, they would examine the way family is used in the context of the discourse, and attempt to identify the potentially multiple repertoires used in the construction of the category 'family'.

Discourses or repertoires? I have some sympathy for both arguments. I have found it impossible not to reify the linguistic resources I identify in analytic practice, as soon as I talk about them they take on a life of their own. They become objects. I have chosen not to adopt either term (with one notable exception). Both terms seem to imply a cohesiveness or comprehensiveness for the resources identified that I would rather avoid when texts seem contradictory and resources overlap and reconnect in unexpected ways. However, I do use the term 'discourse' selectively to refer to various constructions of objects that appear mutually exclusive in my reading of them (for example, Moutoa Gardens or Pakaitore Marae). My preference is to talk about the arguments, meanings and themes people mobilise in their talk: in this sense I align myself with rhetorical analyses (Billig, 1987), and those I see as influenced by conversation analysis (Widdicombe, 1993; Wooffitt, 1992), but also endeavour to stay grounded in the text as Potter et al. (1990) suggest. However, like Parker (1990a), I retain a focus on the production of objects and subjects in the text, and how these themes and arguments embody and maintain power relations and prescribe and proscribe social action.

Ideology is a term used by Wetherell and Potter (1988), and Parker (1990a, 1992) but eschewed by Foucault (Beechey & Donald, 1985). To begin with I was keen to retain this term with the understanding that it referred to the oppressive effects of discourse, rather than the more traditional sociological notion of an ideology as a belief system used by the powerful to oppress specific groups (this latter notion is the one rejected by Foucault). However, in following Parker's steps to identify ideological effects, I could

not distinguish between an analysis of ideology and that of power relations. Thus, ideology was dropped from my analytic vocabulary.

In short, developing an understanding of constructionism, post-structuralism and a discourse analytic practice has meant that I have blended approaches to the text. My approach is consistent with aspects of Potter and Wetherell's (1987) repertoire analysis and post-structuralist ideas about the subject, power and discourse. Rather than pursue the tensions in a blended approach, I offer the assumptions about language reality and the subject I have adopted in order to make sense of the accounts that constitute the occupation of Moutoa Gardens/Pakaitore Marae.

Language is the starting point for analysis. I am interested in the way discourse constitutes rather than reflects the objects, subjects and concepts in our world. That is, I reject the notion that some objective truth ranges beyond the scope of our meaning assigning practices. From poststructuralism I take modern power to be that which produces and supports knowledge, institution and forms of subjectivity. To analyse discourse in terms of power is to identify objects and subject positions offered in discourse and explicate the social and political implications of these positions for individuals who take them up and are positioned by them.

I understand subjectivity to be socially constituted and a site of possible disunity and conflict. I assume discourses used by speakers may have implications beyond what the speaker realises, and that speakers are constrained by the subject positions they take up and the discourses available to them. Finally, I take from Wetherell and Potter (1988) a concern with the way language is constructed to achieve local and global functions and a warning not to analyse discourses without the local context in which they are embedded in view.

## **Social Psychology, Prejudice and Discourse Analysis**

What then does the rearticulation of the individual as subject produced by multiple and contradictory discourses which are upheld by varying relationships and technologies of power mean for accounts of inter-group relations derived from traditional psychological perspectives? This section explores this question through a brief but critical look at one notion that has been applied as an explanatory concept to the area of inter-group relations - the notion of prejudice.

### **Prejudice**

Traditional psychological approaches to prejudice include authoritarian personality (Adorno, Frenkel-Brunswik, Levinson & Sanford, 1950), social cognition (Allport, 1954; Hamilton & Trolie, 1986), social identity (Tajfel & Turner, 1985), and modern or aversive racism theories (Gaertner & Dovidio, 1986; Katz, Wackenhut, & Hauss, 1986; McConahay, 1986). Although these approaches conceptualise prejudice in different ways, they are similar in their treatment of language and the subject.

Language is seen as a medium through which reality and the workings of cognitive processes may be accurately accessed and described. Analysis involves establishing what claims about certain groups may be judged as prejudicial and which are truthful, and then attributing the inaccurate or negative distortions to reductionist cognitive processes or underlying psychic pathology or ambivalence. This explanation of inter-group relations is grounded in a realist epistemology which assumes the world and the people who live in it can be known independently of the meanings we ascribe to them. Social categories are taken as natural and immutable facts of the world, and ascribed with observable and directly knowable characteristics. In terms of addressing prejudice these approaches recommend interventions that target change at the individual level, thus failing to address policies and power relations that maintain domination of one group over another.

In contrast, theorists working from constructionist and post-structural traditions have demonstrated how social psychological notions of prejudice are compatible with and reproduce existing power relations (Henriques, 1984), and also psychology's rational unitary assumptions about the individual (Wetherell & Potter, 1992). The methodology of social psychology is not taken to guarantee truthful or factual knowledge about relationships between different ethnic groups, but is seen to produce a certain kind of knowledge that reproduces the assumptions about reality and the subject that are specific to the historical and cultural milieu from which they emerged. Psychological theories of prejudice are taken as the subject of research, and examined for their effects on the people and processes that they seek to explain.

Henriques (1984) notes the social psychological notion of prejudice rests on, and provides scientific legitimization for, the commonsense assumption that there are no real differences between social and ethnic groups - all people are essentially the same under the skin. This assumption has been used in the past for progressive political effects in combating fascism and eugenics, political and scientific theories that posited a biological inequality between races which allowed for discrimination. The assertion of sameness was used to promote equality between races. However, when incorporated into contemporary social psychology, one of the (unintended) effects of the assumption of sameness is that prejudice is reduced to individual misjudgment about social reality, or, individual pathology. More recently Wetherell and Potter (1992) have criticised the contemporary approach of 'modern racism' which draws on the traditional social psychology of prejudice, locating the source of ambivalence toward ethnic groups in cognitive and affective processes.

If the individual is assumed to be essentially rational and attributed with perceptual and cognitive processes which allow him or her to objectively appreciate the world, prejudice is seen as an error on the part of the perceptual or cognitive processes; for example inaccurate prejudgement and assumptions of homogeneity within a group (or

as pathology residing within the prejudiced person). The focus on error and irrationality means that prejudice comes to be seen as the exception rather than the rule, and, in the cognitive tradition, the responsibility for prejudice is mitigated as it is theorised as a natural by-product of the information-processing mechanisms. The stress on cognitive processes does not deal with the content of stereotypes and judgements and why specific groups are targeted for negative evaluations. In modern racism approaches, the individual is seen as socialised into these beliefs and judgements which conflict with liberal values. Henriques (1984) notes that in the case of social attitudes research the question of why certain groups are targeted and not others is answered by focusing on the object of prejudice - the apparent difference of the victims of prejudice. Impressions of out-groups, although subject to the distortions of cognitive processing, are theorised as the source of prejudice.

Social psychological notions of prejudice also prescribe the types of intervention that are likely to combat the problem. In order to challenge prejudice, the truth about its victims must out. If prejudice is based on ignorance and misjudgment then learning about other ethnic groups should allay this ignorance and thus the prejudice. This intervention assumes that "facts" about a certain group will be taken in without negative evaluations taking place, an assumption based on the inherent rationality of the subject, and a definition of prejudice as irrational, unreasonable judgement. As Henriques (1984) notes, when interventions focus on the target of prejudice several effects are achieved.

White remains the vantage point, the norm, from which black differences are measured and evaluated...The notion of unfamiliarity and ignorance has the important effect of both paralleling and laying the way for the idea that blacks themselves are the problem... While blacks remain the object in focus whites have no need to address themselves as the problem. It is in this way that social psychology has contributed to the production of blacks as the problem.  
(p.285)

The examination of prejudice articulated as the product of individual pathology or cognitive processes precludes alternative perspectives of prejudice. A focus on the mind draws attention away from prejudice as a segment of public discourse, and its role in justifying and sustaining the dominance of one group over another. In other words it draws attention away from the moral and political values embedded in prejudice, in favour of emphasising the factual and irrational characteristics of it (Reeves, 1983; Wetherell & Potter, 1992).

Identifying prejudice through the content of a stereotype, or the identification of value conflict also precludes an examination of how talk that seems ostensibly liberal can have racist effects (Reeves, 1983; Wetherell & Potter, 1988, 1992). Thus, it is not necessary to draw on racial and ethnic categories in order to produce a text which may be read as racist. In addition, in focusing on the individual, the social and economic determinants of differences between groups are obscured, and the conditions that produce hostility towards a certain group are ignored (Henriques, 1984; Wetherell & Potter, 1992). In a nutshell, prejudice as pathology or cognitive error locates the problem at an individual level, effectively postponing or precluding an examination of the material and discursive bases of oppression.

## Summary

Traditional approaches to the study of inter-group relations can thus be seen as problematic at a political and theoretical level. These approaches reify the unitary and rational individual as the source of problems in inter-group relations, through appeals to objective knowledge guaranteed by positivist research designs isolated from the realm of politics and morals. This notion of the individual, and realist warrants for knowledge, have been extensively criticised by constructionist theorists (for example, Gergen, 1985, 1994) who have demonstrated the socially and historically contingent nature of such knowledge, reality and the (adverse) effects of these theorisations for

their targets. For example, psychological tests of intelligence have been used to support the hypothesis that Blacks are inferior to Whites and that this inferiority reduces to racial biological determinants. This view has been extensively criticised and today is liable to be labeled scientific racism (Reeves, 1983; Spoonley, 1988, 1993). However, it is a good example of how science is constituted and influenced by the theories and values of an era, rather than being reflective of some putative reality.

As noted in the last section, realist ontological commitments are eschewed by constructionists, in favour of examining the linguistic tools that shape the world as we know it and the effects of these tools for the subjects produced by them. Eschewed also then is the basis upon which traditional constructs of inter-group relations are premised, that is the ability to tell which attitude is realistic and which is prejudicial, as all accounts are examined for their implications for the subjects of that account. Abandoning realist assumptions does not leave us without grounds on which to identify and resist social practices that favour one group over another, nor does it mean that oppression is unreal. The above discussion of the notion of prejudice shows how interrogating our taken for granted assumptions about the social world can indicate how these practices operate to sustain or disguise oppressive inter-group relations. The following quote from Wetherell and Potter (1992) best captures for me what is implied by adopting relativist epistemology in relation to inter-group relations:

We are not suggesting that there is a kind of “unreality” to racism or that racism is simply accounts and words. If we think for a moment of how racism is made manifest. Words are central to that process but racism is made manifest, too, through physical violence, through material disadvantage, and through differences in opportunities and power. However, to understand that pattern, we have to develop some account, whether as social scientists, as politicians, as subjects of racism or as the initiators or beneficiaries. The crucial aspect as always, is whose story will be accepted and become part of the general currency of explanation... (p.62).

The question posed at the beginning of this section regarding the implications of constructionism for traditional psychological approaches can now be answered. Rethorising subjectivity and knowledge allows the discursive psychologist to examine accounts of inter-group relations and conflict for their implications for the subjects and objects of discourses mobilized to produce those accounts. Constructionism rejects the realist premises upon which traditional approaches to psychology are founded and thus challenges psychological theory as another form of account that can be investigated for its political and social effects. Hostility and oppression are not explained by psychologically reductive or socially and economically reductive theories, but individualist and social theory are dissolved as they are taken as accounts produced by discourses that structure subjectivity and the materiality of social relations.

### **Reflexivity, Constructionism and the Subject**

What does the taking up of these epistemological and theoretical approaches imply for the production of a thesis and for the researcher (me)? What about reflexivity - how does that fit in? These are inter-related questions which I have attempted to address at various stages in writing this thesis. This section takes a critical look at the implications of taking up social constructionist/relativist arguments through the exploration of my attempts to justify this approach and come to terms with reflexivity. I also examine post-structuralism and the implications it has for my position as researcher and the type of reflexivity that it seems to call for. The final attempt (this section) resolves the tension between the contradictory positions that relativism and post-structuralism offer me, and provides a theoretical justification for the feminist form of reflexivity I have adopted. My writing style in this section is more personal than previous expositions, in part an expression of my effort to conceptualise my own position/s as researcher and participant in the production of this thesis.

## Attempts

The first attempt was a justification for adopting a relativist constructionist epistemology from which to analyse accounts that quite possibly could turn out to be oppressive. The justification was written at the same time as this theory chapter, the first chapter completed for the thesis, and served to allay my fears that I could be buying into something that was politically unsound - what racism isn't real?!

The second attempt, was an effort to determine how I was going 'to do' reflexivity specifically, and took the form of a diary entry addressed to myself and potential readers of my thesis. At that stage I thought that maybe my reflections about reflexivity might serve a useful purpose somewhere in my work. In the diary entry I decided upon what I understood to be a feminist form of reflexivity. This was what I felt most comfortable with at the time.

In a further attempt to understand reflexivity and to have some authoritative work to back up my vague notions about what I should be doing about it, I read a collection of papers by feminist writers on the topic. Of these, Gill (1995) particularly appealed to me because she raised some issues about the way reflexivity and analysis was done by relativist discourse analysts that had vaguely unsettled me, but, that I had deliberately ignored. Gill specifically examined the implications of the relativist account of Edwards, Ashmore and Potter (1995) upon which I had largely based my justification for constructionism/relativism. In effect, Gill's critique gave an articulate voice to the nagging doubts I had about taking up a relativist stance.

Encompassed by the broad constructionist family, but standing independently (as I see it) is Foucauldian inspired poststructuralist work on subjectivity, power and discourse. While constructionism/relativism argued that reality, knowledge and ourselves are constructed, post-structuralism articulated the role of power in these constructions. My position within post-structuralism also had implications for how I should do reflexivity.

## Arguments and Contradictions

Despite my best efforts to stay out of epistemological wrangles, here I am back at the brink; rather than choose between my attempts to address the aforementioned issues I include them all as all have been influential in the way I have approached my thesis at various times. More than that, all attempts have a good deal in common; they speak to each other, and elucidate how I came to my current position. For this presentation, my first attempt, the 'justification' appears in a box font, the diary entry appears in italics and Gill (1995) and my current position and critique appear in the font used to introduce this section (that is, what you're reading at this moment). This latter voice serves the purpose of reflecting on my initial justification for adopting constructionism, and my diary entry, and becomes authoritative, spelling out and endorsing previously under-articulated concerns. This exploration is split between concerns specifically related to relativism and constructionism and those related to post-structuralism. I start with my diary entry.

## Relativism and Social Construction

*In light of constructionist approaches where reality and knowledge are construed as negotiable and a site of contest, I cannot step with certainty into any arena without being aware that what seem like truths amount to no more than ideas that are*

*generally accepted and held in place by an interplay of power relations at any one time.*

*Perhaps then in describing or establishing the nature of any object or subject, it is well to note that this description could be otherwise. Had my reading been in a different direction, library, or discipline, the stories I might have told would not have borne much resemblance to what is now before you and me.*

*What is to be done then in recognition of this otherness or difference that could not find expression in my work. To acknowledge this thesis is my construction is a start but somehow falls short of the mark, is too easy. (What is the mark?)*

**What is the mark?** ‘The mark’ refers to reflexivity. Implied in the question about the mark is my uncertainty about how to address this issue. In the second paragraph I talk about intellectual and physical constraints to my work (for example, direction, discipline, library) and then acknowledge that the thesis is my construction. Noting the constructed nature of the thesis fitted with my relativist/constructionist orientation to knowledge and reality, and my justification for relativism. According to this orientation, pointing out or demonstrating that my thesis was just another construction seemed to be enough for reflexive purposes. However the question about the mark, and a feeling of falling “short of the mark” implied an inadequacy with this form of reflexivity - that must be a part, but it wasn’t enough.

Acknowledging my constructions did not answer questions of why my research had taken the shape it did, why some accounts were included, and others were not. It did not account for “the otherness”. Thus, falling short of the mark also had something to do with the grounds on which I produced my thesis. Perhaps the problem was with the initial justification for adopting a relativist constructionist approach, how it

positioned me as a researcher, and the form of reflexivity it allowed for and possibly constrained. I present the justification for your perusal.

#### Ontology and Epistemology - Why Constructionism is Useful.

What does it mean to say that the world is constructed - that there is no reality outside discourse, that processes that work to oppress and discriminate some and advantage others only exist in language? It is important to be clear about what a constructionist or relativist approach to an area assumes, and takes issue with.

Relativists challenge realist assumptions about the nature of reality and knowledge. Realists argue that there is an objective, non-negotiable and directly knowable reality that exists outside our meaning assigning practices, that can be grasped through observation, and in the case of psychology, experimentation. Relativists assume that what we know, and how we come to know things (events, people, emotions) are necessarily the product of our interpretations. Thus to speak of one reality or truth that is somehow independent of our interpretative practices, ignores the way our understandings of the world and the things in it, are shaped by our preexisting discursive tools for partitioning it. To challenge these realist assumptions is not to outright reject the knowledge produced from realist practices, but it is to reject their claims to ultimate truth or objective reality. In effect relativists reject realist self presentations as factual, in favour of examining how these claims are warranted as factual and in acknowledgement of a multiplicity of realities that are shaped in an effort to make sense of the world. In this perspective no account is accorded with any special status as indisputably correct or factual, but is treated as a version whose pros and cons may be disputed and undermined. (See Edwards, Ashmore & Potter, 1995 for a clear discussion of the ins and outs of realist versus relativist positions).

Why the constructionist metaphor is useful for analytic practice.

Potter (1996b) notes four reasons for adopting the constructionist metaphor for analytic practice. First, it emphasises that accounts, versions and descriptions are human practices and as such could have been otherwise. Secondly, treating accounts as constructions allows us to examine how they are put together, what resources are used and what effects are produced by them. If accounts were treated as true or real as in a realist epistemology, it would not make

sense to look at how they were assembled to achieve certain effects; the message of the account could be taken as read, it would be non-negotiable. Thirdly, the adoption of the constructionist metaphor allows the analyst to stand aside from truth issues, such as which account can be taken as accurate or real, and which account is deceitful, and look instead at how the accounts are worked up as truthful in practice. Following through from this point is the final reason for adopting a constructionist metaphor for analysis; since no account is taken as the true or real one, the researcher is not in a position of necessarily becoming an advocate for a particular party in a debate. That is, the researcher does not need to decide which aspects of an argument are true or false, but instead can examine how accounts are constructed to produce certain readings. Arguments based in both realism and relativism are examined as rhetorical practices.

This final point is one that has led to claims (by realists) that constructionists are amoral and treat every version as equally valid. Edwards et al. (1995) note that the criticism trades on the assumption that rejecting realism is the same thing as rejecting everything realists think is real. To positively say realism is not real or true would be to buy into a realist ontology. However this is not the case. As noted above, relativists are still capable of arguing a position. What they do not argue is that this version is real, and therefore, is not up for debate. To present a position as real and truthful is to stifle argument and inquiry, to bring argument down to a "I'm right" - "No I'm right" level.

Analysts...prefer to present relativism as a non-position, as critique or skepticism, not as a positive statement opposed to realism. Relativism is offered as a meta-level (or one more step back) epistemology that can include and analyse realism and relativism alike, viewed as rhetorical practices. (Edwards, et al. 1995, p.41)

Reading back on this attempt it is no wonder that I felt a sense of unease with these justifications and the attending notion of reflexivity. I offer no assurances to those concerned with discrimination; there is no basis on which to take a stand or make a case for inequality. Relativism apparently armed me with tools to deconstruct the arguments of others without providing the means to establish any concerns of my own except to provide, and then acknowledge my analysis was yet another construction - relativism was a "non-position".

This is precisely the concern about relativism voiced by Gill (1995). Without a grounding in realist ontology and the lack of political commitments implied in a “non-position” that takes “one step back” from the argument, what grounds are there to decide between one version of reality over another? What grounds are there for me as researcher for producing one sort of thesis or another, for selecting some accounts over others? This is not to deny that relativism is useful in deconstructing ‘truths’ that have been oppressive to various groups; and it also does not deny that analysts’ deconstructions of texts occupy powerful positions because of their institutional affiliations, and because of the devices analysts use to present analyses which implicitly favour particular versions (Gill, 1995); however it is to say that some discursive analyses do not provide explicit grounds upon which to make decisions and justify them.

Which brings us to a closely related point. Also implied in some constructions of relativism is the privileged position of the researcher. In my original readings of the relativist/constructionist justification presented above, I noted the irony of the ‘methodological relativism’ espoused by Potter (1996b): that is that not entering the true/false debate in the arena of analytic interest seemed to create the position of objective and impartial researcher, while relativism simultaneously took issue with realist claims upon which science and objectivity were grounded. Gill (1995) also points to this irony and raises some political implications for relativism practiced in this way. Briefly, researchers assume a position that seems value free, and apparently conduct analyses for the sake of deconstruction. Relativism is presented as a liberating tool par excellence; “Relativism offers an ever available lever of resistance” (Edwards et al., 1995, p.39) but without making clear who could benefit from this resistance. In addition, relativists own analyses are presented as above or beyond examination for what discursive work they accomplish; for them reflexivity entails attending to the fact that their own analyses are constructions. For example, Gill points out that relativists have unintentionally contributed to the backlash

against feminism by positioning feminist (and other critical) arguments grounded in materialism as mere rhetoric. Furthermore, when criticised about failing to take a position on facts that appear indisputable for example, killing and death, relativists, specifically Edwards et al. seem to appeal back to realist arguments about commonsense reality; relativism is not about “rejecting everything realists think is real” (Edwards et al., 1995, p.34). Epistemological skepticism seemed to be selectively applied to concerns of the academy but held in check when it came to everyday commonplace reality.

In a nutshell relativism presented itself as apolitical without any principled grounds upon which to argue and substantiate a position. My position in this type of relativism was problematic. What would be the point of using this type of analysis to look at talk about Maori/Tauitiwi relations? How could I justify my work without buying into the contradictions that seemed inherent in it?

When I reread Edwards et al. (1995) in order to evaluate Gill’s criticisms, I found myself convinced on all points but one; that is the appeal back to realist arguments. This point is significant because it has implications for grounding analyses and my position as a researcher (and hence “the mark”). Edwards et al. state “there is no contradiction between being a relativist and being somebody, a member of a particular culture, having commitment, beliefs, and a common-sense notion of reality” (p.35). I do not read this as reverting to arguments grounded in realist epistemology as Gill does. My reading of the common-sense reality submitted by Edwards et al. refers to the reality of social consensus, rather than that of hard and objective facts known independently of the meaning we ascribe them. Pursuing this point, which Gill takes to be the employment of realist arguments, Edwards et al. go on to say:

The idea that letting go of realism entails that all these commitments must fall, is no more convincing than the idea that life without God is devoid of

meaning and value... What we are left with is not a world devoid of meaning and value (or a world of absolute amorality where “everything is permitted”..) but precisely the reverse. It is a foregrounding of meaning and values, to be argued, altered defended and invented...(p.36)

There are two points to be made here: (1) For Edwards et al. (1995) reality is presented as a matter of common consensus not fact. Reality is “real” in the sense that people agree upon what counts as true and have a commitment to the versions that they assume, though this in and of itself does not mean that these commitments are not up for debate; (2) the foregrounding of meaning and value that Edwards et al. argue ensues from a suspension of realist claims about reality, allows for the type of “passionately interested inquiry” advocated by Gill (1995).

For Gill, (1995) the problems of relativism are assuaged by inserting “values, commitments, politics...at the heart of analyses” ..a position of ..“politically informed relativism...Reflexivity is an essential part of the theoretical position I am proposing, which requires analysts to make explicit the position from which they are theorising, and to reflect critically upon their own role, not simply becoming the ‘certified deconstructors’ (Jackson, 1992) of other people’s discourse” (pp.177-179).

Although the epistemological skepticism of Edwards et al. (1995) and others, positions them theoretically as apolitical, objective examiners of others truth claims, the implications of their arguments do allow for taking up and arguing a position according to common-sense values and beliefs. While this type of political positioning is missing from their presentation of relativism as the “non-position” that takes “one step back” from the argument, their assumptions about what reality is taken to be do provide grounds for advocacy based on meanings and values the analyst is committed to without appearing contradictory on ontological grounds. However, as Gill (1995) points out, these assumptions are not made explicit in

relativist analyses. Such analyses are thus opened up to charges of contradiction; simultaneously rejecting realism with its attending notion of truthful or objective analysis, and positioning their analyses and themselves as objective examinations/ers.

So what is the mark?

The mark is about grounding my analysis in something. Having eschewed realist ontological commitments, politics, as suggested by Gill (1995), and implicitly allowed for by Edwards et al. (1995) seems the most likely candidate. Reflexivity is about being explicit about your politics and accountable for your analysis. Indeed if life as relativist means negotiating and arguing about what we take reality to be, politics seems the only choice without appearing contradictory. Taking a position and defending it, advocating it and letting it inform analysis may seem weak and partisan in view of dominant commitments to positivism and empiricism, but when the rhetorical rug is pulled out from the feet of realists (as I hope it has been at this stage of the chapter), persuasion and advocacy is what is left. The challenge is to enter the argument, or face the charges of “moral quietism” previously leveled at relativists, but which I would want to direct at those who have already decided what reality is and therefore can afford to ignore argumentative engagement with it.

Grounding analysis in something, that is doing the sort of reflexivity espoused by Gill (1995), also addresses my concern for the otherness that could not find expression in my work. It could not find expression because doing analysis involves taking up a position, whether that position is acknowledged or not. In my diary entry, after considering forms of reflexivity that demonstrated only the constructed nature of my thesis as per my relativist constructionist justification based on Edwards et al. (1995), I finally find the mark. Acknowledging that my thesis was just another construction fell short by failing to make my assumptions explicit. It

seemed that in eventually taking on feminist reflexivity, I hit the target. Note, I came to this conclusion unsure of why I needed to ground my work in something. The epiphany only came after reading Gill and re-examining my justification for adopting relativist constructionism.

*I then consider grounding the research by making explicit the assumptions I make about my topic, my politics, and the positions I take up and resist and my experience of doing the research - an approach associated with feminist conceptualisations of reflexivity. And then I am faced with theories of self. Self as contradictory, self as fluid, self buffeted this way and that, responding to the tasks at hand. With the qualification that any assumptions I write down freeze these assumptions and denude them and me of dynamicism, I decide that perhaps this could be a door to walk through.*

#### Poststructuralism, Power and Subjectivity

There is more to the mark though than just a concern for social constructionism and relativism as outlined above. Social constructionism and relativism are approaches to knowledge. Accordingly taking up this approach has implications for the knowledge we have about our-selves and the issues that effect us. However in the course of this chapter I also take up theoretical positions in Foucauldian post-structuralist theory and discourse analysis of various persuasions. Thus in addition to making the assumption that the world, our knowledge, and ourselves are socially constructed, I also make assumptions about how we are socially constructed; that is, the role that power plays in producing knowledge and discourse. Embedded here is another theoretical account to make sense of my initial diary uneasiness and endorse the reflexive position I adopt above.

I specifically chased about Foucault's (1980, 1982) ideas because he, like Potter and Wetherell (1987), presented discourse as a constitutive process, and Foucault, unlike Potter and Wetherell explicitly addressed the issue of power. Power seemed implied in protest and the relationships between Maori/Tauwi, the subjects of this thesis, and thus needed to be addressed somehow. My understanding of the discourse analysis espoused by Potter and Wetherell at that stage did not seem to address this issue to any great extent, though exceptions should be made for their ideological analyses (Wetherell & Potter, 1988, 1992). The analysis of power was taken up precisely because it provided a framework for showing, in a systematic way, how relations of domination were facilitated by discourse. I had already assumed such relations of domination existed. I had engaged with politics before beginning analysis. This did not necessarily mean I had to be explicit about these politics. However the effect of choosing post-structural analyses provided an impetus to do just that. The analysis I had chosen, positioned me in a particular way.

Taking up analyses that explicitly focused on power relations positioned me in a relationship with politics and thus in contradiction to the 'objective, value free examiner' implied by my justification of relativism. I will explain. Post-structuralist analysis examines questions about who is positioned as dominant, who is not and how. Before even considering how to deal with the issue of reflexivity, my affiliation with post-structuralism precluded a position of objective analyser of other people's discourse because to elucidate relationships of power, results implicitly in taking up a position in the debate about Maori/Tauwi relationship. It is to show how one group is oppressed and despite any potential claims to objectivity or impartiality I become an advocate (See Billig, 1987, Chapter 7). At the very least my work could be used for advocacy.

Thus, the theoretical approaches I have(had) taken up positioned me as researcher in contradictory ways; one, the apoliticism implied in the relativist constructionist

approach and the other, the explicitly political position constituted by post-structural discursive analyses. In effect, taking up an analysis of power relations already precluded and made a nonsense of assuming an objective impartial stance to the topic of my thesis. So this too, made sense of my uneasiness about doing reflexivity in a way that excluded voicing my assumptions, my commitments and politics. Exploring this uneasiness, missing the mark and examining the theory in this final analysis serves to justify and explain why politics needs to be at the centre of relativist reflexive analyses.

## Politics

Apart from the theoretical positions I have taken up to construct this thesis (see Angelique and Discourse Analysis above), I am positioned by other discourses that may or may not be apparent in my analyses. Primary among these is my position as “liberal” or “anti-racist”. The histories discussed and the “biases” in analysis reflect and are constitutive of my aim to examine Pakeha discourses for their implications for Maori and Maori claims. My positions as female in the dominant (Pakeha) group in Aotearoa/New Zealand provide additional lenses through which I view the texts. These positions afford me first hand experience of the culture from which I drew my participants/texts and upon which I rely to interpret the implications of these accounts. In the following chapter, I discuss the methodological concerns that further sharpen my analytic focus.

## *Chapter 2*

### **Method and Methodology**

In this chapter I outline the research process that shaped this thesis and discuss some key conceptual issues in the practice of discourse analysis. To begin I present the broad aim of the research and the questions that support my aim. The rest of the chapter describes how I addressed the research questions, firstly through the process of collecting data, and secondly through my development of a set of analytic questions directed to each extract appearing in this thesis.

#### **Aims and Questions**

The general aim of this research is to identify the arguments used by Pakeha to articulate the concerns of various groups and individuals in relation to the occupation of Pakaitore Marae/Moutoa Gardens and examine the social and political implications of these usages. This aim is supported by three, more specific research questions. The first of these asks about objects and subjects constructed in talk; what are the issues and how are subjects positioned in relation to the issues? The second question relates to the implications of these constructions; whose account of the issues are taken to be credible, whose version is legitimated? The third question asks how specific versions are manufactured and undermined. The discursive articulation of the object, subject and power provide useful tools with which to examine constructions of the occupation and the wider issues of land and sovereignty. Attending to the rhetorical strategies employed in these constructions elucidates how accounts are made persuasive.

My focus on Pakeha accounts of the occupation arises primarily from considerations of culture. Discourse analysis is an approach that relies heavily on the researcher's understanding of the text she or he is working with, to provide lucid and meaningful analyses. As noted in the previous chapter, my position as Pakeha provides me with access to the dominant culture and arguments used to legitimate or undermine the occupation. In other words, I have the cultural tools with which to analyse Pakeha

responses to the protests. However this same position precludes my analysis of accounts given by Maori. Without the required cultural capital my analysis of texts from cultural contexts different from my own is inappropriate. This was a critical ethical point to establish in seeking approval for this study, in conjunction with concerns about confidentiality and informed consent (See Appendices A and B for a copy of the information sheet and consent form).

The appropriateness of me studying anybody's responses to the occupation was raised in a discussion where the occupation was construed as a 'Maori Issue' and therefore available to be studied by Maori only. My doubts as to whether it was appropriate for me to study even non-Maori responses were allayed in further discussions where the occupation was construed as an event to which all people of New Zealand were challenged to respond, and a theoretical perspective that held these responses were important (indeed constitutive) to Maori/Pakeha relationships.

### **Constructing Text**

The texts on which my analyses are based come largely from a series of interviews I conducted immediately following the conclusion of the occupation, although texts from other written and audio sources were also collected. These included a selection of articles, letters to the editor, and feature articles from national and provincial newspapers (The Herald, The Dominion, The Evening Standard, The Wanganui Chronicle) and magazines (The Listener, North and South), and a special from Radio Pacific aired at the time of the occupation. Official documents and publications of the Wanganui District Council were also collected. Aside from the interviews, these other sources of data are present in the analysis (mainly) in so far as they inform my position as an analyst and occasionally your position as reader of the thesis (see following chapter).

My decision to focus on interview texts was based on the grounds of analytic interest and practical considerations. Practically it would have been impossible to analyse all the data I had collected in three years. The interviews alone comprised approximately four hundred pages of text. In the interests of time and quality of analysis I had to make a decision to cut down the amount of data to analyse. My interviews were conducted with the broad aims of the thesis in mind with several people who were directly involved with the occupation and had a stake in its outcome. In addition, they constituted a unique data set with which I was already familiar as I had participated in them and transcribed them. With these considerations in mind I decided to focus on the interviews as the primary texts for analysis.

Interview participants were drawn from several groups either involved with or interested in the Pakaitore Marae/Moutoa Gardens debate. I identified groups involved in the debate from media coverage of the occupation and contacted possible participants by phone and invited them to take part in the research. This process led to further suggestions for participants. Participants included police, district councillors, members of the public from Wanganui and Palmerston North, members of One Wanganui (a group opposed to the occupation), and Pakeha supporters of the occupation, notably from the Society of Friends. In the case of the police, permission to interview officers was sought from Police National headquarters prior to arranging the interviews. Participants from the general public were elicited through newspaper advertisements and contacted the researcher. Twenty people participated in interviews. In the main, interviews involved two participants: the interviewee and the researcher (me). However one interview took the form of a focus group discussion and involved five participants including the researcher.

Topics for the interview schedule were guided by my research questions and drawn from media coverage of the occupation. A pilot interview was conducted to refine the schedule. Interviews were open ended with questions covering a wide range of issues relating to the occupation including land claims, Maori sovereignty, conflict resolution

and the future of Maori/Pakeha relations in New Zealand. The schedule was constructed with a view to eliciting talk about the various groups involved with the occupation, participants understanding of the issues, and the strategies used to support or resolve the occupation. Each interview lasted approximately an hour and was recorded on audio cassette and transcribed. A copy of the interview schedule is provided in Appendix C.

Consummate with discursive articulations of language, interview texts were conceptualised as a source of multiple and contradictory constructions of objects and subjects. Variability was welcomed as an aid to analytic practice (Potter & Mulkay, 1985). Although interview data is subject to charges of being non-naturalistic and contrived, I argue following Wooffitt (1992), Potter and Mulkay, and Wetherell and Potter (1992), that interviews are a useful way to elicit participants' interpretative practices, especially when collecting naturalistic data poses methodological, technical or ethical problems. In addition, conversation analysts claim that interaction in specific institutional settings is underpinned by conversational methods (Wooffitt, 1992) - thus we are justified in analysing interviews as if they were 'real' data. Whether in an interview or a more 'natural' setting, participants and interviewers will orient to the interactional consequences of their talk which they construct using resources that are culturally available. Further, it is arguable that a transcription produced from 'naturalistic' data is more analytically useful than that prepared from interviews given that the transcription process itself needs to be considered as a construction shaped by analysts theoretical and political assumptions.

Transcription has been increasingly recognised as an intrinsically theoretical and social accomplishment. As Mishler (1991) notes, "Different transcripts are constructions of different worlds each designed to fit our particular theoretical assumptions and to allow us to explore their implications." (p.271). Mishler recommends being explicit about the decisions and assumptions brought to transcription, in an effort to situate the work in the research context. Decisions made regarding transcription in the present study reflect the research aim. Stated simply, that is to identify the arguments and themes

used to articulate the concerns of people involved with, or interested in the occupation of Pakaitore Marae/Moutoa Gardens. Thus I am more interested in the content of talk than form. Correspondingly my transcriptions used a simplified version of the Jefferesonian system outlined by Button and Lee (1987)(see Appendix D). This included pauses, hesitations and speech corrections and fluctuations in volume and emphasis, but excluded most characteristics of breathing and speed.

After transcription participants were sent a copy of their interviews for editing. Seven of the twenty participants chose to edit their interviews. Where provided, I worked with edited versions, otherwise original transcripts were used. Prior to coding, the interviews were transferred to Kwalitan, a qualitative analysis programme.

### **Re-constructing text: Coding and Analysis**

Within Kwalitan, interviews were broken down into segments. Each segment included one question and answer turn. However, where a response was long and ranged over a variety of topics, segments were delineated by each new topic.

Coding categories were guided by the research questions and developed through several readings of the interviews. Twenty six codes emerged and a selection of these were applied to each segment of the interviews as appropriate. Each code had a brief description and key words attached to it. The description was often elaborated as coding continued and contained notes of how text under that particular code functioned. For example:

#### *Code: Knowledge and Understanding*

*Knowledge is seen as crucial to understanding the issues. A lack of knowledge can be used to explain prejudice, ignorance or a lack of commitment to the issues. The implication is, if you know about history and social injustice you won't be prejudiced*

*and you will be committed to addressing social issues. To address prejudice and injustice, knowledge through education is the key. To have knowledge is generally construed as positive.*

*Knowledge talk is used to undermine support or supporters of the occupation. Supporters are construed as uneducated. If they had been educated about the real reason for the occupation they would not have given their support.*

*Knowledge also includes a depth metaphor, implying there are different levels of knowledge and understanding, some superficial and some deep. Issues need to be addressed at the deep level.*

*Knowledge also includes references to skills which people can be seen as lacking and/or refusing to acquire. This talk may be used to mitigate poor handling of the occupation e.g. Council, or used to indite someone who should have such skills but has not taken the time to learn them.*

*Unlike rationality talk, knowledge is something one can acquire. It is independent of personality or approach to an issue. One can be knowledgeable but still labelled irrational if one takes the 'wrong side' of an issue.*

*Knowledge as a solution to relations in New Zealand focuses change at an individual level, implicitly ignoring wider structural and social issues and institutions, which may also act in an oppressive way ( see Wetherell and Potter, 1992).*

I grouped the various coding categories under one of three headings. The first of these was constructions of claims and resolutions. This group contained codes relating to the claims of the occupation and their resolution, for example, 'land' and 'sovereignty'. The second group comprised the arguments that were used to undermine or support the claims that were made and the various people making the claims, for example, 'support' and 'equality'. Group three comprised codes relating to constructions of the parties who were involved with the occupation in some way. The code 'knowledge'

described above, falls into this latter category as do the subject categories of 'police', 'council', and 'protesters'.

These initial codes formed the basis for further in-depth analysis. The following discussion addresses some conceptual issues in methodology before outlining how my research questions were developed for analytic practice.

### **Conceptual Issues in Analysis**

The methodology I use, draws with certain reservations on suggestions proposed by Parker (1990a, 1992) and Potter and Wetherell (1987). One of the primary differences in the methodologies espoused by Parker and Potter and Wetherell, is the formers exclusive emphasis on the social and ideological consequences of discourses seen as abstract systems of meanings, and their historical location. This emphasis reflects Parker's adherence to poststructuralist theory. In some research Potter and Wetherell also focus on the wider consequences of discourse (Wetherell & Potter, 1988, 1992), but in addition, emphasise the local context of their data and the devices used to bring the discourses to life. The following discussion draws out points of difference and agreement in the Parker and Potter and Wetherell schools of analysis, and presents my own position in relation to the issues raised. The discussion is structured around Parker's seven criteria for identifying discourses and the three issues he suggests should be addressed in analysis.

