

Rata, Elizabeth (2003). Leadership Ideology in Neotribal Capitalism, *Political Power and Social Theory*. Vol 16. 45 - 73

### **Key Words**

neotribal capitalism, ethnic revivalism, neotraditional ideology, Maori, elite, brokerage, culturalism

### **Abstract**

The emergence of the Maori ruling elite of neotribal capitalism in New Zealand is located in the politicisation of culture that is a world-wide localised response to fundamental changes in global capitalism. A range of brokerage mechanisms enacted through culturalist discourse have enabled the elite to broker a neotraditional ideology into state institutions. This paper examines the brokers, the brokerage mechanisms, and the ideology of revived traditional leadership which have established this group as a capitalist aristocracy.

### **Introduction**

During the 1980s and 1990s in New Zealand fundamental contradictions within and between liberal-democratic biculturalism on the one hand, and neoliberal devolution and privatisation on the other, provided the political conditions for the emergence of neotribal capitalism and for its ongoing justification in a neotraditionalist ideology. These contradictions were located in the 1970s interrelated movements of bicultural Pakeha New Zealanders towards a Pacific-based identity and of Maori towards an indigenous

identity. Both cultural movements were part of a world-wide response to the contradiction of the world economy and the de-hegemonisation of the West.

Jonathan Friedman (1994) has described the marked change in the cultural state of the world since the early 1970s, a change which affected Hawaiians, Amerindians, Australian Aborigines, Basques and others, as one characterised by ‘an implosive loss of faith in the progress of “civilization”, and a corresponding explosion of new cultural movements, from cults and religious revival to primitivism, a new traditionalism, a striving for the re-establishment of a new culturally defined identity’ (1994: 78). In New Zealand the Maori response to the disintegration of modernity<sup>1</sup> is the emergence of a neotraditionalist ideology. Its rapid acceptance by both leftist biculturalists and rightist neoliberals (albeit for different reasons) enabled a neotribal elite to acquire control of historical grievance settlements, to control the interpretation of the Treaty of Waitangi, and to broker a non-democratic neotraditionalist ideology into the institutions of the democratic state. Andrew Sharp’s (1997: 452) reference to the unprecedented way in which ‘governments were losing control of policy formulation and execution’ illustrates the speed and thoroughness of the brokerage strategies.

The control of resources and resource allocation by the Maori elite was achieved through the politicisation of culture. In Arif Dirlik’s terms (cited in White, 2001: 140) this

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<sup>1</sup> Already in 1983, Marshall Berman described the crisis facing modernity, suggesting that people turn to the first modernists to ‘make their visions our own’ and ‘get back in touch with a remarkably rich and vibrant culture’ that grew out of their struggles: a culture that contains vast resources of strength and health, if only we come to know it as our own. . . .going back can be a way to go forward: that remembering the modernisms of the nineteenth century can give us the vision and courage to create the modernisms of the twenty-first’ (1983: 36). My references to Marx and, earlier, to Kant are in this spirit.

politicisation of culture or ‘culturalism’ is based upon ‘ideologies of culture that tend to divorce concepts of culture and tradition from historical forces of economic change’. It is an approach justified by a neotraditionalist ideology that explains cultural change in terms of the revival of social structures and of communal social relations defined as traditional rather than as a reaction against, and contribution to, contemporary conditions.

With reference to the background, motives and brokerage role of a group of tribal elite who promote neotraditionalism within such a culturalist discourse, this paper examines the ways in which traditional aristocratic ascription contributes to concealing and justifying the new exploitative class relations of neotribal capitalism. My focus on the leaders of Maori cultural politics recognises the pivotal role played by the actors, their identities and their actions in any account of contentious politics (Jessop, 1990<sup>2</sup>; McAdam, Tarrow and Tilly 2001). Cultural change is embedded in the political and material existence of real people with motives, beliefs and interests. ‘All cultural creation is motivated. And the motives lie within the contemporary existences of creating subjects’ (Friedman, 1994: 13).

Part one examines the overdetermining economic and intellectual contexts within which a group of Maori were able to enact brokerage mechanisms and emerge as an aristocratic capitalist elite. Material resources and intellectual ideologies from previously unconnected Maori and government social sites were linked by the activities of the brokers from both sites. Such activities, which characterised the biculturalism project of

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<sup>2</sup> Jessop (1990: 318 - 9) refers to the need to focus on ‘concrete agents and strategies’ otherwise ‘structural forces will probably be overemphasised’.

the late 1970s and 1980s (Rata, 1996), mediated the relationship between Maori revivalists and government biculturalists in new ways that provided substantial benefits to the brokers. (McAdam et al, 2001: 102). Citing Burt (1992), McAdam et al (2001: 142) argue that the brokerage process is itself transforming. 'Brokerage produces new advantages for the parties, especially for the brokers.'

Part two discusses the tribal group who emerged as an elite from the first brokerage process. It investigates the ways in which neotraditionalism provided the justification for their actions and status through an analysis of the ascribed leadership rhetoric of selected influential leaders. Part three examines the issue of second generation brokerage to show how neotraditionalist knowledge and expertise, in addition to material resources, are the new objects of brokerage. This knowledge brokerage, articulated through culturalist discourse, enables a non-democratic neotraditionalist ideology to be institutionalised into the governmental institutions opened up by legislation and juridification in the first brokerage stage.

Neotraditionalism is institutionalised into the state through the brokerage strategies of the neotribal elite and their responsive biculturalist counterparts in government. Brokerage into the numerous sites of democratic government (at local and national levels) by an emerging 'comprador' (Poulantzas, 1976; Overbeek, 1990) elite is part of fundamental changes to modernist progressive politics. These cultural changes are indicative of the even more fundamental changes to a world system experiencing hegemonic crisis as a consequence of the decentralisation of capital accumulation since the early 1970s

(Friedman, 1994). The pragmatic (at best) or back-footed (at worse) politics which have characterised New Zealand's attempts to resolve issues of fundamental cultural change are analysed in the context of this decline of modernist identity. The pessimistic conclusion is that New Zealand's democratic future is severely compromised, even threatened, by the disintegration of the Enlightenment universalism<sup>3</sup> and the modern autonomous identity that permit democratic politics.

## **Part One**

In New Zealand, as in many other post-colonial nations, the decades following the 1960s were characterised by indigenous revival and settler-descendant response. A pan-Maori revivalist movement supported by Pakeha (white) biculturalists promised a post-colonial repositioning between Maori and Pakeha. From the 1975 Treaty of Waitangi Act, successive governments proposed to honour the 1840 Treaty of Waitangi by compensating Maori for historical injustices, by recognising Maori indigenous status, and by adopting policies of social justice that would bring Maori in from the margins of society.

Elsewhere (Rata, 1999, 2000) I have argued that the liberal-democratic pan-Maori inclusion project was derailed by tribal elites and restructured as neotribal capitalism.

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<sup>3</sup> Enlightenment is man's release from his self-incurred tutelage. Tutelage is man's inability to make use of his understanding without direction from another. Self-incurred is this tutelage when its cause lies not in lack of reason but in lack of resolution and courage to use it without direction from another. Sapere aude! (Dare to know - Horace). "Have courage to use your own reason!" – that is the motto of enlightenment (Kant, 1784, 1990: 84).

This postcolonial form of capitalism, as with other forms of capitalism, is characterised by the class relations of production that are located in profit-making commodity production<sup>4</sup>. Neotribal capitalism is, however, distinguished from the form of capitalism that first emerged in Europe in the late fifteenth century (Marx, 1867, 1976) with its privatised property, and (later in the late eighteenth and nineteenth centuries) with its close association with liberal-democratic politics, by the tribal ownership of the means of production and by a neotribalist ideology of communal social relations. Neotribalism conceals the privileging and exploitative relationship of an elite to the tribally owned resources thereby enabling revivalist communalism to be ‘a representation of the imaginary relationship of individuals to their real conditions of existence’ (Althusser, 1971: 153).

