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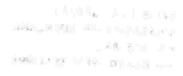
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#### ROGERNOMICS AND THE TREATY OF WAITANGI

The Contradiction between the Economic and Treaty policies of the Fourth Labour Government, 1984-1990, and the Role of Law in Mediating that Contradiction in the Interests of the Colonial Capitalist State

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### **ABSTRACT**

During the 1970s and early 1980s the historic contradiction between Maori and the colonial state publicly resurfaced, with high-profile Maori demands for the recognition of Maori sovereignty. By 1984 those demands became broader-based. They focused on the Crown's affirmation in the Treaty of Waitangi of continued Maori control over economic resources, independent political authority, and the protection of the Maori way of life. In the face of these pressures, the Labour Party, and later the fourth Labour Government, committed itself to a policy of recognising the Treaty of Waitangi.

At the same time, New Zealand's under-developed capitalist economy was in crisis. Advocates of market liberalism within the Fourth Labour Government secured a power base from which they launched the New Zealand version of their paradigm, known as Rogernomics. The two policies were logically irreconcilable, and embodied the deeper, real contradiction of the colonial project itself. Once that logical contradiction became apparent, and the electoral implications became too costly, the Treaty policy gave way.

The primary focus of this thesis is the role played by colonial law, legal ideology, and the legal intellectuals in mediating those contradictions during the 1980s. They helped to secure a passive revolution, whereby Maori demands were defused, and Maori resistance was subsumed within the political and judicial forums of the colonial state. This development is analysed within the framework of the *dual state*, whereby metropolitan and colonial social formations co-exist within the one national boundary, both dominated by the capitalist mode of production. In this thesis, that duality comprises Pakeha within New Zealand, and Maori within Aotearoa. The specifically legal dynamics are situated within the complex interactions of the economic, political, juridical, and ideological levels of that dual state during the 1980s.

The thesis concludes that the colonial state did secure a passive revolution over Maori between 1984 and 1990. But this was, at best, a temporary reprieve. By the end of the Fourth Labour Government, in October 1990, many Maori remained committed to the anti-colonial struggle. It appeared that the fundamental contradictions of colonial capitalism, and the crisis of constitutional legitimacy for the colonial state, had not been resolved. They had merely been deferred.

#### PREFACE

During the 1970s and early 1980s the historic contradiction between Maori and the colonial state publicly resurfaced, with high-profile Maori demands for the recognition of Maori sovereignty. By 1984 those demands were focused on the Crown's affirmation in the Treaty of Waitangi of continued Maori control over economic resources, independent political authority, and the protection of the Maori way of life. In the face of these pressures, the Labour Party, and later the fourth Labour Government, committed itself to a policy of recognising the Treaty of Waitangi.

At the same time, New Zealand's under-developed capitalist economy was in crisis. Advocates of market liberalism within the Fourth Labour Government secured a power base from which they launched the New Zealand version of their paradigm, known as Rogernomics. The two policies were logically irreconcilable, and embodied the deeper, real contradiction of the colonial project itself.

The primary focus of this thesis is the role played by colonial law, legal ideology, and the legal intellectuals in securing a passive revolution, whereby Maori demands were defused and Maori resistance was incorporated into the forums of the colonial state. Its analytical framework presents a cumulative understanding of events at the economic, political, juridical, and ideological levels.

#### (a) Organisation of the Thesis

Chapter one explores a range of Marxist theories of the state and law, including Marx and Engels, Gramsci, instrumentalists and structuralists, legitimation theorists, and advocates of a constitutive theory of law. These are supplemented by an analysis of colonial law, located within the context of cettler capitalism. These diverse sources contribute to a working formulation of a dual state, within which colonial and metropolitan societies co-exist and interact. Models developed to explain the crises of advanced Western capitalism need to be married with analyses of law and colonialism, and the conundrum facing a political and legal system which attempts to reconcile the two within the one national boundary. This gives rise to unique pressures and dynamics at the economic, political, juridical, and ideological levels.

Chapter two provides a brief overview of the historical contradictions of colonial capitalism in Aotearoa/New Zealand from 1840 to 1984, and highlights the

distinctive relationships of Maori and Pakeha to the colonial state. This sets the scene for the complex set of crises which confronted the state in 1984, and which caused the Labour Government to commit itself to intrinsically contradictory policies.