#### **Parker, Potter & Wetherell and Praat on Discourse Analysis**

Parker (1990a, 1992) starts with a basic working definition of a discourse as "a system of statements which constructs an object" (Parker, 1990a, p.191) and qualifies this by seven criteria that he claims enable the user to engage with and in discourse analysis. Parker states that a certain amount of conceptual groundwork must be undertaken

before analysis proceeds and it is necessary to revisit early stages of the analysis as it develops to make sense of the phrases that have been selected.

### 1. A discourse is realised in texts.

Parker broadens the application of discourse analysis with the above criterion. "Texts are delimited tissues of meaning reproduced in any form that can be given an interpretative gloss" (Parker, 1990a, p.193). Discourses are identified in texts, which could be anything from a poster, speech, or stained glass to give but a few of Parker's examples. It is the transformation of these texts into a written and spoken form that allows the discourse to become identifiable and thus examined for its meanings.

Parker asserts that the two preparatory steps of discourse analysis are to transform our objects of analysis into texts and locate our texts in discourses, to make them accessible to discourse analysis.

### 2. A discourse is about objects

Parker asserts that discourse requires some degree of objectification and within discourse there are two identifiable levels of objectification. The first is that discourse constructs objects and thereby gives them a 'reality'. The second is that discourses may be reflected upon and thus may be taken as objects. "A discourse then is about objects and discourse analysis is about discourses as objects" (Parker, 1990a, p.197).

Potter, Wetherell, Gill, and Edwards (1990) discuss several points upon which they do not concur with Parker. The first of these is with regard to the tendency of Parker's (1990a) approach to reify discourses - that is to treat discourses as objects. The problem with this approach, Potter et al. claim, is that the focus of analysis becomes that of abstract discourse operating on abstract discourse, thus neglecting the social context in which the discourse is embedded, the action being performed by the language, and the ways in which the language is made effective in that context.

Although Potter et al. (1990) criticise Parker for objectifying discourses, it seems to me objectification of discourses is necessary so that discourses may be described in a coherent manner, and distinguished from other discourses. However, like Potter et al., I also attend to the local context and linguistic devices which make discourses effective. An analysis that does not consider these devices, ignores one of the routes through which accounts marshal their force and credibility.

With regard to analytic practice Potter et al. (1990) also take issue with a number of the criteria Parker (1990a) proposes can enable the analyst to identify discourses. The first of these is the translation of texts into written form in which discourses can then be located. According to Potter et al. this could amount to a large part of the interpretative work being completed at an early stage, generating the type of 'idealised data' that is common in traditional social psychology. Although this is a potential concern, it is difficult to see how it can be resolved as even the act of transcription (the translation of spoken word to written word) can be conceptualised as a constitutive or interpretative process. Perhaps then it is a question of the extent and nature of interpretation undertaken to transform texts into written words for analysis, and once again, being explicit about the source of data.

### 3. A discourse contains subjects

Parker (1990a) asserts that although readers of discourse have an independent 'reality' outside discourse, discourse positions the reader as a subject and thus gives the subject another 'reality'. Three questions may be asked with regard to the way the subject is positioned in relation to discourses:

- (1) What does the subject have to do to hear the discourses? In Parker's words, what 'role' does the subject have to assume to hear the message?
- (2) What rights does the subject have to use a discourse? Parker gives the example of non-medical persons at a doctors surgery being positioned as

patients as the use of a medical discourse in this context is appropriate to the medical staff.

(3) What position does the subject take in relation to a discourse itself ?

A concern with subjects and subjectivity also runs through the work of Potter and Wetherell (1987) and Wetherell and Potter (1992). Through my own development as an analyst my interest in the notions of the subject and subject positions has grown. I have found these notions particularly useful in explaining how subjects are empowered or constrained according to the positions ascribed to them by discourse. The notion of discourse positioning the reader of texts has been useful in helping me to identify the functions or actions performed by a text. My own responses to, and arguments with a text indicate for me the possible effects it is construed to achieve.

#### 4. A discourse is a coherent system of meanings.

- ✓ Parker (1990a) enlarges upon and refines this statement by comparing it to and distinguishing it from the concept of interpretative repertoires used by Potter and Wetherell (1987). It is similar in that both his statement and Potter and Wetherell's concept refer to the identifiable selection of linguistic tools (for example metaphors) used to construct a discourse, but Parker cautions the reader about three facets of the interpretative repertoire: (1) that Potter & Wetherell's reference to grammatical constructions could lead to undue emphasis on formalising to the detriment of context; (2) that their definition gives substance to the idea that there is a finite set of terms to be identified for a particular discourse and; (3) the use of the term repertoire has connotations from behaviourism which may be avoided by simply calling groups of related statements and linguistic tools 'discourses'. Parker's final point in relation to this criterion is that it is necessary for researchers to bring their prior knowledge of discourses to their analyses.

Potter et al. (1990) defend the use of the term interpretative repertoire, highlighting the usefulness of grammar in identifying discourse, stating the prefix “interpretative” heads off behaviourist connotations and finally asserting “a limited range of terms” is meant only to emphasise the recurrence of terms that people use in the construction of an object.

I see these differences, especially the grammatical issue as a result of the differences in focus between Parker (1990a) and Potter and Wetherell's (1987) approach mentioned above. Parker's criticism of the use of grammar stems from his concern with the content of discourses - the objects and subjects that are constructed, rather than the form of discourse. It is also worth noting that in some later work, Wetherell and Potter (1992) ceased to use the term interpretative repertoire, although these latter analyses were based on earlier work employing that term. Perhaps this change signals that the ‘repertoire’ and ‘analysis of discourses’ approaches have more in common, than in difference. In my own analyses, I do not claim that the arguments I present are exhaustive and have also avoided using the terms interpretative repertoire or discourses as much as possible. My analysis is organised around issues and arguments rather than discourses or abstracted meaning systems. This was an effort to keep the issues to the fore, and also a reflection of my interest in the way arguments are used to undermine or legitimate alternatives versions or constructions, thus allowing for or constraining certain courses of action.

Potter et al. (1990) agree with Parker's (1990a) assertion that an analyst brings his or her preconceptions and assumptions of an area to analysis but then subsequently criticise him for placing too much emphasis on this point by making it a criterion for identifying discourses.

In line with my adoption of a feminist form of reflexivity I also argue that it is important for the analyst to make explicit the assumptions brought to analysis. In the case of my examination of texts constituting Moutoa Gardens/Pakaitore Marae, my

assumptions and participation in the dominant culture of Aotearoa/New Zealand facilitate and enable my analysis. Further, acknowledging my assumptions facilitates, for the reader of my work, an appreciation of my conclusions and retains the sense that the presentation is one interpretation, one possible version of the research area.

#### 5. A discourse refers to other discourses

In the analysis of discourse, the researcher draws on other discourses. The contradictions within a discourse allow us to ask what other discourses are being utilised in the text.

#### 6. A discourse reflects on its own way of speaking

The sixth criterion is concerned with the phenomena exhibited when people comment on their choice of language - thus reflecting on their own rhetoric and marking out a discrete discourse. For the analyst this stage of research may develop in the following three steps: (1) it allows the analyst to think about the language used; (2) it enables the analyst to take the discourse as an object; and (3) it helps the analyst to evaluate the term used to describe the discourse.

Potter et al. (1990) challenge Parker's (1990a) notions of reflexivity, by examining the functions that are served by reflexive constructions. Parker's use of reflexivity to pinpoint discourses (discourses refer to themselves providing a base for recognition and commentary) is I think usefully supplanted by Potter et al.'s question of "What function does a reflexive construction serve?" The reflexive construction is not taken at face value to identify a discourse. The variability in discourse alluded to in Parker's fifth criterion is a tool also used by Potter and Wetherell (1987, 1994) in their analyses. As mentioned above, the variability in my interview data is welcomed as a potential aid for analytic practice.

## 7. A discourse is historically located

“Discourses are located in time, in history, for the objects they refer to are objects constituted in the past by the discourse or related discourses. A discourse refers to past references to those objects.” (Parker, 1992, p.16). The point that Parker makes here is that the “structure and force” of a discourse can only be understood in terms of other examples, and the history of that discourse.

In the work of Potter and Wetherell (1987), the historical location of discourses is not treated as a criteria for discourse identification. However, in some of their work, for example their analysis of racist discourse in New Zealand (Wetherell & Potter, 1992), a history of ideas and arguments is undertaken. These historical reconstructions have demonstrated how talk in race relations has changed since the 1960's, and serve as a context for understanding current debate. For similar purposes, the analysis in this thesis is also supported by historical reconstruction. My reconstruction is aimed at helping readers understand the social and political threads that produced the conditions for the occupation to emerge, and also to provide an explanation of why some arguments remain current despite (or perhaps because of) their oppressive effects.

Parker (1990a) describes the seven criteria discussed above as necessary and sufficient for identifying specific discourses and then goes on to alert the reader to three more facets of discourse that should be considered in a research project to make analysis “politically useful”. Stated briefly these are:

- (1) That discursive practices are those that reproduce institutions;
- (2) That discourses reproduce (propagate) power relations, though discourses do not necessarily contain power;
- (3) Discourses have ideological effects though Parker cautions the reader against assuming that all discourses are ideological, and the analyst against trying to discern which discourses are ideological and which are truthful. Ideology should not be taken as an object but as a “description of relations and effects” particular

to a place and located in history (Parker, 1990a, p.202). Note this conceptualisation of ideology as effects, is similar to Wetherell et al.'s (1987) notion of practical ideologies.

Parker's (1990a) concern with the relation between discourses and institutions, power and ideology is shared by Potter et al. (1990). However this concern reflects only one strand or focus of analysis for them, and excludes an examination of local discursive practices and the interpersonal functions they serve. As previously noted, this study is concerned more with the content of talk and its wider social implications, than micro-linguistic features. However the local context is kept in focus as users of discourse attempt to produce realistic and factual accounts.

Potter et al. (1990) and Wetherell and Potter (1992) assert describing relations of power and ideological effects are not part of the identification of discourses, but form one of the possible endpoints of analysis. On this point, I agree. Discourse analysis does not necessarily mean an examination of the oppressive effects of discourse – however this facet can be examined if that is the aim of the research. In my own work I do not specifically use the concept of ideology, but employ an analysis of power relations to examine the potentially oppressive effects of discourse. I found it impossible to distinguish between the processes of conducting an 'ideological' as opposed to a 'power' analysis using Parker's (1990a, 1992) directives. Both analyses seemed to be concerned with oppressive effects of discourse, while the term 'power' did not carry the same epistemological connotations as 'ideology', associated as it is with Marxist analyses.

Through debating and reconstructing the methodologies of Parker (1990a, 1992) and Potter and Wetherell (1987), I have developed a set of analytic questions that I used with the texts of this thesis. In addition to the primary influences of Parker, Potter and Wetherell and post-structuralist theory more generally, I have also been influenced by the analytic style of van Dijk (1988, 1993) and rhetorical analyses of Billig (1987).

van Dijk also refers to his analytic style as discursive and focuses on the properties and functions of text. However he reduces his analyses to specified cognitive processes in the brain and distinguishes between factual and untrue discourses, both conceptions that are eschewed in relativist constructionist perspectives. Despite differences with respect to epistemological assumptions, van Dijk's approach to engaging with text is useful, especially his breakdown of presuppositions, or the prior assumptions people need to make in order to successfully interpret text. His influence is present in the questions I developed for guiding my analysis. Billig's (1987) argument for a rhetorical form of psychology, brings to the fore the argumentative and persuasive functions of talk. His ideas have been carried through into the work of Edwards and Potter (1992), Potter (1996b) and the post-structuralist analyses of Wetherell and Potter (1992). These ideas also find expression in my analytic questions, though the influence of Billig and van Dijk are secondary to Potter and Wetherell's (1987) early work and the Foucauldian inspired post-structuralist suggestions of Parker (1990a, 1992).

My analytic questions are presented below. I have made no attempt to refine them for inclusion in this section, rather they are presented as I wrote them for my own use.

### Construction

1. What is the opening sentence or dominant theme that other constructions are embedded in? What parameters are set for the interpretation of what is being said?
2. What are the objects? What words and phrases are used and what meaning do they convey? Are they positively or negatively loaded? Are there dominant metaphors?
3. What are the presuppositions, propositions that are assumed to be known by the reader? What am I assuming is making sense of the text?

4. What rhetorical techniques are used? Style of sentence, “I’m not racist but..”; corroboration-consensus; values; narrative detail; vagueness; scripts; empiricist accounting; well known argument formats; extreme case formulations; lists and contrasts.

### Subjects

5. Who are the subjects? What positions are available for the subjects and reader? How are they constructed and accounted for? Whose voices are validated and invalidated? What effects are achieved?

### Functions

6. What social acts are achieved; interpersonal (accountability) and global? What are the implications for Maori, Crown, relations, settlement, constitution, Pakeha. What impression or feeling am I left with? How is this achieved?

In practice, analysis was guided by these questions but also came to reflect the topic under investigation. The specific analytic foci of each chapter are signalled in the introduction to each chapter. Before proceeding to analysis, the next chapter provides a version of the social and historical context of the occupation.

### *Chapter 3*

## **The Occupation in Context**

The occupation of Moutoa/Pakaitore was not an isolated incident blotting an otherwise harmonious relationship between Maori and the Crown; rather it occurred in a climate of increased tension between these two interests. Tension was precipitated by the nation-wide release of the Crown's Proposals for the Settlement of Treaty of Waitangi Claims. The proposals were met with little enthusiasm from Maori, although the desire to acknowledge and remedy longstanding injustices was applauded (Gardiner, 1996). The purpose of this chapter is to offer an account of recent and past Crown policies for Maori in order to provide a political and historical context for the occupation and my analysis. In addition I discuss the history of Wanganui with respect to the gardens/marae and outline the progression of the occupation.

Before proceeding there are some acknowledgements, disclaimers and qualifiers regarding this chapter to present. Firstly, I am not a historian. The arguments and conclusions I present are not my own, rather they are selected from the accounts of other social scientists and historians. The selection and retelling of these accounts however is mine. This retelling provides my understanding of the political and contemporary context on which my analysis of the occupation and related issues is based. In an effort to acknowledge my borrowings from other authors, the style of writing in this chapter is deliberately impersonal, my voice taking second place to the arguments of those who specialise in New Zealand's history, past and recent.

Secondly, my retelling is not a definitive comment on aspects of New Zealand's history, but is intended as one account, my understanding, which informed my analysis and is recounted here to facilitate your reading of this thesis. Reflexively, it serves the purpose of making my assumptions about New Zealand's social and political history explicit. Rhetorically, it functions to support my construction of the protest as a further effort on the part of Maori to address the Crown-Maori relationship on Maori terms. Finally, this account is a hugely condensed and summarised version of my original chapter and I refer you to Orange (1987), Ward (1973), Simpson (1979, 1997),

Walker (1984) and Spoonley (1993) for more extensive discussions of New Zealand's political and social history.

The retelling begins with a brief account of the Crown's policies and practices regarding Maori and some Maori responses to them. The period 1840 to 1900 was characterised by policy aimed at the amalgamation of Maori into British culture. The focus of the period from 1900 to 1995 was the movement from policies aimed at assimilation to those of partnership. A discussion of these periods leads into a brief account of Wanganui's history as it relates to Moutoa Gardens and the claims made to this land during the occupation. Finally I outline the progression of the occupation from its commencement to conclusion in May 1995.

This retelling is constructed in sympathy with the historiographical school that asserts the history of Aotearoa with respect to Maori-Tauitiwi relations has largely been an attempt to subjugate Maori authority, custom and culture to the institutions of British rule in contravention of the stated intentions of the Treaty of Waitangi. Resistance by Maori to retain their authority and land is seen as a legitimate response to their relegation to the social and political periphery, rather than an unjustified impediment to settlement (Simpson, 1997).

### **Colonising New Zealand: Amalgamation and The Treaty of Waitangi 1840 - 1900**

#### **The Declaration of Independence**

The first attempt at establishing a settled form of national government in New Zealand, was at the instigation of the British Resident, Busby, the British Crown's official presence in New Zealand. In 1835 under the perceived threat from a Frenchman, Baron De Thierry, who was said to be setting up an independent state in the Hokianga, Busby called a meeting of 34 chiefs. He persuaded them to sign a Declaration of Independence asking King William IV to be parent and protector of the Maori infant

state. "The signatories designated themselves the United Tribes of New Zealand and pledged to assemble at Waitangi for a congress each year where they could frame laws for the promotion of peace, justice and trade" (Orange, 1987, p.21). This document was acknowledged by the Colonial Office with the assurance that the King would protect the Maori people. With Britain as the protector of the Maori state, British interests in New Zealand could be furthered and the influence of other foreign political power inhibited. Busby continued to collect signatures for the Declaration finishing with 52 in all. However plans for government were overridden by inter tribal and inter hapu rivalries.

Although the Declaration of Independence was nullified by the ceding of sovereignty to the British according to the English text of the Treaty, Maori groups later drew (and continue to draw) on the Declaration to validate their rights to a degree of autonomy in the Government of New Zealand.

#### The Treaty of Waitangi: Te Tiriti o Waitangi

In 1840 under increasing pressure from the Church Missionary Society and the imminent colonisation of New Zealand by the New Zealand Company, the British Government intervened to control settlement in New Zealand. The intervention took the form of the Treaty of Waitangi, and a subsequent proclamation of sovereignty by Governor Hobson. In the English version of the Treaty, the British acquired sovereignty of New Zealand. In addition, Maori were guaranteed their rights to their possessions and were given all the rights of British citizens. The Crown also acquired the sole rights to purchase Maori land, ostensibly to protect Maori from unscrupulous land speculators. However the ensuing policies and actions of the Crown and Colonial Government have opened these institutions to just such criticisms. The Treaty was translated into Maori and presented to Maori as a protection against unwieldy Pakeha and take over from foreign interests, in short the rangatiratanga of Maori would be protected (Yensen, Hague, & McCreanor, 1989). Differences in the Maori and English versions of the Treaty are endemic to the debate regarding the nature of sovereignty.

Differences of interpretation are contributed to by the existence of a Maori text and several English texts of the Treaty. The English version that has been taken as authoritative by the Crown, bears Hobson's signature and the official seal and was signed by thirty-nine chiefs at Waikato Heads in 1840 (Cleave, 1989). Durie (1991) notes that the Maori text of the Treaty signed at Waitangi and at all other places, with the exception of Waikato, is the version regarded as authoritative among most Maori. The Crown takes the view that the Treaty guaranteed its sovereignty over the country including Maori, while Maori have upheld the right to govern themselves and everything important to them. Put simply, whether absolute sovereignty was ceded by Maori to the Crown has been and remains the primary difference between Maori and Pakeha perspectives of the Treaty.

### Native Policy

At the time of official British intervention in New Zealand the policy in vogue in Britain and in other colonising nations with regard to 'natives' was 'Amalgamation' (Ward, 1973). Amalgamation was thought to be the best means by which a native race could be saved from extinction.

The 'permanent welfare' of the Maori included the abandonment by them as soon as possible of their own custom in favour of English law, and the adoption by them of such European skills as would command the respect and outweigh the prejudices of the incoming settlers. The saving of the Maori race involved the extinction of Maori culture...Its most serious flaw was that it was emasculated by European attitudes of racial or cultural superiority, and by pandering to settler prejudices, which denied the Maori real participation in the European order except at a menial level. (Ward, 1973, pp.38-39)

Resistance by Maori to the wholesale adoption of British law and the abandonment of Maori custom was seen by the British as detrimental to the interests of Maori who would be left behind, exploited and denigrated by the Europeans. In its most liberal form, advocated by the Aboriginal Protection Society, Maori would take up the

obligations and privileges allowed for by law. This included participation in law making bodies. In practice, amalgamation led to Maori legal and military suppression, and continued oppression through lack of access to institutions making the law for all people.

Maori exclusion from the institutions of state (except in the limited role as Maori assessors to Pakeha Resident Magistrates) and the continued passing of the land, led in the 1850s to inter-tribal meetings at which Maori discussed ways in which to stem land loss and assert traditional authority. The failure of the government to fulfil the expectations of Maori based on the Treaty led to the election of the Waikato chief, Te Wherowhero as the first Maori King, Potatau in 1858. By 1860 a substantial section of North Island Maori looked to the King while retaining strong tribal loyalties (Orange, 1987). After failure to secure independent Maori government through petitions to the Parliaments of New Zealand and Britain, and failure to consolidate with other emerging Maori national movements, the Maori King set up his own council or *kauhaunganui* in the early 1890s. This 'parliament' remained influential into the twentieth century.

Symbols signifying an equal Crown and Maori relationship characterise the King movements early years (Simpson, 1979; Walker, 1984; Ward, 1973). This symbolism stemmed from the belief that the Treaty's guarantee of *rangatiratanga* allowed for the continuation of an equal relationship between the Crown and Maori, allowing Maori some autonomy. The King movement was interpreted by Browne the Governor of the time as a threat to the sovereignty of the Crown.

In other areas, the pursuit of Maori unity in the face of Pakeha encroachment culminated in *Kotahitanga Mo te Tiriti o Waitangi* (Unity for the Treaty of Waitangi), a movement committed to achieving Maori national unity and the restoration of Maori welfare (Walker, 1984). At a conference in 1889 attended by many major Maori chiefs and the Premier, Attorney General and Native minister, Tuhaere and Kemp (from Wanganui) stated the:

one major aim of the movement was to unify the two races as the Treaty intended, that the two might be one people; their other aim was to achieve unity of purpose among Maori, a need made more urgent by continuing Maori exclusion from government. Most important, the meeting made clear that it wanted the New Zealand Government to ratify the Waitangi agreement on the basis Maori understood to have been agreed by both parties in 1840 - that there should be equality and a sharing of mana in New Zealand. (Orange, 1987, pp.223-224)

The Government response was predictable, with Pakeha MP's defending the policies of Government by recourse to their understanding of the Treaty. The Treaty had given the British the right to legislate for Pakeha and Maori.

The Kotahitanga movement continued to gain support and in 1892 the first Maori national parliament was held at Waipatu marae in Hawkes Bay (Walker, 1984). These parliaments were not designed to replace the Wellington parliament but to complement it. After several attempts by the Maori parliament to secure endorsement from the Government had failed the Kotahitanga movement began to loose support, and Maori leadership was passed to Kotahitanga o Te Aute, a group of past pupils of Te Aute college. Under the influence of the new Kotahitanga, concern shifted from the issue of sovereignty to reform in health and welfare, and the old Kotahitanga was replaced by Government sponsored Maori councils (Walker, 1984).

In the conclusion to his research examining British racial policy in the nineteenth century, the historian Alan Ward (1973, p.305) writes: "the rule of law was no clear safeguard of Maori rights. It was markedly the rule of the majority, shaped to suit settler convenience (especially with regard to land purchasing) and set aside altogether, if inconvenient."

## 1900 to 1990

Spoonley (1988, 1993) asserts it was not until the 1930s that changes in policy for Maori began to appear, although some reforms were gained in the early 1900s from the advocacy of Ngata, Pomare, Buck and Carroll, the Maori Members of Parliament. Change in the 1930's was aided by the alliance of the four Maori Ratana Members of Parliament with the incoming Labour government. The 1935 Labour Government introduced legislation that sought to extend to Maori the same social benefits Pakeha could access. In 1945 the Maori Social and Economic Advancement Act enabled Maori to resume tribal estates when leases were due and provided money for land development (Simpson, 1979). Despite social and economic advances, a petition seeking ratification of the Treaty of Waitangi in statute presented by Ratana in 1932 was not taken up, and the policies of the period remained assimilationist in character.

Under the challenge of anti-racist and Maori protest groups from the late 1960s, often in alliance with wider political movements of the New Left like the Womens' Liberation Movement and the Trade Union Movement (Poata-Smith, 1996), the Government was compelled to implement changes in its policies to recognise the economic and social disadvantage of Maori. The Hunn Report (1960), while retaining assimilationist themes under the policy of integration, was the first attempt by Government to document the disadvantage experienced by Maori. A wealth of negative statistics demonstrated that the policy of amalgamation or assimilation had failed in its stated aim of incorporating Maori with equal opportunities and outcomes into a British dominated society (Spoonley, 1993).

The Treaty of Waitangi Act (1975) established a tribunal to which Maori could take their claims for research and recommendation to the Government. The Waitangi Tribunal and the amendments extending its powers, have been subject to charges of ineffectiveness in securing redress (Parliamentary Commissioner for the Environment, 1988) and at worst allowing the undermining of Maori sovereignty (Kelsey, 1991). However its establishment was significant in that it acknowledged that injustices had

been perpetrated against Maori, and the Treaty dishonoured. The Tribunal and its findings also helped to consolidate the Treaty as a document of constitutional importance.

Continuing protest led Government departments of the 1980s to identify ways in which their policies and practices contributed to the maintenance of Maori disadvantage - in a nutshell the investigation of institutional racism. Reports such as *Puao-Te-Ata-Tu* (Rangihau, 1986) from the Department of Social Welfare rejected analyses that construed the individual or group as the reason for disadvantage in favour of analyses that construed the process of colonisation as the problem. By the late 1980s the focus on institutional racism was increasingly supplemented by notions of biculturalism and partnership supported by the analyses of the Waitangi Tribunal and observations of the Courts that had begun to rule in favour of the Treaty of Waitangi guarantees (Spoonley, 1993). Despite these apparently supportive analyses and observations, Kelsey (1991) has argued that the judicial rewriting of the Treaty to affirm the sovereignty of the Crown, and the collusion of the Waitangi Tribunal in the Courts' observations, have worked to contain Maori aspirations to sovereignty while averting a potential constitutional crisis. These analyses have clearly indicated that Parliament is the rightful and sole holder of sovereignty in New Zealand, thus Maori have no constitutional basis for arguing otherwise.

Through the 1980s major sections of the Maori protest movement drew on an ideology of cultural nationalism (Poata-Smith, 1996), which focused increasingly on the rediscovery of culture and decolonisation of consciousness to the detriment of practical political struggles.

This was because the implication was the 'Maori culture' and identity by itself would automatically bring about political and economic freedom. With its emphasis on lifestyle changes, cultural rediscovery represented almost no threat at all to the state which easily accommodated the rhetoric of cultural nationalism into the language of state policy-making during the 1980s.  
(p.107)

Thus cultural nationalism stood in contrast to early protest movements that were aligned with and influenced by the New Left concerned with fundamental systemic changes; cultural nationalism encouraged autonomous Maori struggle.

To some extent the drive for Maori autonomy was supported by the Labour Government's (1984-1990) endorsement of the Tu Tangata policy of the Department of Maori affairs. This policy encouraged community development and community based self-help programmes. Tu Tangata embodied a move to devolution in Iwi-Government relations (Fleras, 1991). Fleras notes that devolution was not universally endorsed by Maori, and the understanding of devolution differed between the state and Tangata Whenua. Devolution according to the Labour Government "consisted primarily of a transfer of state functions to 'appropriate' iwi structures who were to be accountable to central authorities." (1991, p.186) thus devolution in essence meant government retained the ultimate authority in policy making and resource distribution while Maori iwi structures remained subject to the Crown. Maori perspectives on devolution:

..were not necessarily concerned with the simple transfer of responsibility for the deliver of social services. Rather, devolution was about the *restoration* of power and authority to one of the co-signatories of the Treaty. It was concerned with the *repossession* of resources that lawfully belonged to the tangata whenua, but which the government had unlawfully usurped. It also dealt with the *reclamation* of mana Maori and rangatiratanga. (Fleras, 1991, p.186)

The success or failure of Labour's devolution initiatives in supporting the tino rangatiratanga of Iwi, however, will never be known as a change of government in 1990 led to new approaches to the Maori-Crown relationship

## The 1990s and the Fiscal Envelope

In the 1990s the incoming National Government's aim was to settle Treaty grievances before the turn of the century. To this end the Minister of Treaty negotiations Doug Graham successfully negotiated settlement with Tainui Trust Board, and on the weekend of the 15th of November 1997 Te Runanga o Ngai Tahu, Ngai Tahu's governing body, voted to accept the Crown's settlement offer (New Zealand Press Association, 1997). December 1994 saw the launch of the *Crown Proposals for the Settlement of Treaty of Waitangi Claims* (Office of Treaty Settlements, 1994) otherwise known as the *Fiscal Envelope*. In hui after hui held in early 1995, Maori rejected the proposals which outlined how claims to the Conservation Estate, Natural Resources and Gifts of Maori Land not being used for their stipulated purpose would be constituted, negotiated and redressed.

Criticisms of the proposal were numerous (Dunedin Community Law Centre, 1995) and included the \$1 billion cap available over ten years for the settlement of all claims nation-wide and the Government's lack of consultation with iwi in developing the proposal. Gardiner (1996) notes Te Puni Kokiri, (The Ministry of Maori Development) was involved in the policy process but opposed a number of major features of the proposal. Opposition to Government's settlement principles which meant "that the conservation estate is not readily available for settlement of Treaty claims" (Office of Treaty Settlements, 1994, p.16) was also expressed. The lack of recognition of Maori ownership interests in natural resources, and the suggestion that use and value rights that could be recognised were contingent on the use and value attributed to such sites by iwi in 1840, were further points of contention. Additional criticisms sprang from the proposition that Maori interests in the conservation estate and natural resources had no particular status over other group or individual interests in them, despite Article ii guarantees, and advice that suggested Maori rights be given first priority (Wickliffe, 1994).

Government sought to retain control over the settlement process by proposing it would make the decisions regarding the legitimacy and extent of a claim, with redress being based on its decisions. Further, Government's settlement package was to be considered full and final despite the fact that "the claim may include alleged breaches that are wider in nature and extent than those acknowledged by the Crown" (Office of Treaty Settlements, 1994, p.31). Consummate with the proposed finality of settlements, the Crown also suggested the winding down of avenues of redress such as the Waitangi Tribunal. Finally the proposals were criticised for their failure to address tino rangatiratanga or Maori sovereignty.

It was in this climate of tension between the Crown and Maori that the occupation of Moutoa Gardens/Pakaitore Marae got underway in Wanganui. Before discussing the occupations progression, the following section presents the local context; an account of Wanganui's history in relation to the gardens/marae.

## **Wanganui**

### **The Sale of Wanganui**

Negotiations for the purchase of Wanganui began in 1839 under the auspices of the New Zealand Company and were not finalised until 'the second sale' of 1848 by the Crown. In 1840 E. J. Wakefield of the New Zealand Company arrived in Wanganui with a payment of about seven hundred pounds worth of trade goods to finalise the first sale of 40,000 acres. He records the sale as taking place at a Maori village in the vicinity of Moutoa Gardens. This sale has been criticised on several counts: most notably Wakefield's failure to check whether the people selling the land actually had an interest in it, and the haphazard way in which the payment was distributed among the assembled Maori (Smart & Bates, 1972). In addition, Reverend Richard Taylor, the missionary based in Wanganui at the time of the sale noted that the day after the distribution, Maori presented Wakefield with a gift of 30 pigs and 10 tons of potatoes in return for the trade goods. This 'gift for a gift', 'homai mo homai' although treated

as a private transaction on Wakefield's part has been interpreted to mean Maori had little idea that they had alienated their land (Voelkerling & Stewart, 1986). Prominent Wanganui historians Smart and Bates (1972) wrote, "It is questionable if in point of law such a bargain could be accepted as a legal transaction even in those days as the Maoris did not understand the European system of land tenure. This sale... marks the beginning of all the land troubles which were soon to follow." (p.51)

Despite warnings by Governor Hobson that all land transactions prior to the signing of the Treaty of Waitangi were null unless approved by the Government, the New Zealand Company sent a surveyor to Wanganui and offered land to settlers in 1841. Under pressure, Hobson relented and allowed 50,000 acres to be surveyed, with the notion that Maori landowners could later be compensated. This waiving of the Crown's pre-emptive right to land under the Treaty gave tacit approval to the New Zealand Company's action and also locked Maori into the sale (Cross & Bargh, 1996). In 1843, the Government Land Commissioner, William Spain arrived in Wanganui to look into the New Zealand Company's land acquisitions. Despite noting the irregularity of the initial sale including the limited understanding of Maori, the improper distribution of goods and the limited consent of Maori groups with an interest in the land, Spain allotted 40,000 acres to the company, while Maori were awarded 1000 pounds and granted reserves equal to a tenth of the land surveyed. After several attempts at settlement, the sale was finally completed in May 1848, when Donald McLean paid 1000 pounds to chiefs representing 22 Iwi and Hapu and received 86,200 acres (Voelkerling & Stewart, 1986). Maori reserves were reduced by 6-700 acres in the final 1848 survey compared to Spain's award. No extra payment was made for the extra 46,200 acres acquired by the Crown or for the increased value of the land (Cross & Bargh, 1996).

Despite early antagonism between Maori living at Putiki Wharanui, (a marae situated across the river from the centre of Wanganui), and colonists over the unsettled Wanganui purchase, Maori living at Putiki have long had a reputation for aiding the settlers in times of unrest and bear the label kupapa<sup>1</sup>. In 1864, at the time of the land/sovereignty wars in Taranaki and Waikato, Putiki Maori engaged in battle with up river hapu sympathetic to the Pai Marire movement on Moutoa Island. Pai Marire emerged from Taranaki in late 1862 led by the prophet Te Ua, who “appeared as a medium of supernatural assistance to redress Maori social and economic deprivation in comparison to the intruding settlers” (Ward, 1973, p.167). However under continued Government harassment the movement became violent. Putiki Maori refused to allow Pai Marire followers passage down the river. However, Ward notes that the protection of the settlement of Wanganui was not the primary goal of the battle rather, the fight was taken up by lower Wanganui Hapu both ‘loyal’ and ‘kingite’ in their traditional goal of protecting the mana of the river. Out of this battle came the dedication of the first monument to be placed on Moutoa Gardens (then Market Place) to commemorate the lives of the “friendly Maori who died defending law and order against fanaticism and barbarism”. These words appear on the Moutoa monument and are a source of offence to members of Whanganui Iwi.

Three other monuments are located on the Gardens/Marae. In 1912 a monument to commemorate Keepa Te Rangihwinui (Major Kemp) of Putiki Wharanui was erected. Smart and Bates (1972) wrote, “With his death the Maori people of the river lost a great leader and the Europeans of this district a great friend” (p.223). Kemp endeared himself to the settlers in Wanganui for his part in the battles of the 1860s against adherents of Pai Marire. The 1870s found Kemp encouraging Maori to keep hold of their lands and in 1880 he organised a Land Trust to set aside a block of land for future

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<sup>1</sup> Kupapa is translated as “friendly Maori” in Smart and Bates (1972), and as pro-government or neutral Maori in Ward (1973). However Gardiner (1996, p.9) provides a different definition. “Turncoat, traitor. The derogatory term used to describe those whose sympathies lie with the Crown. The term comes from the Land Wars, when those Maori who fought for the Crown were described as ‘kupapa’ ”.

generations of Whanganui Iwi. Despite Kemp's best efforts the trust was not recognised by the authorities and fell through when land transfers were accepted from Maori who had fallen out with Kemp (Smart & Bates, 1972). The area of the trust was originally marked out by four carved poles, of which only one remains. The remaining pole became known as Kemp's pole and is located at Kauarapaoa up river of Whanganui. On the 27th of March, 1995, Kemp's pole was felled.

In 1900 a statue of John Ballance, the Member of Parliament for Wanganui (1884-1890), Native Minister (1884-87) and later Liberal Prime Minister of New Zealand (1890-93), was relocated to Moutoa Gardens (Moon, 1996). This statue proved controversial, being beheaded in December 1994 and attacked again on the 13th of February 1995 at which time the highway north of Wanganui was barricaded. Morgan, (1995, April 15) attributed the protests to Te-Ahi Kaa who were attempting to highlight grievances over Whanganui River land, and claimed Ballance was anti-Maori. Documents attached to *Whanganui Iwi Declaration of Nationhood* (1995) made available during the course of the occupation also criticised the Ballance administration citing the abolishment of the Native Department, the Resident Magistrates and their Maori assessors, and increasing land purchase conducted in an unscrupulous manner. With the abolishment of the office of Resident Magistrate and their Maori assessors, Maori were left to "the mercy of magistrates who did not understand their language, let alone their customs and point of view" and Maori leaders no longer had a role in the judiciary (Ward, 1973, p.303). For most of the occupation the statue wore a pumpkin for a head.

In 1925 a memorial to soldiers of the Pioneer Maori Battalion was unveiled at Moutoa Gardens, its location there being specifically requested as the gardens were of special significance to Maori and Pakeha in the area. During the occupation a sculpture by local artist, Joan Morrell was also damaged, although the occupiers apologised, stating it was not on their agenda to damage the sculpture (personal communication, June 1995).

## Land Acquisition and Claims to the Waitangi Tribunal

The 1850s through to 1870s saw only small land purchases occurring in the Whanganui area. However Government land purchase activities of the 1840's and from the 1880's have resulted in twelve main claims before the Waitangi Tribunal. Whanganui Iwi claims to the Whanganui River have been presented since the middle of last century and have been the subject of many petitions and court cases.

Bargh, in review of the circumstances surrounding the alienation of the rivers writes:

In the Whanganui case, the river and much of the land were alienated from the Whanganui hapu in most distressing circumstances... That the Crown has spent many years and an inestimable amount of money in thwarting Whanganui Maori ownership claims to the river and adjacent lands appears to be a waste of effort and funds... The tactics used by the Crown in dealing with Whanganui hapu along the river can only be described as devious. (Cross & Bargh, 1996, p.135)

### **The Making of Moutoa Gardens: Legal Title**

From the time of New Zealand Company and Crown purchases of Wanganui until 1900, the area now known legally as Moutoa Gardens was called Market Place. In 1873, the Crown granted Market Place to the Superintendent of Wellington. In 1880 after the disestablishment of the provinces Market Place was granted to the Mayor, Councillors and Burgesses of Wanganui. In 1980 the Assistant Commissioner for Crown Lands declared Moutoa Gardens was a reserve for historic purposes, and that it was subject to the provisions of the Reserves Act, 1977. This was the legal chain of ownership determined in the ruling of the High Court in the matter of the Reserves Act between the Wanganui District Council v. Tangaroa (1995).