Continuing the argument that the emergence of neotribal capitalism from a peoples’ ethnic revivalist movement is the consequence of the contingency between this emergent regime and postfordist forms of accumulation, the ruling class tribal elite is illustrative of the ‘particular forms of the regulation of social relations’ that characterise ‘stages of capitalist development’ (Overbeek, 1990: 84)<sup>5</sup>. The structural conditions established as a

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<sup>4</sup> According to Marx (1867, 1976: 769), ‘(t)he production of surplus-value, or the making of profits, is the absolute law of this mode of production.’ It is the determining purpose of capitalist production.’ (1867, 1976: 383). ‘The second essential condition which allows the owner of money to find labour-power in the market as a commodity is this, that the possessor of the labour-power, instead of being able to sell commodities in which his labour has been objectified, must rather be compelled to offer for sale as a commodity that very labour-power which exists only in his living body.’ (Marx, 1867, 1976: 272).

<sup>5</sup> Retribalisation is a materialisation of the post-fordist regime of late capitalist accumulation. Social forms and relations based upon kinship ideologies are institutionalised through the inclusion of the traditional means of production into the capitalist sphere. In this way retribalisation becomes a fundamental regulatory mechanism in the stabilisation of capitalist accumulation based upon the traditional means of production. ‘The compatibility between the communal ideology which characterises the conditions of existence of neotribal capitalism and

consequence of the Maori - Pakeha bicultural project of the 1970s and 1980s (itself a response to the local - global dialectic of late capitalism) linked tribal regulation and capitalist accumulation in ways that resulted from the actions of a particular group of tribal agents in the conditions of contemporary global capitalism. These conditions led to the emergence of this group as a comprador bourgeoisie (Poulantzas, 1978; Overbeek, 1990) from the exercise of their brokerage and political functions involved in the inclusion of traditional resources into national and international capitalist accumulation.

These elites were able to establish tribal modes of regulation<sup>6</sup> to organise and administer the social relations between the various Maori groups and the capitalised tribal means of production. Because a mode of regulation is an ensemble of values, knowledge, beliefs, cultural practices as much as it is an ensemble of administration and regulation, the elites were able to establish ideological and political control in association with their economic control. Both economic and ideological dimensions of the elite's power were brokered into the state.

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post-fordism is demonstrated by the “resurgence of patriarchal practices and home working” (Harvey, 1989: 153) or in the case of neotribal capitalism, by tribal-working organisation. Indeed, retribalisation, with its communal ideological relations rather than the individualist ideology that characterises fordist capitalism, may be seen as a new solution to the new form of the problem that is at the heart of post-fordism. Class consciousness and the resulting political activism of worker unions is replaced by communal consciousness, enabling employers to manage workers directly and to control the bargaining process for wages and conditions’ (Rata, 2000: 39).

<sup>6</sup> The concept of a mode of regulation (or social environment of production) enables the elements of (the) complex relationship between production and reproduction (to be) related to each other socially’ (Esser and Hirsch, 1994: 74). According to Harvey (1989: 121) the strength of regulation theory lies in its grasp of the dialectical complexity between the production and reproduction environments. Arrighi (1994: 2) refers to modes of regulation as ‘the concept of a localised historical setting and ‘government policies and actions, social institutions, norms and habits of behaviour (the “mode of regulation”)’

The initial intentions of the Pakeha biculturalists, who first came to political power in the 1972 – 1975 Labour Government, was to extend social and economic justice to marginalised Maori (Sharp, 1997). However, the changing brokerage process between the biculturalists (and, from the mid-1980s – the neoliberals of both Labour and National Governments) on the one hand, and Maori leaders (from the 1975 Treaty of Waitangi Act) on the other, has produced a range of unanticipated outcomes

Significant, and unintended outcomes have occurred in the area of constitutional politics. The Waitangi Tribunal (an important institutional site for the brokerage of neotraditionalism by the neotribal elite) has, according to Sharp (1997: 452) become ‘a central player in a largely unforeseen unfolding of law and policy, and opened up an as yet largely unexplored vista of constitutional change’. These legal and policy changes have consolidated the elite’s considerable political and economic power, a power derived initially from their control of the settlement process.

My class analysis of neotraditionalist brokerage by the Maori elite is a criticism of the culturalist analyses that dominant New Zealand academic explanations as well as an examination of neotraditional brokerage, its brokers, and their leadership rhetoric. Culturalism is both an anthropological ideology and an intellectual brokerage mechanism for the institutionalisation of neotraditionalism. As an anthropological ideology it is ‘increasingly used as a privileged tool to legitimise political domination’ (Babadzan, 2001: 150) with its ‘sacralisation of cultures and identities’. With reference to his own work on *kastom* in Oceania (1988) and to Handler’s (1983) Quebec study, Babadzan

refers to the way that culture is ‘transformed and essentialised’ (2001: 149) with ‘anthropologists appropriating the ethnic-culturalist discourse that actors themselves hold about the meaning of their practices’ (2001: 149).

The joint reification of culture (or culturalism) by both academics and subjects is certainly the case in New Zealand<sup>7</sup>. The close relationship between culturalist intellectuals and Maori neotraditionalists (increasingly the same people) has provided the conduit for the brokerage of neotraditionalism into intellectual and political institutions. Peter Munz’s (1994) critique of the New Zealand culturalist anthropologist, Anne Salmond, identifies this practice. He refers to the ‘reliance on the finality of uncritical self-representation (that) has become American anthropological orthodoxy’. (Munz, 1994: 61). I would add ‘New Zealand social science orthodoxy’ as well.

In contrast to the predominance of culturalist approaches in analysing the resurgence of ethnic groups such as Maori, I argue (following Jonathan Friedman and Kajsa Ekholm Friedman’s ‘global systemic anthropology’ [1994: 15]) that cultural change and political repositioning are driven by economic<sup>8</sup> contraction and expansion. Cultural change in New Zealand is embedded in the fundamental changes to the world economy since the early 1970s. This analysis of the role of the Maori elite in harnessing anthropology’s

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<sup>7</sup> For example, the majority of masters and doctoral theses completed in the Departments of Education and Maori Studies at the University of Auckland in recent years take an uncritical culturalist approach.

<sup>8</sup> Even Benedict Anderson (1991), demonstrates the primacy of the logic of capitalism for cultural change in his discussion of the emergence of print-capitalism as the driving force behind fundamental cultural change in Europe. He refers to ‘the strong case (that) can be made for the primacy of capitalism’ (1991: 37) as the ‘revolutionary vernacularizing thrust’ (1991: 39) of the fundamental changes to European social structures in the early modern period.

culturalist discourse focuses on ‘the local/global articulation in the production of culture’ (Friedman, 1994: 27) in which ‘while there is surely a tendency towards a local encompassment of the global in cultural terms, there is at the same time an encompassment of the local by the global in material terms (1994: 12).

The temporal and spatial epistemology of culturalism supports neotraditional ideology. The ahistorical culturalist interpretation of the Treaty of Waitangi has contributed to the shift in the historical grievance settlement process from a pan-Maori to a tribal focus, and from a reparative rationale to one that interprets and justifies the tribes’ political relationship with the state in a treaty based ‘constitutional’ partnership. Like all capitalist regimes, the deep contradictions in neotribal capitalism between the real economic conditions of peoples’ existence and the ideological understanding of those conditions, takes a phenomenological form in numerous contradictions and ambiguities. On one hand the tribes recognise historical specificity in respect to contemporary economics. For example, ownership as the ‘fixed proprietary exclusiveness which belonged to the concept of ownership in Roman law’ (Bloch, 1961: 116) is the neotribal capitalist meaning although it was not the 1840 tribal meaning.

On the other hand such specificity is rejected in neotraditionalist ideology when it is not in the interests of the neotribal economy. In the main, treaty interpretation is ahistorical despite its reality as a historical document located in, and given meaning by, the world of 1840. Marc Bloch (1961: 148) uses the Arab proverb ‘men resemble their own times more than they do their father’ to make the point that a society is ‘the product of

contemporary conditions'. The interpretation of the treaty in the early twenty-first century is a product of contemporary conditions and the effect of the current global – local dialectic. However, it is reified as an ahistorical and spatially fixed concept within neotraditionalist ideology.