Chapter three explains the emergence of Rogernomics, as part of the global crisis of capitalist accumulation, but heightened by the underdeveloped nature of New Zealand's capitalist economy. It examines in detail the collision between Labour's economic and Treaty policies which centred on the economic policies of corporatisation, privatisation, and fisheries management—a collision provoked by the Government's attempt to divest the state of key economic resources which were then being claimed by Maori under the Treaty of Waitangi.

Chapter four identifies the rationality and legitimation crises facing New Zealand's parliamentary democracy in the 1980s, as it sought to implement the Rogernomics agenda and roll-back the welfare state through the unrestrained exercise of executive power. This crisis was similar to that facing other Western democracies, although intensified by the entrenched position of the welfare state and the historic relationship of the New Zealand Labour Party with social democracy. This dilemma was further compounded by the organised and visible Maori challenges to the constitutional legitimacy of the state mounted by Maori during the 1980s. The Labour Government faced competing demands for it to (a) defuse Maori challenges whilst (b) protecting its electoral interests within the majority Pakeha electorate, and (c) implementing its economic programme. Once the Maori threat had been defused, the Treaty policy fell victim to the traditional priorities of the colonial Government to defend its economic and political interests.

Chapter five examines the rise of judicial activism, in response to the continued derogation from the rule of law by an unaccountable executive. The application of judicial activism to the Treaty of Waitangi is located within this broader development. But it was prompted specifically by the need of the colonial courts to secure some legitimacy amongst Maori, following the traumatic political trials of the early 1980s, and the advocacy of new doctrinal arguments by progressive lawyers and legal academics. The Courts came into direct conflict with the Government. But the final result was a version of Maori economic and political rights which enabled the economic policies to proceed, and legitimated the outcome as consistent with the Treaty. Maori were left with the illusion of victory, whilst the essential interests of the colonial state remained secure.

Chapter six highlights the role of incorporated justice in mitigating the pressures on the formal courts at times of crisis, and in helping to secure a passive revolution over those with grievances against the state. Specifically, it examines the incorporation of Maori cultural processes, personnel, knowledge, and expressions of grievance into the colonial legal system, through the vehicle of the Waitangi Tribunal. It concludes that the Tribunal played a crucial role in pacifying Maori resistance, and that this was consistent with its function as an agency of the colonial state itself.

Chapter seven discusses the role of legal ideology in redefining the Treaty of Waitangi, legitimating the colonial state, and rationalising the Labour Government's escape from the logical contradiction of its economic and Treaty policies. It examines in detail the role of the legal intellectuals including judges, lawyers, government officials, and legal academics, as the organisers of that ideology.

Chapter eight reflects briefly on the colonial contradiction by the end of the term of the fourth Labour Government in October 1990, and the implications for the 1990s.

## (b) Epistemology

This thesis is written from a desire to understand, in all its complexities, what is currently happening in Aotearoa/New Zealand, in the hope of contributing something to the ability of myself and others to influence its future direction. So, while it contains a commitment to the intellectual rigour which is essential for such an enterprise, it does not purport to be ideologically neutral. It has been approached with a clear understanding of the pitfalls and responsibilities which attach to such work. That epistemological base is made explicit here, for the assistance of those who read the thesis.

Writers who analyse the position of other peoples and cultures frequently fail to acknowledge their own cultural and political location. Instead, they treat their own forms of knowledge, their own world-view, and their own tools of analysis as universal. One of the most cutting analyses of the nature and effect of this intellectual imperialism is Edward Said's critique of the Western conception of the *Orient*—what he described as the creation of 'a sovereign Western consciousness out of whose unchallenged centrality an Oriental world emerged'. Said rejected claims that

<sup>&</sup>lt;sup>1</sup>E. Said, *Orientalism*, Penguin, London, 1978, 8

academic intellectuals<sup>2</sup> and their work can be detached from their location within their particular society.

No one has ever devised a method for detaching the scholar from the circumstances of life, from the fact of his [sic] involvement (conscious or unconscious) with a class, a set of beliefs, a social position, or from the mere activity of being a member of a society. These continue to bear on what he does professionally.<sup>3</sup>

This is particularly so when academics from one culture not only reject criticism of their cultural ignorance and supremacism, but also deny their power, as intellectuals of the dominant culture, to define what is legitimate knowledge. But academics cannot claim to be politically and historically innocent. Their discourse is not neutral.