In summarising the evidence of possible occupation of Market Place by Maori in the nineteenth century Judge Heron observed:

It seems to me that there is a singular absence of any suggestion that the land was occupied as a pah with accompanying marae, and the photographic evidence suggests quite the contrary. This is not to say that there was not a marae in the vicinity in 1840, but more likely in my view to have been not on the Gardens land as such, but on additional land which may or may not still exist, represented by the riverbank. On the other hand the free and open nature of the reserve makes it likely that there was freedom of access to the Gardens, and possible occupation of some kind from time to time over this period of years. But the chance of it being a pah site with accompanying marae, except possibly in much earlier pre-European times, about which there was no evidence, is on the available evidence unlikely. (Wanganui District Council v. Tangaroa, 1995, pp.711-712)

and later:

I have already indicated that on the evidence I have seen and heard it seems as if Paikatore Pah was never on the Moutoa Gardens site, but of course cannot be sure, and it may be that in earlier times, before 1839, it had fulfilled that role. (p.715)

Thus Heron did not discount that there had been a pah in the location of Moutoa Gardens called Paikatore (spelling from Smart & Bates, 1972, p.33<sup>2</sup>) but did not believe that Pakaitore and Moutoa Gardens were the same block of land. He subsequently ruled in favour of the Council.

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<sup>2</sup> Smart and Bates (1972) chronicle the existence of Paikatore Pah, sometimes called Pakatore which was located on land below Moutoa Gardens. They report it was used until the early 1900's by the upriver Maori for a trading base with the town and also note Rev. Richard Taylor's concern about logs being removed from the waterfront and conclude: "Paikatore had slowly but surely been washed out to sea" (p.33)

Heron also noted that there were two claims before the Waitangi Tribunal that were likely to inquire into the purchase of Wanganui outlined above, in which Market Place passed to the Crown and was apparently excluded from any of the reservations for Maori made by surveyors at the time. He suggested the case of Moutoa Gardens could be elaborated on and taken into account in the Tribunal's finding (Wanganui District Council v. Tangaroa, 1995). However because the Gardens are private land the Tribunal would not be able to make a specific recommendation on them.

Further evidence presented to the court suggested Maori customarily used land adjacent to Moutoa Gardens with the permission of local authorities. In 1873 land abreast of Moutoa Gardens was set aside for a 'native market'. A Parliamentary debate of 1878, regarding the reclamation of the foreshore in front of Moutoa Gardens, cited the need to establish a marketplace for the natives who customarily used that area. McLean, the land purchase agent who finalised the 1848 purchase, argued the marketplace should be in front of the gardens, but the land eventually set aside was further up the river and of little use to Maori. It has since become a recreation reserve. Maori use of an area close to and overlapping onto the gardens with the permission of the local authority is therefore in little doubt. On the basis of this evidence, there were suggestions that Moutoa Gardens was occupied, because land formally used by Maori was no longer available due to the encroachment of settlement. However, this suggestion falls within the rubric of the legality of the claim according to Crown law ideas of ownership which were challenged by members of Iwi (see below).

Moon (1996) in his book on the occupation of Moutoa Gardens summarises:

On the balance of evidence submitted, it is beyond dispute that the Council owned the Moutoa Gardens at the beginning of 1995. It is also clear that from 1839 onwards, Pakaitore Marae was never on the Moutoa Gardens site, and if it had been previously, there is no evidence, either written, archaeological, or otherwise to confirm this. In addition, some evidence seems to suggest that the Pakaitore Marae, during the earliest stages of European settlement in

Whanganui, was on land that had later been washed away by the Whanganui River by the end of the nineteenth century. (p.18)

### **Iwi claims to Moutoa Gardens**

The absence of Te Ati Haunui a Paparangi defendants at the High Court hearing and their claims that they did not recognise the Court's authority in the matter of Moutoa Gardens, point to the defendants adherence to Whanganuitanga as the basis for the claim to Moutoa Gardens. The Whanganui Iwi Declaration of Nationhood (1995, p.2) states:

The following Articles are recognised by the Whanganui Iwi as reaffirming our supreme absolute authority over all our rivers, lakes, streams, mountains, lands and all other taonga (tangible and intangible).

In the first statement and the articles that follow, Whanganui Iwi claim to the land is based on the concept of authority and Whanganuitanga, the specific expression of the more general rangatiratanga protected by Article ii of the Treaty of Waitangi. It thus disregards the idea of 'ownership' embodied in and upheld by Crown law. The document *Te Tikanga Tuturu O Whanganui* (1995) explaining the relationship between Whanganuitanga, the land (whenua) and the rights to law, formed the basis of Iwi draft proposals on how to deal with the Crown. This document makes clear that the sovereignty of the people of the land is inextricably tied to the land itself.

The relationship of iwi with their land is often characterised as a spiritual bond with Papatuanuku and a cultural kinship with the source of life - it is no coincidence that the word for the sustainer of life within the womb, and the source of nourishment after birth, the earth itself, is in each case *whenua*.

But the relationship is also a legal one that creates rights and obligations for those who by whakapapa share a spiritual tie with particular pieces of land...

The obligations of Iwi with respect to the land and the people of the land are spelled out further on in the document:

This sovereign power exercised by each Iwi and Hapu is a political authority and obligation to care not just for the land, but to care also for the people of the land. If Papatuanuku is the mother and kaitiaki of us all, the people who live with her are tangata tiaki, and the law exists to protect them both. The rangatiratanga of Iwi is a right to not only be a protector of the whenua, but also the authority to regulate relations between the people of the whenua.

The bond of tangata whenua with Papatuanuku has implications for what can be done with the land:

Papatuanuku is the mother of all her mokopuna, and all are responsible for her protection. And because there will be many future mokopuna, no-one had the legal right to permanently alienate or 'own' the whenua. One cannot sell forever the land, for that is to deprive future generations of their mother: parts may be gifted for other to nurture, but the Iwi always retains the authority of ultimate tangata tiaki. One cannot give one's mother permanently into the care of another. It is an idea that is spiritually incomprehensible and legally impossible. Indeed, to maintain that such authority can be ceded or given away misreads the political reality that no rangatiratanga ever has or had the right and authority to do so.

In sum, Crown law was not seen to extinguish Iwi rights to their own laws. In addition to claims of sovereignty, Niko Tangaroa was quoted as basing the land claim on the oral history of Iwi elders.

'Our oral history is sacred to us – it is knowledge given to us by our elders... In fact their evidence is so strong it overwhelms all other.. we don't need to go to the Waitangi Tribunal because we know we are right.' (Morgan, 1995 March 18, p.15).

The bases upon which Council and Whanganui Iwi were making the claim to Moutoa Gardens/Pakaitore Marae were fundamentally incompatible. With this context in mind we turn now to briefly introduce the events of the occupation.

# Occupation 'a celebration' of return to iwi land

By John Saunders

WHANGANUI National Park is included within the raft of land claims Wanganui Iwi are making in conjunction with their occupation of Moutoa Gardens in downtown Wanganui.

Up to 200 people peacefully occupied the gardens at dawn yesterday. Tents, marquees, a field kitchen and stage areas were erected. Independence flags and placards were displayed and the area was given its original name, Pakaitore Marae. The land, located between the Court House and the river, was once an important trading post for river tribes.

The protesters challenged Wanganui Mayor Chas Poynter to meet on-site and hear their claims. The meeting went ahead late afternoon.

Iwi spokesman Niko Tangaroa said yesterday's move was not an occupation, but a "celebration" of the iwi's return to illegally confiscated land.

"Somehow, it slipped out of our keeping. Injustices have been done. This is our re-claiming of our tikanga and rangatiratanga".

Wanganui iwi were also laying claim to the 74,000ha national park, the 35,000ha Crown-owned Waimarino Block, and a string of reserves up the Whanganui River. Mr Tangaroa cited a number of acts of Parliament, which he said had been used to illegally dispossess iwi of their land, including the Coal Mines Act, the Railways Act and the Public Works Act. The Treaty had originally promised full, exclusive and undisturbed possession of tribal lands.

Fellow iwi spokesman Ken Mair said iwi also wanted to meet the council and negotiate the removal of all statues from Moutoa Gardens, including that of the now-beheaded John Ballance.

On the national park claim, Mr Mair rejected Conservation Minister Denis Marshall's previous statement that no conservation lands would ever be used to settle treaty claims.

Mr Tangaroa said the "celebration" would continue until Wanganui District Council recognised the land rightfully belonged to Wanganui iwi.

*The Evening Standard (1995, March 10, p.3)*

And so it began: with this report and others like it throughout the country, the nation was alerted to, and constantly kept up to date with, the daily happenings at Moutoa Gardens/Pakaitore Marae until the occupation's conclusion 78 days later.

What follows is a sketch of the key attempts of Council to negotiate an end to the occupation and responses to it. It picks out some of the events of the occupation as reported by the media. These events took place amid ongoing communication and negotiation between Council, the occupiers, police, the Crown and members of the public. This sketch is compiled from newspaper reporting of the events and from Council's records of the day to day happenings at the gardens and at the Council.

As noted in the clipping above on February 28th 1995, between 150 - 200 people moved onto the Gardens to celebrate their Whanganuitanga, and to highlight claims to Whanganui National Park and the Waimarino Block.

In the following days, the occupiers reported harassment including being shot at from across the river and someone riding a horse through the marae. They also started to build a meeting house and to guard the perimeters of the gardens.

On March 10 the Wanganui District Council visited the Marae and the Mayor delivered a speech. He made several points including: the Council considered the gardens to be owned by the Citizens of Whanganui; that Council were prepared to negotiate with kaumatua about the land; that Council were disappointed that the usual channels of communication between Iwi and Council had been bypassed and that "instead we have been confronted with a deliberate flouting of the law and other people's rights." (Mayoral Speech, p.1); that the gardens should be freely accessible to the public and that structures should be removed; that Council believed that discussions could only progress once the celebration had ceased and finally that they wanted to hear Iwi concerns. Morgan (1995 April 15, p.15) reported Ken Mair (Iwi spokesperson) as saying that Iwi would not be bound by Pakeha law and that the

gardens belonged to Iwi and should be entered at the Marae gate for safety and security reasons.

On March 15 the Council visited the marae again and presented what became known as the 5-point plan. The plan was followed up with a letter on the 17th of March outlining Council's suggestions. These included: (1) setting up a Trust to administer the lands while negotiation continued; (2) resiting statues; (3) research into issues by Council and iwi researchers; (4) identification of other sites significant to Maori throughout the district.

Under the heading 'Protocols' Council suggested: establishing a partnership group made up of Iwi and Council representatives to progress discussions; continuing a separate process of dialogue about the issues; the best way to reach settlement would be negotiation with Wanganui people.

On the 20th of March Iwi delivered an interim response. This was the Statement of Process and Te Tuturu o Whanganui discussed above. Iwi asked for more time to consider the Council's proposals. However the Council was quick to respond to Iwi assertions of sovereignty issuing an eviction order which is discussed below.

On the 21st of March, Mayor Chas Poynter met with representatives of the Crown; the Minister of Justice, the Minister of Police and the Minister of Social Welfare. The Ministers confirmed that sovereignty was not an issue for local authorities to consider. Moutoa Gardens was considered private land and the responsibility for the occupation was laid with the Wanganui District Council. The Ministers endorsed the Council's continuing negotiation with Iwi.

The 21st of March was also the day 15 month old Judge Darcey Hayes drowned in a fountain at the marae and the marae was closed to the public.

In an emergency Council meeting on the 22nd March, the Council debated the issue of Moutoa and carried resolutions that required the occupiers to leave the gardens within seven days making good the damage to the area. The Council's 5-point plan was withdrawn until the occupiers complied with Council's resolutions, although the Council also resolved to continue dialogue about the gardens in order to reach a conclusion on the matter.

When the eviction notice expired on the 30th of March it was estimated that there were 1500 people from all over the country at the marae in support of the occupation. A special Council meeting was held and the Council resolved "to apply to the Court forthwith to clarify the Council's legal position with regard to Moutoa Gardens." (Wanganui District Council, 30 March 1995). The Council also resolved to seek an involvement of the Crown and suggested a mediation proposal that included the following elements: joint setting of agenda; two neutral co-mediators, one nominated by each party; the parties would have legal representation, and would nominate spokespeople; others (for example, members of Iwi) could attend and participate by discussion with their spokespeople when each party were 'in Caucasus'.

#### The Crown

From the time Council resolved to go to the High Court to seek a ruling on the legal title of the land until the declaration in the Council's favour several notable events attended the occupation. On the tenth of April the Prime Minister Jim Bolger released a letter from the Wanganui City Council to the police sent in the early days of the occupation which he claimed showed that the Government was right not to intervene because the Council had allowed the occupation to take place. The Mayor responded with disappointment to the release of the letter saying it was taken out of context. The Mayor and Council did not condone the occupation but accepted it had occurred and sought negotiation with Iwi to have the matter resolved. It was not anticipated at the time the letter was sent, that the occupation would continue for so long. The Government line throughout the occupation was that the protest was a local issue that

should be dealt with by the Wanganui District Council. However various Members of Parliament visited the protesters and Maori MP's, notably Tau Henare offered to broker the negotiation process. The occupiers did not take up this offer.

The occupiers sought a meeting with the Prime Minister regarding the issues of the occupation, stating the dispute was with the Crown. The meeting was declined but the Minister of Justice, Doug Graham invited the occupiers to send him a letter outlining the issues they wished to discuss. A meeting subsequently took place after the Marae was abandoned.

The South African deputy president, Thabo Mbeki visited the Marae on the 3rd of May and had discussions with the occupiers.

### Community Responses

Several groups and individuals in Wanganui responded to the occupation. The Letters to the Editor of *The Wanganui Chronicle*, the local newspaper, hosted a range of arguments both supporting the occupiers, and the process of dialogue, and demanding the occupiers be removed. On the 18th of March, Morgan (1995, p.1) reported Wanganui resident Stephen Taylor, had claimed several people wanted a rates strike to demonstrate their opposition to the Council's handling of the occupation. Council was considered to be too soft on the occupiers. Taylor himself wanted Council to consult more widely about the occupation. On the 24th of March a silent vigil was held in Majestic Square by citizens supporting a peaceful and negotiated end to the occupation.

In a similar vein, on the 28th of March, over 100 women and children visited the marae. The visit was organised by Women Concerned for a Peaceful Process. The Rowan Partnership, in association with the Race Relations Conciliator hosted three education evenings focused on the Treaty of Waitangi and Maori-Tauitiwi relations. The meetings were attended by approximately 300-400 people a night.

The Clergy of Wanganui became prominent in the media after they released a letter supporting the occupation and asking Iwi forgiveness for not standing with them in their struggle for justice. The letter was signed by representatives of the Methodist, Anglican and Catholic Churches in Wanganui.

Members of One Wanganui, a protest group opposed to the occupation, organised a march on Anzac day demonstrating against the protest. Over 500 people took part in the March. This was one event in a series of protests and meetings held by Brian Turner, the leader of One Wanganui, during the course of the occupation.

Increasingly toward the end of the protest the media reported a split developing in Maori support for the apparent aims of the occupation, with some Maori thinking the issue of sovereignty should be dropped while negotiations continued on the Gardens claim. Ken Mair is reported to have acknowledged that “there was a ‘difference of opinion’ among some tribespeople about the process of dealing with their sovereignty claim but he also said the issue would not go away.” (Morgan, 1995 May 10, p.3)

### Police Responses

Almost from the beginning of the occupation, police expressed concern about the presence of gang members on the garden. Accusations of harassment and law breaking were traded between police and the occupiers in the media. On May 11, pursuing criminal investigations, police raided the garden and made 10 arrests for minor offences. The occupiers were reported to believe the police raid was a dress-rehearsal for their eviction (Morgan, 1995 May 11 p.1). Police preparations for the forced removal of the occupiers, however were never put into practice. After the High Court ruling came out on the 17 May, the occupiers decided to leave the Marae peacefully rather than confront the police.

## Conclusion?

On Thursday the 18th of May the occupiers left the marae and made their way across to Putiki Wharanui, returning to Moutoa later in the day to clean up the gardens. As far as the nation was concerned, the move from Moutoa signalled the end of the protest, and it ceased to make front page news. However the issues of injustice, of land and of sovereignty remain unresolved.

The following chapter explores the linguistic resources and arguments used to uphold and undermine the claims of Maori. These arguments are not tagged to specific issues but are available as general tools in the argumentative context of Maori/Tauitiwi relations. Previous discursive research from the field of Maori/Pakeha relations is presented as a discursive history which informs the analysis of texts of the occupation.

## *Chapter 4*

### **Resources and Repertoires**

Arguments that deny Maori rights to land, authority and equity are a central feature of Pakeha discourse constructing Maori/Pakeha relations (Kelsey, 1989; McCreanor, 1989, 1993, 1993a, 1995; Naim & McCreanor, 1990, 1991, 1997; Wetherell & Potter, 1986, 1988, 1992). These arguments were used in talk of the occupation, to undermine the occupiers' claims to the gardens/marae and Whanganuitanga. Also present however, were arguments that sustained the claims of the occupiers. In this chapter I examine talk that achieved both these functions. The focus is the content of argumentative tools and the broad effects they produce, largely excluding the rhetorical techniques (for example, "I'm not racist but...") examined in other analyses of texts constituting inter-group relations (Reeves, 1983; van Dijk, 1988, 1993).

In the course of describing these arguments, I revisit previously charted discursive territory. As noted above a number of studies have addressed and explicated the common linguistic resources and arguments used to undermine the position of Maori. Thus, in addition to presenting my analyses of arguments constructing the occupation, this chapter also bridges my analyses with a selection of previous studies. Past research is presented as a discursive history of the Maori/Pakeha relations field and largely focuses on studies that I consider have been critical to defining this area of research in Aotearoa/New Zealand: the work of McCreanor (1989, 1993, 1993a, 1995) Naim and McCreanor (1990, 1991, 1997) and Wetherell and Potter (1986, 1988, 1992). This history is intended to provide a discursive context for my analyses, and further, to provide an acknowledgement of work that has been influential in my own research. It is selective in nature, including findings that are similar to the resources and arguments constituting the occupation. I begin with a brief introduction to the liberal and modernist origins of contemporary arguments then focus on research conducted in Aotearoa/New Zealand. Following the discursive history, the resources constituting the arguments of participants in my research are described.

## A Discursive History

### Modernism and Liberalism

*For modernists, the chief characteristics of the self reside... in our ability to reason - in our own beliefs, opinions and conscious intentions. In the modernist idiom, normal persons are predictable, honest and sincere.*  
(Gergen, 1991, p.6).

Gergen (1991) proposes that one of the pervasive constructions of the individual in the twentieth century has been constituted within the modernist tradition. Given the above characterisation of the modern individual, undermining the claims of those with whom one disagrees is a matter of constructing the claimants or their claims as abnormal; that is unreasonable, unpredictable, dishonest and insincere. These characterisations represent a substantial proportion of the subject positions constructed in texts of the occupation to discredit opponents and their arguments.

According to Gergen (1991), modernism emerged at the beginning of the nineteenth century and stressed values of progress and the pursuit of truth and knowledge through scientific endeavour. The metaphor of the machine and later the computer provided a construction of the individual as autonomous and reliable, rationally processing information from the environment and acting accordingly. Modernism superseded romantic constructions of the self prominent in the eighteenth and nineteenth centuries. Romanticism drew on a vocabulary of "passion, purpose, depth and personal significance" (p.27) to constitute the individual - constructs which still inform contemporary discourses of love and relationships but contribute little to modern ideals of 'progress' through 'reason' and 'observation'.

The historical context of the modern subject centres around a number of discourses originally derived from the Liberal tradition and the Enlightenment (Arblaster, 1984). In the liberal tradition the individual was supreme, his or her concerns being more

important than, and preceding those of society or any collectivity. The primacy of the individual was supported by the belief that every person (more often man) had the ability to reason, and therefore the ability to determine truth and plan a course of action in accordance with personal interests. The belief in rationality and the equal value of all people contradicted the established feudal order based on privilege and rule by the whim of monarchy or landed gentry. Rule by whim was replaced by the impartial and rational rule of law; society was to progress through the application of reason, science, and capitalism. Superstition and prejudice were cast aside. The immediate impact of these ideals in the seventeenth and eighteenth centuries and beyond can not be detailed here - suffice to note that today Western societies are characterised by a capitalist economies, continue to attribute their members with the faculty of reason, and on this basis uphold the values of freedom and equality. Liberalism today is not a doctrine or ideology to which people consciously subscribe, rather liberal assumptions contribute to the contradictions and commonplaces that constitute the commonsense of the West (Arblaster, 1984).

Although historically the liberal tradition has undergone a number of political and theoretical changes, the commitment to the individual remains and is reconstituted in the modernist tradition discussed above. This is the familiar construction of the individual that underpins conventional/traditional theory in psychology, and also underpins participants theorising about the occupation. Commitment to the individual tempered with 'new liberal' or 'social reformist' principles (Coates, 1994) provides an ontological and philosophical basis for arguments premised on and warranted by appeals to rationality, knowledge and equality before the law and between people. These arguments in the New Zealand context are discussed below, based on a selection of findings from Wetherell and Potter (1986, 1988, 1992), McCreanor (1989, 1993, 1995) and Nairn and McCreanor (1990, 1991, 1997) and other New Zealand analysts. Findings are collated under two main headings, Rationality and Radicals, and Culture, Identity and Equality and have been chosen because of their particular relevance to my examination of the linguistic resources constituting the occupation.

## Rationality and Radicals

Themes of rationality, emotion and reason, extremism and moderation are addressed in the analyses of Wetherell and Potter (1992) where they examined the interpretative resources that underpin arguments used to discredit Maori protest, and in a later chapter, claims to justice, language and affirmative action. Their analyses are based on interviews conducted with Pakeha New Zealanders in the early eighties as well as a number of written publications. Wetherell and Potter (1986, 1988) explored the ideological effects of talk – that is the way talk is organised to maintain asymmetrical power relations, and also extended a number of theoretical and analytic points regarding discourse analysis. To this end, they have criticised conventional methods and theories of the social sciences and used criticisms of these disciplines to deconstruct the assumptions underlying social theory and the commonsense of lay discourse.

In their analysis of social influence and protest accounts, Wetherell and Potter (1992) related variable and contradictory Pakeha constructions of Maori as radical, extreme, sensible, active, ineffectual and bad to the accommodation of two ideological struggles which require contrasting constructions of the influence process. In the first of these struggles Pakeha position Maori in the realm of improper influence and themselves in the realm of proper influence. Pakeha are constructed as influenced by rational, moderate and factual arguments while Maori are constructed as influenced by emotional, social and irrational appeals. For example, in one scenario, a small group of radical Maori persuade susceptible Maori to join in protest without their full understanding of what the issues of the protest are. Maori are positioned as gullible in their agreement to support the protest. This positioning functions to discredit the support gained for Maori protest through associating Maori with a realm of influence that is regarded as a poor substitute for independent and rational decision making.

The second struggle involves concealing power relations. Maori are positioned as powerful and forceful, and Pakeha as passive and reactive - subject to the threat of

Maori protesters who disrupt the peace. In this account, the greater normative power of the Pakeha majority is masked by the construction of Maori as active and threatening. Maori protesters are ultimately positioned as deviant and therefore illegitimate in contrast to the normal majority.

Drawing on a number of critiques of social theory, Wetherell and Potter (1992) trace the way in which constructions that favour rational (the individual observation of facts) over social influence, extremism over moderation and the concerns of the majority over minority groups, are reified in social scientific theory. These constructions indicate the supremacy of individual independent reason over social or collective decision making and further decontextualise the social and historical framework within which protest is embedded, to focus on the irrational and immoderate people who subscribe to such endeavours.

In a later chapter concerned with the linguistic resources of practical politics, Wetherell and Potter (1992) note how liberal and social democratic arguments appealing to freedom and egalitarian principles are undermined by a rational appeal to practicality. They draw analogies with this form of accounting and the practical/principle device articulated by Wetherell, Stiven and Potter (1987). This device allows the speaker to present as an enlightened upholder of valued principles and ideals, but subsequently undercut these principles through a 'recognition' of practical and realistic circumstances in the real world that can impede their application.

McCreanor (1989, 1995) and Naim and McCreanor (1990, 1991) also provide analyses that demonstrate how constructions of Maori are used to discredit movements that seek to redress the imbalance in social and material resources between Maori and Pakeha. Their original analyses were based on 221 individual Pakeha submissions made to the Human Rights Commission in 1979, following what became known as the 'haka party incident'. This incident was a dispute between engineering students and a group of young Maori and Pacific Island people who objected to the students mock rendition of a Maori haka that was performed in

graduation week each year. The confrontation and the subsequent court case were widely publicised by the media and evoked strong responses nationwide.

Using discourse analysis McCreanor (1989) and Nairn and McCreanor (1990, 1991) identified ten themes that were employed to support and constitute the 'standard story' of race relations in New Zealand. The concept of standard story is used in their analyses to refer to the dominant arguments and narratives that constitute a particular discursive field. In New Zealand the standard story of race relations works to maintain inequities between Maori and Pakeha. Drawing on the ten themes identified in their early research and various reading techniques McCreanor and Nairn have analysed a variety of materials from political speeches (McCreanor, 1993; Nairn & McCreanor, 1997), to newspaper and magazine articles (McCreanor, 1989, 1993a, 1995; Nairn & McCreanor, 1990, 1991) and historical writings (McCreanor, 1995, 1997) with the aim of showing how the standard story of race relations is used to maintain the power imbalance between Maori and Pakeha.

In the 'stirrers' theme, strong and vocal Maori leaders are constructed as radicals or stirrers, who disrupt otherwise satisfactory race relations by falsely leading Maori to believe they are maltreated by Pakeha. The stirrers theme serves several functions. By constructing stirrers as extreme and in the minority, their claims are marginalised and their support undermined. In blaming stirrers for disruptions to race relations, the possibility that Maori agitate because of genuine social and economic disadvantage is not considered. The status quo is not examined. Any problems in Pakeha/Maori relations are dismissed as an isolated, temporary and superficial hiccup in an otherwise harmonious relationship. The stirrers theme also implies that most Maori are content with the way things are and positions Maori as naive in letting themselves be deceived by extreme radicals.

The stirrers theme is akin to the theme of Good Maori/Bad Maori. Good Maori are those that accommodate themselves to Pakeha society without trouble and are generally construed as elderly, passive and dignified, while bad Maori refuse to fit in

with Pakeha society and are usually characterised as young, aggressive and demanding. McCreanor and Nairn (1991) suggest that the main function of these constructions is to split Maoridom. The identification of some Maori as good, begs the question – “why can't all Maori be like this?” (p.251) and provides the answer that the problem resides within Maori themselves. Setting Maori in opposition to Maori also functions to alleviate pressure on Pakeha, resulting from Maori examination of Pakeha history and practice.

Constructions of Maori as stirrers and good or bad have also been documented in analyses of the media. Drawing on the work of McCreanor (1989, 1993), Abel (1996a,) examined how television reports of the Waitangi commemorations in 1990 and 1995 maintained the split between good and bad, or in her words, wild and tame Maori with the result of legitimating existing Pakeha domination. Abel suggests that constructions of Maori actions as wild or tame in the 1995 media coverage worked to manage the change in the standard story signaled in a speech about Maori rights made by Doug Graham. McCreanor's (1993) analysis of this speech demonstrates how Graham attempted to reconstruct Maori claims to land as honourable and justifiable, while still marginalising Maori sovereignty. Despite its implications for sovereignty, Graham's speech rebuffed traditional understandings of Maori land claims as insubstantial and radical. Maori who upheld their land rights were no longer positioned as radicals or stirrers. By the time of the 1995 Treaty commemorations, the assumption that Maori land claims were legitimate had become part of the standard story that informed media practice. The tame and wild constructions of Maori in media discourse demonstrated this change in the standard story, as Maori were not split according to their (radical) views any longer but by their actions. Tame Maori were those whom worked within the system; wild Maori were those that continued to demonstrate. Despite potentially radical ideas, tame Maori were included as part of the majority consensus and reported as supporting the status quo. In contrast, wild Maori were construed as deviant, making unreasonable demands in an inappropriate manner. Abel notes this division was constructed despite the fact that there was wide agreement among Maori about addressing tino rangatiratanga.

In further analyses of the 1990 and 1995 Waitangi day commemorations, Abel (1996b) examined the way in which media practices constituted, and were constituted by common assumptions about Maori/Pakeha relations. Using Todorov's (1977) theory of equilibrium in narrative, Abel demonstrated how protesters were construed as the source of disruption (disequilibrium) to both Waitangi commemorations. In television reports of 1990, protesters were construed as disrupting a unified harmony between Maori and Pakeha. However in 1995, the commonsense assumptions about the Maori/Pakeha relationship had changed. The need to address Maori grievances had been accepted, and Maori and the Crown were construed as taking part in amiable negotiation to make amends. Against this backdrop, disruptions to Waitangi day commemorations, were seen as disturbing the equilibrium of negotiation. In reports of both commemorations, protesters were construed as the agents of disruption and the Crown, passive recipients of abuse. Abel contrasts this reading of the disruption with an alternative view that sees the protest as a response to oppressive processes and policies of the Crown. Abel's conclusions regarding the positioning of Maori and Pakeha in the media are similar to Wetherell and Potter's (1992) ideological analyses discussed above. When Maori are construed as the agents of disruption, the greater normative power of Pakeha is obscured along with a history of oppressive colonial practices.

Both the stirrers and good/bad Maori themes were used by participants in the Moutoa/Pakaitore study. The change in constructions of Maori claims to land as legitimate was also evident in participants talk. The contributions of these themes to talk about the occupation are discussed later under the heading Reason and Rationality.

### Culture, Identity and Unity

In this section I present research that speaks to the theme of identity. Several repertoires and themes that construct and reconstruct the differences between peoples have been identified. Primary among these are discourses of 'race' and 'culture'. As we will see below, although culture discourse emerged as a potentially empowering

alternative to race, it can be used to oppress. Also discussed in relation to culture are the notions of equality and unity among peoples. Again, these notions can be liberating, but can also function to disempower.

According to Wetherell and Potter (1992) one of the discourses that functions to assert equality among people but still allow for differences, is that of 'culture'. Culture discourse emerged in the 1970s following a withdrawal from race discourses that foresaw and advocated the complete assimilation of Maori into Pakeha society. Culture discourses emphasised the equal value of differences between people, rather than emphasising the superiority of the European race. Culture discourse promoted mutual understanding between peoples, and allowed for differences. In contrast to the more positive features of culture discourse, Wetherell and Potter note two conceptualisations of culture – 'culture as heritage' and 'culture as therapy' which have been used with negative consequences. These two uses of culture are cited in their earlier work under the repertoire of 'culture fostering' (Wetherell & Potter, 1988).

In the culture as heritage formulation, Maori culture is seen as traditional, unchanging and in need of preservation. Wetherell and Potter (1992) make the point that when culture is construed as traditional and unchanging, it is frozen, and the archaic or pure culture of the past separates the study of culture from the politics of ethnic exclusion. The strategies of modern Maori (protests for example) are seen as contaminating the pure culture. Culture as heritage thus provides a basis for dividing Maori into radicals or contaminators and the true voice of Maori. In addition true or traditional Maori may suffer from 'culture shock' and have difficulty coping with modern life, in which case the role of Pakeha becomes that of helping Maori adapt.

The idea of Maori culture as archaic and therefore an impediment to the adjustment of modern life is also found in the 'Maori Culture' theme identified by McCreanor (1989) and overlaps with the interpretative repertoire of pragmatic realism examined by Wetherell and Potter (1988). These resources, unlike that of culture as heritage above, function to undermine the idea that Maori culture should be preserved. In the Maori

culture theme, Maori culture is constructed as inferior to mainstream New Zealand society. The primitive characteristics of Maori culture mean that Maori can not survive in the modern world without the aid of Pakeha. McCreanor suggests the function of this pattern is to challenge the legitimacy of fostering Maori culture. The repertoire of pragmatic realism is organised around a basic premise that Maori culture is antiquated and thus has little that is practical or useful to offer the modern world. It is unrealistic to turn the clock back. Wetherell and Potter (1988) note that the modern world in this form of accounting is defined primarily in Western terms, which allows speakers to reject Maori culture while presenting themselves as practical and realistic. As can be seen from this brief summary, constructions of Maori culture as archaic allow for differential and competing consequences. The theme of abandoning Maori culture is related to themes of oneness as a people discussed later in this chapter.

In the culture as therapy account, Maori are positioned as having lost their culture and thus their identity. This loss of identity is seen as a kind of disability for Maori and is used to explain the behaviour of young Maori malcontents. The solution for these problems is for Maori to become immersed in their culture - to become whole and contented people again. For Pakeha the loss of identity in Maori is seen as a breakdown in socialisation and a weakness of Maori, while Maori have tied the loss of culture to the social position of Maori in Pakeha society (see Awatere, 1984). Formulating the loss of identity at a psychological level separates the problem from social, political and economic struggle.

Articulations of culture as archaic or as a salve for modern social problems, ultimately do not interfere with the ability of Maori to be effective economic units in modern society. Culture is separate from industry and everyday life and is not regarded by Pakeha as a basis for economic or social independence. Wetherell and Potter (1992) summarise the effects of culture discourse thus:

Culture discourse, therefore, takes over some of the same tasks as race. It becomes a naturally occurring difference, a simple fact of life, and a self-sufficient form of explanation. Culture also continues the doctrine of fatal

impact and the white man's burden; but this time around the 'fatal flaws' in Maori people do not lie in their genes but in their traditional practices, attitudes and values. Within the discourse of culture the ancient and archaic can be contrasted with the modern just as the 'primitive' is contrasted with the 'advanced' within racial discourse. (p.137)

Wetherell and Potter (1992) have demonstrated how the idea of culture can be co-opted and used to maintain the capitalist status quo while advocating the preservation or fostering of Maori culture. As previously discussed in *The Occupation in Context* Chapter, Pōata-Smith (1996) identified the emphasis on culture as part of the ideology of cultural nationalism, a major focus for the Maori protest movement in the 1980's. He also pointed to the apolitical effects of adopting cultural nationalism, asserting that learning about things Maori is important but can be detrimental when it detracts from achieving social, economic and political equity.

In contrast to talk about culture, McCreanor (1989) has identified the theme of 'one people'. This theme advocates that people of New Zealand should forget their differences and come together as a united grouping called New Zealanders or Kiwis. Thus the lines of identity are redrawn, to include all inhabitants of New Zealand under one grouping. Unless people suppress their differences, racial tension will continue to grow. Biculturalism or multiculturalism are rejected apart from their potential to enrich mainstream culture with a hint of the exotic. McCreanor suggests this pattern functions to "counter arguments which promote biculturalism as an equal partnership between Maori and non Maori" (p.92). Wetherell and Potter's (1988) 'togetherness' repertoire similarly advocates a breaking down of barriers between people in favour of all being one together. As is the case with an appeal to modernism, appeals to togetherness often mean adopting a European way of life. The dominant culture sets the economic and social parameters of what it means to be together to the detriment of minority groups. In this style of accounting Maori become the deviants intentionally disrupting the potential for peace and unity. Legitimate Maori claims are marginalised

and subverted by an appeal to peace and normality. Thus a well-intentioned appeal to unity, ultimately prohibits redressing the power imbalance between Maori and Tauwi.

Analyses of the detrimental effects of notions of one people have not been confined to discursive examination. Metge (1976), noted how the catch phrase of 'one people' could be used against groups advocating multiculturalism. Multiculturalism involved actively assisting Maori and other ethnic minorities to maintain their cultural identity. One people advocates rejected this imperative saying it could only lead to division and a breakdown of national unity. Metge noted several fallacies in this argument including equating unity with an absence of difference, and equating difference with division. She argued that recognising and working with differences could achieve unity. Metge also noted that Pakeha culture was the unmarked category, the norm, which was taken for granted, and the standard against which others were said to be different. Her conclusions are similar to those of Wetherell and Potter (1992) and McCreanor (1989) who, writing over ten years later, note how one people constructions deny Maori a significant voice in Aotearoa/New Zealand's social and political order.

The 'more rights' theme identified by McCreanor (1989), is also based on an assumption that difference is divisive. In this pattern, an argument is made for equality of treatment. Maori are constructed as having 'more rights' in relation to their Tauwi counterparts who neither demand nor receive any special consideration by law. These objections rest on the assumption that everyone starts off with an equal chance in life and ignore social and institutional practices that militate against particular groups and individuals achieving equal outcomes. It is an assumption inherited from a liberal conceptualisation of equality, that focuses on advancement through individual merit, all others things presumably being equal at birth. It is pattern of argument recognised not only in New Zealand but also in the discourses of other Western nations (van Dijk 1988, 1993).

Arguments about Maori having more rights than other groups in society have also been examined in the sociology of race relations. Spoonley (1988, 1993) includes this argument under expressions of racism, and relates it to arguments that associate self-determination with apartheid. Separate facilities for Maori are said to cause division and are discriminatory because the same resources are not available for other groups. Arguments demonstrating Maori disadvantage are rejected; rather Maori are construed as privileged by their patronage from the state. Under the rubric of self-determination as apartheid Spoonley also notes how Pakeha are portrayed as passive participants, their dominant position relative to that of Maori remaining unacknowledged. This is similar to the analyses of Potter and Wetherell (1992) cited earlier, in which Pakeha are seen as the silent victims of radical Maori antics.

Several of the themes and patterns examined in both the 'rationality and radicals' and 'culture, identity and unity' sections discussed above are drawn on in Barclay's (1996) media analysis of the Moutoa Gardens occupation. Barclay uses McCreanor's (1993) concept of the 'standard story' to explain the findings of his content and discourse analyses of 92 articles and editorials from *The Dominion* covering the occupation. Reports of the occupation were found to rely heavily on the standard story of race relations in New Zealand, with the effect of legitimating Pakeha discourses and undermining those of Maori. Barclay identified seven discourses from newspaper texts but later subsumed them under the general heading of 'discourses of sovereignty' suggesting each discourse constituted a different aspect of sovereignty.

For example, in the discourse of credibility, attacks on the character of the occupiers were used to undermine the occupation. In the discourse of threat, people, usually the occupiers were construed as provoking violence, or providing the conditions for conflict in persisting with the occupation. These discourses subsume McCreanor's (1989) patterns of stirrers and good/bad Maori, and Maori violence respectively. Although the credibility and threat discourses do not refer to sovereignty specifically, they function to undermine Maori protest and therefore maintain the sovereignty of the Crown. The discourses of land ownership and history function in a similar way. When

people invoked the discourse of land ownership, and used the discourse of history to construct the Council as the owners of the land, the occupiers claims were marginalised and the sovereignty of the Crown upheld. It is therefore at a functional level, that Barclay proposes the credibility, threat, land ownership and history discourses are discourses of sovereignty. The relationship to sovereignty is implicit (the Crown's sovereignty is upheld) rather than explicit.