Members of the tribal intellectual elite have been the key players in brokering this neotraditionalist ideology into the structures and processes of the state. Just as neotribal capitalism is located in the fundamental changes to the world economy, so too, is the ideology of that regime located in the associated intellectual movement of culturalism that accompanies and seeks to legitimise the move to an anti-progressive cultural relativism. This means that any analysis of the cultural changes embedded in fundamental economic change also requires an analysis of its accompanying justifying ideology. In the case of neotribal capitalism, that ideology is neotraditionalism, articulated in the discourse of culturalism.

In his account of the 'existence of certain similar patterns in the history of civilized ideologies', patterns that follow the 'dynamics of expansion and contraction of civilized systems themselves', Jonathan Friedman (1994: 65) argues that the evolutionism and materialism of the post-war era have been replaced by anti-progressive intellectual movements that reflect, rather than criticise, contemporary economic contradictions. He identifies these anti-modernist movements as 'traditionalism, postmodernism and primitivism'. The numerous local narratives of postmodernism supports the relativism of

the culturalist approach<sup>9</sup>. ‘Primitivism I’ is ‘a protest against the new cold and insecure conditions of civilised society’. Its ‘cynical postmodernist search for roots’ (1994: 70) approach is a key feature of neotraditionalism. ‘Primitivism II is a vision of primitive Utopia, a return to nature, to equality, to community’ (1994: 57). These movements are all clearly identifiable in the neotraditional rejection of modernist progressivism for the restoration of a tribalised kinship-based society, and in the romanticism of the restored utopian community.

Maori neotraditionalism and its supporting intellectual discourse of culturalism combine to erase the historical consciousness that could jeopardise the elite’s control over material and intellectual resources. ‘In societies where the state class totally dominates the accumulation of commercial wealth’ (in contrast to the merchant class) ‘its own political power, which is identical to its economic power, that is, its ability to survive, is directly jeopardized by any form of historical consciousness. On the contrary, its requirements are more mythological in nature, a consciousness that detemporalizes its position in the cosmos’. (Friedman, 1994: 65). The emphasis on mythology (the spiritual dimension) is increasingly widespread in New Zealand. It is significant that Maori writers, such as Ranginui Walker (1989) and Linda Smith (1999), who have made a major contribution to culturalist discourse, include accounts of Maori mythology in their scholarly writings.

The almost total acceptance of neotraditionalist mythology by government agencies (previously bastions of modernist rationality at its most instrumental) is demonstrated in a

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<sup>9</sup> For an indepth discussion of the contribution made by postmodernism to culturalist orthodoxy in New Zealand, see Rata, E. (2002). ‘The Purpose of Knowledge’ in *Democratic Principles in Teaching and*

very concrete way by a recent incident involving a large motorway project. Work was halted immediately by Transit New Zealand after local Maori pointed out the presence of a taniwha (a spiritual or mythical creature) believed to live in a swamp in the path of a proposed motorway. Of interest here is less the belief in the taniwha than the willingness of a government agency to recognise its existence in a manner that would appease local iwi sensibilities and ensure the project's completion. (A motive that suggests that instrumental rationality does still operate among engineers). Protocols adopted by government agencies in recognition of neotraditionalism ensure that the issue of mythical creatures is dealt with according to the same protocols as the presence of human remains (N. Z. Herald, 5 Nov 2002). This incident is interesting because it shows both the degree of the success of neotraditionalist brokerage into the modernist state and the role of mythology as one of the areas of knowledge brokerage, the 'modern reifications of the past (that) serve the function of myth' (Ward, 1999: 149).

Neotribal groups, like any ethnic group<sup>10</sup>, 'are born from "inter-group contact"' (Hechter cited in Ausenda, 1997: 223) in which 'the resilience of ethnic identity is . . . an idiom for the pursuit of political and economic interests' (Turton, 1997). The 'inter-group contact' of bicultural brokerage contributed significantly to the success of contemporary retribalisation, a success that occurred as a result of inter-group recognition. The importance of 'the recognition of difference' as a brokerage strategy is demonstrated by a comparison between pre- and post-brokerage recognition. According to Sir Hugh

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*Learning, A Kantian Approach*, Monograph series, Auckland: Auckland College of Education, pp. 39 – 47.

<sup>10</sup> Turton (1997: 4) refers to the 'deliberate and self-conscious substitution of the term "ethnic group" for "tribe" in anthropological writing over the past 20 years'.

Kawharu (1989: xii), a tribal leader and academic, as recently as the ‘late fifties and early sixties it was held in official circles that “tribe” was an anachronism’.

With the galvanising of the pan-Maori movement of the 1960s into a political movement in the 1970s, the base was established for further transformation into neotribalism under the control of the elite. This group had entered the political arena through their leadership roles in the pan-Maori movement. The shift to tribal identification meant that they could use their political connections acquired in the earlier radical protests<sup>11</sup> in the cause of specific tribal interests and become recognised as brokers between the government site and the tribal site. Subsequently their brokerage role provided access to economic resources of the settlements on behalf of the tribes rather than pan-Maori. The use of ‘tradition<sup>12</sup>, especially one located in the ‘blood and soil’ rhetoric of indigenous status, justified and legitimised this political role and its material benefits. With reference to Glazer and Moynihan (1973), David Turton (1997: 11) has explained the “strategic efficacy” of ethnicity in ‘mobilizing groups around common material interests’ as the result of the symbolic content of ethnicity. The symbolic content or ideology ‘masks or “mystifies” those interests for the group members themselves’. In this way the elite’s self-representation as traditional leaders rather than as a class-in-and-for-itself has ensured support from non-elite Maori. The strength of neotraditionalism explains the

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<sup>11</sup> Many of brokerage relationships between Maori neotribalists and Pakeha biculturalists were formed in the days of radical student politics, in the shared protests against the Vietnam war and, particularly, the anti-Springbok rugby tour of 1981. The protests against racism in another country marked the shift from a shared political platform to a new relationship between Maori and Pakeha. Maori turned to their own protests against racism in New Zealand and the role of bicultural Pakeha changed from co-activist to supporter in respect to Maori issues.

<sup>12</sup> The reification of tradition and culture is well documented in studies by Hobsbawn, 1983; Handler, 1983; Babadzan, 1988 Friedman, 1994; Anderson, 1991, Turton et. al. 1997; among others. According to

absence of protest from the non-elite Maori despite continuing (and in some cases, worsening) social and economic problems for this group<sup>13</sup>, and visible evidence of wealth by the elite.

Along with the efficacy of symbolic identification in neotraditional beliefs, values and practices, the absence of non-elite protest can be explained, in part, by the pervasive use of culturalism. David Turton (1997: 37) has acknowledged the role played by scholars in creating ideologies. ‘Whether we like it or not, our disciplines – especially, perhaps, history and anthropology provide what Hobsbawn calls the “raw material” of nationalist and ethnic ideologies’. In New Zealand, the textbooks used in education studies and in teacher education demonstrate the extent to which culturalism is the intellectual orthodoxy<sup>14</sup>.

A third explanation for the hegemony of neotraditionalism may be found in the ‘two worlds’ approach of culturalism. Historical and contemporary experiences of Maori and Pakeha, each to the other, are defined solely in terms of ethnic difference with class or

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Hobsbawn (1983: 1) tradition is defined as ‘a set of practices . . . which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past’.

<sup>13</sup> Chapple et al (1997: 67 – 91) point out that ‘the period of the late 1980s and early 1990s has seen a relative worsening in Maori economic outcomes’. In 2001, a Report by Te Puni Kokiri (the Ministry of Maori Affairs), refers to the increased degree of hazardous alcohol use amongst young Maori and to the high rates of smoking by Maori low income earners (N. Z. Herald, 1 January 2001). The 1995 –6 Ministry of Health Report (1996: 21) stated that ‘hospitalisations due to child battering and other maltreatment’ was increasing for Maori. The wealth and success of the Maori elite is also reported in the media. The N. Z. Herald (19 May 2000) in reporting on that year’s ‘rich list’, stated that ‘the Treaty of Waitangi settlement process had been kind to some Maori, including specialist treaty lawyer Donna Hall, wife of High Court judge and Waitangi Tribunal chairman Justice Eddie Durie. Her earnings over several years from treaty settlement legal fees could be \$10 million, said the rich list’.