[If] it is true that no production of knowledge in the human sciences can ever ignore or disclaim its author's involvement as a human subject in his [sic] own circumstances, then it must also be true that for a European or American studying the Orient there can be no disclaiming the main circumstances of his actuality. . . And to be a European or an American in such a situation is by no means an inert fact. It meant and means being aware, however dimly, that one belongs to a power with definite interests in the Orient, and more important, that one belongs to a part of the earth with a definite history of involvement in the Orient . . .  $^4$ 

This does not mean that their work has a direct, corresponding relationship with the exercise of political power. Each situation is shaped by a diversity of prevailing forces—political, intellectual, cultural, moral. These provide the 'intellectual and imaginative territory' within which the writing is produced. Said talked of the *strategic location* as the author's position in a text, with regard to the subject being written about. The *strategic formation* is 'the relationship between texts and the way in which groups of texts, types of texts, even textual genres, acquire mass, density, and referential power among themselves and thereafter in the culture at large.'5

These concepts are crucial to understanding the mutual reinforcement of intellectuals, and the creation of a knowledge base which provides a foundation for future reference. That base is assumed to be inherently valid, without any need to substantiate its essential assumptions—in a similar way to judicial precedent. Said noted how

<sup>&</sup>lt;sup>2</sup>Although Said appears to have been strongly influenced by Gramsci, he focused his discussion on the more orthodox concept of the intellectual as academic.

<sup>3</sup>Said, 10

<sup>&</sup>lt;sup>4</sup>Said, 11

<sup>&</sup>lt;sup>5</sup>Said, 20

[e]very writer on the Orient . . . assumes some Oriental precedent, some previous knowledge of the Orient, to which he refers and on which he relies. Additionally, each work on the Orient *affiliates* itself with other works, with audiences, with institutions, with the Orient itself.<sup>6</sup>

What is logical, sustainable, and valid knowledge about the Orient therefore depends on what Western writers have said about the Orient, not on the Orient itself. *Orientalism* attains both an internal consistency and a highly articulated set of relationships to the dominant culture which surrounds it.

Also underpinning this is a cultural arrogance about the relative validity of indigenous knowledge, and the competence of indigenous intellectuals. It is assumed that 'only the Orientalist can interpret the Orient, the Orient being radically incapable of interpreting itself'. This is seen in claims of objectively distilled facts and abstract analytical methods, and by appeals to *scientific* forms of study which unproblematically adopt the dominant social, economic, cultural, and political structure as the reference point. Said observed how, by using such criteria, Western 'experts' have proven Islamic culture to be 'antihuman, incapable of development, self-knowledge, or objectivity, as well as uncreative, unscientific, and authoritarian.' Where indigenous knowledge *has* been accumulated, it has generally been used for the exploitation and control, rather than the benefit, of its original custodians—often in the name of delivering justice.

These parameters make it almost impossible to mount counter-perspectives. According to Said, most of the Arab world today is an intellectual, political, and cultural satellite of the United States. The few promising students who make it through the system are encouraged to travel to the United States to continue their advanced work, but will usually perform the role of 'native informant'. Power within the system remains almost exclusively with non-Orientals, but is maintained largely by Oriental consent. The patronage system in scholarships, business, and research has made the United States a virtual hegemonic commander of knowledge. 'No Arab or Islamic scholar can afford to ignore what goes on in scholarly journals, institutes, and universities in the United States and Europe; the converse is not true.' Those who seek to expose the myth of objectivity are often subject to attacks for bias or political motivation. 'No one is helped in understanding this today when

<sup>6</sup>Said, 20

<sup>&</sup>lt;sup>7</sup>Said, 289

<sup>8</sup>Said. 296

<sup>&</sup>lt;sup>9</sup>Said. 324

<sup>10</sup>Said, 323

the adjective "political" is used as a label to discredit any work for daring to violate the protocol of pretended suprapolitical objectivity. 11

This carries through into public policy. With reference to the Middle East oil crisis of the 1970s, Said observed:

[T]he Middle East experts who advise policy-makers are imbued with Orientalism almost to a person. Most of this investment, appropriately enough, is built on foundations of sand, since the experts instruct policy on the basis of . . . abstractions which are simply the old Orientalist stereotypes dressed up in policy jargon, and most of which have been completely inadequate to describe what took place recently . . . <sup>12</sup>

The consequence is not simply ill-informed policies. It is an exercise of domination by a super-power, based on its own cultural and political construction of those whom it seeks to dominate. Said did not see this intellectual imperialism as an inherent cultural trait, and rejected suggestions that only blacks can write about blacks or Muslims about Muslims. Rather:

Modern thought and experience have taught us to be sensitive to what is involved in representation, in studying the Other, in racial thinking, in unthinking and uncritical acceptance of authority and authoritative ideas, in the socio-political role of intellectuals, in the great value of a skeptical critical consciousness. Perhaps if we remember that the study of human experience usually has an ethical, to say nothing of a political, consequence in either the best or worst sense, we will not be indifferent to what we do as scholars. 13

This critique applies not only to Western scholars of the Orient, whether classical or Marxist, but also to Pakeha intellectuals who exercise a similar hegemony over valid knowledge about Aotearoa/New Zealand, and the place of Maori within it. In a highly-regarded paper on Maori research and development in 1985, Evelyn Stokes observed how research on Maori is generally constrained within Pakeha academic discourse and of little benefit to Maori, even when carried out by Maori.

A great deal has been written about Maoris, a large proportion of it by Pakeha researchers, who in recent years have been mostly university-based, whether academic staff or research students. Even the small amount written, and some of it published, by Maori students and academics is largely written in an "academic" framework, within the constraints and methodology of an existing university discipline. There is an increasing awareness in the Maori world that Maoris have been guinea pigs for academic research; that some academics have made successful careers out

<sup>11</sup>Said, 10

<sup>12</sup>Said, 321

<sup>13</sup>Said, 327

of being Pakeha experts on Maoris; but that Maoris have not gained a great deal by this process. 14

Underpinning such work is a cultural supremacism which universalises colonial knowledge while it denigrates Maori knowledge, and which ignores the impact of colonisation as a factor in the problematic under investigation.

Perhaps the issue is really how to get Pakeha society in New Zealand to divest itself of the nineteenth century colonial view of the world which we have all inherited, that European culture is "civilised" and indigenous cultures are not, and have to "catch up". Is this not the underlying question in issues of poor Maori showing in Pakeha measures of socio-economic status, educational attainment and so on?<sup>15</sup>

Maori lawyer Moana Jackson has applied this critique to the monoculturalism of existing research on the relationship between Maori and colonial law, which

has manifest itself in two implicit assumptions. The first is that methods of research developed in a Western tradition are applicable in a different cultural context; the second is that alternative methods either do not exist within that context, or are inferior in terms of "objectivity" and applicability. <sup>16</sup>

Both writers observed how Maori intellectuals who have become institutionalised are expected to conform to this dominant ideological framework. Stokes identified as 'one of the shortcomings of the education system . . . that it fails to transfer Maori cultural values to the young, but imposes Pakeha values.' 17 Maori are also expected to share the goals and priorities of Pakeha academics. When they do not, the members of the already small pool of formal Maori intellectuals are denied institutional recognition.

[T]he detached academic stance of the Pakeha researcher is irrelevant in the Maori world. Is this the reason why so few Maori academics have published much once they completed degrees? . . . It is not always fully appreciated that most Maori academics are expected to take on leadership roles in their own tribes. . . . For the Maori academic, "publication" in the academic sense has much lower priority than participation in tribal affairs. The average Pakeha academic is much more concerned with his or her individual career path, and will go to much greater lengths to ensure publication of research undertaken and so enhance personal promotion prospects. <sup>18</sup>

<sup>14</sup>E. Stokes, 'Maori Research and Development', A Discussion Paper prepared for the Social Sciences Committee of the National Research Advisory Council, February 1985, 3

<sup>15</sup> Stokes 5

<sup>&</sup>lt;sup>16</sup>M. Jackson, The Maori and the Criminal Justice System. He Whaipaanga Hou, Part 2, Justice Department, Wellington, 1988, 20