In the discourse of law, the relationship between sovereignty and law is more explicit. Barclay (1996) suggests that in Pakeha discourse sovereignty was represented by the law and an exercise of the law was an exercise of sovereignty. Thus intentionally or unintentionally, when people spoke of the occupation as illegal, they were really upholding the sovereignty of the Crown, and when the call was made for one law for all, the sovereignty of the Crown was again legitimated. The discourse of negotiation, ostensibly promised a balanced and fair process to resolve the occupation, but was implicitly loaded against Maori by its association with the law. Thus if negotiation failed, the rule of law would prevail and the sovereignty of the Crown would be preserved. The debate about which issues should be included in the negotiation process constituted a discourse of responsibility. In this discourse the Government and the Council were variously positioned as having responsibility for the negotiation process, depending on whether land or sovereignty was seen as the 'real' issue of the occupation. Although the link between the discourse of responsibility to sovereignty is unclear in Barclay's analysis, indications are that the Government's attempts to construe the protest as an issue of ownership functioned to place the responsibility for negotiation with the Council. Thus the sovereignty of the Crown was not brought into dispute.

While I agree that these discourses can and did function to maintain the status quo, associating all these discourses with a discourse of sovereignty seems misleading and restrictive. Barclay's (1996) analysis focuses on how Pakeha discourse and the sovereignty of the Crown are maintained and Maori perspectives are undermined. Fundamentally it is an analysis of how the existing power relations in New Zealand are

legitimated. However, linking all the discourses identified with Crown sovereignty links the analysis of power with one central body – the Crown, and does not allow for the possibility that the same discourses may be used to resist oppressive positions. In other words, discourse analysis is concerned with power relations, but to examine or refer to all discourses as discourses of sovereignty seems to undercut the potentially flexible use of discourses in maintaining and questioning the authority of the Crown.

Barclay (1996) notes how Pakeha associate the negotiation process with the rule of the law. He clearly indicates the power imbalance between Maori and the Council in the negotiation process with the Council backed by the power of the state. However he also talks about an alternative construction of negotiation in Maori discourse, where negotiation is contrasted to the law and associated with consensus decision making. Although he examines two different constructions of negotiation, one which resists the dominant alternative, both are subsumed under the ‘discourse of negotiation’ and linked to sovereignty. Despite the limitations inherent in associating all seven discourses with a discourse of sovereignty, Barclay’s analysis identified some of the major linguistic resources used by the media for constructing the occupation. Similar resources were also evident in the interviews conducted for the current study, and will be brought into focus in the course of my analysis

As can be seen from this brief review, people working in a number of fields have examined discourse that works to oppress Maori. The similarity between these analyses and their conclusions regarding the implications for Maori is notable. Also notable is how particular constructions work together to constitute negative positions for Maori. For example, the themes of one people (McCreanor, 1989; Metge, 1976), togetherness (Wetherell & Potter, 1988) and self-determination as apartheid (Spoonley, 1988, 1993) all advocate national homogeneity and equality of treatment. These ideals marginalise Maori culture and aspirations to justice. Maori who continue to seek justice may be further marginalised through their construction as radical and disaffected (in contrast to the peace loving, rational ideal), a position Wetherell and Potter (1992) see as stemming from a construction of culture as heritage. Problems in

the relationships between Maori and Pakeha are attributed to Maori, and the contribution of Pakeha institutions and historical practices to the position of Maori in New Zealand is not examined. In sum, constructions defining cultural or national membership combined with constructions defining what it means to be 'normal' or 'rational' work together to position Maori on the periphery and construct 'the problem' as residing within Maori.

The common concern of these studies has been to identify the discursive resources that are used by Pakeha to discredit Maori, and undermine Maori claims to land, sovereignty or equity in social and material resources; in a nutshell, the discursive practices that maintain the traditional asymmetrical power relations between Maori and Pakeha. Although emphasising the rhetorical flexibility of resources identified, noting that the same arguments could be mobilised in support of Maori claims, Wetherell and Potter (1992), and McCreanor (1995) nevertheless concentrate their analyses on the way discourse is used to disempower Maori. In contrast to these studies, my aim is to demonstrate how specific themes and discourses are used both to empower and more typically to disempower Maori - how positions of rationality and irrationality are fashioned for Maori and Pakeha in talk about the occupation.

The following sections address arguments underpinned by the themes of rationality, knowledge, equality and identity as constituted in my interview texts. Please note that in the presentation of extracts demonstrating these arguments, I have underlined parts of the text that are relevant to the analysis. The underlining does not reflect changes in emphasis or tone by speakers.

## **Reason, Rationality and Negotiation.**

*Reason ..is often associated with persuasion and contrasted with force. It is claimed that the quintessential liberal method of going about things is to seek to persuade others, not by what are derogatorily termed 'emotional' appeals but by rational arguments. (Arblaster, 1984, p.83).*

'Reason' arguments are reconstructed in the talk of participants in two streams. The first I have called reason and rationality. This theme is organised around the assumption that every person has the ability to reason and be reasonable. The second stream retains the 'reasonable person' assumption and also specifies negotiation as the appropriate process for dealing with conflict. Thus I have called the second stream 'negotiation' and I return to it after the discussion on reason and rationality.

To reason is to adopt an objective and impartial stance on an issue, to gather facts and deduce some knowledge that could be useful in guiding behaviour. To be reasonable and rational is not to be taken in by unfounded or emotional rhetoric, but is to subscribe to what can be realistically or practically accomplished given the circumstances.

Reason is aligned with moderation and condemns extremism. Indicators of reasonableness include a measured and thoughtful approach to the issues of the occupation. It rests on the assumption that facts can be separated from values, or put another way, that what we recognise as truth or fact can be ascertained independently of our signifying practices.

In addition to characterising the appropriate approach or means to deal with an issue, rationality is also used to characterise appropriate ends. For example to end the occupation with confrontation and violence would be harmful and therefore irrational. The alliance of rationality with humanitarianism has a long history with the liberals of the Enlightenment calling for the end of the use of torture in the name of reason (Arblaster, 1984).

The theme of reason and rationality offers its users positions of reasonableness and narrowmindedness, moderation and extremism. In harmony with their liberal origins reason and observation are exalted and contraindicators are awarded secondary status. The following extracts demonstrate the invocation of rationality and reason in action.

**Int:** What, what do you think um, what were the issues for the people that were at the gardens.

**Peter:** The issues for them, yeah um well in my view? I think the issues were two, first of all they said the issue was um the disputed ownership of the Moutoa Gardens. And my view is that wasn't the main issue. The main issue's really about Maori sovereignty for a number of people down there, and from what I understand as to what they consider Maori sovereignty to be, I think it's unrealistic, for what they want. There may be some middle ground there somewhere but I think they're going to the extreme. (1)

**Ross:** he (the mayor) had the same problem as I had—he had hardliners through to Quakers. All who s- all who had the problem of seeing things in their own light, and each of those groups, the church, the Quakers, Turner, um and middle Wanganui, -seemed to have an inability to stand back and say "OK that's my view, but are their other views". And what does that mean." Um and I- the mayor in particular seemed to have those people on his desk everyday, and I had them in my office all pleading for, either "get in there and sort these bastards out", or "hey um if you've got to wait a hundred months, wait a hundred months" from the Quakers sort of thing. *mm* And that was fascinating, *mm* it was a great um it was a great insight into how people tick, but it showed how narrow minded, be it the hard or left or liberal or conservative, how narrow minded people are—people can not lift themselves off the their position and say "hey is there another view" um, and while not perhaps obviously not enjoying other views saying "yeah well there may be a point in what they're trying to say." Very narrow focus in the interest groups. And all competing against each other. And that caused problems for every one including the police. *mm* (2)

The above accounts demonstrate the use of the reason and rationality discourse to constitute two different objects. In the first account, Peter constructs the claim of sovereignty as unrealistic and extreme and in the second account Ross constructs various interest groups and people in Wanganui as narrowminded and lacking objectivity.

By constructing the claim of sovereignty as unrealistic, Peter is appealing to a sense of what is practical and achievable. Sovereignty as an ideal is therefore not rejected but the form in which the occupiers constitute it is undermined. This sentiment is supported when he says there could be some middle ground when it comes to the issue

of sovereignty, but in this case it is taken to the extreme. The implicit construction of “middle ground” as a site for consideration, signals the preference for moderation over extremism. Peter's argument implicitly positions Maori as pursuing a cause without consideration for the reality of their situation, and Peter as in touch with these practical constraints, although still appreciating that Maori sovereignty could be an issue worth addressing if it was more sensibly defined. The broad function of this argument is to undermine Maori sovereignty as Maori understand it, while still allowing Peter to present positively.

Ross' account is also structured by appeals to rationality. In this account an attribution of unreasonableness is not restricted to the supporters of the occupation, in this extract the Quakers, but is extended to all interest groups in Wanganui. The preference for objectivity and rationality is demonstrated by the juxtaposition of several negatively constituted positions, with examples of how a rational person would behave or think. For example in the first sentence, Ross juxtaposes the “hardliners” who “had the problem of seeing things in their own light” with the preferred ability to “stand back and say ‘OK that’s my view, but are there other views’”. Being unable to stand back and assume a position of objectivity is construed as a problem. The implication is that objectivity is more desirable than the ability to advocate a particular position. Similarly, later in the paragraph Ross describes “narrow minded people” who “can not lift themselves off their position and say “hey is there another view”. The inability to see another point of view is constructed as a source of problems, not only for the police but for “everyone”.

The problems a lack of objectivity and flexibility can cause are highlighted by Ross' contrast of two views - one advocating the immediate removal of the occupiers and the other advocating patience. The impression of inflexibility and extremism on the part of the groups is achieved through the immediate contrast of their competing views and further, through the use of the word “pleading”. Pleading implies a certain desperation on the part of the “interest” groups; an abandonment of rational persuasion and discussion in favour of emotional appeals. The problem for the police and the mayor

becomes trying to accommodate the requirements of extreme and irrational interest groups. In and of itself the use of the term “interest group” undermines the legitimacy of their viewpoints. Edwards and Potter (1992) and Potter (1996b) among others have demonstrated that making an account seem factual and disinterested is crucial to the legitimacy or credibility of the account. Thus the very construction of such groups as “interest groups” works to undermine the credibility of their positions.

The following section takes up the theme of rationality and reasonableness in relation to the constructions of protesters and people who support them.

### Accounting for Support

In this section I examine accounts that undermine the support gained by the protest movement and the occupation at Moutoa/Pakaitore specifically, through the positioning of protesters and their supporters as irrational and unreasonable. These positions are similar to the ‘radical’, ‘stirrer’ and ‘good/bad Maori’ positions documented by Wetherell and Potter (1992) and McCreanor (1989) and Naim and McCreanor (1991) in their analyses of Pakeha talk about Maori/Pakeha relations discussed above.

**Int:** What about, what about the Ministers. The papers reported that they were- and was it the Quakers were supportive?

**Brian:** Oh oh yeah well when I say tha- when I say that I didn't meet anyone I did. One day when Michael Payne and some of his friends were at Majestic Square at lunchtime, having some sort of vigil and I did, um stop and talk to them because I know Michael's an architect, my profession (so I know him a bit professionally) um but I I mean yeah just they had an sort of unrealistic um view I think. And I mean the Ministers a guy like Gary Clover, I mean oh he's just an idiot really I mean he's just, ((pause)) you know he was just standing on one side of the issue, I mean he wasn't making any attempt to be sort of neutral about it. (3)

**Mary:** Well- I I as I see it, there are some very very intelligent rational Maori people who ah really want to work towards settling you know the differences for once and for all. Maybe it's slow but it's really your more radical ones who jump in isn't it, led by one or two people. (4)

Sean: Well I -do see a leg- OK, I -do see them having a legitimate claim. I do understand where they're coming from, but I believe that a lot of the people that went up there, they jumped on the bandwagon, don't they you know they say "Oh yeah, let's go to Moutoa Gardens" you know "( ) let's take on the police, let's take on the establishment." That's what I see the majority doing, I don't think, I think that if you got to the tru:e Maori, I think that you can sit down with those people, you can negotiate, um the the gangs, ((pause)) who went up there, they didn't go there to claim the land, they went up there to fight. (5)

My question to Brian in extract 3 above came as a challenge to his previous assertion that he did not think anyone, Pakeha or Maori of the Wanganui community were in support of the occupation. When questioned about specific groups Brian concedes that he knew the Quakers (Michael Payne and friends) and Gary Clover were in support of the occupation but writes them off as unrealistic, and in the case of Clover as idiotic and biased. The apparent contradiction in Brian's statement that he did not know anyone in support of the occupation and his subsequent confession that he did, is dealt with by the qualification that he didn't know anyone realistic or impartial that supported the occupation. Brian constructs a split between the reasonable Pakeha and Maori of Wanganui on the one hand, and the irrational and unrealistic 'others' somehow not part of the Wanganui community on the other. The split is constituted in such a way as people supporting the occupation are discounted; anyone supporting the occupation is automatically positioned as irrational and therefore not worthy of mention, while those who did not support the occupation, which is "everyone" Brian knew, are implicitly more reasonable. In answering my question about support therefore, Brian responded by referring to only the members of the Wanganui community he considered to be realistic and reasonable, and it seems the criteria for realism is closely tied to an unsupportive position on the occupation.

The two extracts following Brians' are also organised around a split between rational and reasonable people and those who like to cause trouble. In these cases it is specifically Maori who are being split and positioned. In extract 4 Mary talks about the intelligent rational Maori who genuinely want to resolve differences between Maori and Pakeha once and for all and contrasts these Maori with more radical Maori. Sean contrasts Maori who "jump on the bandwagon" and will join a protest for the chance of

having a go at the establishment with “true Maori” with whom you can negotiate. The “band wagon” construction is extended when Sean says gangs were at Moutoa to fight rather than support the land claim. Both of these accounts function to undermine the support given to protests by marginalising the type of people who lend their support, and contrasting them to rational or true Maori. In Mary’s account supporters are marginalised as a minority of unrepresentative radicals who are not interested in finding long term solutions to differences between Pakeha and Maori, and in Sean’s account supporters are discredited by the construction of ulterior motives for joining the protest.

In talk about the Moutoa/Pakaitore occupation the division between the ‘good’ and the ‘bad’ Maori, to use McCreanor’s (1989) terms, was often constituted in terms of geographical dichotomy - the genuine, moderate Maori were the local Maori; the protesters and radicals were constructed as people who lived out of town and in some cases were criminals who had come to Wanganui to take on the police.

**Rick:** .. and while a few of the older um people went on to the Moutoa, for the first week which they thought was a celebration, once they found out that was an occupation and there was more to it than there was a celebration they moved off very rapidly and all that remained was the radical Maori. And most of them were not genuine Wanganui River Maori. (6)

The geographical division exemplified in Rick’s account above serves two main functions. Firstly the legitimacy or genuineness of the people taking part in the occupation is called into question. What were people from out of town doing protesting in Wanganui? Secondly, in the local context -the construction of the protesters as “not genuine Wanganui River Maori” allowed people in Wanganui to make sense of the apparent disruption to their relationship with local Maori. The rupture was not with Maori whom the establishment in Wanganui traditionally had good relationships with, but with out of town Maori. This constructed division, as well as making sense of the occupation for participants, allowed for the possibility of re-establishing a relationship with local Maori after the occupation, as the locals were not the people with whom Wanganui citizens were in conflict. Note this extract also

clearly demonstrates aspects of the 'culture as heritage' pattern (Wetherell & Potter, 1992). The local/out of town split is supported by the older (true) Maori verses radical Maori dichotomy. Although "older" Maori were present at the start of the occupation, they soon abandoned it to the "radical" Maori. This construction undermines the legitimacy of the occupation by construing it as a concern of political extremists.

### Hoodwinked

Support given to the occupation by those who were constructed as respectable Maori, was explained away by good Maori being hoodwinked into supporting the occupation by the protest leaders. This argument is akin to Nairn and McCreanor's (1991) stirrer pattern discussed above and Wetherell and Potter's (1992) scenario in which a small forceful band of Maori persuade the average Maori to support their cause. However, in constructions of Moutoa/Pakaitore this pattern took on a new twist...

**Int:** What do you think were the issues for the people that were there at the gardens.

**Peter:** ...I think that some of the people that were down there at the beginning, were down there with genuine beliefs but hadn't been told the full agenda of those people that were organising and leading the charge if you like. It became quite clear, that sovereignty was a big issue to them, and it almost overtook the ah land issues... and as time went on some of their support dwindled away because it became clear that maybe they were being unreasonable in their demands. (7)

**Int:** So who did you see supporting the occupation?

**Rose:** ..It surprised me about some of the up river senior women and some other Putiki women, and som- well some of the men too were obvious to me because I knew them, it surprised me in the beginning to see them there, and allowing themselves to be caught up in an issue that really was illegal. But they did move out fairly quickly, they moved out of the scene. They were sort of inveigled into it. (8)

Rather than being persuaded that some injustice had been perpetrated against Maori that was essentially unfounded or irrelevant as suggested in McCreanor's (1989) and Nairn and McCreanor's accounts (1991), supporters were deceived by the 'stirrers' presenting the protest as a support for "genuine" concerns. Thus land grievances were brought to the fore while the real and hidden agenda was sovereignty. Maori gathered in support of one issue and ended up inadvertently supporting another. In Peter's

account deception is implied by the construction of supporters being unaware of “the full agenda” of the leaders of the occupation. The dwindling support for the occupation is accounted for by supporters realising that the demands of the leaders were unreasonable. Supporters are construed as colluding in a construction of sovereignty as unreasonable, with the effect of marginalising sovereignty and distancing the concerns of protest leaders from their support base. In Rose’s account senior Maori women and some men are construed as being “inveigled” into supporting the occupation with the implication that their support was dishonestly gained.

Note the difference in accounting between participants in previous research and this study, stems from the participants in my study recognising the legitimacy of Maori land claims and the need for redress. There were “genuine” causes for Maori feeling aggrieved and thus to support the protest. This is perhaps a significant movement from the position of participants in Wetherell and Potter’s (1992) and McCreanor’s (1989) early research, and is in keeping with Abel’s (1996a, 1996b) studies of 1995 Waitangi commemorations. Note also that in this formulation, in contrast to Wetherell and Potter’s (1992) and McCreanor’s accounts, Maori were not fixed in a position of gullibility and naiveté, rather respectable Maori saw through the agenda of protest leaders and abandoned the occupation. Further Maori, were not constructed strictly within the social or irrational sphere of influence in being co-opted by protest leaders, as Maori gave support for genuine reasons and withdrew that support once the deception was revealed.

Support from Maori that failed to leave the occupation was accounted for by the construction of reasons for their apparent support, typically unrelated to the aims of the protest. Taking on the police, is one reason mentioned by Sean (extract 5). In the following extract Jim alludes to many reasons but cites only one; people keeping an eye on their relatives.

**Jim:** ..You know you might say well sure there was a hundred people down there, but there were lots of people there for other reasons to... there were people there to keep an eye on their relatives, um you know, lots of other reasons as well, so..(9)

Accounting for support by reference to reasons unrelated to the thrust of the protest functions to undermine the legitimacy of the protest by: (1) constructing the reasons for supporters participation in the protest as ingenuine and; (2) demonstrating that the issues or claims put forward are not the concern of a wide representation of Maori. The rhetorical effectiveness of demonstrating a lack of support for the occupation rests on the assumption that the majority rules, and the will of a small minority should not be imposed on the larger group.

The 'hoodwinked' formulation served some important functions. Firstly, occupation leaders were construed as insincere and dishonest in dealing with their own people. To mislead people about the real agenda of the occupation, deprives them of the chance of independently and reasonably considering whether their support should be offered or not. The dishonesty attributed to protest leaders calls into question any claims made by them. Secondly, the hoodwinked explanation marginalised sovereignty as a concern for radicals and extremists. The constructed split between lack of support for sovereignty and support for land issues and its endorsement by Pakeha participants allowed participants to construct themselves as sympathetic for Maori causes. Note, it is the participants that construe the legitimacy of issues and then proceed to lend their support. The legitimacy of protest is not therefore dismissed altogether, but considered and evaluated according to the sustainability of claims. The sovereignty/land distinction is returned to in the Land Chapter. In the meantime we refocus our attention to the second stream of rationality talk - negotiation.

### **Negotiation**

As can be see above, 'reasonable' people are not extreme or radical or insincere. They are people who can be talked to, negotiated with; people with whom you can reach a compromise. These constructions signal the second stream of rationality which I have called negotiation. It is akin to the first in the similarity of subject positions offered (for example rational/unreasonable), and its constitution as a rational process to resolve issues and concerns of Maori and Pakeha. Talking, communicating, dialoguing and

negotiating are all ways of describing a positive approach to addressing peoples' concerns and are construed as the preferred option for resolving the occupation. The idea of talking or consulting to solve problems is a view widely endorsed in many areas of society; take the areas of international, interpersonal and industrial relations for examples. Negotiation is often constructed with the dispreferred option of coercion and confrontation. To engage in negotiation and discussion is to demonstrate ones reasonableness and open-mindedness. To resist is to run the risk of being negatively positioned as desiring violence and confrontation, or, as being merely stubborn.

The following three extracts demonstrate the positive value attached to talking and negotiation in efforts to address the occupation.

**Gwen:** Lil, you and I were giving out the leaflets during that vigil and that ay, so there was a group of people who were sitting silently with with ads or with placards, and then there were those of us who were very politely and non-intrusively just offering some simple information sheets to the public. and they weren't about the background particularly, they were about working for a a non-violent outcome. mm working for dialogue, working for keeping the talk going, just keep working at it and working at it until it could be dealt with peacefully and not um through the ( ) and really when we- I mean I can only speak for me, but I, all of the people that I spoke to, when I said that this was the line that we were following, this was why we here- we weren't here to talk about the issues- we were here to talk about the process of working it out ((pause)) and with a few exceptions and there were a few exceptions notably journalists, um the the public that I spoke to were in complete agreement that is what they wanted, they didn't want another Bastion Point in Wanganui, they didn't want a great confrontation.. (10)

**Belinda:** ...so I could see it really escalating so I was really pleased that they moved off, um I was sort of sad that it happened, ((pause)) because really they were forced to, you know there was really no alternative um if they wanted to avoid, if they wanted to avoid a confrontation then they were forced really to move mm so and and so it was a pity=I was sort of sorry that it didn't, it wasn't a negotiated en:d (11)

**Alice:** The local Maori became concerned, when it went beyond the, um the local grievance onto a national scale, which they felt -too: was making it very difficult for council to communicate at the level that we should have been communicating at. mm It was blocking proper negotiation. (12)

In extract 10, Gwen captures the negotiation verses violence dichotomy and positions herself positively as committed to resolution through negotiation. This account

functions to legitimate the process of dialogue, through the construction that all the people Gwen talked to were in “complete agreement” that negotiating was the best way to resolve the occupation. The only dissenters were journalists whose opinions are easily marginalised by a common understanding of journalists as wanting sensational stories, and further by their location outside “the public” of Wanganui. People who lived in Wanganui wanted a peaceful process, attested to by the eyewitness of Gwen.

Extract 11 also presents negotiation in opposition to confrontation. The preference for negotiation is signaled by Belinda's sadness that the occupation did not close with a negotiated end. Implicit in this account is a construction of the protesters as rationally deciding to leave under threat of violence. It is the institutions of the state that are positioned as the aggressors. This is an example of one set of values - that of negotiation and moderation being superseded by another set of liberal values - adherence to the rule of the law, consequently justifying that which seems extreme - confrontation. It seems ironic that failure of the preferred option of negotiation implies a resort to violence, not favoured but an option nevertheless. This seeming contradiction is the necessary result of the options being presented in dichotomous terms - negotiation verses confrontation - thereby precluding constructing processes to deal with the occupation in any other way.

Extract 12 confirms the positive value attached to negotiation where Alice portrays local Maori becoming concerned when “proper negotiation” became blocked. Embedded here is a construction of the protesters as illegitimate in contrast to local Maori. The validity of the concern about blocking communication is attested to because it is the local (good) Maori who express concern, not the Council. Alice also draws on the split between local grievances and the national issue of sovereignty. The issue of sovereignty, is marginalised in this case not only by the implicit lack of support by local Maori, but also in its construction as a blockage to talks. Impediments to the negotiation process are negatively construed. Alice' extract also introduces the notion of proper and improper way of doing negotiation. As demonstrated in the following extract, the negotiation process does not guarantee a resolution.

**Int:** How do you think the issues should be dealt with and resolved=how can they be addressed.

**Brian:** ((pause)) Well I -mea- I guess you've got to talk about them. And and I mean the cou- this was a problem that Council had, at Moutoa Gardens, that we were prepared to talk about the Moutoa monument about how the garden might be managed in the future, um those things, which we could actually control and make decisions about. But they refused to actually discuss those things. They wanted to only talk about Maori sovereignty. mm And I mean the Council could talk about that till the cows come home and it would make no effect *mm* (13)

In response to a question asking about the process of addressing the occupation, Brian affirms the preference for negotiation. Council is portrayed as wanting to talk and are thus positioned favourably. People from Moutoa gardens are also construed as willing to talk, but in this case do not merit a positive position. This is because, in Brian's construction Maori were being unreasonable in limiting what they would talk about, thus impeding the negotiation process. Council who also limited what they would discuss, escape the label of unreasonableness as Brian offers an account of why council wanted to limit the agenda. Council's hands were tied by the practical and realistic constraints of the parameters of their control. These parameters reflect the council orientation to resolving the occupation, part of what McCreanor (1993) calls a 'fix-it' mentality. In contrast, no such constraints are presented on the part of the occupiers - thus we are led to the conclusion that they are unreasonable or stubborn. This construction is reinforced by the occupiers wanting to address "only" one issue - sovereignty - an issue which is repeatedly invalidated in the accounts of most participants and further by Brian's insistence that to talk sovereignty would be futile – "the Council could talk that till the cows come home and it would make no effect".

The point of the analysis is not whether Brian's claimed limitations on Council are 'real' or not. The point is that in making a case for the constraints imposed on the Council, one is led away from an alternative scenario which sees the Council as entrenched and immovable in their position as the protesters are construed to be. Despite the willingness of both sides to talk, Maori are positioned as the defaulters in this account.

The construction of various parties as willing or unwilling to talk, and the mitigation of these accounts by appeals to factors beyond the control of protagonists is addressed further in later chapters looking at the issues of the occupation. I would like to finish this section on negotiation by making some comments about constructions of negotiation. The entire negotiation process was a site of struggle that encompassed not only who was right or wrong, or who would talk and who would not talk, but also a struggle over the control of an agenda. What exactly was up for negotiation, and what constituted a legitimate issue to be addressed was a matter of debate. As can be seen above, successful negotiations are unlikely to take place if the objects of discussion are not even agreed upon. This tension is apparent and pertinent not only in the interviews with participants but to the writing of this thesis - for example Moutoa Gardens or Pakaitore Marae - objects constructed through different discourses with differential rights ascribed to the subjects occupying that discourse. To use one or the other to some extent validates one construction of the conflict. The conflict over agenda was underpinned by Council's orientation to end the occupation and the occupiers' orientation to having some of their issues addressed. This conflict is returned to in later analytic chapters where the legitimacy of sovereignty and land issues are examined. In the meantime we turn our attention to talk that draws on a discourse of knowledge.

### **Knowledge/Understanding**

Arguments based on understanding and knowledge were used to uphold opinions, or to explain a lack of finesse or sensitivity in dealing with the issues of the occupation. The importance of knowledge and understanding rested on an assumption that rational decisions came about when a person was fully informed of the issues: knowledge produced rational thought and behaviour. To be in receipt of knowledge or to be positioned as knowledgeable was thus positive and empowering. Knowledge was a prerequisite for forming independent, informed and therefore credible opinions and decisions. A claim to knowledge functioned to support the legitimacy of an argument. A lack of knowledge could be used to explain prejudice, ignorance or a lack of

commitment to the issues. The implication is, if you know about history and social injustice you will not be prejudiced and you will be committed to addressing social issues. To address prejudice and injustice, knowledge through education is the key.

The exaltation of knowledge and knowledge as a salve has a long history. The particular construction of knowledge favoured in the West today, is that gained from individual, objective observation and rigorous testing. The favouring of knowledge gained through reason and observation rather than that inherited from generations past or handed down by a greater authority such as the Church, God or royalty, has its roots in Lockean empiricism of the seventeenth century (Arblaster, 1984). Locke's construction of the mind as a blank slate, passively receiving information from the outside world supported the primacy of observation and acquisition of knowledge from the environment. The idea that the environment moulds the mind was taken up in the nineteenth century by 'new liberals' or 'social reformists' (Coates, 1994) the most famous of whom was John Stuart Mill. Mill believed that individuals shaped and were shaped by the environment thus he advocated education for the public and reforming the environment in order to improve the morality of the population. The case for education and the acquisition of knowledge to improve the mind and morality of the individual is echoed in the arguments of participants as the following extracts demonstrate.

**Int:** Yeah well that's different from the impression when I visited Pakaitore=some of the people there felt that the issue of the land claim was being compromised by including the sovereignty as well.

**Gareth:** mmm

**Gwen:** I mean I think this is one of the really interesting things that while we picked up huge amounts of confusion and as you said earlier Gareth ( ), 80 percent of the the Wanganui citizens are probably confused or didn't know the real issues-didn't have the background, and no tools for helping themselves to understand it mm so to, let's be real about it, within the the different Iwi=there was the same kind of spectrum mm of very sharp understanding and a clear analysis and a commitment and at the other end of the spectrum people who are not clear mm about what its all about and alot of them not really wanting to know mm but this is a very kind of disturbing and disconnecting set of events mm (14)

Gwen's account is oriented to giving an explanation of why there were some differences in attachment of Iwi to certain issues. The explanation is structured by an argument about knowledge and understanding, specifically the premise that understanding an issue avoids confusion and allows commitment to it. Gwen describes how a lack of knowledge and skills contributed to the confusion of a majority of the citizens of Wanganui. Likewise, within Iwi, those who understood the issues and were able to clearly analyse the situation, were the people Gwen constructed as being committed to the issues. In contrast were Maori who were not clear about the issues and did not want to know. Knowledge and understanding are construed as prerequisites for clear analysis and commitment.

Gwen's account further mitigates the construction of members of Iwi as divided by balancing the spectrum of Iwi commitment with a construction of the Wanganui public as also confused. Lack of knowledge and confusion are presented as the status quo and not something significant or unusual. In addition, Gwen offers an explanation as to why some members of Iwi might not want to know about the issues. This explanation is based on a construction of events related to the issues as disturbing and disconnecting and appeals to the logic of not wanting to get involved with such a state of affairs. Maori could be forgiven for their lack of understanding.

An argument about the dissemination of knowledge, or facilitation of awareness at the very least, also provided rhetorical support for protest.

**Int:** What do you think the effect of the message has been.

**Belinda:** I think a lot more people are very aware of the issues um a lot of people um probably um ah aren't necessarily any more sympathetic=a lot of them might be actually less sympathetic but um, ah overall I think it's gotta be a good thing that more people are actually aware of um you know what's behind you know maybe the history and that sort of thing I mean generally it must increase the level of awareness. (15)

**Int:** ...What do you think of occupations as a method of bringing grievance to the fore.

**Ralph:** Um, well yes I I I don't have any difficulty with people using protest as a legitimate way of airing grievances or bringing public notice to their issues. My concern now, and I have to concede that a lot of this is in hindsight, is that because of the negative publicity and the ongoing negativity of the protest. Because of the way

it was perceived by the wider community as being unlawful, I think it's actually been very counter productive. But let's let's face it, from the days of the anti-Vietnam war demonstration through to the Springbok Tour demonstrations, that was the only way finally that the nation was brought by the scruff of its neck to face the issues of Vietnam and apartheid. mm ...It seems as though this protest has done untold harm to the Maori-Pakeha community relations, cause most Pakeha just view it as a lot of stirring by unemployed um (radicals) (16)

The general thrust of these arguments is in support of using protest to draw attention to issues. Belinda concedes that even though people may have less sympathy for the issues, the overriding increase in the awareness of people about them is enough to justify the occupation. Ralph also supports protest as a legitimate way of airing grievances and endorses his position as pro-protest by noting that in some cases the only way to bring issues to the attention of the nation is to demonstrate. This support for protest is also noted in the work of Wetherell and Potter (1992). Like the arguments of Ralph above, participants in Wetherell and Potters study were keen to support the principle of protest but also argued that particular protests were counterproductive or invalid for a variety of reasons. In Ralph's account, the protest at Pakaitore resulted in damage to Maori-Pakeha community relations - a highly negative consequence. However Ralph does not pin the blame for this damage on the protest itself, but on the way it was negatively publicised and perceived by the public. Broadly speaking, protest is legitimated by its construction as a way of increasing the awareness and knowledge of the public with regard to social issues. An increase in awareness and knowledge is presented as a bottom line argument in support of protest.

However, appeals to knowledge were also used to undermine the occupation.

**Int:** So just coming back to the issues, sovereignty what does it mean.

**Jim:** I think different things for different -people. *uhmm* To, ah I don't think they know themselves, some of the groups there, it's a great thing to be talked about. Um you know if I look at some of the people who were there and the strong hard core groups around some of the -leaders there, um a lot of them weren't very educated, um and and perhaps really didn't understand the finer details of it too=if they're told something, perhaps that's just stuck in their mind and they've not thought about it themselves or looked at it themselves, you know they're just repeating what they've been told. (17)

In Jim's account, constructions of the supporters of the occupation as uneducated and duly believing whatever was told them by the leaders of the protest, undermine the genuineness of the support for the occupation. This argument is related to those of Wetherell and Potter, (1992) and Billig (1982) where supporters of protest can be seen as subject to improper influence - emotional rather than self reasoned claims; and falling under the sway of extreme radical leaders respectively. These arguments rest on the basis that rational and independent decisions could not be made by supporters about the legitimacy or otherwise of the occupation, due to a flaw in their knowledge or ability to analyse the situation. The net effect of this type of accounting is to show the occupation had little genuine support and therefore need not be taken seriously.

In addition, construing the support base of the occupation as uneducated works to silence or obscure any intellectual or reasoned arguments to demonstrate. If the main support base is uneducated the implication is, the well educated did not see any point in joining the protest. If people had understood 'the finer details' they may have withheld support.

Positioning people as unknowledgeable or uneducated is one of the more positive of the negative positions that was used to construct subjects. It is a position that contains a remedy for its problem. Being uneducated allows for a movement to a positive position if knowledge or education is made available. However a focus on addressing the individual in order to rectify an inability to make rational decisions, or to change the way relations between Maori and Pakeha can be conceptualised limits the scope of that change.

Wetherell and Potter (1992) highlight some of the problems of stressing the education of the individual as a solution to the problem of prejudice and ignorance. Put simply, if problems and change are located at an individual level, societal processes and the economic bases that maintain unequal power relations are not addressed.

Dissemination of knowledge and information arguments also throw up the problem of whose argument is to be legitimated as truthful or valid - whose version of the story will be accepted. In addition, a focus on educating the populace postpones the

investigation of concrete grievances. According to Wetherell and Potter to battle prejudice and racism, increasing the knowledge and understanding of the individual is not enough. Attention must be directed to “identifying the forms legitimation takes, and charting also the fragmented and dilemmatic nature of everyday discourse, because it is at those points of fracture and contradiction that there is scope for change and redirection or argument.” (1992, p.219).

I move now from constructions of knowledge and understanding to the constitution of identity and political rights.

### **Equality, Identity and Political Rights**

At a fundamental level, equality talk of the occupation constructed a common identity for all people in New Zealand based either on a shared system of laws that guaranteed the same rights, duties and privileges for all people, or by appeal to a basic human nature inherent to all people and accompanied by essential rights. Regardless of how one identified culturally, ethnically or spiritually, people become one in the laws of the nation or were one according to generally accepted universal human rights. An identity of ‘oneness’ articulated at the level of the law or nation, has somewhat different consequences to an identity of oneness constructed at the personal level although these articulations are often found together. Both of these levels have been examined in previous research and are revisited below with reference to the interviews collected for the current study.

The idea of equality is derived from philosophers such as Descartes, who argued that each person was born with the inherent capacity to reason and make decisions. This argument was later used to advocate for equal political rights where individuals were seen as at least capable of making reasoned judgements as to who should represent them. Democratic and representative government did not come into favour until the end of the nineteenth century as liberals of old limited the franchise to people of individual property rights in order to look after their interests (Arblaster, 1984, 1987; Coates, 1994); however this ideal of equality today underpins the democratic principle

of majority rule, echoed in the talk of participants, and also supports the case for individual political and legal rights.

In New Zealand, the idea of one law and one people is derived from the colonial policy of amalgamation discussed in Chapter 3. This policy sought to assure Maori an equal standing with Pakeha in the new colonial order by encouraging Maori to abandon their own habits and customs in favour of European mores. Amalgamation was then considered to be a humanitarian policy, allowing for the survival of the Maori race, through the disappearance of Maori culture. In the nineteenth century and for most of the twentieth century the idea of one nation encapsulated the idea of one people. As we shall see, modern ideas of the nation allow for cultural differences though retaining the idea of equality between groups. For ethnic groups struggling to maintain their identity, the ideal of one people represents a greater threat to cultural difference.

Appeals to equality among people in essence or in law provides a basis for diverse and often contradictory arguments in support of or against specific concerns. These arguments capture liberal contradictions that allow every person the freedom to live life according to their own preference, and prescriptions that all must abide by the law; contradictions that endorse the equal value of all people, but allow for gross inequalities in the distribution of wealth. Thus upholding the value of equality in regard to one concern, may be undercut by reconstituting the meaning of equality in another, or by an appeal to some other worthy value.

Participants argued for the rights of individuals to do as they saw fit and also for the restraint of the actions of those individuals. Everybody had a right to protest, but only if that protest did not adversely influence relations in society and did not break the law. Failure to deal adequately with protesters amounted to allowing protesters more legal rights than those accorded the average citizen. This was inequitable and unacceptable. Likewise, cultural differences should be recognised, but we should be able to get along together as New Zealanders. The latter idea is exemplified in the extracts of the following section.

**Int:** So where to from here do you think.

**Sean:** Maoris, New Zealanders, ah Europeans, Asians, whatever, have got to accept that it's one country. I believe that life in not a rehearsal, life is the real thing. We've got to learn to live together, we've got to accept each other, we've got to accept that there's a Maori way of life, just as the Maori have to accept that there is a European way of life. (18)

**Rick:** ..now I have no problem if my children wish to study their heritage and their and their go back, and study up what they are and where they've come from=I have no problem with that at all, um if they choose to call themselves Maori I would have no problem with that, but I'd expect them to live within the laws and and for the well being of our country, not just for one group of people. (19)

In the extracts above Sean and Rick draw on the theme of many cultures-one country, in constructing different objects. Sean proposes the future of New Zealand lies in tolerance and acceptance by all people that New Zealand is one country. Rick constructs himself as tolerant by suggesting that he would have no problem if his children chose to identify themselves as Maori as long as they live by the laws of the country. The major function of this form of accounting is it allows a self presentation of tolerance and good will among the different cultures of New Zealand while simultaneously supporting the economic, political and social status quo. Identification at the level of country or nation implies an acceptance of the way in which the nation is currently structured and policed. As McCreanor notes:

It is quite plain, however, that our society is overwhelmingly British in origin and is currently most strongly influenced by the politics, commerce and culture of Western countries. English is the dominant language, English political and legal systems have been transplanted and the dominant cultural and sporting activities are Anglo-American, as is the capitalist network. (1989, p.95)

In the nine years since these observations were made little has changed. Maori concerns and initiatives toward economic and political sovereignty are still repressed by our inherited political and legal systems. In recent government proposals for

resolving Maori claims, the so-called 'fiscal envelope', the issue of sovereignty was conspicuous by its absence (Dunedin Community Law Centre, 1995). Doug Graham (1997), the coalition Government's Treaty Negotiations Minister, recently released his analysis of Treaty issues which clearly precludes sharing parliamentary sovereignty. To identify in terms of one nation prescribes the possibilities for accommodating Maori aspirations to self-determination guaranteed by the Maori version of the Treaty of Waitangi. We turn now to a closer look at accounts that pick up the idea of Maori culture or Maori race as archaic, and examine how these accounts develop an identity of oneness as a people.