<sup>14</sup> For example: Coxon, et. al. 1994; Davidson and Tolich, ed. 1999; Jones et. al. ed. 2<sup>nd</sup> ed. 1995; Marshall et. al. 2000; McGee and Fisher, 2<sup>nd</sup> ed. 2001; McMurchy-Pilkington, 2001; A. Smith, 4<sup>th</sup> ed. 1998; Thrupp, ed. 1999

liberal modernist analyses rarely employed<sup>15</sup>. This approach reflects and contributes to consolidating ethnic boundaries by interpreting all social experiences as a ‘two worlds’ conflict. Tariana Turia, the Minister responsible for Maori family welfare provides a vivid example of this with her recent claim that ‘campaigns to help Maori solve social problems such as family violence undermine rangatiratanga<sup>16</sup>’. In a remarkable display of Orwellian language reversal, Ms Turia writes in a regular online column, Beehive Chat (the Beehive is the parliamentary building that houses members of parliament) that ‘tangata whenua get frustrated when official agencies tell us how to solve “our” problems’. ‘We are the targets of campaigns to *prevent* family violence and neglect, to improve our health and education.’ (my italics) (N. Z. Herald, 7 November 2002).

A fourth explanation for neotribalist hegemony is the continuation of techniques used in the earlier pan-Maori period to justify the settlement of historical injustices and now employed to justify neotribal capitalism. Gallagher (1997: 47 – 75) describes these techniques (with reference to Serbian and Croatian political and intellectual elites) as ‘the assertion of inalienable historical rights, the cultivation of a persecution complex by reminding people of past wrongs committed by ethnic opponents and an insistence that guilt for past wrongs is both hereditary and collective’. They provide ‘the potential for a lethal force in human affairs through the deliberate calculation of political elites’. Although such techniques have not been a lethal force in New Zealand, they have been carried over from their role as rhetoric in the settlement of justifiable historical wrongs to

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<sup>15</sup> Some exemptions are Eru Poata-Smith, 1996; Steven Webster, 1998, Elizabeth Rata, 2000, Peter Munz, 2001, Andrew Sharp, 1997

<sup>16</sup> Variously interpreted as sovereignty, self-determination, self-governance, chieftainship. Tangata whenua – people of the land, indigenous.

consolidating an ahistorical ‘two worlds’ approach to Maori – Pakeha relations. Despite extensive Maori-Pakeha intermarriage, and the widespread acceptance that all Maori have one or more Pakeha ancestors, the success of the ‘two worlds’ idea demonstrates the process of ethnic boundarisation as a neotraditionalist strategy. Because ethnicity is a relational concept this firming of the boundaries between Maori and Pakeha simultaneously weakens the modernist principle of universalism and strengthens the concept of social division on the basis of ethnicity. Creating boundaries creates a ‘space in the middle’ that needs to be crossed. This is the brokerage site where brokers provide essential and profitable services.

The successful brokerage is based upon the initial commonality between leading activists in the pan-Maori revival of the late 1970s and early 1980s and Pakeha biculturalists. Sharing a culturalist interpretation of cultural change enabled Maori leaders to gain the support of the biculturalists who came to political power during the 1980s. In turn, the support, which is ongoing, opened up political and legal sites for the brokerage of tribal political ambitions. Margaret Wilson, a former law professor and currently Minister for Treaty Negotiations in the Labour Government, is representative of (a decreasing number<sup>17</sup>) of Pakeha biculturalists who broker, from the government side, Maori neotraditionalism into government institutions. Claiming that the treaty ‘still speaks today’ (1996: 9), Wilson, who supports the constitutional recognition of Maori sovereignty based upon the Treaty of Waitangi, does acknowledge that the more limited

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<sup>17</sup> The largely silent retreat of many Pakeha biculturalists from neotraditionalism in the 1990s is analysed in Rata, 2000: 130 – 136. A decade of biculturalism had revealed the deep differences between the earlier bicultural concept of ‘difference within unity’ and the strengthening of ethnic boundaries that have been an unintended outcome of biculturalism.

ambition of legislative inclusion ‘may be the best that can be achieved in the current political climate’ (1996: 15). However, the 2002 Speech from the Throne at the Opening of the 47<sup>th</sup> Parliament by the Governor-General, (Cartwright, 2002) shows a strengthening of the Treaty’s brokerage role into constitutional areas. ‘The basis of constitutional government in this country is to be found in its founding document, the Treaty of Waitangi. My government values and remains committed to strengthening its relationship with tangata whenua. That means fulfilling its obligations as a Treaty’.

Elite control of the tribal settlements enabled brokerage of tribal property in its capitalised and commodifiable form into national and international economic circulation. Economic power became political power. Within the tribes, the elite created modes of regulation to unite the economic and ideological dimensions of the new tribal social structures. In turn, the consolidation of political power within the new tribal corporations resulted in increased brokerage leverage with the government. A political relationship was developed according to a Treaty of Waitangi partnership concept between the new corporate tribes and the state. That partnership discourse currently enables the political brokerage of the neotribal modes of regulation into a new tribal – state political relationship. Tribal representatives and interests are included in government institutions at local and national level and with the recognition of specific Maori interests in the political process. This inclusion is illustrated by the recent Royal Commission’s Report on Genetic Modification which recommends that Institutional Biological Safety Committees (IBSCs) include at least one Maori member, appointed on the nomination of

the hapu or iwi with manawhenua in the locality affected by an application'. (Royal Commission Report, Recommendation, 2001, 6.10, p. 353).

The partnership interpretation of the 1840 Treaty of Waitangi is the most significant brokerage mechanism. Its institutional site is the Waitangi Tribunal, established in 1975 under the Treaty of Waitangi Act. Sharp (1997) has described the way in which the Tribunal's intimate legal relationship with the Treaty made it a central policy player. 'From 1986 to 1991 several statutes were passed embodying requirements that Treaty rights be respected or that "regard" be had to the Treaty and its principles, thus definitely incorporating it into law' (1997: 451). Maori control of the Treaty's interpretation from the mid-1980s, particularly the concept of the adherence to treaty principles in all areas of state activity, increased the political power of the elite who controlled the process. 'The agenda was set by Maori, and governments has not been successful in wresting the initiative back. In attempting to bring the question of reparation under the aegis of normal legal process, they' (both the Labour government of 1984 – 1990 and the National government of 1990 – 96) 'discovered that profound constitutional issues and costly settlements were entailed' (Sharp, 1997: 448).

The success of the elite's political brokerage has enabled the institutionalising of neotribal capitalist modes of regulation into the institutions of the democratic state. It is justified by claims that the new tribes are the legitimate inheritors of the traditional social structures that first entered a political agreement with the state with the signing of the Treaty of Waitangi. In turn, this justification is legitimated by the state's recognition of

neotraditionalist ideology, that is, of both the idea that the capitalist tribes are the communal tribes of the past, and of the idea that the elite are tribal leaders in the traditional way, rather than as a fundamentally different capitalist aristocracy.

The state's uncritical acceptance and self-interested recognition of neotraditionalism and the way in which a particular form of treaty discourse has become the politically correct orthodoxy has occurred within a context of multi-layered bicultural – neoliberal contradictions. These contradictions are aggravated by the unusual alliance<sup>18</sup> of leftist biculturalists and rightist neoliberals. By recognising the neotribes as traditional and thereby enabling the contemporary tribes to inherit the historical grievance settlements and to become the legal owners of traditional resources, government biculturalists first legitimated the neotraditionalist discourse in the 1980s. By recognising the new propertied tribes as political modes of regulation through the devolution of state regulatory functions to the tribes, government neoliberals, in the 1990s, enabled what are essentially economic corporations to acquire a constitutional type political status. This status, embedded in a Treaty of Waitangi partnership discourse, has led to a non-democratic economic organisation claiming political partnership with a democratic government, and to the recognition of that claim as legitimate (Rata, 2003).