<sup>&</sup>lt;sup>17</sup>Stokes, 4

<sup>18</sup>Stokes, 9-10

Stokes talked of the need to focus Maori research on what values can and should be transferred in this latter portion of the twentieth century. Hence, '[t]he purpose of Maori research should be to identify and make available knowledge of the Maori world, Maori perspectives and perceptions, Maori cultural values and attitudes in areas which are seen as significant in Maori terms.' Research on matters Maori must recognise the essential right to Maori self-determination over knowledge—'having the status and ability to be the architect of one's own destiny'. This means the recognition and valuing of Maori sources of knowledge—in particular, the kaumatua who have acquired that knowledge over a lifetime of learning and experience. This knowledge must be analysed in a culturally appropriate way: 'interpretation of Maori data must be perceived in Maori terms, not forced into preconceived Pakeha methodologies or systems of categorising knowledge.'20

Knowledge is never benign. So, accessing and producing knowledge about matters Maori carries with it responsibilities for its use.

The Maori attitude is that research simply for the sake of knowing is pointless. There should be more specific aims and objectives in Maori research which are directed at helping people in their daily lives. This suggests that the traditional academic stance of the detached observer (or even the participant observer in many cases) who takes no responsibility for the "consequences" of what may be now known as a result of the research, is insufficient.<sup>21</sup>

Informed, responsible knowledge requires an understanding of the complex dynamics of the context to which it relates.

It can not be assumed that there is a uniform Maori view on things. Opinions and attitudes are just as varied and contradictory in the Maori world as they can be in Pakeha society. One function of Maori research is to identify these issues and convey them adequately to Pakeha society. The more important and urgent function of Maori research is to direct efforts to investigating ways in which Maori resources—cultural, economic and social—can be used more positively and effectively, to work through institutional barriers, to provide avenues of guidance, set out options, and communicate these in such a way that Maori people themselves can work through the issues that confront and concern them.<sup>22</sup>

The researcher, whether Maori or Pakeha, 'who is not only comfortable in both cultures, but can also stand back and put both sets of cultural values (and the real

<sup>19</sup>Stokes, 6

<sup>20</sup>Stokes, 8

<sup>21</sup> Stokes, 3

<sup>22</sup>Stokes, 6

and potential conflicts) in perspective, will come closest to evaluating Maori research needs.'<sup>23</sup> The result must stand up to rigorous scrutiny. 'The Maori researcher must accept that the sternest critics of the research will be Maori people themselves who expect some benefit to accrue to them.'<sup>24</sup>

All these factors dictate a fundamental commitment to the integrity of the research.

If indigenisation of Maori research is to mean anything at all, then the research done must arise out of the aspirations and needs of Maori people. There must be a high degree of Maori involvement at all stages, and the results of the research must be fed back by the researcher in such a way that obvious benefit accrues to Maori people themselves.<sup>25</sup>

So a sensitive and ethical approach to explaining the contradictions between colonial capitalism and Maori tino rangatiratanga must recognise, from the beginning, Maori understandings of their historical and contemporary relationship to the colonial state. These are not easily accessible to non-Maori. Where they are available, they need to be used responsibly and with integrity. As far as possible this thesis has drawn on a wide diversity of sources of Maori knowledge including korero, attendance at and reports from hui, written and oral history, submissions to official bodies, speeches and formal publications. It is hoped that the picture which emerges will go some distance towards presenting a more complete account of Aotearoa/New Zealand in the 1980s—and will help to counter-balance those accounts which either ignore the Maori dimension altogether, treating the country as just another Western democracy undergoing radical liberalisation, or which seek to explain the position of Maori through a colonial epistomology.

I am immensely grateful for access to these sources, and for the guidance given to me by kaumatua. However, I also acknowledge that this analysis remains that of a middle-class, Western-educated Pakeha woman, adapting the tools of Marxist theory of law within the capitalist state. Its focus is the response of the colonial state to the crises in which it was embroiled during the 1980s, and in particular the challenge presented by Maori. It does not purport to speak for Maori and hopefully does not intrude into areas which are not the proper place for a sensitive and responsible Pakeha academic.