### Oneness as a People

In contrast to accounts of culture that allow for differences between peoples, accounts that identify people as the same downplay ethnic or social differences by either emphasising the merging of different people into one homogeneous group, or by appealing to a basic humanity and progress towards a modern world or society. In this respect accounts of 'oneness' overlap with theories of identity based on race, where an intermingling of genes through inter-racial partnerships eventually results in the assimilation of two or more races. Accounts of identity based on race were not common in the talk of participants but when taken up they were used to undermine Maori claims to land and autonomy on the basis that there are no full-blooded Maori left in New Zealand (compared with Wetherell & Potter, 1992, Chapter 5).

**Int:** What about, what about the issue like sovereignty that they were making a point about, I mean what do you think about that issue—is it a legitimate issue or—

**Rick:** I think it's totally ludicrous in this in this day and age, and the reason I say that is because um we have to live in this country—all of us, we are multicultural—most people I won't say most—but a fair amount of people in this country are either of mixed blood or if they're not mixed blood themselves, somewhere along the line in their family, there is mixed blood....(20)

Maori sovereignty is rejected in Rick's account through the use of a number of constructions. First of all Rick says we all have to live in this country. This implies that Maori sovereignty would somehow make it difficult for people to get along,

presumably because 'more rights' or 'unequal rights' would be accorded to Maori if they gained sovereignty. Secondly this implied point is supported by Rick's contention that we are a multicultural country. In some contexts multicultural implies that all cultures are of equal value and should enjoy the same rights. In my reading of Rick's account 'multicultural' seems to be linked with an identity based on biology. Rick undermines Maori sovereignty by constructing many people in the country as having mixed blood (multicultural). As there are not many pure Maori left in the country how can Maori claim sovereignty on the basis of race? The answer is of course, if you accept Rick's analysis, that Maori can not claim sovereignty when such a thing as a pure Maori does not exist anymore.

As stated above few people drew on the construct of race to make their arguments. Participants were more likely to appeal to modernism and progress toward a common identity without explicitly using terms that implied race, such as blood, genes. An example of this form of accounting is given below.

**Rose:** ..we've got roads and lighting .. and everything that exists has been done by the past generation for all of us. And we all use it all the time...the taxation. The money doesn't got up in smoke, it all goes somewhere and it's all contributed by them inverted commas and us. So it's all together, you can't go back a hundred and fifty years in my opinion and start off from scratch. You'll get totally left behind with the world. You can't get one little pocket and keep it pure and isolated, not anymore...(21)

In this extract Rose is taking exception to my use of "they" when referring to the longevity of Maori claims. Instead she develops her account around the concept of "we". Rose's rejection of the idea of difference between Maori and Pakeha is explicitly signaled by the use of inverted commas when she talks about Maori as them and non-Maori as us. The society we have inherited has been built by our Maori and Taiwi forebears together for us all. The positive value of moving forward and not going back is implied in Rose's construction that to go back and start again would result in being left behind with the world. In the world of today nobody can remain in isolation.

In this account, as with all accounts advocating the idea of a common identity, useful questions to ask are, who is defining what it means to be one together, and what

implications does this have for people who are not recognised by this definition? Rose's account is not specific about who is doing the defining. Being left behind with the world, implies some sort of universal identity based on progress and continual growth together. The construct of moving forward has elements of the pragmatic realism interpretative repertoire and Maori culture patterns discussed above. In these analyses people of New Zealand are moving towards a modernism largely defined by the West, which functions to exclude Maori practices and values that are constructed as impeding progress. The idea of Maori having culture and Tauitihi having modernism and thus normality was also developed in Wetherell and Potter's (1992) analysis of race and culture discourse. The net effect of these discourses is to relegate Maori to a secondary status in favour of the acultural normality of modernism.

### Equality, Rights and Privilege

In this section, I examine the issue of individual rights. As noted above, the argument for individual political and legal rights is based on an assumption that all people have the ability to reason and therefore are equally capable of determining their destiny. The protection of these rights and the equality on which they are based is codified in law. Apparent breaches of this equality constitute an injustice as Greg argues below.

**Greg:** ...the grievances they've got could be legitimate, but as I say you know, just because I sold a car twenty years ago cheaper than what it was worth, um I've got no come back so why should they have a come back. I sold a piece of land twenty years ago, cheaper than what it was worth, you know why why should I have to, why can't I go back and claim it. You see what I mean? (22)

An argument that some people are treated specially in society violates the strongly valued premise that everybody is equal and should be treated the same. Greg draws on this equality argument when he uses the analogy of purchasing a car to undermine the legitimacy of Maori claims to land. Because Greg does not have recourse if he undersells his property, Maori also should not have recourse. Different rules amount to discrimination - a state of affairs clearly unacceptable to those of egalitarian principles. Thus an appeal to equality starts from the basis that everyone is equal and for one

group to have special consideration is to discriminate against other groups. As noted in the discursive history, these objections to special treatment are based on the assumption that everyone starts off with an equal chance in life and ignores social practices that militate against particular groups and individuals achieving equal outcomes. In Aotearoa/New Zealand, this style of accounting ignores the fact that our laws were largely developed from a European monocultural base, and that Crown land acquisition practices (among others) have violated the second article of both versions of the Treaty of Waitangi. Constructions of law and their effects are examined further in the Law Chapter.

Having charted the manifold ways that potentially positive and egalitarian discourses can be subverted to manage the inequality in the relationship between Maori and Tauwiwi, I would like to finish with an extract that looks beyond these constructions and takes a point of conflict as a positive opportunity for change.

**Gwen:** at the very at a low level of awareness there is fear and reactive and defensiveness saying we we can't have this *mm* let's get the law in and get these people to toe the line *mm* and you know—we we're all citizens here and at the, at another level there's this that these differences between us are important and they need to be dialogued around they need to be worked with together *mm* and that this is a wonderful opportunity to explore both, *mm* you know the issues of -justice *mm* and equity in the country and about what it means to be in relationship together *mm* as Maori and Tauwiwi *mm* and all those possibilities were there weren't they. *mm*

**Gareth:** *mm* (23)

What is different about this account is the acceptance of difference and of conflict. Rather than being constructed as a disruption to what some people conceive of as harmonious Maori/Tauwiwi relations in New Zealand, the occupation is welcomed as an opportunity to work with and talk about the differences between Maori and Tauwiwi. Ideals of an ostensible equality are set aside as impediments to addressing the relationship between Maori and Tauwiwi in a deep and meaningful way. Whereas the culture discourses discussed above peaked with a valuing of differences, this account constructs these differences and the occupation as a basis to negotiate questions of justice and equity. Culture is not contained by an appeal to a wider identity of

nationhood or sovereignty, but in this account provides a basis for talking about justice and equity - issues of power and sovereignty. This account allows for the development of biculturalism - a partnership based on equitable relations of power.

### **Summary**

This chapter has examined arguments of rationality, knowledge and equality and the subject positions they make available. I have attempted to show how these arguments function at a broad level not only to isolate and marginalise Maori protesters and their claims to justice, but also how they can be used to make the perspectives of non-Maori problematic. This chapter serves as a touchstone for further analysis as arguments explored here are used in the construction of sovereignty, land and other issues related to the occupation. The following chapter takes up the first of these claims - the aspiration to Maori sovereignty or tino rangatiratanga.

## Chapter 5

### Sovereignty -Tino Rangatiratanga

*Gareth: I'm sure there were people at Pakaitore who saw it as the issue of the land, but I have to tell you that people all over the country say that what's different about Pakaitore is that it wasn't just about the land (Interview 5)*

What was different about the occupation of Moutoa Gardens/Pakaitore Marae was the issue of sovereignty. What does it mean and what are the implications of it?

Sovereignty is a concept over which there has been a great deal of confusion and angst among Tauwiwi (Archie, 1995), with understandings and the influences impacting on those understandings being multiple and fractured. Melbourne (1995) notes that in contrast there is greater certainty among Maori about sovereignty: "Most Maori believe that, left in charge of their own affairs and resources, Maori can effect changes to benefit not only their own communities but also wider New Zealand. This to them is Maori sovereignty or tino rangatiratanga" (p.ii). In the following analysis I examine talk about sovereignty - what participants understood by it, whether it is seen as legitimate issue and discuss the origins of the ideas in New Zealand.

Analysis in this chapter focuses on three issues: the construction of sovereignty; the construction of subjects in sovereignty accounts; and the consequences of both these constructions for power relations. These issues are addressed through attending to two levels of discourse. The first level is the explication of the extract at the sentence level, noting constructions and their functions and how subjects are positioned at this level. The second level deals with the overall functions of the account and larger themes or arguments mobilised in their construction. Extracts are presented sentence by sentence with the constructions, functions and implications for positioning discussed, and the way each sentence contributes to the overall picture noted. This is followed by a summary which discusses the arguments and undermining techniques used in the extract and the implications they have for sovereignty and the positioning of subjects.

The analysis of claims and the resources and arguments that constitute them necessitates the separation of issues into discrete sections in order that they may be talked about coherently. However, this separation is somewhat arbitrary as speakers may refer to more than one issue in a turn of talk or make no distinction between one issue and another. The distinctions used in this and the ensuing analytic chapters, follow as closely as possible the conceptual distinctions made by the speakers in their discourse. Where these distinctions are elided in talk they are addressed in analysis.

### **Social and Historical Context**

The constitutional basis for Maori claims against the Crown is the Treaty of Waitangi signed in 1840 by Governor William Hobson on behalf of the Queen of England and by various Chiefs or Rangatira of Iwi and Hapu of New Zealand. Historically, Maori and the Crown have differed considerably in their interpretations of the Treaty. Durie (1991) demonstrates that although the Treaty was not ratified in domestic law making it inconsequential for Tauwi, Maori have continued to keep the Treaty in view taking petitions to Parliament, cases to Court, and holding Maori Treaty hui since the middle of last century. Article ii of the Maori version of the Treaty protected tino rangatiratanga, or the exercise of chiefly powers (Kawharu, 1977) while in article i of the English version Maori ceded sovereignty to the British Crown. Tino rangatiratanga has been widely interpreted by Tauwi as Maori sovereignty. Interpretations of the Treaty inform or at the very least are implied in the accounts of the occupation. The arguments constituting sovereignty-tino rangatiratanga and the currency they gained were and are consequential for the future of Maori/Tauwi relations. Analysis begins with the first of three major constructions of sovereignty discussed below – sovereignty as tino rangatiratanga.

## Sovereignty as Tino Rangatiratanga

These extracts are taken from a focus group interview in which five people participated including myself. The understanding of sovereignty put forward is unique to this interview. It is built on the concept of tino rangatiratanga and the consequences of this term for the constitutional structure of New Zealand. The analysis focuses on two issues; the definition or theory of sovereignty that is constructed and its implications, and the way the main speaker attends to common ways of discrediting and undermining his argument. Because of its length, this account is broken down into four extracts labelled, 1a, 1b, 1c and 1d respectively.

**Int:** What's your understanding of sovereignty?

**Gareth:** That ((pause)) what we're really talking about constantly is tino rangatiratanga. I mean that's the safe basis to go back to because that's what the Treaty actually says. Um sovereignty is a translation of that, and its a translation which ah has been one that Maori have used, probably without thinking very much about it because it was clearly the word that ah that Britain was using ((pause)) and more recently the Settler Government ((pause))...(1a)

Much is accomplished in the first few lines of this account. To begin with, Gareth reconstitutes the sovereignty debate in terms of tino rangatiratanga. In using tino rangatiratanga, a Maori understanding of sovereignty is privileged and the debate surrounding Maori sovereignty is implicitly placed within this context. In the next few lines Gareth explains why tino rangatiratanga is what we're "really talking about" and how we ended up talking about something else, that is, sovereignty. Gareth justifies the use of tino rangatiratanga by reference to the text of the Treaty, and explains the implicit anomaly of always having had the Treaty but still using the inappropriate word, in terms of historical translation practices. The implication is that although people have been using the word sovereignty - tino rangatiratanga is the appropriate term.

In giving these explanations Gareth attends to a number of issues. Two possible criticisms of sovereignty as tino rangatiratanga are addressed: (1) tino rangatiratanga is

not what all users of the word sovereignty understand by sovereignty; and (2) if tino rangatiratanga is the appropriate word, why haven't Maori used that word if that is what the issue is 'really' about. Gareth moves to immediately avert the implication that the fault for these misunderstandings and anomalies lie with those who use the word sovereignty, Tauwi and Maori included. He explains the anomalies stem from a translation of tino rangatiratanga from Maori to English, with sovereignty being the word Maori used because it was the word used by Britain. Thus users of the word sovereignty are excused for their implied ignorance or misunderstanding of the word rangatiratanga and its location in the Maori version of the Treaty, because sovereignty is the word Maori have historically used to denote tino rangatiratanga. Maori are excused of any accusation of deliberately trying to deceive English speakers about the 'real issue', as they are construed as unselfconsciously taking up the word sovereignty, as that was the word Britain was using "...a translation Maori have used, probably without thinking very much about...because it was clearly the word.. Britain was using...". Thus in accounting for the confusion surrounding the term sovereignty, the British Crown is implicitly identified as the source of the misunderstanding, and Tauwi and Maori are positioned as casualties of the Crown's linguistic practices. The positioning of Maori and Tauwi in a relationship of opposition to the Crown is characteristic of this account. The primary function of this positioning is to facilitate an identification of Tauwi with Maori in the sovereignty issue, such that the Crown rather than Maori is seen as the antagonist in this situation. An examination of positioning is returned to later in this analysis.

The plausibility of taking tino rangatiratanga as central to a debate about sovereignty is further enhanced by construing the Treaty as the "safe basis" to go back to. Two effects are achieved through the "safe" construction. Firstly, in providing a safe basis in which to ground the argument about sovereignty as tino rangatiratanga, Gareth is positioned as cautious and reasonable, thus enhancing his credibility as commentator and improving the persuasiveness of the argument. Secondly, the Treaty is also implicitly constructed as a legitimate or reasonable foundation for addressing such issues.

Before going any further I would like to draw your attention to a second implicit assumption about the Treaty constituted by “tino rangatiratanga... being ...what the Treaty actually says.” That is, this account refers to the Maori version of the Treaty as the Treaty. Thus, by omission, this construction effectively silences the English version with its attendant interpretations of the relationship between Crown and Maori and challenges its traditional status as the official version according to the Crown (Cleave, 1989). It also silences the substantial discourse that has grown up around establishing the principles of the Treaty with regard to both the English and Maori versions as required of the Waitangi Tribunal by the Treaty of Waitangi Act of 1975. The Maori text of the Treaty is implicitly constructed as the legitimate text for consideration in negotiation between Maori and the Crown.

This argument is interesting for a number of reasons. Perhaps most notably because it functions to affirm an understanding of ‘sovereignty’ according to Maori preferences or perspective. This reverses the conventional power relationship which sees the Crown determining the position of Maori in relation to itself, and also determining the significance and meaning of the terms of the Treaty. Of central importance according to this account, is tino rangatiratanga, a term which Maori are in the best position to define as it is a term from Maori language, imbued with meanings that are perhaps beyond the grasp of English speakers. This account privileges understandings of the Treaty which historically have held a position of, what Foucault might call, subjugated knowledges. These are understandings of the Treaty and its terms as crucial in defining the relationship between Crown and Maori, which have been ignored or repressed by the domination of the Crown. It is only in recent years that these understandings have begun to receive acknowledgement, for example, in legislation and social and political policy.

Gareth constructs the Crown as unwilling to deal with tino rangatiratanga.

**Gareth:** ..((pause)) but the balance between rangatiratanga and kawanatanga is one that has to be negotiated, you can't put a hard and fast definition on it, it's a relationship and it's got to be negotiated and the crown has never been willing to negotiate it... (1b)

Gareth introduces a further concept - *kawanatanga*. The balance between *tino rangatiratanga* (full unqualified exercise of Maori chieftainship)<sup>1</sup> and *kawanatanga* (complete government (of the Crown)) is constructed as the crux of the sovereignty issue. The balance between the two terms needs to be negotiated, it is a relationship (between Crown and Iwi) that the Crown has never been willing to negotiate. The implication is that the reason we are faced with the unresolved issue of *tino rangatiratanga* today is that the Crown has not done its duty. It has not negotiated the issue of power or the balance of authority with Iwi as set out in the Treaty of Waitangi. The Crown is positioned as the source of the difficulties in *Tauiwi*/Maori relations. Note this is a reversal of the stirrers or radical pattern that construes Maori malcontents as the source of racial tension. Maori are implicitly positioned as willing negotiators, and thus by extension of the 'negotiation argument' as reasonable and rational. Further, the Crown's position as the source of difficulties is compounded as no apparent reason for failure to negotiate is offered on behalf of the Crown except that of unwillingness. It is not that the Crown has been unable to negotiate its relationship with Iwi, rather it is a question of inclination. Given that the Crown is one of the signatories to the Treaty, an apparent lack of inclination to negotiate its application seems inexcusable. However, this is not the only problem relating to the word sovereignty faced by the peoples of New Zealand.

**Gareth:** ...We could get into much more detail than that. um -I think for instance that this country has suffered. ah from picking up a notion of sovereignty=of national sovereignty based on the way that Britain saw it, and still to some extent sees it. in one narrow window of her history *mm* ah and it's a very unusual meaning and it's a meaning that says sovereignty is a single thing and it's concentrated and exercised only in one place *mm* and most of the states in the world that I'm aware of don't operate that way

**Gwen:** right

**Gareth:** they're mostly federal states and they see sovereignty as having a variety of levels right each of which has it's own rights and can't be interfered with by the other levels=take the United States as the the classic example=but it's certainly not the only one um- and that I think is precisely what the treaty ((pause)) in the Maori text foresaw because that's what the chiefs were already use to, that was a pattern that they were used to thinking about. ah and it seems to me that a federal model would serve all our

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<sup>1</sup> Note these translations from the Maori to English are taken from Sir Hugh Kawharu's submission to the Court of Appeal (New Zealand Court of Appeal & New Zealand Maori Council, 1987, p.33).

needs much better than a single national kind of sovereignty, *mm* um but we're just not ready, we're not sophisticated enough for that kind of discussion yet...(1c)

There are several interesting features embedded in this extract. To begin with I will address the undermining of New Zealanders' understanding of sovereignty and by implication the unfavourable positioning of New Zealanders. The first point to appreciate in this account, is that Gareth reconstitutes the issue of sovereignty as a live one for all people in New Zealand, not just Maori, "...this country has suffered...". As members of the country all New Zealanders are called to examine their understandings of sovereignty. These understandings are constructed as problematic when Gareth asserts New Zealanders have been "suffering" from picking up a "national" notion of sovereignty. The effect of this construction is to position New Zealanders as sufferers or victims - not an enviable position - and to challenge the country to see sovereignty in a new light which Gareth eventually spells out.

Not only are New Zealanders suffering under a "national notion of sovereignty", this notion has been imported from Britain. This construction challenges New Zealanders' independence as a nation, and allows for the understanding that New Zealand in some ways is still a fledgling state holding onto the apron strings of 'mother' Britain. What is even more problematic is that the notion of sovereignty is historically specific, taken from a narrow window of British history and is unusual in its meaning. New Zealanders are thus implicitly positioned as holding onto meanings that are *passé*, (New Zealanders are backward), narrow (New Zealanders are conservative) and unusual (New Zealanders do not fit in with the rest of the world). This position is inconsistent with the once popular view of New Zealanders as leaders in social and political change: for example, first in giving women the vote, forerunners in the modern welfare state, and having the best race relations in the world (Wetherell & Potter, 1992). In a nutshell, this positioning of New Zealanders challenges us to liberate ourselves from suffering, assert our independence and modernise.

Having undermined New Zealanders' common understanding of sovereignty, Gareth explains how other nations in the world operate. The other nations have adopted a federal model which has a variety of levels of sovereignty which are autonomous. For readers who are uncomfortable with the 'victim' position Gareth construes for them, but are nevertheless reluctant to give up a familiar and understood form of constitutional and legal arrangement, Gareth offers a well known example. Using the United States of America functions to assure readers that nothing too radical is proposed. It is a nation no doubt familiar to most New Zealanders. A further assurance of the normality or applicability of the federal model is offered when Gareth repeats the point that most states in the world operate with a federal model "...take the United States as the classic example—but it's certainly not the only one..". Through the use of the United States as an example and the point that a federal model is what most states in the world operate by, the alternative view is normalised. The overriding function of undermining the common view of sovereignty in New Zealand and the normalising of a federal model is to make this alternative more acceptable to New Zealanders.

With the normality of a federal model established, Gareth then associates this model with the Maori text of the Treaty. The Maori text of the Treaty is implicitly constructed as a forward looking document that presented what the country needs today over one hundred and fifty years ago. A federal model is construed as consistent with the way in which chiefs thought about authority. These constructions add weight to the argument that the Maori text of the Treaty is the safe and appropriate document to consult in reviewing the sovereignty issue. They also bolster the argument that New Zealand has been operating with a model of sovereignty that is contradictory to the terms set out in the Treaty as understood by Maori. The implication is, an alternative to our familiar (yet faulty) notion of sovereignty has been available all along but was somehow suppressed or passed over as an operating model. The Crown is immediately available for the position of suppressor through the earlier construction of its unwillingness to negotiate the terms of the Treaty with Maori and in its efforts to enforce its indivisible and absolute authority in New Zealand. In contrast the Chiefs of

yesteryear are implicitly positioned as the bearers of knowledge or ideas that would be beneficial not just for Maori but for “all” New Zealanders.

Even though a federal model is available to New Zealanders as an alternative to the common notion of national sovereignty, a final impediment to the implementation of such an alternative is constructed; the readiness and lack of sophistication of New Zealanders “..we’re just not ready, we’re not sophisticated for that kind of discussion yet.”. Once again New Zealanders are positioned unfavourably, with the effect of challenging us to become mature enough to confront and discuss our current understandings of sovereignty and move toward an alternative that could be beneficial for all people. On the positive side, this positioning through the organic metaphor of maturation, allows for change in the national psyche, it is just a matter of growing up a bit more and reaching a stage where we are able to discuss the issues. Change is portrayed as an inevitable and a natural process with the implication that at some stage the issue of sovereignty will be confronted.

Finally Gareth outlines how a federal model would work.

**Int:** How would a federal model work?

**Gareth:** I I think it would work around two two issues one is that the tribes would be recognised as one part of that kind of local sovereignty if you like, ah rather like the states of the United States, on a smaller scale, and similarly I would hope that ah our local bodies would also have a form of sovereignty...(1 d)

A federal model for New Zealand is constructed as local sovereignty for tribes and for local bodies, the latter presumably including district and regional councils. This construction achieves an effect of balance and fairness for the argument to change the current system. It is not only Maori who receive consideration in this account, local government bodies would also be granted local sovereignty. Through the consideration of Maori and local bodies, this construction rebuts accounts of sovereignty as solely a Maori issue, which may subsequently be dismissed by an appeal to the equality argument. In addition Gareth is positioned as an unbiased and

fair commentator because all people with an interest in the sovereignty issue are attended to.

## Summary

Gareth goes to considerable effort to keep possible consumers of his argument on-side. Throughout his account he is faced with the dilemma of putting forward a perspective on sovereignty and the Treaty that probably will be seen by Tauwi as favouring Maori, while at the same time trying not to ostracise a Tauwi audience. It is crucial for the acceptance of the arguments that he is not seen as a biased commentator, but rather reasonable and rational. This is difficult because in trying to persuade the audience of a perspective that could be seen as favourable to Maori, he could be discounted as biased or radical. Thus in addition to constructing an explanation of sovereignty, Gareth can be seen as attending to the common ways of discrediting and undermining his explanation. One way is to discredit the speaker as biased or interested, and the second is to discredit the argument itself with an appeal to good old 'kiwi values' such as equality and fairness that negate any sort of special treatment or consideration for any particular group.

How does he do it? Firstly Gareth confronts us with our past misunderstandings about the issue of sovereignty - but then kindly gives us an excuse for our ignorance, implicitly blaming a party that has traditionally born the blame for a number of societal ills - the Crown, commonly understood as the Government. Blaming the Crown (or some element outside Tauwi and Maori) is a recurrent theme in the account. It serves the function of shifting the blame for bad race relations from Maori, and repositioning Maori in such a way that Pakeha may be able to consider some issues. Issues traditionally seen as Maori issues become the concern of all New Zealanders.

Secondly, Gareth establishes the Maori version of the Treaty as the version of the Treaty and the foundation from which the relationship between Crown and Maori should be negotiated. In this move, the Crown again is implicitly blamed for the state

of race relations in the country as they are construed as unwilling to negotiate with Maori even though they signed an agreement with Maori as the other partner. Maori, in contrast, are positioned as the party who have always been willing to negotiate and deal with the issues. From the time the Treaty was signed Maori knew what would work for them and what could work for the whole country - what in effect is needed now and what could have saved the country all the upheaval it is currently experiencing. Maori, or at least the Maori text of the Treaty has the answer.

This criticism of the Crown and favourable positioning of Maori is constituted by a 'negotiation argument'. This argument is organised around the premise that talking, consulting or negotiating are positive ways to deal with issues. Gareth construes the Crown's failure to negotiate as unwillingness, and consequently the Crown is positioned as unreasonable or plain stubborn. Maori, through the construction of willing negotiators are positioned as reasonable and willing to problem solve. Constituting the problem in terms of the negotiation argument does allow for the possibility that an issue will be resolved when and if all parties can agree to talk.

Finally, Gareth pinpoints "the problem" as an understanding of sovereignty that New Zealanders have adopted from Britain. Through the adoption of a national notion of sovereignty, New Zealanders are implicitly positioned in an unfavourable light; backward, narrow minded, and still reliant on England. This positioning functions to challenge New Zealanders to examine the common notion of sovereignty and consider an alternative. Gareth poses a problem for us by undermining our current idea of sovereignty, but then solves it for us by giving us a new constitutional arrangement - one that not only grants Maori sovereignty, but also allows for more autonomy for established Crown bodies (not only Maori benefit from the new plan, thus issues of equality and fairness are not raised). As noted above, in reconstructing 'the problem' as our notion of sovereignty, rather than say the actions of Maori, sovereignty is reconstituted as an issue that should be a concern for all New Zealanders.

## Sovereignty as More Control Over Resources

Constructions of sovereignty as more control over resources are organised around the premise that Maori should have a greater input into the running of resources in which they have an interest. Expressions of this argument are embodied in phrases like 'more control' and 'guardianship', or 'a say' in the running of a resource. The defining feature of these constructions is that control is devolved to Maori within the extant constitutional structure. Thus Maori are obliged to operate within existing laws and do not procure the ability to legislate for themselves. There is one voice or interest for the Crown to take into account among many. In the following extract, greater Maori control means listening to what Maori have to say about an issue, an obligation stemming from legislation that enjoins the Crown to take into consideration the principles of the Treaty of Waitangi.

**Int:** What is your understanding of sovereignty

**Belinda:** Just more control over your resources I guess and land um and um some self determination and yeah it's a bit, it's a bit intangible um but ah you know I just think it's more it means more to do with power sharing ...it's a powersharing thing, it's not saying well we've got to have all the control, and that to me was part of the problem you know that there's the um I ( ) Pakeha dominated you know system of sort of you know us having all the control you know and I s'ppose it's sort of to do with that. But I don't actually understand ((pause)) in practice how it would work, but I'm sure there would be a way that it could work you know ((laugh)) don't ask me to to define the system but I'm sure with a bit of willingness there could be um you know cause with the Conservation Board we have quite a lot to do with you know we go onto marae a bit and have quite a lot to do with um ah liaising with Iwi and so on ...because the Conservation Act you sort of have to take account of the Treaty of Waitangi and so on and so forth in a way that perhaps other laws haven't sort of yeah *yeah* .....

**Int:** Yeah I think the counter to that has been, um sovereignty conceptualised as two parliaments and separatism //and things like that

**Belinda:** Yeah, yeah and it's not really, I don't really see it like that, I mean I'm not sure how I do see it, I couldn't describe it in detail how I do see it but um ((pause)) because I'm just sort of a bit vague about exac- but I think, I don't see it like that anyway. Yeah, I mean I don't think we need two legal systems I think probably it's got more to do with ((pause)) things like the River Maori having control over um over tourism on the river and things like that.. (2)

In this account, two variants of sovereignty as control are embedded. “More control over your resources.. and land and some self determination..” suggests that authority or control should be vested in Maori over items they own or possess. Alternatively, “I just think it means more to do with powersharing” implies some Maori authority over things in which Maori have an interest, though don’t necessarily own - or at least Maori ownership is not presently acknowledged<sup>2</sup>.

This distinction has significant implications for the nature and extent of Maori control over resources. If in granting Maori control over their possessions, Maori were able to manage them according to their own cultural preferences and make regulations to realise management policies, this would be a significant step in recognising rangatiratanga of Maori according to the Waitangi Tribunal (see Ngai Tahu Report, 1991). However, in this account control is qualified by “more” which suggests that less than total control would be afforded to Maori. Further, limiting Maori input into the management of things currently possessed by Maori is in some respects a further constraint, as much that Maori have historically owned or had an interest in has been claimed by the Crown and it is up to the discretion of the Crown to return or compensate for it. Meanwhile Maori could be denied a voice in the management of resources of cultural, spiritual or historical interest.

The second variant - that power could be shared with Maori in things of interest to them is the meaning that is taken up and exemplified in the remainder of Belinda’s account. According to Belinda part of the problem at Moutoa was the Pakeha dominated system in which Pakeha have all the control. Although Belinda states her uncertainty as to the practice of powersharing in the system, she offers the example of the Conservation Board which is required to take into account the principles of the Treaty of Waitangi by the Conservation Act. In practical terms, sharing control means liaising with Maori.

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<sup>2</sup>Note that “ownership” is not a term native to Maori. It is a term imported from and codified by Crown law. It is used here in recognition of its importance in Crown law which today prescribes how issues of land and sovereignty are separated and delineated, and also in recognition of the way participants constitute the issues.

There are several implications of Belinda's construction of the problem with the Pakeha system, and her example of how an alternative might operate. Firstly, Belinda identifies the source of problems like those experienced at Moutoa as being related to the Pakeha system and its dominance in power relations. This is notable because the Crown is implicitly held responsible for disruptions in 'race' relations in contrast to several accounts which pinpoint 'Maori radicals' or 'stirrers' as the problem. In addition, the authority or mana of Maori in respect of resources and land is recognised as a legitimate issue which also goes beyond accounts in which the only legitimate Maori claim is to ownership of land. The negotiation of power is put on the agenda with the only impediment being a willingness to negotiate. In construing the negotiation of sovereignty as a question of willingness, the Crown is portrayed as purposefully or stubbornly refusing to address this issue. Problems are created not because of the Crown's inability to negotiate with Maori - an understandable complaint - but an unreasonable or impetuous unwillingness.

Through the examples of the Conservation Board and tourism on the Whanganui River, Belinda demonstrates how 'power sharing' might operate, and also gives an example of how the Crown can and has started (when willing) to address the issues stemming from the Treaty through legislation. The implications are that sovereignty can work in practice and that the Government does have the ability to address issues of control and authority when it wants to. Her claims that it is a lack of willingness on the part of the Government to address sovereignty in general are thus supported. Belinda's direct and personal experiences of these power sharing processes are offered as support for her claims.

In the conservation example, the sharing of control involves going onto "marae a bit" and liaising with Iwi. Implicit in this account is the recognition of Iwi as interested parties in issues of conservation and also an acknowledgement of the legitimacy of tikanga Maori as a Crown authority goes to marae to hear submissions. These are all positive first steps in powersharing, however, the question needs to be asked - what

influence or control do Maori ultimately have in decisions regarding conservation issues?

In the last couple of sentences of this extract, the interviewer offers an alternative understanding of sovereignty which sees Maori as having legal sovereignty in the conventional sense of being able to make laws and work independently of any other power (the Pakeha system). Belinda makes it clear that in her construction of sovereignty, Maori do not retain the power to legislate with the implication that they are dependent on the Crown to realise any authority. She gives the example of River Maori having control of tourism on the River. This example can be seen as a positive move toward powersharing, although the Crown is still in a position of defining the nature and extent of Maori control or interest in resources - allowing Maori authority to control tourism on the river is an example of this.

Although this account reads as a generous proposal (and relative to other accounts it is) with local authorities willing to liaise or 'power share' - this effect diminishes when the original 'ownership' of much of the conservation estate and natural resources and their dubious acquisition are considered. Even when a 'Maori perspective' is sought, this proposal falls short of allowing resources and land to be managed according to Maori cultural preferences as local authorities empowered by the Crown are still in a position of making the final decision, and any control devolved to Maori is constrained by the umbrella of Crown agencies. As long as the Crown owns the land it is in a dominant position - a position to choose the nature and level of Maori involvement in management issues and more generally to determine the ownership rights or recompense to Maori. It should be noted however, that the Crown in including a section recognising the principles of the Treaty of Waitangi in the Conservation Act, has allowed for the possibility for Iwi to take the Department to court. Thus there is some impetus for Iwi to be consulted and taken heed of.

## Summary

Like Gareth's account above, Belinda's account draws on the negotiation theme. The Crown is again positioned as unreasonable in its refusal to negotiate with Maori, and is thus established as the source of the problem. Apart from being used to construct relations between Maori and the Crown and allocate blame for the occupation, negotiation arguments are also used to construct a model for recognising Maori sovereignty. Sovereignty is constructed as power sharing which in practice means allowing Maori more control through considering Maori input to issues of interest to Maori. This construction requires that the Crown acknowledge Maori interest and consult or liaise with Iwi. In some cases, Iwi may negotiate greater control over a resource, for example tourism on the Whanganui River, but ultimately Maori are dependent on the grace of the Crown.

The Crown is not challenged in its ability to legislate for the needs of all people living in New Zealand - thus a threat to the legal sovereignty of the Crown is not constituted. In terms of relationships of power, the Crown retains the right to define the nature and level of Maori involvement in the management of resources and land, and to determine what level of authority devolves to Iwi in respect to specific interests. In recognising the Treaty in legislation, the sovereignty of the Crown could be seen to be qualified in some respects.

### **Sovereignty as Separate Development and Maori Government**

Constructions of Maori sovereignty as separate development and/or Maori Government, have a common basis in references to Maori holding some law making powers either for Maori alone or for all people of New Zealand. A further commonality of these accounts is that they are universally rejected by all speakers. Reasons for rejection are many and include the mobilisation of rationality, knowledge and equality resources. I begin this section with analyses of separate development

accounts, which encompass constructions of national and local sovereignty. Following from this is an analysis of an account of Maori Government for all New Zealanders.

### Maori National Sovereignty

**Int:** Yea:h. Just getting back to this sovereignty thing, what what's your understanding of that.

**Greg:** Two rules. yeah? Um you know they want to have their own rules, their own regulations, they don't want to be under the British system and they want that. What we're saying, what I'm saying is they want their own Maori laws, rules, regulations just pertaining to them, and they push, you know take a simplist- simplistic answer is that they might want to drive on the right hand side of the road and we want to drive on the left hand side of the road. You know you can't work that, you can't work two two systems in a country. I don't believe you can. *mm* That might be too simple..(3)

Greg constructs Maori sovereignty as operating at a national and constitutional level for Maori. Maori want to be able to legislate for themselves. In this account the current legal system and Government are rejected by Maori in favour of a Maori alternative. This asserted aspiration of Maori is not construed as a desirable or practical state of affairs - neither in the explicitly stated reasons for rejecting dual sovereignty in New Zealand, nor in the implicit scepticism conveyed to the reader.

Greg's immediate response to a question regarding the nature of sovereignty is two rules. He further expands this construction by stating that "they" want their own rules and regulations and do not want to be under a British system. There are several notable features of these first few lines. Not only does Greg introduce a particular understanding of sovereignty as operating on a national and constitutional basis, but he also implicitly begins to build a construction of Maori as demanding and unreasonable. The implications of a national Maori sovereignty are discussed below. For the moment I will pick up the construction of Maori as unreasonable, and Pakeha or Tauwiwi by contrast, as open-minded and generous.

Greg's use of pronouns "they" and "their" construes sovereignty as an issue exclusively for Maori. This is important to the meaning of the overall account in two

ways. The first is that it implies a lack of support from other people living in New Zealand which, as previously noted, is a major technique for undermining the validity of claims. Secondly, Greg's use of 'they' positions Maori on the outside of society or the status quo asking for something over and above what presently accommodates the rest of New Zealand. In other words, in wanting sovereignty, Maori are positioned as asking for special favours or treatment. In this account, the implication is that this separate consideration is not warranted - everyone else appears content to operate under the British system, why not Maori? This question is one that is left begging which further adds to the impression that Maori are unreasonable in their demands. No justification for Maori gaining sovereignty is offered, except that "they want... they don't want... and they want.." Thus apart from Maori personal desire for special treatment, there appears no logical reason for Maori to gain sovereignty.

In addition to there being no apparent legitimate reason for Maori to have sovereignty, the implied construction of Maori as unreasonable is continued in the following sentences. Greg confirms that indeed it is Maori wanting their own "law and regulations just pertaining to them" and adds that "they push". Maori are positioned as unreasonable here through two constructions. One is the continued theme of wanting special consideration "...just pertaining to.." and the second is that Maori "push". Although Greg leaves this theme to give an example, Maori are construed as impatient and overbearing in their desire to acquire sovereignty.

Greg's example adds to his cumulating evidence that Maori sovereignty may not be a sound idea. Maori may want to drive on the right hand side of the road, while "we" may want to drive on the left. This example has some interesting features. Firstly, the account is structured to achieve a sense of balance between the competing demands for road usage. Maori may want to drive on the right while Pakeha may want to drive on the left. Under two systems both sides would theoretically be entitled to legislate for road usage. However, Maori are construed as the party who want to go against the established norm in New Zealand of driving on the left side of the road - thus it is the hypothetical Maori decision that is ridiculed, further adding to the constructed Maori

position of unreasonableness. Secondly, Greg's example is extreme. That Maori, under their own system will have the ability to legislate with disastrous consequences has the effect of suggesting that two systems may not be feasible. Greg's construction of the extreme case of Maori legislating for competing road use may seem extraordinarily unlikely and insensible. He heads off the possible criticism of his example by acknowledging that the answer is simplistic or maybe "too simple". He avoids being positioned as unreasonable through his recognition of the simplicity of his own example. Finally, this example implies that if Maori have their own legal sovereignty they would make laws to the detriment of Tauwi and in the example given, Maori. The efficacy of Maori leadership is thus opened to question. This construction also implies that the two systems would operate in isolation, with Greg's inevitable conclusion that two systems can not work in a country.