In the acceptance of neotraditionalism the aspirations of leftist biculturalists and rightist neoliberals converged. Indeed it is not surprising that the 'goodness and power' paradox

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<sup>18</sup> This alliance was indeed unusual in that, for a short time during the late 1980s, these contradictory positions were to be found in the same people. For example, several Labour Government cabinet ministers, notably the Finance Minister, Roger Douglas and the Minister of State Services, Richard Prebble, were the advance guard of neoliberal reform.

of the post-war new intellectual class identified by Gouldner (1976) emerged in the reactions of that class to the economic contractions of the 1980s. The paradox was expressed dramatically by the combination of leftist social ameliorative policies and rightist devolution and privatisation policies in the 1987 – 1990 Labour Government, - sometimes by the same people. Margaret Wilson, Minister for Treaty Negotiations, exemplifies this contradictory combination. ‘One method introduced by the Labour government between 1984 and 1990 to try to avoid future injustices was to institutionalise bi-culturalism through making government departments more responsive to the treaty and the needs of Maori generally. This policy of biculturalism was also consistent with that government’s policy of devolving decision making to iwi (tribe), and with the restructuring of the state sector to make it more client driven.’ (Wilson, 1995: xv.)

The deep philosophical contradictions in liberal-democratic politics surface in bicultural policy. Those at one end of that political spectrum emphasise universal social justice achieved by active state regulation. Others, further to the right of the spectrum, emphasise individual freedom, citizenship and devolved state regulation. (Given the particular nature of New Zealand’s colonial heritage it is not uncommon for both points of view to be held by the same person). The meaning that biculturalists give to tribalisation demonstrates these contradictions. Supporters of an active regulatory state for social justice purposes tend to see a democratic regulatory mechanism in the assumed communal social structure of the tribe. Those who prefer a less regulatory state, assume

that the tribe is a social structure which could function as a devolved political and economic entity within a democratic society.

Neither group recognise that the neotribe is a fundamentally different structure from the traditional tribe, and, that both the traditional tribe and the neotribe are non-democratic. A kinship-based social structure is, by definition, a bounded non-universal structure characterised by closed forms of knowledge which are the means of social bonding (Popper, 1961, Munz, 2001, Barry 2001). The inclusion of non-kin individuals may occur but it is discretionary, not a right based upon universal concepts of inclusion. Democracy, by contrast, is a social philosophy committed to the principles of rational thought, universalism, critical reasoning, and the autonomous individual. The principles continue the 'democratic idea developed by Rousseau and Kant' (Habermas, 2001: 36) and provide the necessary conditions for democracy.

Kant's philosophy integrates the four conditions. Firstly, universalism and rational thought are interdependent. Rational thought, the 'universal reason of humanity' (1781, 1993: 491) is a characteristic of the human condition. It comes from the 'sources of reason, that is, from principles' ([1781], 1993: 535) which are established in the universal *a priori* conditions of shared time and space. Human beings are linked in the universal condition by sharing the possibility of experiencing and understanding experiences within the same universal conditions of time and space. Specific experiences and means of the understanding those experiences differ as a result of language or culture, but universalism exists in the possibilities of shared *a priori* conditions.

Secondly, the universal character of the *a priori* conditions for rationality is the premise for the democratic principle of universal equality. Kant makes this link between thought, purpose (morality) and politics (action) in his famous dictum, ‘What can I know? What ought I to do? What may I hope?’ (1781, 1993: 518). The principle of universal equality rejects hierarchical status based upon birth (such ascribed traditional leadership), and rejects societal inclusion or exclusion according to kinship or other biological-based criteria. The premise that all people share universal conditions of time and space that provide the possibility for rational thought, justifies universal equal political rights. In this way, rational thought and democratic politics are integrated as human, not culturally specific, characteristics.

Thirdly, the integral link between thought and politics is united in critical reasoning. The ‘reason that puts itself on trial’ (Habermas, 2001: 30) occurs when we ‘exercise our powers of reasoning in accordance with general principles, retaining at the same time, the right of investigating the source of these principles, of testing, and even of rejecting them’ (Kant, 1781, 1993: 353). Here is the link from the first three conditions of democracy: rational thought, universalism and critical reasoning, to the fourth condition – individual autonomy which provides ‘the freedom to make public use of one’s reason at every point’ Kant, 1784, 1990: 84). Neotraditionalism does not share the democratic principles of democracy: rationality, universalism, critical reasoning and individual autonomy. The existence of some practices that may be considered democratic, such as consensus decision-making among kaupapa Maori school boards of trustees, is

insufficient to claim democratic status. The neotribes are non-democratic both because they are economic corporations and because they adhere to neotraditionalist principles.

## **Part Two**

The group of Maori who functioned as the vanguard of change throughout the cultural revival, directed the movement firstly into indigenisation, and then into retribalisation. In the process their actions, motives and intentions become reshaped within the channelling process of change. This section examines that group and the process of change.

In claiming a traditional leadership relationship to the newly capitalised resources, the tribal representatives in the institutionalisation process have become the ruling elite of neotribal capitalism. Legislation opened up structural sites within the state and, in the second stage of the juridification process, a range of policies and procedures ‘filled’ these sites. The motives, intentions and actions of the tribal agents were channelled in these sites, and, in a dialectical interaction, both institutional sites and agents were reshaped.

The origins of the neotribal capitalist brokers can be traced to the group of Maori who emerged during the 1950s as a small middle class (Fitzgerald, 1971). These ‘educated children of the Maori elite’ (Ward, 1999: 22) who led ‘the first waves of renewed protest’ were in organisations ‘such as the Maori Graduates Association’ and in professions such as primary teaching and social welfare. A small but influential group were officials in the

Department of Maori Affairs. Emerging in the late 1960s as representatives of the cultural renaissance, this group was well-placed to act as intermediaries between the growing numbers of Maori activists in the 1970s and the Pakeha biculturalists of the new professional class (Rata, 1996).

Their active role in the Maori world was the reason for their placement within the institutional sites opened up during the bicultural project. They had played a significant role in creating the legislation that resulted from the political agitation of the 1970s. There was a commonality of objectives between pan-Maori activists and Pakeha biculturalists (including politicians in the 1972-1975 and 1984-1990 Labour Governments<sup>19</sup>). Both groups intended to use political change to bring Maori in from the margins of society by ensuring economic development within a cultural revivalist framework. Throughout the 1980s and the 1990s the tribes declared their intention to develop an accumulatory economy. According to Mahuta (1996: 118), a leader of the large Tainui tribe until his recent death, 'the resolution to long-standing Treaty claims will provide some tribes with an economic platform to propel and control their own local developments'.

By the mid-1980s the pan-Maori revivalism had been reshaped as a retribalisation movement. The increasing emphasis on retribalisation influenced the ways in which government biculturalists recognised Maori agency. From the 1985 Treaty of Waitangi Amendment Act it was as tribal advocates, rather than as representatives of pan-Maori,

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<sup>19</sup> 'The Labour Party believed that the Treaty of Waitangi was a living document which must be honoured' (Harris and Levine, 1992: 211).

that Maori activists entered the institutional sites of the state to fulfil brokerage roles. They served on the committees, the workshops, the Treaty of Waitangi courses for government departments, joined the Waitangi Tribunal, became advisors, and later consultants to government departments and business groups that began implementing bicultural policies and adhering to Treaty of Waitangi principles. By the late 1980s many had moved into positions of authority and influence as positions opened up in institutions that were committed to the principles of the Treaty of Waitangi. Some became academic and professional authorities promoting a culturalist perspective, others became members of the Waitangi Tribunal, leaders in the National Maori Congress, members of the Waitangi Fisheries Commission, government advisors, and Treaty of Waitangi consultants, researchers and lawyers as institutional sites were established in what became known in time (somewhat disparagingly) as the 'Treaty Industry'.