<sup>23</sup>Stokes, 10

<sup>24</sup>Stokes, 10

<sup>25</sup> Stokes, 19

## (c) Research Methodology

The main empirical research involved the collection and analysis of the material contained in the chapters on Rogernomics, the government, the courts, and the Waitangi Tribunal. The data was collected over a period of four years, initially sporadically, and from the beginning of 1988 more systematically.

Much of the material was secured via the Official Information Act, from mid 1988 to the end of 1989. This involved an unprecedented use of the Act for sustained academic research. The disorganisation of the Government's Treaty policy, and the fragmentation and secrecy of its economic policies, made location of material extremely difficult. In this time-consuming exercise, some government officials were extremely helpful. Others were quite obstructive. This obstruction increased as knowledge of my research spread, and as the Government began from late 1988 to consciously developing a strategy to rein in its Treaty policy.<sup>26</sup>

Following the publication of my book *A Question of Honour? Labour and the Treaty* 1984-1989 in January 1990, it became more difficult to secure any useful information under the Act. Documents have been either refused outright, or the crucial parts have been deleted. While reviews have been sought from the Office of the Ombudsman, its lack of resources has meant delays of up to twelve months in receiving a response. By mid-1990 there seemed little point in continuing to apply for documents relating to Labour's Treaty policy. Fortunately, by that time most of the material relevant to this thesis had been secured.

This material was supplemented by a wide range of other documents such as submissions on legislation and law reforms, Parliamentary debates, government reports, reported and unreported court decisions, legal documents and submissions filed during the Treaty litigation, news media reports, and private papers of individuals and groups involved. Further information was obtained from interviews with Maori, lawyers, economists, political commentators, government officials, politicians, and several key Cabinet Ministers, amongst others. Throughout the

<sup>26</sup>Evidence of this is provided by the advice tendered in late 1988 by the Department of Conservation to its Minister, on an Official Information request relating to the Coastlines Law Reform: 'In considering the release of the DOC document (draft discussion paper) it is perhaps significant that in a comparison between this document and the RMLR papers, the DOC treatment of Treaty issues will be more acceptable to Jane Kelsey. To have her interest diverted towards RMLR/Ministry for the Environment, while giving her a favourable impression of DOC may be to your advantage.' DOC to Minister of Conservation, 19 January 1989

research and writing process, the information and analysis has been discussed with a number of Maori and Pakeha who share my concern to document, and promote informed debate on, the current situation. The publication of the book also brought forth new material from informed individuals, offers of interviews by several key actors who were unavailable at the time the book was written, and constructive critique from others interested in the subject.

# (d) Notes on Terminology and References

Aspects of the thesis involve discussions of complex theories. I have attempted to simplify them and extract from them the features essential to the thesis, without I hope damaging their integral argument.

Certain terminology has been consistently adopted throughout the thesis. The formal New Zealand state, the New Zealand legal system, and the New Zealand economy are referred to as *colonial* capitalist, rather than neo-colonial or post-colonial. This is a conscious recognition that the relationship of Maori to the productive relations, and the economic, political and social formations of the colonial state, has not fundamentally altered over the past 150 years.

The term *liberal* is used in its classic sense. Where the social democratic form of liberalism is intended, the term *progressive* is used. References to *intellectuals* import the specifically Gramscian sense of organisers of hegemony.<sup>27</sup> *Tino* rangatiratanga is used in its strong sense, as per the 1835 Declaration of Independence, to mean Maori independence or absolute Maori autonomy. A glossary of Maori terms is provided as an appendix.

Generally the country is referred to as *Aotearoa/New Zealand*, in recognition of its dual dimension. Where the subject is the colonial, it is just called *New Zealand*. *Pakeha* is used generically to refer to the European non-Maori population. *Iwi and Hapu* are capitalised in recognition of their nationhood status equivalent to that of the Crown. Particular political and legal offices are given capitals, but in their more general form they are not. Individuals are referred to by their full name only in the first reference in any particular discussion.

Quotations derived from secondary writings are attributed to those writers, and any errors in those quotations have been noted, but not corrected. There is no systematic

<sup>27</sup> See below, 23-31

form of reference for the numerous government papers. Some official documents which had a numerical reference. Others were titled and dated. Yet others were informal or draft documents and file notes. The references given are the fullest form of identification which is likely to assist in their location. Interviews were generally conducted on a confidential basis, and are noted as 'personal communication'. Further details will be provided to the examiners as required.