## Summary

The overall function of this account is to define and evaluate sovereignty in such a way as to render it impossible to achieve and undesirable to countenance. Although it seems that sovereignty could not work for ostensibly practical reasons, these practical reasons are underpinned by a construction of Maori as unreasonable and malcontented. Maori desire to have sovereignty is challenged. No reasonable or logical justification for Maori sovereignty is offered, and the reader is therefore left with the conclusion that Maori want special consideration and powers for no good reason. This challenge to Maori sovereignty is partly underpinned by an implicit appeal to 'equality' discussed in the previous chapter. The equality account starts from a basis that everyone is equal and for one group to have special consideration is to discriminate unfairly against other groups. As has been noted arguments based on equality assume everyone begins life with equal chances and ignore social and institutional practices that work against particular groups and individuals achieving equal outcomes. They are arguments commonly used to object to any apparent preferential treatment of disadvantaged social and ethnic groups, and are used in this case to undermine an argument for Maori sovereignty. Further, in construing Maori sovereignty as something Maori want for no

particular reason, a history of alienation and dispossession at the hands of the Crown is conveniently ignored and silenced. The question of whether the 'British system' is working for Maori is not asked or answered. Maori rights to tino rangatiratanga under the Treaty of Waitangi are silenced by omission, as is the fact that Maori and the Crown signed a Treaty at all.

In conclusion, 'we Tauitihi' are construed as content with the British system and the British system is construed as willing to encompass Maori. It is Maori who reject what all other New Zealanders accept, Maori who are positioned on the outside making demands, Maori who want to live under their own laws in apparent isolation for the rest of New Zealand. Silenced are questions that challenge the efficacy of the system for Maori and a social history that might be seen to justify the need of an alternative system - tino rangatiratanga in whatever form that may take. In this account the existing relationships of power between Maori and the Crown are legitimated. No change is required of the Crown in its position of refusing to negotiate authority with Maori.

### Local Sovereignty

The extract below follows a discussion of the issues concerning Maori at the gardens/marae. Peter has just explained how the occupation was losing support - the protesters point had been made and perhaps more accepted processes for dealing with complaints should have been used. I pick up the discussion where Peter offers the example of the Waitangi Tribunal as an accepted route for dealing with conflict. He explains why this avenue may have been passed over by the occupiers.

**Peter:** Well they had the Waitangi Tribunal to lodge a claim, they hadn't done that before they occupied the land, um and at the end that perhaps comes back to the sovereignty thing, they don't think that the law that is currently enforce for the rest o- for all of New Zealand, applies to them as they want sovereignty. It comes back to the Treaty, thing is they saw sovereignty as meaning their own right to self determination or whatever they call it, they saw it had been taken away from them by um the Government if you like, central Government, without their approval. I don't think sovereignty will, the way they want it, little we grou- set of laws for Wanganui which will be different from the set say for Whakatane, I don't see how it would work...

**Int:** So you don't really see how that could work.

**Peter:** I don't see how you can have six or seven different lots of laws throughout New Zealand for different areas. I don't see how that part of it would work. Um, you've got to accept OK they probably are the indigenous people of New Zealand, but New Zealand is not just made of Pakeha and Maori, there's Pakeha, Maori, Polynesians, Asians and all that, and really I suppose that if you had standards, what are the laws? they're really standards is what laws are, the standard that sets whatever is acceptable and not acceptable to society. And for the sake of consistency I think they have to be the same right through, right throughout. (4)

In this extract, Peter makes the point that the occupiers did not use the Waitangi Tribunal to address their grievances before occupying the gardens. As this is earlier construed as an accepted process, the occupiers are immediately positioned as dissidents, attempting to circumvent the existing procedures.

Although there are several reasons why Iwi may not have chosen to go to the Waitangi Tribunal for this particular piece of land, Peter speculates this is due to the "sovereignty thing". Here sovereignty relates to Iwi ignoring the law of the land, because they want their own sovereignty. By implication sovereignty is construed as the ability to make laws. The implicit assumption is that the Waitangi Tribunal was bypassed because it was established by the law of New Zealand which was not recognised by the occupiers.

Because of their desire for sovereignty, the occupiers are construed as seeing themselves as outside the law. Like Greg's account above, Peter's account appeals to the theme of equality to criticise an argument for Maori sovereignty. In this construction Maori have taken it upon themselves to authorise exemption from laws to which everyone else must adhere "...they don't think that the law that is currently in

force for the rest of New Zealand applies to them as they want sovereignty". The occupiers are positioned as arrogant in their stance and unsupported implicitly by the rest of the people in New Zealand who are emphatically excluded by the recurrent use of 'they' in this sentence. The distinction between 'they' the occupiers, and the rest of New Zealand is carried through the rest of the account. This has the effect of particularising the constructed occupiers view of sovereignty, and further, their interpretation of the Treaty which sees the Government denying Iwi the right to self determination. The distinction excludes the possibility that anyone other than the occupiers should have a concern for Maori sovereignty or agree with their interpretation of the Treaty.

Peter constructs the basis for Maori claims to sovereignty as the Treaty. The occupiers have interpreted the Treaty as allowing them sovereignty, but this right was taken away by central Government without permission. Peter does not explicitly challenge this interpretation. However, its construction as "their own right to self determination or whatever they call it" implicitly excludes his agreement through the identification of the interpretation as belonging to the occupiers, and the somewhat dismissive addendum "whatever they call it". Instead of challenging the occupiers interpretation of Treaty rights, Peter takes issues with the form of Maori sovereignty made permissible by the Treaty. Here sovereignty is constructed as having laws applicable to a specific locality - perhaps differing from those of other localities. Similarly to Greg's account above, a conceptualisation of sovereignty as law making ability is brought to the fore, however, in this account the authority to make laws is regional.

Peter constructs local sovereignty as unworkable. However, the qualifier "I don't see how that part of it would work.." implies Peter is not rejecting the whole idea of sovereignty but one articulation of it. The apparent concession is made explicit in the following sentence where Peter concedes that Maori are (probably) the indigenous people of New Zealand. However, this concession is immediately qualified and somewhat superceded when Peter notes the many different peoples in New Zealand. The implication is that one group can not be given special consideration, even if they

do have status as first people of a country. The same standards should be applied to all people irrespective of ethnicity.

Through this construction Peter ostensibly takes issue with one part of sovereignty but manages to undermine any form of sovereignty which would devolve authority to Maori on the basis that it could result in inconsistencies and perhaps discrimination against other groups.

Peter defines laws as “..standards that set whatever is acceptable and not acceptable to society.” The embedded assumption is that the laws *are* acceptable to everyone in society including Maori. Three points are of interest here. The first point begs the question of the whole discussion. If Maori were happy with the current laws why would they want their own sovereignty - why would sovereignty be an issue? Second, the law makers in this country have historically been Pakeha male. Questions have been raised about the ability of such a specifically defined group to make laws that were acceptable to all people, including those of a different ethnicity. Thirdly, there is an abundance of historical evidence to show that the law has been used to disenfranchise Maori of their resources and break down Maori social structures (see any of a number of reports from the Waitangi Tribunal). For example, in the Whanganui district the Public Works Act of 1903 and Scenery Preservation Act of 1903, allowed for compulsory buying of Maori land to make reserves, often against the expressed wishes of Maori owners (Cross & Bargh, 1996). Finally Peter’s definition has implications for Maori law. The construction implies that laws that were not consistent presumably with the current set would somehow be unacceptable to society. This seems to imply that there would be something inherently wrong with Iwi based law, that somehow it would fall short of society’s ideal. Anything that could be seen to go against what is acceptable to society is immediately positioned unfavourably.

## Summary

In this account sovereignty is constructed as the ability of Iwi to make laws for themselves. This notion of sovereignty challenges the existing system of one national, absolute and indivisible authority. However, it is undermined and dismissed by arguments that draw on equality and rationality constructions. Peter argues it is unrealistic and discriminatory to have different sets of laws for people inhabiting the same country. The Crown retains its dominant position in a relationship of power with Maori, continuing to define what is acceptable and unacceptable for all people in New Zealand irrespective of Treaty based claims that question its total and absolute supremacy.

## Sovereignty as Maori Government

Sovereignty as Maori government accounts suggest Maori sovereignty means Maori taking over the Government of New Zealand or less specifically running the country. Typically these accounts involve no more than a one line reference to Maori becoming the Government of New Zealand in the context of alternative understandings of sovereignty (for example sovereignty as separate development) with no further explanation given. In the following account the construction of sovereignty as Maori government is immediately dismissed through appeals to 'rationality'.

**Int:** What was the point? // What was the issue?

**Brian:** -Oh the point of you know Ken Mair's point. And the point that small group of radicals was nothing to do with Moutoa Gardens. *mm* Ah it was to do with the other rival issues of Maori sovereignty and=

**Int:** =What is (your) understanding of Maori sovereignty, and tino rangatiratanga.

**Brian:** I don't think you can really understand what they're talking about. Um I mean if they're talking about a separate parliament, that sort of thing or becoming the Government of the country I mean they're just dreaming. *mm* You know they are radicals who have some ideal which I think probably has very little support really. *mm* -Concrete support from Maori people and certainly extremely little from Pakeha. (5)

The opening question of this extract asks what the point of the occupation was. Before giving the answer, Brian interrupts himself "oh the point of you know Ken Mair's

point.." and prefaces his understanding by constructing the issue as the concern of a small group of radicals, specifically Ken Mair. In addition, the issue is construed as being unrelated to the ownership of Moutoa Gardens; it was a "rival issue." These constructions serve to undermine the credibility of a claim to sovereignty, and further, the credibility of people who support Maori sovereignty, before the issue is even stated. Consumers of this account are led to a negative or unsympathetic reading of the issue of Maori sovereignty through its association with "radicals" such as Ken Mair and the implied impropriety of airing sovereignty at an occupation of Moutoa Gardens.

There are several features of the preface that facilitate a negative perspective on Maori sovereignty. First, associating the issue with Ken Mair, a recognised Maori activist, and a small group of radicals, marginalises Maori sovereignty as a concern of a small and unrepresentative sample of Maori. Nairn and McCreanor (1991) refer to this undermining theme as the 'stirrers' theme. Accounts using this theme allow the discounting of views of 'radicals' as extreme and thus unworthy of consideration. Radicals and their interests are seen as unsupported by the rest of Maori, thus, to act on them would go against the interests of the majority or the status quo. Note this account marginalises sovereignty through its association with a certain type and number of people, and undermines the credibility of those people through their positioning as radicals. The implication is that if sovereignty is the concern of only a small group of radicals, it does not have support of the wider Maori community through firstly, lack of numbers, and secondly, through its status as radical. This criticism of Maori sovereignty thus rests on its lack of support.

Secondly, the issue of Maori sovereignty is constructed in a relation of opposition to the issue of the ownership of Moutoa Gardens. The implication is that sovereignty should not have been an issue at Moutoa. The appropriate issue was the ownership of the Gardens. Other issues detracted from the proper point. The construction of Maori sovereignty as an inappropriate issue for the occupation is supported through its association with a small number of radicals, but is part of a wider argument about rationality. The 'hoodwinked pattern', (discussed in Chapter 4) is used to construct the

motives of different people or their accounts. When applied to the occupation, the radicals at the gardens are constructed as misrepresenting the agenda of the occupation to their supporters. Evidence of this argument is found in the phrases “..was nothing to do with Moutoa Gardens..it was to do with other rival issues of Maori sovereignty..”. Supporters were led to believe the occupation was to draw attention to the ownership of the gardens, when the underlying agenda was to publicise the issue of Maori sovereignty. Thus, supporters of the occupation were deceived with regard to the point of the occupation by the dishonest radicals who gathered their support under false pretences. This construction serves a number of functions.

First it has implications for the people who were seen as driving the occupation. Ken Mair and radicals are positioned as extreme and dishonest, going to any lengths to garner support for their cause, even to deceiving their own people. Accounts coming from such people can thus be undermined on two counts - one being their extremism and subsequent lack of representativeness, and the second being their dishonesty - any claim must be treated with suspicion until the ‘truth’ is confirmed. Secondly, this construction explains away any support for the issue of Maori sovereignty. Because supporters were deceived as to the real agenda of the occupation, their support for Maori sovereignty as an issue is more apparent than real. Supporters were there for the proper or real issue of land ownership. This effect diminishes the likelihood that sovereignty will be seen as an issue worthy of addressing. Finally, Brian is positioned as being able to give a true account while others remain deceived. This issue of the truth or falseness of an account rests on an assumption that a non-partisan account could be given of an event or situation, that somehow reality can be accessed independently of our meaning assigning practices and that the speaker of the moment is capable of giving such an account. This implied ability to get to the ‘real issues’ has the effect of lending weight to the persuasiveness of Brian’s account.

At this point I interrupt Brian to ask him for his understanding of Maori sovereignty or tino rangatiratanga. His reply is organised by the themes of rationality and support. Brian claims that you can not understand what is meant by Maori sovereignty. This

claim implies that what Maori are saying does not make any sense, it is incomprehensible. The construction of Maori as incomprehensible is extended when Brian claims “..they’re just dreaming..” and “..have some ideal..”. The dreaming and ideal constructions imply that one can not understand what Maori are claiming because it is unrealistic. Thus Maori are positioned as irrational, while in contrast those who do not understand or perhaps disagree with these accounts of Maori sovereignty (including Brian) are positioned as realistic and rational. The implication is that anyone with an understanding of Maori sovereignty as a separate parliament or as Maori governing the country can be automatically positioned as unrealistic. Those choosing to argue for sovereignty are faced with challenging this position in order to mount a credible argument.

Finally, Brian remobilises the ‘radical’ or ‘stirrers’ pattern. Not only is the ideal of sovereignty irrational and unrealistic, it is also an ideal that has little concrete support from Maori and extremely little from Pakeha. It is the concern of Maori radicals. The ‘concrete support’ construction allows for the possibility that there may be some Maori apart from radicals who may consider the ideal of sovereignty, but ultimately this consideration remains in the realm of ideals and does not filter into practice or action. It functions to explain why sovereignty is talked about, but dismisses the notion that anybody is seriously concerned with the implementation of sovereignty. This construction is also consistent with Brian’s argument above that the support for the occupation stemmed from land issues rather than issues of sovereignty. Demonstrating a lack of support for an issue is taken as sufficient grounds for undermining moves to address the issue. The constructed wishes of the majority are privileged - the majority rules.

## Summary

In this account the idea of a separate parliament or Maori taking over the Government of New Zealand is dismissed through the mobilisation of arguments based on rationality. Maori sovereignty is constructed as an unrealistic ideal which does not

have the support of mainstream Maori or Pakeha. Those concerned with Maori sovereignty are constructed as radicals, or are positioned as irrational and unrealistic. These constructions and positions contain the possibility that Maori sovereignty will be taken seriously, and thus the status quo of the Crown as the sole and ultimate authority in New Zealand is maintained. The issue of Maori authority remains unaddressed.

### **Constructions of Sovereignty in New Zealand**

The constructions of sovereignty outlined above can be distinguished by their implications for constitutional change or maintenance, and consequently the existing power relations in New Zealand. All constructions allow for a greater or lesser degree of Maori authority in New Zealand and all feature at some stage in the history of New Zealand since the official presence of the British Crown. The following discussion is an attempt to convey some of the historical complexity surrounding British and Maori understandings of sovereignty, and develop a sense of where modern Tauīwi understandings of sovereignty and Maori sovereignty have come from.

Sovereignty as ‘more control’ constructions and sovereignty as ‘Maori ability to make laws’ accounts are presented, and in the latter case rejected, based on the assumption that sovereignty resides only in Parliament. This understanding of sovereignty has its roots in nineteenth century England and is attributed to a prominent Whig constitutional theorist Albert Venn Dicey. The Whigs located the origin of Government in the consent of the governed. For the Whigs this consensual relationship was embodied in Parliament (the House of Representatives). Dicey emphasised the role of Parliament in the understanding of sovereignty. According to this tradition;

sovereignty under the English Constitution gives Parliament the right to make or unmake any law whatsoever. No person or body, judicial or executive, is legally recognised as having any rights to override or set aside the legislation of Parliament. The Crown is the sole sovereign power in its territory. (McHugh, 1991, p.173)

As far as Maori rights are concerned under the English version of the Treaty, this form of sovereignty means that the Crown has legal sovereignty over New Zealand, with ultimate authority being vested in Parliament. Nobody can legally set aside any legislation other than Parliament itself, so the Courts cannot give the Treaty priority over statutory provision, that is, unfair legislation can not be repealed by going to the Queen or by presenting a Court case because neither of these avenues can overturn the laws decided in Parliament. McHugh (1991) makes the further point that the Crown's legal sovereignty of its territory is indivisible and shared with no one. There can be no legally recognised sovereign authority in New Zealand but the Crown supreme in its paramount Parliamentary aspect.

McHugh (1991) makes much of the law as an evolving and organic body. Over time political and constitutional theory has known a variety of concepts of sovereignty, and it is only since the nineteenth century that sovereignty has been conceptualised in common law based on Diceyan theory. He notes however, that the

Whig definition of sovereignty given by Dicey treated the late nineteenth century version of constitutional government as the natural evolutionary destination of the English constitutional experience. As such it implicitly excluded the possibility of any further evolution in the legal concept of sovereignty....By being condensed into the grand Whig design it lost its disputed, disputable and hence responsive quality. (p.185)

It is these characteristics that McHugh contends are under increasing strain throughout the Anglo-Commonwealth world.

In New Zealand this strain is embodied in arguments over the Treaty. Clearly the Diceyan notion of absolute and singular authority of the Crown is at odds with interpretations of the Treaty which guarantee Maori authority over their taonga and people. This strain is evident in the responses to Maori sovereignty given by interviewees. That the Government is indivisible and shares its power with no-one is an embedded assumption that disallows any construction of sovereignty as separate

development or Maori ability to govern themselves. In the sovereignty as power sharing account, the reconciling of British sovereignty and Maori tino rangatiratanga is achieved by having the Treaty included in legislation, thus making it mandatory to consider Maori rights in the area legislated for. Maori are thus given an avenue for redress through the courts. This measure can be seen as qualifying the power of Parliament as the courts determine the interpretation of legislation independent of the reigning Government. However, these changes stop short of radically altering the nature of sovereignty in New Zealand government, which still relies on the nineteenth century Diceyan view of constitutionalism.

Given the nature of sovereignty according to the English tradition, it is not surprising that constructions of Maori sovereignty either work within the extant system or are rejected. The 'sovereignty as rangatiratanga' construction is the only one that challenges the accepted notion of national sovereignty and thus creates a space for the possibility of multiple levels of authority. This account is based on the way Maori have traditionally asserted their authority.

Notions of shared sovereignty underpin the Kotahitanga and Kingitanga movements discussed in Chapter 3 of this thesis. These movements advocated unity of Maori and Maori rights to autonomous rule. I see these as the historical equivalents and basis of interviewees understanding of Maori sovereignty as the development of separate institutions for Maori. In addition the idea that sovereignty in the Maori view allowed for multiple levels of authority while ultimately acknowledging the authority of the Queen, is also reflective of the construction of Maori sovereignty as tino rangatiratanga. These understandings of Maori sovereignty and the struggle for Maori autonomy have been carried through the twentieth century by continued protest and efforts to have the Treaty enshrined in legislation. Protest has been stimulated by constant stonewalling by the government, which only as recently as 1975 enacted legislation to begin to address Maori claims in respect to land.

Maori responses to the Treaty and the policies of the Settler Government, demonstrate that Maori did not accept they ceded complete and absolute authority as understood in the English tradition. From the earliest years Maori maintained their rights to autonomy, without intending to diminish the mana of the Queen in right of New Zealand. Constructions of a 'separate parliament' and Maori right to control legislation pertaining to Maori, thus find their roots in the early precursors and eventual development of Kotahitanga which in turn was based in an understanding of the Treaty that assured equality between the races and guaranteed Maori authority. The idea of a national body advocating for the rights of Maori developed only as Hapu and Iwi found unity in their common problems with the Crown.

However, unlike the constructions of separate development analysed above, a separate parliament did not signify the division of Maori and Pakeha, rather it allowed the implementation of the Treaty that respected both tikanga Maori and tikanga Pakeha. Maori understanding of the Treaty allowed for both the authority of the Crown and the authority of Iwi and Hapu in their respective territories.

To repeat the point made above, differences in the Maori and English versions of the Treaty are endemic to the debate regarding the nature of sovereignty. Until we can dispel the constructions that Maori desire for sovereignty is unreasonable and unfounded, a stalemate on how to proceed as two peoples in one country will continue.

## Chapter 6

### Land

*Will: I was always on the side of the Maori over land aspirations, ... my sympathy have always been with the Maori in that, I can understand the love of land, ah had, had Moutoa Gardens (been) a site of a marae, there would be some justice in it (Interview 12)*

In contrast to talk about sovereignty, participants constructed concerns related to land as legitimate. Land was embedded in a discourse of justice. Unlike sovereignty, there was no prior need to argue for the legitimacy of having land as an agenda item - that there were questions to be asked about the annexation of Maori land was taken as read. McCreanor (1993) discusses similar constructions of Maori claims where they are constituted as “grievances” in a speech by Treaty Negotiations Minister, Doug Graham. He writes, “Marginalising the Treaty of Waitangi and making grievance the focal point have been crucial to rejecting any consideration of Maori sovereignty..” (1993, p.59). One of the goals of this chapter is to demonstrate how constructing land as an issue of justice allows this issue to be legitimately addressed and recognised as a valid concern. I also look briefly at talk that undermines land claims. The second goal of this chapter is to examine the implications of constructing the land as Moutoa Gardens or Pakaitore Marae. Moutoa Gardens and Pakaitore Marae are objects constructed by different discourses with differential rights ascribed to the subjects occupying each discourse.

Before embarking on analysis, I would like to briefly discuss my understanding of the historical and contemporary currents that provide a context for arguments about land. This understanding informs the analysis contained in this chapter. I begin with a brief consideration of the historical basis of the commitment to private property. Participants’ understandings that injustices were perpetrated with respect to land are partly informed by the commitment to private property and rights of ownership. Following this, I outline how Article ii of the Treaty has been interpreted by two bodies that have been influential in making recommendations about Maori land and its return or recompense; the Waitangi Tribunal and the Court of Appeal. Treaty interpretations are important because they define the parameters within which any action can or will

be taken to redress Maori land claims and inform arguments about this issue. The final section in the historical and political context briefly discusses the pivotal role of Maori activism in challenging Pakeha to reexamine the relationships between Maori and Pakeha and address injustices of the past and present.

## **Social and Historical Context**

### **Land, Law and the Value of Private Property**

The value and interest ascribed to private property has a long history in liberal theory and in English law. According to liberal theory the motivation to acquire material things including property is taken to be innate to human nature, thought to be motivated by a fundamental self interest. The particular significance attributed to property ownership stemmed from its role in facilitating personal wealth and independence. In terms of political power, property ownership and the interest and independence it signified became crucial to and inseparable from systems of government. Land and political power were synonymous.

At the time of the English Revolution in the 1640s the power of property was at the centre of disputes between Levellers and the Crown. Levellers argued for a representative form of government resting on the consent of all people while army leaders, Cromwell, Ireton and Rich among others supported the exclusive rights of the propertied classes only to have a voice in government. The Levellers were quashed, and in the following several hundred years the Whig system of government which granted a limited franchise based on property ownership became entrenched. Parliament and the laws of the Kingdom thus came to reflect the interests of property holders (Arblaster, 1984).

New Zealand inherited the British system of Government and British law. From 1852 when representative government was established via the New Zealand Constitution Act, a title to land determined by British law, secured the franchise for male European

voters. Men could vote in each electorate in which they held property which resulted in some property owners having more than one vote. Women, the poor, the landless and most Maori whose land was still held under customary tenure, were without votes. Thus in the formative years of New Zealand Government, power rested firmly in the hands of the propertied classes (Yensen, 1989). The power of an individual title to land was early entrenched in the laws and the values of the colonists.

This value ascribed to individual property ownership by the early colonists of New Zealand and those who came later is amply attested to by the large scale annexation of land from Maori to sell in individual title to settlers and in some cases resell to Maori. Annexation in earnest began with the New Zealand Company and was continued by the Crown (Simpson, 1979). In the case of Wanganui it was the pressure from colonists assured of land by the New Zealand Company that resulted in the early sale and survey of Wanganui. It was this same pressure that led Governor Hobson to allow surveying to begin in Wanganui before title to the land had been established by the Crown (Cross & Bargh, 1996).

Although the English system was seen as superior to 'native title', recognition of property ownership held individually and collectively was displayed in the construction of The Treaty of Waitangi, and the subsequent efforts of the Crown to use the law to annex Maori land. Whether the English system of land title should have been imposed on Maori is a question of debate (Waitangi Tribunal, 1996). That land was appropriated in a manner that is now taken to be in breach of the Treaty of Waitangi or its principles is undisputed. Even without the Treaty, in a legal system organised to uphold the ownership of private property, acts against property constitute a natural injustice.

## The Treaty of Waitangi and Claims to Land

The principles of the Treaty have historically been the subject of much debate. Interpretations of the Treaty are important because they define and constrain the rights of Maori and Pakeha and the relationship between the two signatories. Legal recognition of the Treaty in some areas of the law of New Zealand means that a breach of the Treaty principles now constitutes an injustice according to law. To have a claim examined, claimants must demonstrate that an action taken on the part of the Government or agencies who are exercising powers delegated to them by the Crown, actually breaches a principle derived from the Treaty. In terms of techniques of power, the rulings of two bodies on the principles of the Treaty are significant. The first is the Waitangi Tribunal which was given a mandate by the Treaty of Waitangi Act (1975) to determine the meaning and effect of the Treaty and make recommendations to the Crown about claims brought to it by Maori. Although the Tribunal regards the Treaty as a living document, with principles deriving from it being determined and applied according to specific cases, a number of core principles can be found in the decisions of the Tribunal (Parliamentary Commissioner for the Environment, 1988). The second body is the judiciary, specifically the ruling of five judges in the Court of Appeal's consideration of the protection of the Treaty in relation to the State Owned Enterprises Act. As Kelsey (1989) notes, once the Court of Appeal had interpreted the principles of the Treaty they became binding on everyone, including the Waitangi Tribunal.

The second article of the Treaty of Waitangi speaks to guarantees made about property. In the English version, the Queen confirmed and guaranteed to Maori the "full exclusive and undisturbed possession of their Lands Estates Forests and Fisheries and other properties" (Orange, 1987, p.258) in return for the right of pre-emption. As noted elsewhere this is the version that has been historically taken as authoritative by Pakeha, and it is this version that most clearly states the Crown's obligation to Maori in terms of ownership of property. Unlike translations of the Maori version of the second article, no mention is made of authority or sovereignty in relation to the property.

Professor Hugh Kawharu (New Zealand Court of Appeal & New Zealand Maori Council, 1987, p.33) translates the Maori version of the second article thus:

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

Several reports from the Waitangi Tribunal have stressed that the guarantees made about property rights in article two of the Treaty should be read in the context of the preamble and third article which speak of the protection of Maori by the Queen (see Waitangi Tribunal, 1985, 1987, 1991). The Crown is seen as having a duty to actively protect Maori. As part of this active protection the Tribunal says that the Crown had a duty to make sure that when land was purchased from Maori, enough should be left to Maori for their survival and comfort (Orakei Report, 1987, Ngai Tahu, 1991). For example in considering the instructions given to Hobson about how to conduct negotiations for land with Maori in relation to the second article of the Treaty the Tribunal had this to say:

Article II provides for land sales to be effected through the Crown. The Waitangi Tribunal, after reading the instructions provided by Colonial Secretary, Lord Normanby (1839) for the Treaty, concluded that the purpose of this provision was not just to regulate settlement, but to ensure that each tribe retained sufficient land for its own purpose and needs. (Waitangi Tribunal Division, 1990, pp.8-9)

The basic principle of active protection was reinforced by the rulings of the High court judges in the 1987 Court of Appeal case mentioned above. Amongst other findings Justice Cooke commented that it was a duty of the Crown to actively protect Maori interests. Further, the Justices Cooke, Richardson and Somers observed that a breach of the Treaty by one of the partners gave rise to a right of redress. Cooke observed:

if the Waitangi Tribunal finds merit in a claim and recommends redress, the Crown should grant at least some form of redress, unless there are grounds justifying a reasonable Treaty partner in withholding it - which would only be in very special circumstances if ever. (New Zealand Court of Appeal & New Zealand Maori Council, 1987, p.37).

With respect to the ownership and retention of land by Maori both the Tribunal and Courts seem to broadly agree. The nature of the authority or relationship of Maori to land and the people of the land is still under dispute. This is the sovereignty issue discussed in the previous chapter. It is important to note that in their guidelines to the meanings of the texts of the Treaty, the Waitangi Tribunal states that “The English text stresses rights of property and ownership while the Maori text stresses status and authority” (Waitangi Tribunal Division, 1990, p.9). While not wanting to marginalise the issue of tino rangatiratanga or chieftainship in relation to land, for the purposes of this chapter, I will focus on the concept of property ownership, which is the basis for participants understanding of land issues as legitimate grievances.

That injustices relating to land have occurred is a principle also accepted by participants in this study. Whether based on an acceptance or knowledge of the Treaty, or simply a view that private property should be protected by law, participants implicitly and explicitly construed land claims as issues of justice, of right and wrong, and looked to the Courts and Waitangi Tribunal to address and remedy the grievances.

Pakeha acceptance of the legitimacy of Maori land claims is, historically speaking, a recent phenomena. Although Maori have consistently resisted and protested about the loss of land and authority since the arrival of Pakeha, these actions have largely remained outside the awareness of most Pakeha. The contemporary acceptance of Maori land claims is a response to Maori activism beginning in the 1970s, which was brought into sharp relief by events such as the land march of 1975, the occupation of Bastion Point in 1977-1978 and repeated protest action on Waitangi Day since the 1970s. One of the foci of these protest movements has been the alienation of Maori

land. In his examination of the politicisation of Maori ethnicity and the emergence of a radical ideology Greenland states: "Land as turangawaewae (a place to stand) formed the basis of a more all-embracing attack on the values and institutions of Pakeha society" (1991, p.93). Radical ideology highlighted the different approaches of Maori and Pakeha to land -the one emotional and communal and the other seeing land as a commodity- which facilitated a portrayal of settlement as a 'history of land grabbing'. The relationship of Maori to land as tangata whenua provided a basis for tribal unity and was closely aligned with the Maori role of guardianship of the land and the right of Maori as a people to self determination. In addition, land provided a rallying point for political protest.

This politicisation and protest action, which in some respects paralleled movements by indigenous and ethnic groups around the world from the 1960s, challenged Pakeha New Zealanders to re-examine 'race relations'. Alternative ways of analysing the social and economic gap between Maori and Pakeha became available - for example the concept of institutional racism; coined by American Black Nationalists in 1967 and popularised in New Zealand by Nga Tamatoa one of the first of the new generation Maori protest groups (Spoonley, 1988, 1993). The focus for anti-racism groups and later government departments shifted from helping Maori to catch up, an emphasis that implicitly identified social problems plaguing Maori as residing within Maori, to an analysis of power relations, and how Pakeha institutions and the process of colonisation functioned to keep Maori repressed (Naim, 1989). This re-examination, along with the statutory recognition of the Treaty of Waitangi, the findings of the Waitangi Tribunal and continued Maori activism have contributed to the construction of Maori land claims as legitimate. It is to these constructions of land and their implications that I now turn.

## Land as Justice

With few exceptions, participants did not debate whether land was an appropriate issue to protest about or whether there was any merit to raising land concerns as a basis for grievance. Instead debate centred around how best to address land claims and how breaches of justice could be remedied. This acceptance of land issues as valid, and the consequent willingness to do something about them stems from the construction of land issues in terms of justice, fairness and the wrongful acquisition of land.

The construction of land as a legitimate claim was voiced explicitly and implicitly. When explicit, participants actively argued for the validity of land claims using terms such as fairness and justice. When implicit, speakers did not mount an argument about the injustices of land annexation per se, but responded to the occupation with the suggestion that steps should be taken to look into the title of the gardens/marae. It was taken for granted that title could have been assumed in a questionable manner. The point of the implicit/explicit distinction is to support my suggestion that there was a wide acceptance of land issues. The following extract exemplifies an explicit argument about the legitimacy of land claims in terms of justice. It comes after Brian has explained why the occupation endured over a long period despite divisions among Iwi over the protest.

**Int:** So you see that Maori people have been quite divided about the issue (the occupation).

**Brian:** Oh yes I think they are. They're not, I mean I do- I think most Maori people and many Pakeha people agree with the fundamental land issues, and that there's been injustices. Um and and so I mean, when you bring those issues, when, then people are, there is big support. Um but I think the Maori sovereignty thing that while, perhaps a lot of Maori people might say oh that would be great, you know, I don't think that they would go down to Moutoa Gardens and sit there on that issue. The- a very small group would hang out on that one. (1)

Brian offers a qualification to his agreement that Maori have been divided in their support for the occupation. The qualification is organised around a contrast between land issues and Maori sovereignty. This contrast between land and sovereignty serves

several functions. In the context of accounting for the length of the occupation, the contrast accounts for the support received for the occupation, through the acknowledgment of the legitimacy of land issues. Land claims are constructed as issues for which there is widespread support among Maori and Pakeha. The contrast also functions to warrant Brian's claim that Maori were divided in support for the occupation by introducing the issue of sovereignty as the dividing factor.

In the wider discursive context, the distinction between land and sovereignty ties into the hoodwinked pattern discussed in Chapter 4. According to this pattern, Maori joined the occupation on the strength of the land claim, but inadvertently ended up supporting sovereignty because it was also raised during the occupation. The support for Maori sovereignty was thus more affected than deliberate. In the extract above Brian intimates that while sovereignty might be something that many Maori are concerned with in principle, few would feel strongly enough to protest about it. This implies that sovereignty is of only secondary importance to Maori, an implication that waters down the significance of that claim. In a nutshell, the extract functions to undermine sovereignty and prioritise land issues.

There are further implications of the land/sovereignty contrast. In order to elaborate these implications I will first discuss the mechanisms through which land is established as a significant concern.

In extract 1 above there are two constructions that establish the importance of land claims. The first states that land issues receive wide support; the second associates land issues with injustice. To begin with the support construction, the assertion that most Maori and many Pakeha agree with land issues and will support them, constitutes land claims as an issue of general concern. The importance conferred on land issues rests on the democratic premise that the majority rules. Majority support of land issues overcomes one of the inherent problems of democracy first observed by John Stuart Mill (1946) - that is the tyranny of the majority. In defining the political context with respect to having Maori grievances redressed Palmer (1992, p.74) puts it thus: "In a

democracy how can the rights of minorities be protected when the majority does not want to protect those rights and does not even recognise they exist.” That many people are seen to agree on the issue is significant in itself in an area rife with conflict.

Land claims are further construed as an issue worthy of concern through their association with the term injustice. Injustice implies that a principle that is recognised by society, or at least one part of society, has been breached. When the appropriation of land is construed as an injustice, this construction provides the basis for a recognisable and acceptable claim. It further allows for the claim to be addressed and for reparation or restitution where appropriate. Thus, the link between land and injustice not only lends credibility to land issues, but also provides a basis for action.

Constructing Maori land issues as issues of justice provides an imperative for Maori but also for Pakeha who value justice. The construction of justice universalises land issues, because issues of justice (what is acceptable and not acceptable) are issues that touch all members of society. Because people agree on the land issues and that there have been injustices, land issues gather support. Between the construction of land issues as supported, and the association of land with injustice, the issue of land is constituted as a significant claim.

Generally speaking, land claims were taken seriously by participants. In this respect, constructions about claims to land stand in immediate contrast to claims to sovereignty in the accounts of most participants. In most cases sovereignty was dismissed. The significance of this contrast is twofold. At an analytical level it demonstrates how the differential construction of claims leads to, and allows for, different discursive responses and material consequences. At a political level, the significance of the contrast between accounts of land and of sovereignty lie in its indication as to how claims other than land could possibly be structured in order to have them addressed and accepted. If sovereignty was also constructed as an issue of justice, as it is by some participants (see ‘sovereignty as rangatiratanga’ and ‘sovereignty as control’), perhaps this would lead to a more sympathetic hearing for this issue.

## General verses Specific Land Issues and Rationality

Alongside talk that accepted land based grievances, there was also talk that undermined specific land claims. The apparent contradiction of accepting the legitimacy of land claims on the one hand and undermining them on the other, was managed by a rhetorical split. In general participants accepted that land had been acquired through dubious practices, but with regard to specific titles to land, in this case Moutoa Gardens, the legitimacy of the claim was contested. At the specific level, talk was constituted by rationality arguments. Debate was focused on the 'evidence', the 'facts', the 'rights and wrongs', in short the 'proof', regarding title to Moutoa Gardens. The implicit acceptance of land claims in general and the subsequent undermining of a claim to Moutoa gardens is exemplified below.

**Int:** -What do you understand of the claims they were making, what were they.

**Rex:** .... ((My)) basic understanding was that they believed Moutoa Gardens was an old marae site, *uhmm* um we had some research done in that area and um and our belief probably didn't coincide with theirs. (2)

Rex constructs his understanding of the concerns of Iwi in terms of land claims. A significant feature of this extract is that the occupiers' beliefs that Moutoa Gardens was an old marae site were not rejected out of hand. A claim to land merited investigation. The report of "research done" demonstrates an implicit acceptance that the title to Moutoa Gardens may have been acquired wrongfully. If Maori claims to land were not taken seriously further action in regard to the title of the land would not have been necessary. Through this construction, Rex and colleagues ("we had research done") are positioned as rational and open-minded about Maori claims to land, seeking further information about the claim instead of immediately rejecting it.

Another interesting feature of this account is Rex's statement about the conclusions drawn from the research. He states "our belief probably didn't coincide with theirs". He thus avoids stating who was in the right or wrong with regard to the historical background of the gardens - it is a question of two disparate beliefs. The two beliefs construction gives the impression of balance. It adds to the impression of Rex as

liberal and open-minded. However the construction that research led Rex and colleagues to their conclusion also allows for the inference that their belief about the gardens was based on something substantial, some evidence. Without the benefit of knowing what Iwi based their beliefs on, this mention of research implicitly favours the 'not a marae' belief.

The stated recourse to having research done into the history of the land or finding proof of title was characteristic of talk about land. Whether the claim of Iwi was found to be legitimate or not according to the research undertaken ultimately had consequences for how the occupation was constructed. It also had implications for the positioning of people who used this talk. In Rex's account, for example, the legitimacy of the land claim is thrown into doubt by research that suggests the land was not a marae, and Rex and colleagues are positioned favourably through their efforts to gather further information about the history of the land.