Two acts of juridification changed the role of this group in fundamental ways. The 1985 Treaty of Amendment Act enabled Maori grievance claims to be backdated to 1840. 'Huge land claims against the Crown were lodged by the Ngai Tahu, Tainui and Atiawa tribes', the number of claims rising 'quickly to 120' (Walker, 1989: 254). The Amendment Act enabled the tribes, in their historical character as the Treaty partner, to emerge as the mode of regulation of Maori economic organisation. The property rights to large areas of land, waters (and more recently, claims to airwaves, native flora and fauna, petroleum and mineral resources, and traditional knowledge) were juridified as tribal property. Tribal leaders were the controllers of this property. Detribalised Maori were excluded from ownership of the lands, waters and compensation returned under

government 'honour the Treaty' policies. Ironically, this group have now been doubly dispossessed; firstly, by the detribalisation that followed from colonial land alienation in the nineteenth century, and secondly, by land return only to those who in the post-colonial era who have not been detribalised.

The second critical act of juridification was the 1992 Treaty of Waitangi Fisheries Claim Settlement Act. This Act was the 'moment' when the newly recognised tribal property right became economic capital. The legislation established the mechanisms for the economic development and operation of a Maori fishing industry. As a consequence of the Act tribal property was brokered into national and international capital circulation through commercial contracts.

Those Maori involved in the brokerage emerged as a comprador bourgeoisie in relation to the capitalised property. Brokerage was more than the linking of sites described by MacAdam et al. (2001). It was the alteration to the form of the means of production through the repositioning of these means of production in relation to capital accumulation. Resources, such as land, water and knowledge, became recognised as legal commercial property which could be used to produce commodities for profit.

As a consequence of the comprador role played by this group in brokering the traditional means of production - lands, waters and knowledge, into national and international capitalism within government bicultural juridification and institutionalisation processes, the contemporary tribal ruling elite emerged in a classed and not a communal relationship

to other groups of Maori. However, the rhetoric of traditional hierarchical leadership revival links neotraditional ideology and capitalist accumulation. The concept of traditional aristocratic ascription has contributed to the acceptance of a hierarchy of social relations and the legitimation of the contemporary class elite. Disputes during the 1990s in the Tainui tribe between members of the democratically elected Management Board and the Maori Queen's appointees, regarding the leadership of the tribe's economic development, were explained by Ranginui Walker (himself a leading strategist in the Maori revival) in neotraditionalist terms. Walker referred to the importance of resolving the dispute so that the aristocracy was not undermined. 'Professor Walker dismissed the emphasis being placed on democracy. "Tainui must adopt a more collegial and consensual leadership or they will continue to self-destruct and undermine the aristocracy".' (*N. Z. Herald*, 19/20 August 2000).

Despite the privileging relationship between the new class elite and the capitalised tribal resources, the concept of a revived traditional leadership system is strengthening as part of neotraditionalist hegemony. According to Sydney Mead, an influential Maori academic and tribal leader 'the evidence indicates that there was a well-established leadership and decision-making system in traditional Maori society. The social groups of waka, iwi, hapu and whanau<sup>20</sup> provided the traditional Maori with an established social and political structure within which various levels of leaders worked and where decisions were made' 'The social system of traditional times is still in place, though greatly changed. Waka, iwi, hapu and whanau still exist despite years of government efforts to undermine them. There is still a Maori leadership system' (1997: 203).

In neotraditional ideology tribal leaders are considered to be people of aristocratic lineage who serve their people although the new regulation of social relations in neotribal capitalism has altered the role of leaders in fundamental ways. Tribal economic development is regarded as giving greater importance to the revival of traditional leadership roles. Sydney Mead (1997: 261-2), speaking to Ngati Awa tribal hui (meetings) in 1990 concerning the economic development made possible by the grievance settlement reparations, exhorts tribal members to serve their tribe (iwi). ‘Ngati Awa of the modern era needs expertise in all sorts of fields’, it needs people with ‘integrity and commitment’, particularly in regards to other more ‘well organised iwi’; ‘some are larger than we are, richer in resources, and have more political power’.

The public biographies of tribal leaders such as Sir Tipene O’Regan, Dr. Tamati Reedy, Professor Sydney Mead and Sir Robert Mahuta, exemplify the emergence of the comprador bourgeoisie of neotribal capitalism. In the shift from the pan-Maori cultural renaissance to neotribal capitalism they became leaders of the cultural renaissance, a consequence of their intermediary positions in both tribal affairs and state educational positions, positions which provided the background for future brokerage roles. Mahuta’s background in union politics led to postgraduate studies in anthropology and then to a leading role in the settlement of the Tainui tribe’s historical grievance settlement. The teaching backgrounds of O’Regan, Reedy and Mead provided the initiation into, first cultural, and later, political activism. ‘In the 1950s I was a country schoolteacher in a Maori school (when) I decided that te reo Maori (the Maori language) ought to be taught

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<sup>20</sup> waka (tribal federation), iwi (tribe), hapu (sub-tribe), whanau (extended family)

in the school because the community was losing the language' (Mead, 1997:4). Mead became the first Professor of Maori and led the Ngati Awa tribe's claim to the Waitangi Tribunal for the return of land confiscated by the colonial government.

Similarly, Tipene O'Regan (1994: 43), leader of the South Island's Ngai Tahu tribe describes the shifting roles during that period with reference to the tribe's evolving legal and economic status. He 'was one of the young generation from the Maori Graduates Association . . . (that) was concerned, as the second generation of Maori university graduates, to drive change with our people. We were very effective for a time. Then we all began answering the call of our own tribes and regions.' 'We've driven our case through the Waitangi Tribunal, and are now on the way to having our legal personality recognised, the first time for any tribe since the 1850s when the Crown 'vaporised' its Treaty partners'. His determination to establish the tribe as a capitalist corporation exemplifies the formation of a tribal mode of regulation. '(T)he growth of a stable decision-making structure is critical if the iwi's assets are not to be placed at risk.' (1994: 47).

Tamati Reedy was the Secretary of Maori Affairs during the critical period of the 1980s. His commitment to tribal ownership and the capitalisation of traditional resources was demonstrated in his address to the United Nations at the launch of the 1993 International Year for the World's Indigenous People. Dr. Reedy spoke as the representative of the National Maori Congress for the '45 affiliated tribes of Maori' as well as 'a representative of the second largest tribe, Ngati Porou'. His speech condemned the

1992 Settlement Act, not for the distribution of the fisheries assets to the tribes and the exclusion of non-tribal Maori, but because the ten percent distribution of the nation's commercial fisheries to the tribes fell well short of the one hundred percent that he considered to be the tribes' treaty right. 'Maori has always claimed 100% of the rights to the fisheries around New Zealand and this claim derives from customary and aboriginal title - validated by a Court decision *Te Wehi v the Crown* 1986. These rights are further guaranteed under Article II of the Treaty of Waitangi 1840. This Treaty allowed the British Crown and its descendants to settle in Aotearoa-New Zealand' (Reedy, 1992).

Sir Robert Mahuta (the adopted brother of the Maori Queen, Dame Te Atarangiāhau of the Tainui tribe) was the leader of the Tainui claim to the Waitangi Tribunal and the chairperson of the tribal organisation that subsequently controlled the reparations. He served as deputy chair of the Waitangi Fisheries Commission during the 1990s, and, like the other compradors, played a prominent role in various tribal and pan-tribal economic initiatives. Like the other leaders, Mahuta's role was to establish a tribal mode of regulation to control the economic development based upon the grievance settlement reparations. 'A number of management committees within Tainui (were established) to facilitate and direct economic and social programmes at the local level. In addition, a number of board committees were formed to oversee initiatives in areas such as farm development, health, education, welfare and youth. The goals of these committees include the expansion of kohanga reo, bilingual schools and kura kaupapa Maori, as well as marae-based health, education and welfare programmes.' (Mahuta, 1995:28).