Appeals to research were not the only way the legitimacy of the land claim was called into question. A further set of arguments rested on the premise that the land claim may not have been genuine because the occupiers did not demonstrate any real concern for the land claim. They were more concerned with wider issues. These arguments construct the claim to Moutoa/Pakaitore as a vehicle for bringing other issues such as sovereignty to the fore. The significance or importance of the claim to Moutoa/Pakaitore is thus played down except as a tool to promote other agendas. Constructed in this way, the impetus to address this claim is lost. For people who were opposed to the occupation, this argument was particularly efficacious because the basis for undermining the claim is the apparent agenda of Maori occupying the site. If Maori were not really concerned with an ostensible Maori claim to land, Pakeha can be forgiven for not taking up the cause.

I have called the construction upon which these arguments are based 'land as vehicle' - it is the subject of the following section.

## Land as Vehicle

The specific implications of the 'land as vehicle' construction are dependent on the context in which the construction is used. Talk that construed the claim to Moutoa/Pakaitore as a tool to bring attention to other property issues, such as wider Whanganui land and river claims, was generally neutral in tone when compared with accounts that suggested the land claim was conjured up to draw attention to the issue of sovereignty. The following extract is part of Peter's response to a question asking about the issues for the people at the gardens.

**Peter:** First of all they said the issue was um the disputed ownership of Moutoa Gardens. And in my view that wasn't the main issue. The main issue's really about Maori sovereignty for a number of people down there...And while the thing went on, sovereignty kept coming up, more so than the land which, it may be possible to take a view that perhaps they didn't have a (genuine) claim to the land in the first place. I don't know...(3)

The implication of this extract is that land was used as a front to draw attention to the occupation, specifically to the issue of sovereignty. This implication is achieved through the construction of a contrast between the issue of land and the 'main issue' which was sovereignty and a further construction that suggests the claim to land was bogus. Land is awarded secondary status to sovereignty and subsequently dismissed as a 'genuine' claim.

These constructions also have implications for the occupiers. The occupiers are implicitly positioned as manipulative and dishonest: firstly through the implication that they sold the occupation as a protest to address a land issue when the 'real' agenda was sovereignty; and secondly through the suggestion that the land claim was not genuine. Peter's contention that the issue of sovereignty was more frequently addressed than the land claim as the occupation continued, implies a deliberate strategy on the part of the occupiers to manipulate the reasons for protest. The net effect of this extract is to undermine the claim to Moutoa through the suggestion that the occupiers knew they had no claim to the land, but used the claim anyway to promote another agenda. In an

oblique way this extract also calls into question the legitimacy or perhaps popularity of Maori sovereignty, through the implication that deviousness was required to have the issue addressed.

Constructions of land as a vehicle for advocating sovereignty, were also embedded in accounts that suggested people were 'inveigled' or 'hoodwinked' into supporting the occupation. In 'hoodwinked' accounts, supporters were construed as being tricked into giving their support on the basis of the land claim, while the leaders of the occupation 'really' wanted to have sovereignty addressed. Though hoodwinked talk generally functioned to undermine the significance of the sovereignty claim, the implication that the people running the occupation were dishonest and manipulative in their dealings, cast aspersions on the legitimacy of the occupation as a whole. The credibility of any claims made by such dishonest and manipulative people could be laid open to question.

Land as vehicle constructions also had implications for the way the occupation was dealt with by Council and by Government. When the ownership of Moutoa was seen as the issue, the responsibility for resolving the occupation was seen to rest with the Council as the ostensible owners of the land. However, when the land was constructed as a vehicle for wider land concerns and the issue of sovereignty, an argument about who was responsible for negotiating with the occupiers developed. The following two extracts are developed on the premise that the 'real' concern for the occupants of the gardens/marae was sovereignty. In extract 5 an argument is made for the involvement of Government in the occupation and in extract 6 an argument is made which functions to excuse the lack of intervention from Government.

**Belinda:** .. and it was quite clear even then you know right back then that it wasn't about Moutoa Gardens it was a vehicle for drawing attention to all the wider issues yeah and I felt that um well I couldn't see the Council's way out of it because the Council um owned the piece of land and was therefore having to make a decision, but it was not going to be resolved whatever we did=...It was really frustrating that the Government were just so, it felt as if they were quite happy to see a confrontation you know that, they knew that we couldn't, it wasn't an issue we could solve you know because it wasn't didn't relate to that bit of land, but they wouldn't you know, Doug Graham wouldn't come and talk and wouldn't listen to um you know-I mean I don't

know why he's su-, I don't know why it's such a big deal for him to say well I won't talk you know sovereignty, I mean why can't he listen...(5)

**Jim:**.. you know they were just too extremist to start of with. They just pushed the government into a corner and they couldn't do anything really...but looking back on it you know there probably wasn't much else they (politicians and Government) could do, if they had of come down forced to sit down then uh we'd end up with lots more happening around the country um, you know if it's a rightful claim, perhaps not a problem, but there wasn't here so, ah the issue was sovereignty (6)

These extracts contain several interesting constructions regarding the occupation and the positions of Council, Government and the occupants. To begin with both extracts rely on the construction of the land as a vehicle for drawing attention to sovereignty. Belinda states "it (Moutoa Gardens) was a vehicle for drawing attention to all the wider issues" citing sovereignty as a wider issue later in her account. Jim has already rejected the claim that Moutoa Gardens was the reason for the occupation stating "the issue was sovereignty". Like other accounts that employ this construction, the extracts function to question the genuineness of the claim to Moutoa/Pakaitore on the basis of its relative unimportance in comparison to sovereignty. Note, however, that the legitimacy of land claims in general is upheld.

In the context of who should take responsibility for the occupation, the land as vehicle construction allows for an argument to be made for the involvement of national Government. In Belinda's account Government intervention is warranted by Council's inability to address and resolve the real issue of the occupation (sovereignty). Sovereignty is constructed as a concern for national rather than local government. The differing constructions of sovereignty between Belinda and Jim's accounts have implications for the positioning of Government in the negotiation process.

Implicit in Belinda's account is the construction of sovereignty as an issue which should be legitimately addressed. Because sovereignty is constructed as a significant issue, Government failure to listen to the occupiers concerns relating to sovereignty is construed as unwillingness rather than inability. Government are ascribed a position of deliberately ignoring an opportunity to negotiate for no apparent reason other than

stubborn refusal. The significance of Government's refusal to listen is thrown into sharp relief by Belinda's contentions that Government knew the council were not in a position to resolve the occupation and that she felt they were "quite happy to see a confrontation". A further implication that can be drawn from Government's refusal to talk is that the Government did not see the sovereignty issue as legitimate.

In contrast, Jim's account turns on a construction of sovereignty as illegitimate, extreme and wrongful. Government's failure to listen to the occupiers is constructed as a matter of inability rather than refusal. For Government to be forced to listen to the occupiers 'would mean further social and political unrest - an acceptable condition perhaps if legitimate claims were at stake, but unwarrantable in the case of Moutoa/Pakaitore because the issue was sovereignty. In further contrast to Belinda's account, the occupiers are constructed as responsible for thwarting the negotiation process. The effectiveness of these constructions rest on the assumption that negotiation requires free and frank discussion. Given this assumption, the constructions of (1) the occupiers claims as extreme and (2) the occupiers attempting to force government into negotiation, function to pinpoint the responsibility for government non-intervention on the occupiers. These constructions also function to preclude the possibility of meaningful discussion.

These extracts bring into clear focus the implications of constructing claims as valid or invalid. Constructions of good/bad, significant/insignificant limit the way in which issues can be addressed. An acceptance of the need to address sovereignty in Belinda's account contributes to her frustration that Government would not intervene, while the illegitimacy ascribed to sovereignty in Jim's account makes Government non-intervention understandable and appropriate.

For observers of the occupation, it was clear that there was more than one issue being raised by the occupiers. However there were alternative ways of construing these issues, which allowed for quite different inferences. To conclude this section I present one of these alternatives by way of contrast to the land as vehicle pattern.

**Gareth:** I'm sure there were people at Pakaitore who saw it as the issue of the land, *mm* but I've got to tell you that people all over the country say that what's different about Pakaitore is that it wasn't just about the land //mm=

**Gwen:** That's right

**Gareth:** =That it's caught the imaginations of people up in the north for instance and and they're saying a huge number of things are happening as a spin-off from Pakaitore ... because it's had this this multilevel=

**Gwen:** =mm=

**Gareth:** =agenda *mm* and there were some people who were attached more to one part of that agenda than others *right* but overall there's ( ) at least a five fold agenda as I understand it

**Int:** Five fold?

**Gareth:** Well there's the land, *uhmm* there's national sovereignty, *uhmm* there's //local sovereignty

**Gwen:** local sovereignty

**Int:** Right

**Gareth:** There's the issue of bringing the hapu together ((pause)) and there's the issue of ( )

**Gwen:** There's there's the issue of leadership as I was saying that whole//kind of

**Gareth:** the issue of Pakaitore itself,

**Ray :** mm

**Gareth:** some people were there just for Pakaitore *mm*=

**Gwen:** That's //right

**Ray:** mm

**Gareth:** = and some people were there for any of the above in some sort of distribution and they weren't necessarily (all?) high on their list *uhmm* (7)

The key feature of this extract is the construction of the “multi-level agenda” with people being more attached to some issues than others. This construction has implications for the relative importance attached to the claims, the positioning of the occupiers and the general impression of the occupation.

To begin with the general impression of the protest, the occupation is imbued with an air of excitement and importance through the use of phrases such as “I've got to tell you”, “caught the imaginations of” and the suggestion that its impact has been widespread. The phrase “I've got to tell you” imparts an impression of importance to the speakers message as he presents himself as compelled to pass on his view. This message receives added impetus from the phrase that “people all over the country” are talking about the occupation. The suggestion that the impact of the occupation has

been widespread adds to its significance. The understanding of Pakaitore as “not just about the land” is credited with inspiring people and providing an impetus for “huge numbers” of activities. An event with so many positive consequences can not be taken lightly. The crux of this activity is presented as the occupations “multi-level agenda”. This impression of excitement and importance stands in stark contrast to accounts previously discussed which constructed the occupation as an exercise in deceit and manipulation.

The absence of negative implications in this account, of the sort stemming from the land as vehicle and hoodwinked constructions, rests on the construction of the occupation having a ‘multi-level’ agenda with people varying in their attachment to each item. The term ‘multi-level’ does not ascribe particular importance to any single issue. All issues were important for at least some of the people who took part in the protest. Thus the term multi-level avoids dismissing or detracting from any of the issues of the occupation. All issues remain open to be addressed.

The construction that people varied in attachment to the issues implies people freely gave their support to the occupation according to their beliefs. Occupants are thus positioned as rationally and thoughtfully extending their support. This position stands in obvious contrast to accounts where the leaders of the occupation are positioned as manipulative and dishonest in their efforts to gather support for their own agendas. It also contrasts to the implicit position of mindless followers or gullible lackeys offered to people who supported the occupation.

In summary the protest is constructed as a rallying point for many Maori with varying interests. Rather than this variation being portrayed as a source of conflict or deceit, in this account it is celebrated as a source of inspiration for other people around the country. In comparison to land as vehicle accounts, this account makes sense of the different messages received about and from the occupation using constructions that allow for all issues to be addressed.

In the next section I focus on the implications of constructing the land in question as Moutoa Gardens or as Pakaitore Marae. Note that for the following section 'the land' refers to what has hitherto been called Moutoa/Pakaitore.

### **What's in a name?**

What's in a name - a loaded question in a thesis using discourse analysis. In this section I look at some of the implications of constructing land as Moutoa or Pakaitore. Moutoa Gardens and Pakaitore Marae are objects constructed through different discourses with differential rights ascribed to the subjects occupying that discourse. The implications of using either term are inevitably tied up with arguments that attempt to establish a claim to the land one way or another. Where these arguments are stated they will be addressed. However, the main focus of this section is to examine some of the consequences of accepting the land as Pakaitore or Moutoa; consequences in terms of responses to the occupation and in terms of the rights and positions ascribed to people involved with it.

The extracts below demonstrate how constructions of the land as gardens or marae result in different approaches to the land and the people on the land.

**Jim:** Ok well what they're saying is, "This is our marae you will go by our protocols", we won't come in through the side gate, we'll come in and be formally welcomed, but once it was found to be not their marae, right why do we have to go through that, this is a public place.

**Int:** It legitimates their, in some ways, by observing the protocol, it's like saying yeah

**Jim:** Right..(8)

Extract 8 captures the crux of the Moutoa verses Pakaitore dichotomy and spells out in a clear way one of the implications of constructing the land as Moutoa or Pakaitore. If the land is constructed and accepted as a marae rather than a public place certain actions are prescribed and proscribed and there are different positions to be taken up with respect to the land. In this extract, Jim addresses the issue of going onto the land. On entering a marae, a visitor accepts the position of manuhiri or guest of the marae. In

contrast, in walking onto the land constructed as a public gardens one takes up the position of a member of the public exercising their civic rights or simply garden visitor.

Also briefly touched on, is the implication that in taking up and acting out the positions offered by a construction of the land as marae, the subject is legitimating that position and also the position of others occupying that discourse. Constructing the land as a marae confirms a set of power relations and rights. For example people staying on the land are affirmed in their position as tangata whenua. To recognise the people on the land as tangata whenua further implies an acceptance of their rights to the land, that is, it justifies and legitimates their claim. In English property terms they are land owners or residents rather than illegal occupiers or trespasses. As owners, Iwi are thus offered different positions and rights in legal discourses. As a corollary to the land as marae construction, the positions of police, Council and members of the public are also constituted differently. Before I look at how different constructions of the occupation constituted responses to it at an official level, I would like to give an example of how the different constructions lead to conflict at an interpersonal level. The following extract shows how responses to an incident structured by a discourse of 'land as marae' and also a discourse of 'land as gardens' result in conflict where a Pakeha challenges a statement of a Maori historian during a hui at the gardens/marae.

**Will:** ...At any rate I was surprised, that ah such a statement could be made and not challenged. One Pakeha did challenge it and he called it hooey, ((laugh)) I think he was right, um hooey ((laugh)) and oh Mair and um, Niko Tangaroa danced up and down and ( ) about his disrespect for the marae in saying that, well it wasn't a damned marae and it never -has been a marae, (9)

Will's response to the incident at the hui is constituted by the construction of land as gardens. This construction is implicit in his assertion that the land "wasn't a damned marae". This construction makes sense of Will's surprise that nobody challenged the historian and later his agreement with, and mirth at the assertion that the statement by the historian was hooey. Will's construction of the land as gardens allowed for his

implicit agreement with the challenge to the historian which constituted an apparent breach of marae protocol.

That there was another discourse structuring the process of the hui, which constituted the land as a marae, is evident from the reported reaction of Maori present at the hui. It is significant that exception was taken by Maori to the conduct of the challenger, in terms of disrespect to the marae rather than an argument about the veracity of the claims of the historian. Exception was taken to the act of challenge rather than to the content of the challenge as such. In the context of land as marae the challenger moved beyond the rights ascribed to his position and that of the historian. Conflict arose from the operation of two discourses at the hui which allowed for different ways of acting, and prescribed different rights to speakers in the context.

Responses to the occupation at the official level (police and Council) were also structured by a land as gardens or land as marae discourse - more typically the first of the discourses. In the following extract a police officer explains the approach taken by the police to the occupation.

**Ross:**..So -we how would you put it we were a generally hands off the gardens itself, quite visible but low key visibility in our, what we did outside the gardens, and very keen to satisfy the community of Wanganui that if we get specific complaints from those gardens we will deal with them, and if they relate to matters on the gardens which require us to go on—we don't recognise it as a marae. But we won't be provocative either. (10)

In this extract the land is construed by a discourse that maintains it was a garden. This is evident from the officers naming the land as 'gardens' and stated explicitly in the second to last sentence where he says the land was not to be recognised as a marae if officers needed to go on to it.

This extract can be usefully understood as dealing with two unfavourable constructions of the police, prominent in some interviews and also media reports of the occupation. One construction which drew on the equality theme, asserted the police were too soft when it came to dealing with issues from the gardens. This amounted to unequal treatment of alleged offenders with the consequence that people associated with the occupation were getting away with breaking the law. The second construction portrayed police as harassing the protesters, also a criticism of unfair treatment. In the extract above, these two disparate criticisms are countered through somewhat contrasting assertions. On the one hand police were keen to keep the public of Wanganui happy and did not recognise the land as marae. If offences had been committed they would go straight on to the gardens. On the other hand the police were “hands off the gardens” and would not be provocative in entering it. The effectiveness of this account in managing criticisms of the police, rests largely on the acceptance of the assumption that police operating from a land as garden discourse could enter the land without provoking some sort of negative response. The qualifier “but we won't be provocative either” is unconvincing in assuming that the police entering the land and operating from a land as gardens discourse could avoid appearing provocative, especially in the light of Will's account above.

The following is an excerpt from *The Dominion* which highlights the different discourses constructing the land. The context is the Mayor's request and Iwi subsequent disinclination to take down the structures and fences erected on the land.

.. Mr Poynter said he wanted free public access to the gardens.  
Mr Tangaroa said anyone was welcome to visit Pakaitore marae but they would have to enter by the marae gate and not by the public paths...(1995, March 3, p.1) (11)

In this extract Mr Poynter (the Mayor of Wanganui) is reported as saying he wants the public to have free access to the gardens. This desire is constructed in the report by a discourse of land as public gardens (“access to the gardens”). The Mayor's statement can be understood as an attempt to assert the rights of the public on a ‘land as gardens’ basis. Most certainly a public servant would be moving beyond his

rights in suggesting the public should have free access to a marae. The reported response of Mr Tangaroa is interesting in at least two respects. Firstly, in that he does not explicitly challenge the right of the public to visit, but instead outlines the manner in which the gardens should be visited. Secondly, the gardens is renamed Pakaitore. The response is thus couched in terms of the 'land as marae' discourse and stipulates the appropriate behaviour for people visiting the marae. This response functions to uphold the status of land as marae while resisting the implication that people were barred from the land and were thus having their rights trammelled.

As a whole this extract demonstrates how constructions of the land arising from disparate discourses lead to different claims about the rights of people to the land.

### **Conclusion**

The implicit goal of this chapter has been to demonstrate that constructions matter; that is they allow for or restrain specific discursive, material and social practices. I have shown that the construction of a claim in terms of justice allows for that claim to be addressed. In contrast, a construction of a claim as illegitimate, as in the case of sovereignty, makes a refusal to address the issue acceptable or at least understandable.

The construction of land as a public gardens or as a marae provided a basis for protest, and a flashpoint for the Maori/Tauitiwi relationship in Aotearoa.

In the following chapter I examine the final claim of the occupiers as understood by Pakeha. This is the disapprobation over some of the statues located on the garden. The specific analytic goal of this chapter is to demonstrate how accounts of responsibility are managed.

## *Chapter 7*

### **Monuments**

An examination of talk about monuments constitutes this final chapter addressing Tauwiwi understandings of the claims made by the occupiers. As noted in Chapter 3, two statues were damaged during the course of the occupation. A statue of John Ballance, a nineteenth century liberal Prime Minister, was beheaded and finally disappeared altogether amid claims that he was anti-Maori. In addition, 'Protection in adversity'; a statue crafted by local sculptor Joan Morrell was also destroyed. The latter of these statues was not the subject of grievance and an apology was made for the damage. Aside from John Ballance, the other monument causing offence to Maori was the Moutoa Monument. This monument commemorates the lives of the 'friendly Maori who died defending law and order against fanaticism and barbarism'. It was erected by the citizens of Wanganui to show their gratitude to members of Whanganui Iwi who fought against adherents of Pai Marire at the Battle of Moutoa (1864), thereby saving the town. As previously discussed, historians point to an alternative reason for Iwi engagement in this battle. They cite protection of lower hapu regulation of travel down the river. Thus the battle was fought to uphold the mana of the river, rather than save Wanganui (Cross & Bargh, 1996; Ward, 1973). Whatever the primary cause of the battle, its outcome served to recommend Maori in and around Wanganui to Tauwiwi living there.

Analysis in this chapter explores the accounts of two Councillors who differentially attribute responsibility for continuing Iwi concern to either the Council or Iwi.

#### **Accounting for Responsibility: Monuments, Maori and Council**

From my reading of talk constituting the issues relating to the monuments, two forms of account emerged. These accounts differed in the assumptions they made about the relationship between the Wanganui District Council and Iwi and also in their implications about the concerns of Whanganui Iwi.

The first form of accounting was based on the premise that the relationship between Council and Iwi was in need of improvement. The Council either explicitly or implicitly were construed as failing to address the concerns of Iwi. This failure was exemplified by Council's lack of intervention with respect to the monuments. Council were construed as needing to demonstrate 'good faith' in their dealings with Maori.

In the second form of account, Council were construed as attempting to address iwi concerns about the statues. Failure to implement change was attributed to problems within Iwi and their lack of co-operation with Council.

Extract 1 exemplifies the first form of accounting. The context of the extract is Belinda's reply to a question asking if the occupation could have been handled better by Council. Belinda states that before the occupation even occurred she became aware of anger surrounding the statue of John Ballance and the Moutoa Monument. We pick up Belinda's account at the point where she has suggested putting the statue issues on Council's agenda to some Councillors.

**Belinda:**...But what I got back was um well it's been put to the Iwi Liaison Committee and they don't, we're waiting for them to come back to us, no:w, it's sort of fairly clear now that the Iwi Liaison Committee wasn't really working how it was supposed to work, you know the people who were on that clearly weren't the people that were um holding a lot of sway in the occupation so, but if we had done something like that cause um Debra was married to one of the River Maori and her-she was quite involved in the occupation and here husband said to me, "All the Council had to bloody do was move a couple of statues and it would have indicated good will and a willingness to address some of those concerns" (1)

Belinda constructs her efforts to have the monument issues addressed in Council as stymied by the fact that the issues had been handed to Council's own liaison committee. Through this construction Belinda is positioned as trying to do something about the issues but ultimately thwarted by activities beyond her control. Delegation of the statues issues to Iwi Liaison Committee can be read as an abdication of Council's responsibility to address concerns of Iwi. It can equally be read as a legitimate mechanism set in place by Council and Iwi to deal with issues concerning Maori. Arguments can be made both ways with different implications for how Maori concerns

should be addressed. In this account, taking up one or other reading becomes irrelevant as the activity of the liaison committee is undercut through the construction that the committee was not working properly. The statue issues remained unaddressed because the Iwi Liaison Committee members were not speaking for members of Iwi occupying the gardens. Council's consultation process is implicitly construed as inadequate for dealing with Iwi concerns.

The inadequacy of the liaison committee is part of a wider construction that constitutes Council's relationship with Iwi as in need of improvement or incomplete; incomplete in the sense that Council did not deal with people who represented the entire Iwi but rather a small select group. For example:

**Gareth:** The background to that of course is that I think the district Council and Chas in particular ((pause)) have deluded themselves about their relationship with Maori ah and that it comes out of a long, comfortable cosy relationship with some of the people particularly from Putiki *mm* ah and they haven't taken into account the rest of Iwi *mm* and they're suddenly out of their depth because they're realising that Putiki doesn't necessarily speak for the whole river. (2)

The function of the construction that Council's relationship was incomplete or in need of improvement is to position the problems in the Council/Iwi relationship with Council. Council are construed as ignoring some members of Iwi in favour of a comfortable relationship with others.

Returning now to Belinda's extract. The significance or importance of Council taking some action about the statues is emphasised through the introduction of the voice of a "River Maori" involved with the occupation. In the River Maori's account as reported by Belinda, the failure of the Council to do something about the statues was symptomatic of Council's approach to dealing with Maori. The approach is characterised as lacking good will toward Maori and lacking the willingness to address Maori concerns. The introduction of the Maori voice serves two functions. First it imbues the account with the authority of someone directly involved with the occupation - in other words a person 'in the know' about Maori concerns. Secondly, the Maori voice highlights the importance of the statue concern and supports Belinda's

contention that the Iwi Liaison Committee was not working as it should. It also indicates that Belinda's effort to have the statue issues addressed before the occupation even started was appropriate. The implication is that, had the issues been addressed, had her efforts been successful, the occupation may never have eventuated. According to the voice of the River Maori, the Council was clearly in the wrong, and is implicitly positioned as the defaulter in the Iwi/Council relationship.

In the following extract Brian construes Council as willing to address the statues issue.

**Int:** What about the land claim

**Brian:** There is no land claim

**Int:** There is no land claim?

**Brian:** You know there has never been any claim about Moutoa Gardens,- um to the Waitangi Tribunal or to the Council before. All they've ever talked about is the Moutoa monument. *uhmm* Um and about the wording. Now the Council went back, really to the Putiki people and asked them about the monument and they were ((pause)) um they sort of said oh well ye:s we don't like the wording um but we'll get back to you, and then the thing just died.= We took it to Te Roopu Whakakotahi which is the iwi liaison organisation, and the same thing, I mean they said oh yes we'll you know we'll go and consult we'll come back to you and they didn't...but while it was painted during the occupation it wasn't pulled down. And that's surprising in a way, because I mean that's the only point of contention that there's been in the past about Moutoa Gardens, is that particular monument..(3)

Brian begins his account by refuting the claim to Moutoa Gardens. The claim is refuted on the basis that they (presumably Maori) have not raised the issue with Council or the Waitangi Tribunal. The effectiveness of the refutation relies on the assumption that any legitimate claim would have been previously brought before one or both of these bodies; that is the claim should have a history outside Iwi. The implication is that because this has not been the case the claim to Moutoa was something new, dreamt up for the occupation. This implication is bolstered by the juxtaposition of the land claim with the concern about the monument. By comparison the monument concern is construed as the only valid concern in relation to the gardens because Council was made aware of the problem; the concern had a history with the Council. The contrast between the land and monument claims is emphasised through the constructions "never been any claim" (to land) and "all they've talked about" (the statues). These extreme case formulations exclude the possibility that the ownership of

the gardens/marae has ever been an issue. Brian provides the criteria by which to establish a valid concern and refutes the land claim according to his own criteria.

Concern about the wording on the statues however fulfils the criteria and is thus addressed by Council. Brian relates how Council consulted with two groups - Putiki Maori and the Council's own Iwi Liaison Committee, both of whom failed to get back to Council. Two new voices are introduced in this account - that of Putiki Maori and Te Ropu Whakakotahi. These introductions serve to emphasise the point that those groups agreed to take on the monument issue and address it. The subsequent contrast that they did not report to Council highlights the implicit inconsistency between their words and actions. Council are positioned as genuinely concerned about the statue issues, taking action to address the issue. Ultimately nothing came of that action and Iwi are construed as the reason for inaction. Iwi are positioned as the defaulters in the Council/Iwi relationship.

In addition, this account also calls into doubt the importance of the monument issue for Maori. The failure of Te Ropu Whakakotahi and Putiki Maori to respond to Council's initiative allow for the inference that the wording of the monument was not a great concern. The implication rests on the assumption that if Maori were genuinely offended by the monument they would have come back to Council.

In contrast to extract 1, the mechanisms used by Council to consult with Iwi were not at fault, rather the problem was with Iwi itself. In short, the relationship between Iwi and Council was intact, the problem lay with Maori.

### **Conclusion**

This analysis has demonstrated how positions of blame and responsibility are managed in discourse. In extract 1, Council's lack of consultation with a wide cross-section of Iwi is construed as a contributor to the occupation of the gardens/marae, while in extract 3, Iwi's failure to consult with Council is construed as the impediment to Council dealing with the monuments issue. These two accounts allow for differential

actions to redress the statue issue; extract 1 infers that Council should improve their consultation methods, while extract 3 infers that Maori should consult with Council if they want issues addressed.

The following chapter also focuses on the way differing constructions allow for the occupation to be responded to in contrasting ways. Constructions of the occupation in terms of law and order are examined, changing the focus from the occupiers' claims, to claims that constituted a concern of the wider Wanganui community.

## *Chapter 8*

# **Law and Order**

*Every society, if it is to survive, needs law, and law needs to be enforced. But law needs to be fair, and to be enforced justly –not blindly.*

(Quin, 1995, May 17, p.5)

In this chapter the focus of analysis changes slightly. Instead of examining talk that constituted the concerns of the occupiers I will look at talk that constituted law and order. This issue is acclaimed by participants, as a major concern of the citizens of Wanganui. Specifically I look at how ‘the law’ is invoked and implied in constructions of the occupation, and how these constructions position occupiers and objectors. I also look at how the law itself is positioned as an issue.

The style of this analysis is rhetorical (Billig, 1987, 1991). Claims and counterclaims constructing objects (for example, the occupation) and subjects (for example, the occupiers) are juxtaposed and examined for their implications and presuppositions. Analysis is primarily focused at the level of broad themes, arguments and their functions.

I begin by returning to talk through which claims to the land were contested. These accounts respond to the questions of ‘whose land was it?’ and ‘was the occupation illegal?’ The second set of accounts address the erection of buildings and structures on the land. Implicit in this talk is the question of how the law is applied and upheld. The third issue relates to access to the gardens, which, as noted in the land chapter, implies taking up a position with respect to ownership of the land. Finally talk that associated the occupation and occupants with crime and gangs is discussed.

## **Occupation - Legal or Illegal? It depends who you ask**

The following extract is taken from the Wanganui District Councils Public Notice to the Occupiers of Moutoa Gardens, published in *The Wanganui Chronicle* on the 1st of April 1995. This extract clearly illustrates the rights and obligations attached to the position of land owner which is taken up by the Council.

2 (a) the Council, as owners of Moutoa Gardens and administrator of the historic reserve, has power under the Trespass Act and under the Reserves Act to have the people currently occupying Moutoa Gardens removed and property and building taken away...

2 (e) the Council would prefer not to have to use its powers to remove the occupiers of the Gardens, but the Council has a statutory duty to carry out its duties and obligations and cannot continue to ignore breaches of the laws of New Zealand. (1)

Section 2(a) of the public notice explicitly construes the land as gardens. It is the assumption of a position of land owners that allows the invocation of the Trespass Act. In invoking the Trespass Act and Reserves Act, the Wanganui District Council, affirm their position of owners and administrators of the gardens. These positions in law, afford the Council certain powers including the removal of people and property from the land. In terms of relations of power, the Council take up a position of dominance relative to the occupiers. The occupiers' claims to ownership of the land are rejected and the occupiers are implicitly positioned as illegal occupiers or trespassers.

In section 2(e) the Council is construed as not wishing to exercise its powers. It takes up a position of reluctance in relation to its 'duties'. Countering this position is the construction that Council have little choice but to carry out these duties. Council is presented as constrained in its options. Two constraints are submitted, both of which are beyond the control of Council. The first constraint is Council's statutory obligation to carry out the laws of New Zealand. The Council is construed as being compelled to take up its legal powers, through its obligations to the Crown, rather than having a choice in the matter. Responsibility for invoking these powers and the consequences that ensue from their invocation are thus to some extent disclaimed. A further implied constraint is the protesters continuing occupation of the land. Council need to take

action because of “continued breaches of the laws of New Zealand”. Thus responsibility for removal of people from the gardens is placed with the people at the gardens.

In effect this constructed lack of agency on the part of Council disguises an ultimatum: either the protesters move of their own volition or be removed by the Council. Either way the protest ends. However, Council endeavours to avoid the position of ‘villain’ in this situation, through taking up a position of subjection to the laws of New Zealand and the actions of the protesters. Whether the Council wants to or not, it has no choice but to enforce an end to the occupation. A positive impression of the Council is insinuated in the final line of section 2(e) where the Council take up a position of tolerance, through the construction that they cannot continue to ignore breaches of the law. The implication is that up until that date, approximately a month after the start of the occupation, the Council had acted leniently towards the protesters, turning a blind eye to illegal activity.

In terms of relationships of power, Council is presented as at once dominant and impotent: dominant in its position of land owner and the legal rights this position grants it; impotent in the sense that it is construed as compelled to invoke its powers. The occupiers in their position of offenders or lawbreakers, a position that grants few rights relative to those accorded Council, are in contrast presented as powerful, forcing the Council into taking action that they would prefer not to take.

I read these contradictory positions as functioning to balance the competing demands inherent in the Council’s position as leaders and representatives of the Wanganui community. The position of dominance demonstrates to the occupiers (and the law abiding citizens of the community) that the Council is serious in its desire for the occupiers to leave. On the other hand, the constructed lack of agency on the part of Council, speaks to the Council’s desire to avoid appearing heavy handed or bullying in its dealings with people, who, as well as occupying a position of lawbreakers, retain the positions of members of the community and ethnic minority. When the occupation

ended Council would still be in a position of having to accommodate the protesters as members of the community.

In taking up a position in the law as land owners, Council are construed as at once subject, and subjected to the law. Also embodied in this account are notions of the law as a system that can be enforced or not enforced according to circumstances, a system that empowers and subjugates. Overshadowing this is the notion that ultimately the law must be obeyed.

Notions of obedience are also implied in the following account, however, the Councillor cited takes up a different position in terms of ownership of the gardens at least initially, with consequent differences in the way the occupation is responded to in terms of the law. For him the intention of Iwi to occupy the land became apparent after the first week Iwi had been on the gardens. Previously Council had allowed Iwi to use the gardens, and he initially thought their stay was short term.

**Barry:** It never crossed my mind that they were actually illegal occupiers. *mm* And at the stage they basically weren't illegal occupiers because even though we thought we owned the land, and I say thought in brackets, because um you know it was hundred years it was a hundred and fifty years ago or a hundred and thirty years ago that that piece of land was ceded to the Council by the governors.. so you know at the end of the day we thought we owned (the land) but we had to make sure... (2)

Barry states that in the beginning it did not occur to him that the occupiers were acting illegally. The second statement endorses this view, by stating "at that stage" the protesters were not illegal occupiers, on the grounds that Council presumed they owned the land but could not be sure. The District Council and the Councillor are constructed as accepting that Moutoa Gardens could have been acquired in an irregular manner, and thus occupy a position of concern for Maori land issues. The implication of this account for the protesters is that in the beginning they were not occupying the gardens/marae illegally, but 'at some stage', they became construed as illegal occupiers or trespassers.

The positioning of the protesters as legal and then illegal occupiers, rests on the assumption that the ownership of the gardens was in doubt and needed to be clarified. The criteria for clarification is presented as a determination by law. The need for legal determination is implicit in the use of the term “illegal” and made explicit in the following extract taken from a later stage of our interview.

**Barry:** Once the decision came out of the courts that it was our land, I actually had a piece of paper to say it is our land,.. I was then in support for getting them off. But prior to that for two months I said no, they can stay there for a hundred years till it's proven that it's our land, if it's our land then they've got to go and that's what happened.  
(3)

In contrast to the Council's official position outlined above where the law is used to enforce Council's rights as owners of the land, the law in this extract is used to determine the ownership of the land. The difference in these accounts and their invocation of the law rest on a prior assumption about ownership of the land. The contrast between the official Council position and that of Barry, constitutes the law as a tool that may be invoked to warrant different actions in the same period of time. The significance of a position as legal or illegal occupiers lies in its consequences for the protesters.

On Barry's part, doubts about the legal ownership of the gardens are presented as the reason for his reluctance to construe the occupation as illegal and the protesters as trespassers. Not taking up the 'land as gardens' or 'land as marae' discourse effectively placed Barry in a position that precluded taking any action with regards to the occupation, until legal proof was produced. This position placed Barry in opposition to Councils' request and eventual eviction order to have the occupiers leave the land. Although Barry's decision rested on a determination of ownership by law, in the first instance the occupiers were not positioned by law talk – they were not illegal occupiers. In the final analysis, however, the occupiers were positioned as trespassers according to law, a designation that warranted their removal from the land.

In the following account Ralph construes the occupation as a legal protest.

**Int:** What do you think the issues were during the occupation.

**Ralph:** For the non-Maori Pakeha community, I think the issues were very much issues of law and order. Um people could not see beyond the fact that these were people taking law into their own hands, and while some of us tried to make a comparison with other, as it were lawful protests, ...they were lawfully protesting albeit pushing the law, but they were there, as was their right to protest and to have a picket, but very quickly the wider community was seeing it as an unlawful occupation... (4)

Ralph states that law and order issues were the concerns of the Pakeha community with respect to the occupation. The rest of the account is organised around a contrast between those who saw the occupation as an issue of law and order, specifically an “unlawful occupation”, and people (including Ralph) who argued the occupation was lawful.

According to Ralph, people “could not see beyond the fact that these people were taking law into their own hands”. In the context of an argument that the occupation was lawful, the construction of people taking law into their hands seems anomalous. In rhetorical terms, I read this concession as making allowances for points that seem incontestable - people were occupying the gardens and building structures. By Ralph's acknowledgement of these points he is weakening the grounds on which to base resistance to his argument. In the first instance, opponents to Ralph's argument may be placated by such concessions, and further, points that could have been raised by objectors are already conceded (Van Dijk, 1993). In the second instance, by acknowledging the activity of the protesters he is able to construe the activity in a manner favourable to his argument. The conceded breaches of usual law enforcement and the later concession that the occupiers “push the law” become redundant in the light of Ralph's other claims.

The first of these claims, that “people could not see beyond the fact” implies a limitation on the part of people who saw the occupation as strictly a law and order issue. These people are positioned as ‘stuck’ in a law and order mentality, which for others (including Ralph) misses the point. The contrast between a law and order position and a position that sees beyond law, is emphasised through the juxtaposition of law and order advocates and those who tried to associate the protest at

Moutoa/Pakaitore with other lawful protests. Those who were able to see the bigger picture are constituted as those who (1) associated the occupation with other legal protests, and (2) argued that the occupation was lawful. The implication is that in order to see the bigger picture one needed to accept the legality of protest. Ralph positions himself and others of his opinion as able to see beyond immediate or superficial concerns to grasp the wider or greater impetus of the occupation. In a nutshell, the importance of the protest and the issues it was trying to address overrode immediate concerns of law and order.

In the last few lines, Ralph concedes that the occupiers were pushing the law. The construction the protesters were 'pushing the law' fall short of positioning the protesters as law breakers and the occupation as illegal. Through this construction, actions that could be construed as a rejection of the law are reconstituted. The occupiers are construed as acting within the law, a position in opposition to the argument apparently taken up by the wider community that saw the occupation as illegal. The concession that the occupiers were pushing the law is mitigated by an appeal for the right of people to protest. The invocation of the right to protest is a powerful rhetorical ploy because this right is strongly endorsed by New Zealanders (see Wetherell and Potter 1992) and was supported in Judge Heron's judgement on the ownership of Moutoa Gardens (Wanganui District Council v. Tangaroa, 1995). The right to protest as a principle is thus unlikely to meet with much resistance. Despite Ralph's arguments, the wider community are construed as quickly seeing the occupation as unlawful.