More significantly, in terms of the establishment of tribal modes of regulation was Tainui's refusal, in 1988, to administer such schemes using state funding in an arrangement that would have seen the tribe act as an 'agent of the Crown'. The government's rejection of the Tainui preference 'appointed authority', revealed, according to Mahuta, 'iwi (tribal) dependence on the government and highlighted the need for an established economic base totally *under tribal control*' (my italics) (1995: 28).

The present government 'capacity-building' policy shows that, a decade later, the concept of tribal modes of regulation is now acceptable to the state. This brokerage policy 'would help hapu (sub-tribes), iwi (tribal) and other Maori organisations produce their own community development plans that would eventually go to Government agencies for financing. "Capacity-building focuses on enhancing capabilities so Maori become the managers and controllers of their own development," said Ms Turia' (the Associate Minister of Maori Affairs). (*NZ Herald*, 14 June 2000). Recently, the Minister has demonstrated the link between political self-regulation and neotraditionalism. In a clear rejection of modernity, she argues that 'Maori, with their own rangatiratanga, "could manage issues of concern to get a better result than we have achieved through the system imported from Britain"' adding that 'her ancestors "asserted their rangatiratanga and their right to live in their own way of life according to their own tikanga (customs)"'. (*N. Z. Herald*. 7 November 2002).

The rhetoric of neotribal leaders concerns tribal revival, economic modernisation and restored communalism. However, both traditional resources and tribal members are now regulated according to capitalist class relations. This is a consequence of the new, but concealed, relationship between people and the capitalised resources. People are either in possession of tribal resources as a consequence of their tribal affiliation, or, for the non-tribal Maori, dispossessed from the traditional lands and waters. Amongst tribal members, the nature of possession is determined by the extent to which a person has control over the use and profits of the resources. The inclusion of the traditional means of production as capital within the sphere of commodity circulation has altered the process of valorisation of those means. Although the people themselves appear as the same people, just as the lands and waters remained the same lands and waters, they have changed in fundamental ways. Those in control of the capitalised means of production have acquired a class character as a consequence of the interests that arise from their new privileging relationship to the capitalised traditional economic resources. These changes to the social structure are so fundamental that there is no real continuity between the traditional tribe and the contemporary tribe. Continuity with the past is, however, the justification for ownership of the historical settlements and for control of the tribal economies. The brokerage of neotraditional ideas, especially the concept of whakapapa (genealogy) into the institutions of the state and into the minds of people ensures that belief in a historical continuity despite the ahistorical character of the ideology.

### Part Three

While the first generation of compradors brokered material resources, lands and waters, a second generation brokers the knowledge-commodity and the political partnership concept which strengthen their position. From the structural positions in the state and quasi-state bodies established in the 1990s, the neotraditionalist brokers can use Maori knowledge as their capital through mechanisms of acquisition and control that are based upon the insertion of the principles of the Treaty of Waitangi into many knowledge-based institutions and activities.

The insertion of the Treaty principles into institutional charters and protocols provides the structural sites for neotraditionalist brokerage within a culturalist discourse. This discourse presents the closed beliefs of neotraditionalism, beliefs which serve as the believers' 'social cement', as equivalent to modern rationality. However, there is a fundamental difference between neotraditionalism and modernist thought. The latter is scientific because it is subjected to 'critical scrutiny'. Criticism, which contains the potential for rejecting knowledge, is unavailable to closed societies precisely because of the purpose that closed beliefs play in maintaining social cohesion (Munz, 1999: 6).

Neotraditionalism, the elite's self-representation, known variously as Maori knowledge, matauranga Maori, Maori tikanga and kaupapa Maori demonstrates the 'self-conscious traditionalism' which 'is itself a thoroughly modern movement of renewal' (Habermas cited in Barry, 2001: 259). Beliefs in this ideology in itself are not a problem for a

democratic society, which can, and should, contain both forms of knowledge; the closed ideological and religious beliefs of particular groups, and the open forms of rational knowledge that is constantly scrutinised and changed. The problem for democracies is the brokerage of closed forms of knowledge, such as neotraditionalism, into sites that have the role of maintaining open forms of knowledge in a democracy.

Educational institutions, particularly universities, are the essential places for the maintenance of scientific rationality. They are, however, the sites for increasing brokerage of neotraditionalism. The legislative requirement for all government institutions to adhere to the principles of the Treaty of Waitangi is the foundation brokerage site, while specific education policies such as those which monitor compliance are the brokerage mechanisms. Local government is another major site for increasing neotraditionalist brokerage. According to Auckland City's 2002 Annual Plan, 'Auckland City recognises – and strongly supports – the responsibilities it has under the Treaty of Waitangi' (Annual Report, 2002: 7). The Resource Management Act, which gives local bodies the responsibility to consider cultural values, has increased brokerage considerably. .Recent confusion over which broker, of the five groups of brokers from one tribe working in resource management, had the mandate to decide on issues involving transferring sand between different tribal beaches, demonstrates the extent of brokerage in local government and the numbers of brokers employed. Media coverage of the issue focussed on the problem of mandating especially in cases where a number of tribes are involved. The same issue also provides a clear example of neotraditionalism in conflict with scientific rationality. The media reported that the transfer of sand from the

beach in one tribal area to another was opposed on the grounds that ‘it included blood and bone’ from another tribe’s area although ‘that argument appears scientifically unsustainable’ (*N.Z. Herald*, 16 – 17 November 2002, p. B4).

Non-government agencies, such as separate Maori teacher education unions and some church denominations, accept the ‘two worlds’ definition of biculturalism which is implicit to the concept of ‘partnership’. Bishop Wakahuihui Vercoe refers to the 1992 Anglican Church’s constitution which is ‘based on the principles of the Treaty of Waitangi, that we are two partners and have our own method of government, of structure, of organisation’ (Vercoe, 1994: 115). In a recent interesting development in brokerage functioning, one union has established a partnership working group to complement its separate Maori division. ‘This group has completed a preliminary “audit” of the union’s progress in enhancing our Treaty partnership relationship. The Group comprises representatives from both Treaty partners. (It has) identified (the) need to develop structures that would enable the tauwiwi (non-Maori) partner to develop opportunities for ongoing Treaty discourse’. (ASTE News, 2002: 4).

Brokerage sites are opened up and ‘filled’ using a variety of strategies. An effective strategy is the use of culturalist discourse in official documents which, in turn, becomes accepted as the correct view of reality. A report by the Office of the Commissioner for Children recommends that the government ‘affirm the Treaty of Waitangi by ensuring that whanau, hapu and iwi (extended family, sub-tribe, and tribe) are actively involved throughout all stages of the design and delivery of any interventions or programmes

delivered by the State' (McClay, 2000: 53). This inclusion into government documents enables non-statutory agencies, such as tribal organisations, to claim regulatory authority.

Maori claims for exclusive control over Maori-related issues within established brokerage sites is a strategy of second generation brokerage. Maori research provides an example of this. Non-Maori access to issues involving Maori has become increasingly controlled as Maori researchers moved into influential institutional sites from where they act as the interpreters and monitors of 'partnership'. 'Kaupapa Maori research' (is) 'research by Maori, for Maori and with Maori' (L. T. Smith, 1994: 1-2). This approach is monitored by the Maori research ethics committees established in government tertiary institutions. The explicit political purposes of kaupapa Maori research issues and its control by neotraditionalists ensures that critical scrutiny is limited.

'Conflicts about the nature of anthropological representations' (van Meijl, 2000: 89) are exemplified in Toon van Meijl's account of the controversy which surrounded the proposed publication of his doctoral dissertation. This study of the Tainui tribe's marae-based education programmes expressed view of tribal practices contrary to that held by tribal leaders. Publication was not considered to be in the tribe's interests. According to van Meijl, (2000: 89) 'Indigenous movements not only determine the research agenda of anthropologists working as advocates, but often they aspire to control the results of anthropological research'.