Two constructions of the occupation are constituted and contested in Ralph's account; one construed the occupation as illegal and implicitly denied the right to protest, and the other attempted to constitute the occupation as lawful, where the occupiers were merely exercising their right to protest. These constructions differentially position those involved with the protest and allow for and constrain responses to it. Constructions of the occupation as illegal, position the occupiers as law breakers or offenders. The prescribed response to people occupying that position is to charge, try

and possibly convict them according to law. The position of offender necessarily damages the credibility of people taking part in the occupation and functions to obscure the issues being protested about. Appeals to law and order work to maintain the status quo and preserve existing power relations between state and citizens, and in this case Maori and non-Maori. For people who did not necessarily take part in the occupation but were sympathetic to it, the occupation as illegal argument construes them as condoning lawbreaking.

In contrast, construing the occupiers as citizens exercising their right to protest, draws attention away from law and order issues and refocuses it on the issues of the protest. As citizens, the occupiers have a right to speak out, and the public is able to take up a position of support or non-support for the issues without also assuming a position with respect to the legality or otherwise of the protest.

In the following section talk about the activity of the occupiers is examined, specifically the erection of buildings and fences. Consistent with law and order concerns the occupiers are positioned as offenders, but differences in the responses to the offences are marked.

### **Buildings and Structures**

The following extracts furnish an interesting contrast between two accounts of illegal buildings. Both accounts implicitly draw on the assumption that equality between groups with respect to the law should be maintained, but ultimately differ in their responses to the occupation.

**Int:** Just getting back to the local issue, what's been your role in the debate.

**Rick:** Right. Um I objected strongly to this group of radical Maori um jumping onto Moutoa Gardens, calling it Pakaitore Marae. The lawlessness of what went on and then when they started erecting building that really annoyed me. I'm a builder, and as a builder I have to go through all the consents in the world before I can do a job. I have to have my jobs inspected and I have to have them reinspected again to make sure they meet the Council standards and New Zealand standards. I am subject to that, my livelihood is that. And then when you see this group of radicals, starting to erect buildings, um and very shoddy, flimsy buildings. Um and that annoyed me. (5)

In the first sentence Rick positions himself in opposition to the occupation. His position as objector is constituted through the words “objected strongly” and his construction of the occupiers as radical Maori. Constructing Maori as “radicals” immediately positions them as extreme and undermines the representativeness and the validity of their claims. That these sort of people “jumped onto Moutoa Gardens” is further testimony to Rick’s position as objector and the protesters position as untenable.

The negative positioning of the occupiers continues as Rick construes the events of the occupation as lawless, with the attending positioning of the occupiers as lawbreakers. In this context Rick introduces the issue of building. The particular significance of this issue for Rick is constituted through his “real annoyance” at the building activity and his position as a builder. The builder position allows Rick to speak with authority on the processes required to erect a building, and their breach, and also justifies/explains his extreme annoyance. Assumed throughout Rick’s account and implied by it is the readers prior knowledge that building consents were not obtained by the occupiers. Rick’s annoyance is supported by the implication that the occupiers, unlike Rick, were not impeded by such legalities in their building activity and seemed to get away with it. The premise on which Rick’s objections are based is that the law was not enforced consistently or fairly.

The inconsistency in enforcement of the law is imbued with poignancy by Rick’s description of the lengthy process he has to go through to obtain consent, and his assertion that his livelihood is subject to that process. The contrast between Rick positioned as a law abiding citizen, and “the group of radicals” who erect “very shoddy flimsy buildings” is well pointed to emphasise the disregard of accepted procedures by the protesters. Protesters deliberately break the law.

Although the argument that construed Maori as lawbreakers with respect to building consents was widely employed in the accounts of participants, it omits, what is seen by some as an obvious constraint to Maori obtaining such consents. This constraint though not specifically stated, is implied in the following excerpt.

**Ralph:** Because of course there were no building permits, there was no seeking of Council permission and this sort of thing. (emphasis added) (6)

The premise that makes sense of the obvious (of course) lack of permission sought by the occupiers, is that they were occupying land that Council considered to be Councils. Council was unlikely to grant consent for buildings on a property it believed it owned. Council was working from a 'land as gardens' position and in this context consent seeking by a group illegally occupying the land becomes a nonsense. When Council's position as owners of the gardens is taken into account, Iwi may be reconstrued as forced into taking action without first asking for permission.

To argue that Maori had no choice but to erect structures without Council's consent, is undermined in Rick's account by his initial position that Maori should not have "jumped" onto the land in the first place. When positioned as trespassers through the act of occupation, a chain is set up, whereby any activity undertaken by the occupiers with respect to the land becomes unlawful by definition.

However, participants who accepted the proposition that the issue of illegal buildings needed to be addressed were not always in agreement that the occupation was itself illegal. This position is illustrated by the following extract where a Councillor tells how she resolved the dilemma of personal views that supported the occupation with Council's obligations to the community in terms of consistent and equitable enforcement of laws pertaining to illegal buildings.

**Rachael:** ..In the end I thought well we don't actually do anything about a lot of illegal buildings around town, how many people put up you know adds-ons and lean-tos, and so on and so forth and don't come to us and if they do come to our attention, first of all they get told, and eventually you know if nothing happens they get an abatement notice and eventually months down the track then something will be done so, I sort of reconciled myself to the fact that we, by saying well by thinking and reasoning with

myself, that we've got plenty of time, ..you know and as time progresses other things unfold and we may have other options (7)

Rachael reconciles the Council's lack of direct action about the illegal buildings through an argument based on equality and consistency. The law is not disregarded in this account, the buildings are still construed as illegal and the occupiers are positioned as lawbreakers, but the offence is not construed as urgent or perhaps unusual enough to require direct intervention. The implication is that direct intervention was undesirable, and other options not requiring direct intervention were preferable. The lack of urgency ascribed the building offences allows for the inference that while the issues of law and order needed to be addressed, permitting the issues of the occupation to be dealt with in an unforced manner was more important.

The Councillor's account downplays the urgency of the occupiers illegal buildings by placing them in the context of the many cases of illegal buildings in Wanganui. This issue loses its uniqueness or impact when the erection of illegal buildings is construed as common activity. Through this construction, the specific law and order issues cease to be a concern peculiar to the occupation - the building is just one of many brought to the Council's attention. This construction allows the building issue to be dealt with in a manner consistent with the way the issue is customarily addressed. Rachael emphasises the drawn out nature of this process, and on this basis reconciles the seeming reluctance of Council to publicly force the removal of the structures. Unlike Rick's account where the occupiers are benefiting from an unequal application of the law, Rachael's argument justifies Council's action (or lack of it) by asserting that it was treating the occupiers transgressions the same as it would those of any other party in breach of building codes.

In the accounts of Rick and Rachael, the law is construed as determining right and wrong, and consistency is implied as a key issue. The occupiers are positioned, explicitly and implicitly as lawbreakers. The differences in these accounts stem from the positioning of the law with respect to the issues of the occupation. In Rachael's account the law prescribes action but within those prescriptions room is left to

manoeuvre, and this manoeuvrability is capitalised on in the account. The issues of illegal buildings and thus law and order, are implicitly assigned less importance than perhaps realising a negotiated end to the occupation. In contrast, Rick's account construes law and order issues as important and of urgent concern. In this case, quick enforcement of those laws is implied, and when immediate action does not materialise, charges of inequality with respect to the law are raised. Thus, as was demonstrated in the preceding section, the positioning of the law in relation to the occupation had significant implications for how the occupation was dealt with. This is an issue returned to in the conclusion of the chapter. For the mean time the issues of rights of access to the land are addressed.

### **Rights of Access**

An issue closely aligned with the building of illegal structures was rights of access to the land. This issue was touched on briefly in the land chapter and resurfaces in the context of law. The first extract is taken from an interview with a Councillor. "We" in this extract refers to Council. It is an extract that assumes much. In my analysis I attempt to follow the prescriptions of Edwards and Potter (1992) who recommend grounding alternative readings implied or silenced in the text in the account of the speaker. The second extract constructs the right of access issue in a way I read as favourable to the occupiers.

**Cornelia:** ..The attitude of the community became very divided. The majority wanted them put off, they objected and this happened as soon as they started building structures. And um we said to the police they they mustn't um, there must be free access to the gardens but in fact they started building stockades and it was really testing, ah testing how far they could go (8)

Cornelia states the "attitude of the community became very divided". In this construction the occupation is implicitly positioned as the source of community division. This is a negative position for the protest, as 'community' carries overwhelmingly positive connotations (Potter & Reicher, 1987). Anything that could be seen to damage or cause division within a community is thus positioned negatively.

The impression of cohesion and unity in the community is implied in Cornelia's account where the community is construed as having one attitude ("the attitude").

Also implied in this account is that the attitude of the community was generally accepting of the occupation prior to the occupiers erecting structures. The community is positioned as tolerant of protest, but later concerned about the building of structures. The source of the objection to the occupiers erecting structures is not specified. My readings of the sources of objection are multiple and informed by a myriad of accounts taken from newspapers, letters to the editor, official documents and participants comments. Immediately available is the equality argument illustrated by Rick's account in the previous section. In equality accounts, objections stem from the occupiers being able to flout the law in a way that other people would not be allowed to. Everyone should be treated the same with respect to law and the same law applies to all. A second reading draws on arguments that assert relations between Maori and Pakeha in Wanganui have historically been good. The building of fences is construed as Maori isolating themselves from the rest of the community - a construction that challenges the 'good relations' argument and positions Pakeha as offside with the occupiers. Finally there is a reading that comes out of the 'land as gardens' construction.

Grounding the source of objections in the Councillor's account and ensuing statement seems to encourage a reading based on the premise of 'land as gardens'. In this reading, the occupiers were breaching the right of the public to have access to what was construed as a public park when they began to erect structures. This reading implies the community never really took the claim to the land seriously and objected as soon as its status as a public park was visibly contested.

Cornelia states that Council, presumably endorsing the opinion of the majority of the community with respect to illegal structures, told police that there must be free access to the gardens. However the occupiers started building stockades. Council's insistence that free access to the gardens should be maintained, implicitly construes Council as operating from a 'land as gardens' position. Restricting access to the gardens is constituted as a test of Council's power and a breach of public rights. The occupiers are positioned as lawbreakers deliberately flouting the rules that apply to public parks. They are also positioned as antagonists acting in opposition to Council; other possible reasons for erecting structures are silenced.

Another interesting feature of this account is the use of the term stockade. This term invokes images of war, a battle between enemies, them against us, in this case, the occupiers against "the majority of the community". The construction of the occupiers acting contrary to the wishes of the majority of the community, implies the occupiers occupy the position of 'baddie' in this scenario. At the very least, the building of stockades allows for the inference that the occupiers were trying to keep the community out. The latter inference is contested in the following extract.

**Gareth:** One of the things that really irritates me is the widespread impression that (people were prevented from) going onto the gardens in their accustomed way, well very few of them were accustomed to going there anyhow, it wasn't a widely used area *mm* and secondly thousands of Pakeha have been through it during //the time when ( ) was there

**Gwen:** absolutely

**Lil:** and I hear a lot of people are very sad that it's gone because they're missing=

**Gwen:**=including us=

**Lil:**= missing not being able to go down there and talk with people=

**Gareth:** =so the issue is basically not whether people could go there or not it was whether they were prepared to go there and observe Maori protocol *mm* at least the first few times that they went *uhmm* (9)

In the first sentence of this extract Gareth states his irritation with the impression that people were prevented from going onto the gardens. In so doing he positions himself in opposition to this impression. His first objection, functions to minimise the access problem, by stating that only a small number of people used the gardens. This

construction does not refute that the rules of access had changed but works to reduce the impression that access was a problem affecting a lot of people. His second statement refutes the argument that access was denied people through the contention that thousands of Pakeha went through the marae while it was there. The occupiers are construed as granting access not only to Maori but Pakeha as well. This statement allows for the inference that the gardens/marae was more widely utilised while the occupiers were there than was ordinarily the case.

This argument is endorsed and extended by Gwen and Lil, who, contrary to the construction that the gardens were off limit and unwelcoming during the occupation, contend that people were mourning the loss of the marae. These endorsements function to construe the marae as a source of gratification for people who visited it and suggest that people emotionally engaged with the marae in a positive way.

In the last sentence Gareth reconstitutes the access issue. The question was not whether people had access, but whether they were prepared to observe Maori protocol the first few times they visited the land. The source of the problem is thus relocated. The problem was not with impeded access, but with peoples' amenability to Maori protocol. People who did not gain access to the gardens are implicitly positioned as culturally insensitive - which in the context of the time was (and is) a negatively evaluated position to assume or be put in. Implicit in this positioning is an acceptance of the land as marae at least for the time Maori were there. The right of Maori to expect people to observe protocol is unquestioned.

Positioning Maori with respect to the law is absent from this account. The occupation is construed positively, serving the purpose of refuting arguments that portray the occupation as unwanted and an impediment to citizens exercising their right to a public reserve.

## Gangs and Crime

The following extracts provide alternative constructions of the role of gangs and crime in the occupation. The first extract cited below was chosen for its succinctness in expressing an assumption made about the occupation that was typical of many accounts.

**Int:** So what was the feeling in Wanganui at the time of the occupation.

**John:** The impression I got from the public of Wanganui, they didn't the vast majority didn't agree with the way it was being done. And by that I mean flagrant disregard for the law, Black Power coming in and did about eight burglaries in the first day they were here, all that sort of thing, just the gang members involved, they lost credibility with that sort of starting. When pressed some of them thought, maybe yeah maybe they've got a point but, why do it like this. (10)

In this account the public is construed as being concerned with issues of law and order. Opposition to the occupation rests on the construction that the method of the occupation included flouting the law. Occupiers are positioned as lawbreakers, and the public by implication, are positioned as law abiders. However this extract extends the list of infringements committed by the occupiers by implying that the occupants condoned, and were a party to criminal offences like burglary and the activities of gangs. Unlike illegal activities that could be seen as instrumental to the purpose of the protest (for example occupying the land, building structures for people to sleep in), burglary and gang activities are more difficult to warrant. The invocation of crime and gangs functions to justify the concern of the public of Wanganui and those charged with maintaining law and order. The presence of gangs also lends an edge of dangerousness to the protest. As John states, the association of the occupation with crime and gangs effected a loss of credibility for the occupiers.

This extract, and the reported concerns of the public are premised on an elision of the occupation and crime. The implication is that the method of the occupation involved the facilitation of criminal activity. This elision, and thus the persuasiveness of the account, is only effective if the proposition that the occupiers condoned criminal activity is accepted. The association of crime with the protest recommends the closure

of the occupation on the premises of method alone. A cynical reading of this argument concludes that law and order talk functioned precisely as an excuse to dismantle the occupation, avoiding the complexities of land and sovereignty issues and also avoiding a position of intolerance and racism for those objecting to it. In mitigation to this reading, John makes it clear that the objection was based on the method of the occupation not necessarily the issues. Some people were reported to concede the occupiers could have had a point, although still objecting to the method. For the public of Wanganui, law and order issues were paramount.

For an alternative account of crime and the occupation we turn to the following extract.

**Gareth:** We were down there ((pause)) the night the police were talking about the gangs taking over.

**Gwen:** Oh yes.

**Gareth:** and you know there were all these gang members, well there wasn't a patch to be seen on the place. *mm* sure there were people who no doubt were gang members and I know some of them were—but they weren't there as gang members *yeah sure* and at the moment that the police were saying that it was being taken over by gangs, there were twelve teenage members of Black Power from Wellington.((laughter)). (11)

Gareth starts strongly by taking up a position of 'eyewitness' which bolsters the credibility of his account by his direct observation of the situation. In this account "down there" refers to the gardens/marae. The situation is construed as the night police were talking about gangs taking over (the occupation). Within this scene setting Gareth begins to position himself in opposition to police claims. This position is indicated by the police "talking about" a gang take-over rather than their actually being a gang take-over. In contrast to the police claims, Gareth provides assurance there were no patches to be seen on the marae. This construction does not directly refute the proposition that there were people who were gang members on the marae, but implies that a position of gang member was not relevant to the protest. This is implied by the construction "there wasn't a patch to be seen". The anomaly between the police reports and Gareth's account is managed on Gareth's part by a repositioning of gang members to something less provocative ("but they weren't there as gang members").

Their specific position is left implied, however the point that these people were not at the marae in their capacity as gang members is achieved.

In the final sentence, police concern about gang take-overs is construed as unwarranted as the object of their concern was twelve teenage members of Black Power. This construction of misplaced concern is achieved by a contrast between police claims of a gang take-over with the attending implications of danger and violence, and the small number of teenage gang members present at the marae at the moment concerns were voiced. The unthreatening nature of the situation in contrast to that portrayed by the police evokes laughter from the rest of the interview participants. Laughter serves to cement police concerns as misplaced.

The rhetorical effectiveness of this account lies in its reconstitution of the position 'gang members'. An outright denial that there were gang members at the marae could result in a realist epistemological stand off - 'I'm right.' - 'No, I'm right.' Constructing an alternative position for gang members and placing them in it, avoids an engagement in a 'whose right' argument and clinches the rhetorical battle (at least for the rest of the participants in the interview). Objections to 'other Maori' being at the marae has limited argumentative impact when compared to a 'gang take-over'. In the context of wider arguments that imply the occupiers condoned gang activity and crime, the repositioning of gang members serves to challenge that implication.

### **Summary and Discussion**

As previously noted, the positioning of the law in relation to the occupation had significant implications for how the occupation could be responded to. Two basic positions emerge from the accounts above; legal or illegal occupation. When arguing within the context of the law not much space was left to manoeuvre. The dominant construction of the occupation was 'illegal'. Constructions of the occupation as illegal allowed participants to position the occupiers as offenders and invoke the power of the law to constrain their activities. Positioning the occupiers as offenders or trespassers,

even without resulting in immediate removal of the occupiers, undermined the credibility of the protest. A person standing in support of the occupation, but not actively taking part in it, could immediately be construed as condoning illegal activity. When law is taken to be the ultimate authority and judge of behaviour, who will listen to people positioned on the wrong side of the law?

Appeals to the law derail protest without explicit reference to race or ethnicity. The goals of the protest are obscured, without needing to be addressed. The issues are not the issues, the issue is law and order with all its connotations of equality, objectivity and transparency. Arguments about law allow people to feel good in their position as law abiding citizens, while ignoring what are considered by some to be pressing issues of social justice and equity. In terms of relations of power, appeals to law and order work to maintain the status quo and preserve existing power relations between state and citizens, and in this case Maori and Pakeha.

Because the issue of law enforcement was raised in relation to the occupation, those arguing about the rights or wrongs of the occupation were required to take a position with respect to the law. Law and order, once raised, was not an issue that could be easily ignored. For example, Ralph (extract 4), who began to question the relevance of the issue of law and order to the occupation (“..people could not see beyond the fact...” ) subsequently justified the occupation in terms of the right to protest endorsed by law. The occupiers were construed as exercising their lawful rights to protest, albeit pushing the law. The Councillor (extract 7) who admitted the erection of buildings was illegal had to justify the lack of direct intervention to remove the buildings by appealing to the Council’s customary law enforcement practices. For the Councillor, stalling tactics allowed time for other solutions to emerge.

Although these accounts do not move outside arguments that concede the occupation was illegal at some level, they have interesting implications for constructions of the law itself. The law is acknowledged, but is not construed as the only or most significant issue with respect to the occupation as is implied in other accounts. The

law is implicitly questioned in its position of ultimate arbiter with respect to the occupation. Through this questioning, space is created for other stories or concerns associated with the occupation to emerge. Accounts that managed a positive portrayal of the occupation generally did so outside the context of a law and order argument. The invocation of alternative arguments such as the marae as a welcoming place provide different and more positive positions for the protesters.

A further interesting parallel with accounts that attempted to question the laws primacy, was the occupiers claim of Whanganuitanga (local sovereignty). When tino rangatiratanga or the oral history of Iwi was invoked as a basis for claims to the gardens/marae, the jurisdiction of Crown law was bypassed. Appeals to different authorities in support of claims to the land, meant the Council and occupiers were talking past each other. Council did not have jurisdiction to consider the claim to Whanganuitanga/local sovereignty. Unless negotiations included the Crown, the occupation and the claims of the occupiers could only be silenced, rather than resolved. Thus, although the occupation was brought to a close, some issues remain to be addressed if Iwi continue to seek the recognition of their authority as Tangata Whenua of Whanganui.

The following chapter brings this exploration of the issues of the occupation to a close.

## *Chapter 9*

### **Thoughts and Reflections**

The analyses and discussion contained within this thesis constitute an exploration of some key issues in the relationship between Maori, the Crown and Pakeha. Although these issues have a long history, the occupation of Moutoa Gardens/Pakaitore Marae served as a flashpoint, pushing Maori land and sovereignty issues into the public domain. I have examined how people involved with the occupation made sense of Iwi concerns, and the implications of these sense making practices using discourse analysis. In this final chapter, I outline what I consider to be the strengths and pitfalls in engaging with discourse analysis in the field of Maori/Pakeha relations.

Within psychology, discourse analysis is often categorised as social/critical research, committed to disclosing the way talk and text work to oppress minority groups. I have taken up this specifically political orientation and started with the assumption that talk about Maori/Pakeha relations can work to maintain a status quo that sees Maori over-represented in a majority of negative social statistics. This assumption is one I share with McCreanor and Nairn (1990, 1991), and McCreanor (1989, 1995), and Wetherell and Potter (1988, 1992) whose analyses have been influential in my work, most notably in the Resources and Repertoires Chapter. Also in line with this previous research was my focus on what linguistic resources and positions were available to participants and how they operated in practice, rather than why people use specific arguments.

The point of departure from these previous studies was my aim to include talk that functioned to uphold Maori claims. Previous research examined racist assumptions and consequences of talk. Thus, it served the important function of sensitising speakers and readers to the potentially oppressive effects of specific arguments. However, as the following quote asserts, actually countering racist arguments that form commonsense notions of inter-group relations can be difficult.

For the rejection of wrong beliefs, people must sometimes have considerable knowledge, which, however, is hardly provided by the media. And for the overt disagreement with racist opinion, they must challenge commonsense norms, values and arguments against which other arguments may be powerless while “uncommonsense”. (van Dijk, 1988, p.344)

Previous research alerted us to arguments that perpetuated oppressive constructions or consequences, but did not provide the linguistic tools with which to build a counter-argument. In my own experience I heard talk that I felt distinctly uncomfortable with, but found difficult to argue against, when that talk seemed eminently cogent and familiar: hence the motivation to explore ‘pro-Maori’ alternatives.

Because of the critical bent of the discursive approach I used, it was difficult to feel confident that the arguments I identified as alternatives to oppressive discourses were ‘in fact’ progressive. As a discourse analyst I developed a suspicion of texts that seemed liberal, but nevertheless had oppressive ends. This suspicion made it difficult to accept that alternatives might not in some way be surreptitiously undermining Maori claims, especially as ‘modern racism’ is characterised by the concealment of blatantly racist discourse (Billig, 1982; Reeves, 1983). My solution to this dilemma has been to present my analysis in such a way that the reader can judge the usefulness or otherwise of my readings of the text. In a framework where persuasion is paramount, trusting the cogency of my arguments is the only assurance.

As it turned out, alternative arguments were not usually radical in their content or form, rather their persuasiveness derived from their repositioning of subjects in familiar argumentative frameworks. Perhaps this is not surprising given that from time immemorial, successful rhetoric was that which incorporated new ideas into tried and true argumentative forms, and appealed to the value base of the audience (Billig, 1987). Thus in Chapter 5, the ‘sovereignty as rangatiratanga’, and the ‘sovereignty as more control’ accounts, acknowledge there are problems in Maori/Crown relations; but rather than blame Maori for these problems which is customary in the ‘stirrers’ and ‘good/bad Maori’ patterns, the Crown is positioned as the source of problems. In the

‘sovereignty as rangatiratanga’ account, this repositioning is achieved by asserting that the Crown refused to negotiate with Maori despite Treaty promises. As noted in the Resources and Repertoires Chapter, negotiation is positively valued, and those who refuse to negotiate are negatively positioned. The Crown’s failure to negotiate, thus positioned the Crown as the defaulter in this relationship, and the source of contemporary problems. A similar line of argument is employed in the ‘sovereignty as more control’ account.

In contrast, the same negotiation argument is used to hold the occupiers responsible for lack of progress in resolving the occupation. Maori are construed as unwilling to negotiate freely to resolve the occupation. This unwillingness to negotiate cements Maori in a negative position in the negotiation argument and positions them as accountable for the failure to resolve the occupation amicably.

In Chapter 6, the construction of land claims in terms of justice, was aligned with expressions of the need to compensate Maori for the loss of their land. However ideas of justice that encompass equality before the law were also used to: argue against Maori rights to compensation (Chapter 4) although this was atypical of occupation texts; deny Maori tino rangatiratanga (Chapter 5); argue against the occupation (Chapter 8).

In Chapter 8, an appeal to equality of treatment is used in one context to argue for swift action to remove the illegal buildings on the gardens/marae, and in another, to justify lack of action.

The effectiveness of accounts stemmed from the speakers ability to reposition the various parties in the occupation in terms of existing argumentative themes and forms. Uniqueness in arguments came from the novel positions construed for the parties of the occupation and their claims.

Speculating about the origins of various themes and arguments in analysis and attempting to trace them historically brought for me a different understanding of their contemporary use. At a theoretical level, identifying the emergence of a particular idea, endorsed the epistemological assumption that knowledges are products of a time and culture. Related to this assumption, came an understanding of why people continue to use arguments and ideas that in today's environment are oppressive, and further how arguments become repressive as the moral and political environment changes.

In the context of Maori/Pakeha relations, Sharp (1997) has noted how conceptions of justice are socially constructed and dependent on the culture and time. A prime example of the socially constructed nature of justice comes from the analysis of 'one people' and 'one law' constructions. To allow for the fair and just treatment of Maori by colonists at the time of the Treaty signing, a policy of amalgamation was employed. Turning Maori into Brown skinned Europeans was considered the best way to ensure the survival of the Maori race, and the fair treatment of Maori by the settlers. The idea of 'one people' and 'one law for all' was seen in that time as a humanitarian policy. It assumed much. First it assumed that the British were better than Maori, and further that Maori were capable of becoming as good as the British. The latter assumption was not one made of all indigenes, with whom colonising nations were in contact; thus in the nineteenth century, a policy of one people and one law for all was considered humanitarian and favourable to Maori. In today's environment, this same argument is seen as racist; it denies Maori the right to their own culture and self-determination and perpetuates the idea that the British way is the best way. On the positive side it advocates unity between peoples, a goal not easily dismissed. Note the argument has not changed, but different political and social circumstances render it oppressive. The humanitarian connotations and the goal of unity associated with this theme make its continued use understandable, especially when one considers the theoretical assumption that people draw on various arguments without being aware of their implications (Parker, 1990a, 1992). However, the analysis of the assumptions and consequences of the argument in today's setting can demonstrate how their continued use allow for oppressive ends.

Not only does a historical examination help to contextualise contemporary arguments, it also provides a strong justification for grounding research in its historical and cultural context. Universal and generalisable laws of behaviour and talk are not sought, rather analyses sensitive to the milieu from which they emerged are produced. Disclosing the assumptions upon which the research is premised, and establishing the role of the researcher in analysis are important steps to this end; attempting to provide a historical and social context for events like the occupation of Moutoa Gardens/Pakaitore Marae is another. One problem with the latter aim arises from the constructionist assumptions upon which discourse analysis is based. In particular, I had difficulty providing an account of the occupation, and definition of terms such as *tino rangatiratanga* because these were the objects I wanted to explore in analysis. For me as researcher and 'authority' in the field, providing an outline of events seemed to undermine the purpose of doing the analysis in the first place. There was no satisfactory way out of this dilemma except to emphasise that my account was one of many possibilities, and not any more definitive or accurate than the accounts offered by others involved with the occupation.

Perhaps my biggest qualm about being a discourse analyst is the way in which I extract, analyse and repattern participants stories in ways quite probably unanticipated by them. In mitigation I can only say that the criticism is not directed at individuals, but at the broad discursive resources that are available to people to make sense of their experiences. These resources predate the entry of any particular individual to the semantic world, and also have consequences not anticipated by the users. The focus of analysis is clearly on the text, and not the 'type' of people who take it up.

On the positive side, my position in the dominant group in society, gave me access to experiences and talk that Maori may not have. McCreanor (1995) captures this notion when he writes:

As insiders to the oppressing culture we have access to knowledge, institutions, and experiences that Maori do not have and while there are many blockages, proscriptions and disincentives to use it, we retain the subversive possibility of carrying out an intercultural equivalent of Adrienne Rich's "disloyalty to the patriarchy". (p.170)

This notion stayed with me through many challenges I faced during the course of this research, none the least of which, was a discussion in which the occupation was construed as a 'Maori Issue' and therefore Maori were the only people who should engage in research with it. My doubts as to the appropriateness of my conducting this research were allayed by a re-construction of the occupation as an event that all the people of New Zealand were challenged to respond to, and a theoretical perspective that held that these responses were important in the construction of the future relationship of Pakeha and Maori. My position in the dominant group gave me an opportunity to deconstruct the discourses which produce my own as well as others understandings of the occupation.

The need to examine constructions of Maori/Pakeha and Maori/Crown relations, has not diminished since 1995. Every year on the anniversary of the start of the occupation at Moutoa/Pakaitore, people gather to remember the occupation and to highlight the ongoing struggle to have injustice addressed. This gathering is just one example of many around the country that continue to bring issues of land, tino rangatiratanga and justice to the fore. The future of research in this area lies in critical examination of the negative and positive articulations of justice for Maori, particularly constructions that counter the commonly held negative assumptions of Maori and Maori claims.

In closing, I acknowledge the enormous potential of discourse analysis in elucidating the way in which our social practices constitute our worlds. The future in Maori/Pakeha relations depends upon us finding ways to positively articulate our commonalities and our differences.

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# APPENDICES

# THE RHETORIC SURROUNDING MOUTOA GARDENS- PAKAITORE MARAE: A DISCOURSE ANALYSIS

## Information Sheet



MASS  
UNIVER

Private Bag 1  
Palmerston N  
New Zealand  
Telephone +64  
Facsimile +64

FACULTY OF  
SOCIAL SCI



DEPARTMEN  
PSYCHOLOG

### What is this study about?

The aim of this research is to explore the accounts or stories people tell about Moutoa Gardens/Pakaitore Marae. The research is being done by Angelique Praat as a thesis for her PhD under supervision in the Psychology Department at Massey University.

### What would I have to do?

If you agree to take part in the study, you will be interviewed for approximately an hour. The interview will focus on your account of, or response to the events at Moutoa Gardens/Pakaitore Marae. The interview will be audiotaped and transcribed and you will have an opportunity to read the transcript and add to it if you wish.

### What are my rights?

If you take part in this study you have the right to:

- refuse to answer any question and to withdraw from the study at any time.
- ask any further questions about the study that occur to you during the participation
- provide information on the understanding that it is completely confidential to the researcher. All records are identifiable only by the code number, and are seen only by the researcher. It will not be possible to identify you in any reports that result from the study.
- have access to your own data.
- be given a summary of the findings from the study when it is concluded.

If you have any queries relating to the study please feel free to ring me on (06) 350 5953 (Massey) or (06) 355 3418 (Home).



MASS  
UNIVERS

Private Bag 112  
Palmerston No  
New Zealand  
Telephone +64  
Facsimile +64

FACULTY OF  
SOCIAL SCIE

DEPARTMENT  
PSYCHOLOGY

THE RHETORIC SURROUNDING MOUTOA GARDENS-  
PAKAITORE MARAE: A DISCOURSE ANALYSIS

Consent Form

I have read the information sheet for this research and have had the details of the study explained to me. All question concerning the research have been answered to my satisfaction, and I understand that I can ask questions at any time during the research.

I also understand that I am free to withdraw from the study at any time, or to decline to answer any particular questions in the study. I agree to provide information to the researcher on the understanding that it is completely confidential.

I wish to participate in the study under the conditions set out on the information sheet.

Signed: .....

Name: .....

Date: .....

Researcher: .....

## Appendix C

### Interview Schedule

#### THE ISSUES

To begin with I'd like you to tell me a bit about yourself and what it's been like living in Wanganui during the last few months?

- how do the last few months compare with what Wanganui is usually like?

When did you become aware that Maori had decided to occupy the land - what was your initial response?

What is your understanding of the claims made by the people at Moutoa Gardens? What happened?

- land claim
- sovereignty

Who supported the occupation and what people were involved?

- iwi
- citizens

What is your impression of how the occupation was conducted?

- did you ever visit the occupants?
- what was their response to you?

What is your understanding of tino rangitiratanga or sovereignty?

What do you think about occupations and protests as a method of bringing these issues to the fore?

- is an understanding of the issues facilitated?
- do you think it antagonises people rather than moving towards positive solutions to the problem

It has been claimed that Maori have been forced into taking this sort of action, and that the procedures that are in place for addressing these issues are too slow or ineffectual. What do you think about that?

How do you think these issues can be resolved/should be addressed?

## DEALING WITH THE DEBATE.

What has been your role in the debate?

- has it been a difficult role to fulfill? In what way?

What were your primary concerns regarding/ in dealing with the occupation?

- the council's?
- what were the stumbling blocks?

Several options for resolution were presented by the council and the whanau at Pakaitore?

What did you see as the options for resolving the dispute?

- dialogue
- eviction: Why not enforced and your response to that?
- 5 point plan: why wasn't it accepted?
- mediation proposal
- Stephen Palmers proposal
- govnt intervention

What factors influenced/guided the direction taken by the council, whanau, police.

What is your opinion of how the dispute was handled?

- by the district council
- by the occupants
- by the government
- by the police

The government received a lot of criticism for their hands off approach to the dispute. Do you think they should have been involved earlier than the high court case? What do you see as their role in the dispute?

What could have been done differently?

What did you think of the media handling of the occupation?

## THE FUTURE

So, where to from here? Do you think the issues are resolved?

The occupants have claimed they will return again and again. How would such an eventuality be dealt with?

What do you see happening in New Zealand in the future with regard to race relations?

What have you learned from the experience?

Is there anything you would like to add or discuss before we finish?

## Appendix D Transcription symbols

### Overlapping sentences.

[[ When people start to talk at the same time, double lefthanded brackets are used to link the speech together.

A: ♪you know..

B: ♪ I thought..

// When a person starts to talk when someone else has not finished speaking two oblique lines indicate the overlap in speech.

If a sentence has more that one // the following sentences begin at the symbol in serial order.

A: Fred a was really angry about// the lack of interest // in the production

B: Yeah he was angry huh

C: Well nobody seemed to want to know

Here B and C start talking at the first and second set of oblique lines respectively.

### Continuous sentences.

= When one sentence runs on from the prior sentence without a pause, equals signs link the sentences together.

A: I think that was about the ah=

B: =twenty fourth of last month

=[[ When two people start to speak at the same time, and run their sentences straight on from the prior sentence an equals sign is placed in front of the brackets.

A: I don't think that was what she meant=

B: =[[nah, me neither

C: no way

B and C started to talk at the same time and both ran their sentences on from A's sentence.

Equals signs are also used to link together parts of a persons speech that have been separated by these transcription conventions.

## Sound

: Colons are used when a sound is extended.

A: Ye:h, OK, that will be fine.

- A dash marks a cutoff sound

A: You wha-? I can't believe it!

WORD Capitals mark talk that is spoken louder than the surrounding talk.

A: I HAVEN'T EVEN HAD time to have breakfast yet!

° ° Talk between degree signs is noticeably quieter than the surrounding talk.

A: No. He won't be there, °he doesn't care°.

≥ ≤ Talk between less than and greater than signs is spoken more quickly than the surrounding talk.

A: Maybe about ≥ I think it was about ≤ half past nine?

Stress (what one feels when trying to decipher the transcript?!)

— Words or parts of words that are stressed or emphasised in the interview are underlined.

A: No way. There is no way I'll have that done by tomorrow.

*mmm* Words in italics are my conversation continuation messages.

A: That was right at the beginning *mm* later on it didn't matter so much.

## Descriptors and transcription problems

- ( )) Parentheses (two sets of double brackets contain descriptions of talk e.g. ((laughter)) or ((pause))
- ) An empty set of parentheses shows that I could not make out what was said. Words in a single set of parentheses means I am unsure of what was said but have attempted to make out what was said.
- ] Empty square brackets show that part of the interview has been missed out of the transcription usually at the requests of participants.

## Intonation (the tone of your voice.)

The following symbols are not used in the conventional way.

A full stop shows a stopping fall in the tone of your voice. This usually happens at the end of a sentence but not always. Thus a full stop does not necessarily mark the end of a sentence.

A: Alright love. Bye now. Bye.

A comma shows a continuing tone of voice. This usually happens between parts of a sentence but not always.

A: Well for one thing it was too hot, and for another it was really dirty

’ A question mark shows a rise in the tone of voice; it does not mark a question though a question may involve a rise in the tone of your voice.

A: Hello? No I think you’ve got the wrong number.

An exclamation mark shows an animated tone of voice.

A: Oh no! I forgot to pick them up!

↑↓ Upward and downward arrows show a marked rise or fall in intonation.

A: Al↑right

## **Appendix E**

### **The Treaty of Waitangi.**

#### Te Tiriti O Waitangi - The text in Maori

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira - hei kai wakarite ki nga Tangata maori o Nu Tirani - kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga Motu - na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianeia amua atu ki te Kuini, e mea ata ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotai nei.

#### Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatiratanga katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu - te Kawanatanga katoa o o ratou wenua.

#### Ko te tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu - ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua - ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

#### Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawantanga o te Kuini - Ka tiakina e te Kuini O Ingarani nga tangata Maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Sgd) W Hobson - Consul and Lieutenant Governor

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu. Ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatie tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

The Maori text is taken from Orange, (1987, p.257)

Translation of the Maori text into English.

Below is a translation from the Maori given by Professor Sir Hugh Kawharu to the Court of Appeal in 1987 in *NZ Maori Council v Attorney-General* (1987) cited in Durie, (1991, pp. 166-169).

Victoria, the Queen of England, in her concern to protect the chiefs and subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come.

So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness

So the Queen has appointed me, William Hobson a captain in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.

*The first*

The Chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England forever the complete government (kawanatanga) over their land.

*The second*

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

*The third*

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

Signed William Hobson  
Consul and Lieutenant Governor

So we, the Chiefs of the Confederation and of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and marks thus

Was done at Waitangi on the sixth day of February in the year of our Lord 1840  
The Chiefs of the Confederation

### An English Text

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great numbers of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treaty with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands -Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the Following Articles and Conditions.

#### Article the First

The Chiefs of the Confederation of the United Tribes of the New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereign thereof.

#### Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and individual Chiefs yield to her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

#### Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

W Hobson Lieutenant Governor

Now therefore we the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provision of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures of marks and the places and the dates respectively specified.

Done at Waitangi the Sixth day of February in the year of our Lord One thousand eight hundred and forty.

The version of the Treaty in English is taken from Orange (1987, pp.258-259). Orange notes that this version was signed at Waikato Heads and Manukau and became the ‘official’ version.