Claims for exclusive control over knowledge are justified with reference to the spiritual component of Maori knowledge. 'There is a belief by some Maori scholars and artists that only Maori can and should teach Maori art. This view was expressed at a Maori art education conference at Massey University in 1995' (J. Smith, 2002). According to Maori artist and scholar, Greg Whitecliffe (1999: 227), 'There was a distinct hardening of attitude towards the protection of Maori traditions and knowledge and towards limiting access to those traditions and knowledge by non-Maori. The apparent schism of ideology may be just posturing or rhetorical positioning for cultural dominance with Maoridom, but is usefully viewed as an attempt to distinguish parallel paths for development of Maori culture'.

Despite the ahistorical character of neotraditionalist ideology, continuity is established through evocations of primordial and sacred origins, known through mythology and accessible to those linked by whakapapa to these sacred origins. This process dislocates the Maori-Pakeha relationship from its historical conditions by taking Maori 'out of history' and contributes to the creation of strong ethnic boundaries. The concept of mauri or the spirit of a people (Herder's 'volkgeist') enables cultural and social processes to be understood as 'the external manifestations of an ageless, unique and primordial community' (Rosel, 1997: 148). Tuakana Nepe, a founding leader of the kaupapa Maori education system, demonstrates this primordialism. '(T)he tangata whenua (indigenous) status and turangawaewae (place of ancestral origin and spiritual home) of the Maori . . . is validated by genealogical declarations of origin, an reaffirmed through whanau, hapu and iwi (family, sub-tribe and tribe) territorial land claims. These genealogical

declarations of origin, and reaffirmations of tangata whenua sovereignty, also validate Kaupapa Maori knowledge.’ (Nepe, 1991: 149).

An agreement currently being negotiated between Ngai Tahu, the main South Island tribe, and several South Island tertiary institutions (Tau, 2002) demonstrates the extent of neotraditionalist brokerage in tertiary education. The Ngai Tahu agreement provides generic guidelines for tertiary institutions to meet their obligations as Treaty partners. Its ‘prime concern with Treaty-based Guidelines is to declare a position on what is knowledge and what is not’ (2002: 10). The indicators, which will be used to monitor the institution’s progress, show the tribe’s movement into a governance position in state institutions. Despite acknowledging that the tribe is an economic ‘corporation’ (2002: 21), the indicators give Ngai Tahu considerable control in respect to governance and operational matters, including staffing and curriculum. Two indicators demonstrate that control. ‘The Treaty Partner is involved in the process of appointing staff deemed to be significant for Maori’ and ‘staff who teach Maori (or any other non-Western world views can demonstrate their understanding of alternative world views where other specialist practitioners can evaluate them’. (2002: 66).

Knowledge relativism is not a new problem. Pope Urban<sup>21</sup>, in 1092, had reason to call upon a universal and unifying standard in dealing with cultural relativity. My purpose is not to critique the limitations of relativism nor to distinguish between the knowledge of

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<sup>21</sup> According to Marc Bloch (1961: 113), Pope Urban II was able to make the case against final appeals to ‘custom’ by using God as a universal standard. ‘Dost thou claim to have done hitherto only what is in conformity with the ancient custom of the land? Thou shouldst know, notwithstanding, thy Creator has

open and closed societies. That commentary is available elsewhere (Popper, 1961; Munz, 2001, Barry, 2001, Rata, 2002). The point relevant to my argument here is that the debate about the relationship between neotraditionalism and modernism is as absent from the second generation of brokerage as it was in the initial brokerage period. That failure of critical scholarship is the responsibility of both sets of brokers, the culturalists in academia and government on the one hand and the tribal neotraditionalists on the other. In some cases, brokerage has been so complete that the space in the middle has closed and the two sites are represented in a given individual.

The changing regulation of Maori knowledge by the corporate tribes and the widespread acceptance of neotraditionalist ideology should be understood in terms of the central function that knowledge plays as a major economic resource in postfordist capitalism. As in the first brokerage stage involving material resources such as land and waters, the brokerage process of acquisition and control is the same with knowledge, the latest and potentially most wealth generating resource.

The new economy of biogenetics exemplifies the emerging areas of wealth-generating knowledge resources and the corresponding regulatory mechanisms claimed by the knowledge compradors. Neotraditionalist ideology and its juridification in the treaty principles are used to establish the 'ownership' of the tribes to genetic material and its access. Aroha Mead (1997: 127) argues for Maori control over Maori genes and genetic

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said: My name is Truth. He hath not said: My name is Custom.' In the Enlightenment, Kant was able to replace the standard 'God' with that of universal *a priori* conditions.

research on the grounds that whakapapa (genealogy) is guaranteed inalienable by the Treaty of Waitangi. (A. Mead, 1997:129)

The reification of neotraditionalist knowledge and its location as a dehistoricised object outside the economic exchange relation is used to enter the exchange relation to serve economic interests. In 1995 a group of Maori kiwifruit growers took a claim to the Waitangi Tribunal to challenge the monopoly of the single-seller powers of the Kiwifruit Marketing Board (*N.Z. Herald*, 27 July 1995). One claimant argued that the Board denied them the ‘self-determination promised to Maori under the Treaty of Waitangi’. Another claimant argued that there was a definite affinity between Maori agriculture and organic production in that ‘organic’ represented traditional practices. According to this argument, because Maori traditional rights are guaranteed by the Treaty, the authority over the ‘traditional-organic’ should also belong to Maori. In this case, the Maori challenge to the authority of the Kiwifruit Board was disallowed on the basis that kiwifruit are a contemporary economic product and not a traditional taonga (treasured possession) recognised by the Treaty of Waitangi. However, the application illustrates the brokerage process at work, particularly with its culturalist discourse.

Since 1995 neotraditionalist brokerage in the area of the knowledge economy has been considerably expanded by the range of legislation that brings neotraditionalism directly into the structures of the state. (Interestingly, in relation to the proposed insertion of treaty clauses in health legislation at the end of 2000, the Prime Minister, Helen Clark, ‘was unabashed to admit that there is no one in Cabinet actually co-ordinating the

insertion of Treaty clauses into new legislation' [Listener, 2000: 22]). The recent experiences of two university research scientists demonstrate both the increased power that legislative backing gives to the brokers and the role that culturalism plays in providing the intellectual justification for this ideology. In one case research into paua and lobster was abandoned 'because Ngai Tahu did not approve it'. In the second case a research grant application was declined because it 'did not focus enough on Maori' (N. Z. Herald, 2003: 8).

Media interest in these cases included an authoritative comment from a culturalist anthropologist. In her comments on the rules established under the Environment Risk Management Authority legislation that 'applicants work through the concerns of "various communities", particularly, but not exclusively, those of iwi or hapu, who had rights over the land or organisms in question', the anthropologist demonstrates the way in which culturalist discourse provides uncritical support for neotraditionalism. "Far from being a distraction from real science, this process has been shown time and time again to be essential to the development of effective, sustainable and responsive science" (Scott, cited in *N. Z. Herald*, 2003: 8).

## **Conclusion**

Andrew Sharp (1997: 456) suggests that the peaceful nature of the political and legal arrangements negotiated between Maori and the government guarantee 'civil and political

rights to all people, and in a culture that respects those arrangements'. My analysis of the brokerage of non-democratic corporations and neotraditionalist ideology into state institutions by government biculturalists and the tribal elites is more pessimistic. The foundations have been laid for increasing social and political division along ethnic lines, the strengthening of ethnic boundaries, increasing wealth inequalities between groups of Maori and the naturalising of neotribal capitalism's aristocracy. The inclusion of the fundamentalist non-modern ideology of neotraditionalism into the nation's knowledge institutions guarantees my pessimism.

There is an alternative. It involves a re-commitment to the principles of rationality and universalism which emerged in the Enlightenment and became the structuring principles of modernity and democracy. It also involves a rejection of the fundamentalism of neotraditionalism. It involves, in fact, the application of critical scrutiny and historical consciousness. 'To appropriate the modernities of yesterday can be at once a critique of the modernities of today and an act of faith in the modernities – and in the modern men and women – of tomorrow and the day after tomorrow.' (Berman, 1983: 36).

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