### (e) Acknowledgements

Safeguarding the validity and integrity of the research has involved a process of dialogue and reflection with a number of Maori who have themselves been participants in, and analysts of, the events discussed here. Some have been involved with this project over several years, and read and critiqued *A Question of Honour?* before it went to print. They have also generously read this manuscript, and offered valuable comments and criticisms.

Much of the detailed material in chapters two, three, four, five and six has already been published in *A Question of Honour?*. Because of the difficulty of locating the documentation, and the dangers of relying on partial and written information, it was essential to undertake special checks to ensure the accuracy of the information and analysis. Each chapter of the book was read by someone who was actively involved, on the part of the Government, in the events described. They have confirmed the accuracy of the content, although they do not necessarily share my conclusions.

Many other people have helped in the preparation of this thesis. I am deeply grateful to my supervisor, David Williams, for being so generous with his time, support, and guidance. Special thanks also to Andrew Sharp, Rob Cooper, and Rob Steven for their constructive criticisms; to Barbara Menzies for laboriously proof-reading the thesis; and to the Auckland law school secretaries for their patient typing of a seemingly endless number of dictaphone tapes. Others, who have helped along the way, must remain nameless, but I am indebted to them for their assistance.

# TABLE OF CONTENTS

# VOLUME I.

Abst	ract	i
Prefa	ace	ii
Tabl	e of Contents	X۱
Abbr	reviations	xxiv
<u>CHA</u>	PTER I: THEORETICAL FOUNDATIONS	
A. M	arx and Engels on State and Law	1
(a)	The Function of Bourgeois Law	2
(b)	Law and Ideology	4
(c)	Engels and Relative Autonomy	7
(d)	Marx, Engels, and Colonialism	8
B. G	ramsci on State and Law	10
(a)	The State	11
(b)	The Struggle for Hegemony	20
(c)	Gramsci on Colonialism	35
(d)	Critiques of Gramsci	39
C. D	erivative Marxist Theories on State and Law	40
(a)	The Instrumentalists	41
(b)	The Structuralists	43
D. A	Working Formulation of Law	53
	A Constitutive Approach to Law	53
(b)	The Function of Law under Capitalism	56
(c)	Atomisation of the Legal Subject	57
(d)	Legal Ideology	58
(e)	Legal Formalism	62
(f)	Lawyers as Organic Intellectuals	66
(g)	Conclusion	68

E. L	egitimation Theory	69
(a)	Jürgen Habermas	69
(b)	Claus Offe	75
(c)	Alan Wolfe	80
(d)	Critique of Legitimation Theories	85
F. S	tate and Law in Aotearoa/New Zealand	88
(a)	Intellectual Imperialism	88
(b)	Maori Perceptions of Tino Rangatiratanga	89
(c)	Maori Law	96
(d)	Colonial Law	97
(e)	The Survival of Maori Social Formations	104
(f)	The Dual State	110
G. C	onclusion	116
<u>CHA</u>	PTER II: HISTORICAL CONTRADICTIONS OF COLONIAL CAPITALISM	
A. C	olonial Capitalism: A Historical Overview	117
(a)	The Era of Acquisition	117
(b)	The Era of Consolidation	122
(c)	The Era of the Corporatist Welfare State	124
(d)	The Crisis of Welfare Capitalism	126
(e)	The Reorganisation of Colonial Capitalism in the 1980s	128
(f)	The Origins of Rogernomics	129
(g)	The Demise of Muldoonism	131
B. Ti	ino Rangatiratanga o te lwi Maori: A Historical Overview	133
(a)	The Early Years of Colonisation	133
(b)	The Era of Military Resistance	135
(c)	The Era of Separatist Politics	137
(d)	The Era of Parliamentary Incorporation	141
(e)	The Treaty Renaissance	145
(f)	Labour's 1984 Treaty Policy	149
(g)	Implementation of Labour's Treaty Policy 1984-1986	151
C. C	onclusion	158

# CHAPTER III: ROGERNOMICS AND THE TREATY OF WAITANGI

A. T	he Revival of Liberalism	160
(a)	Liberalism	161
(b)	Liberalism and Racism	167
B. R	ogernomics	170
(a)	The Early Days of Rogernomics	170
(b)	The Rogernomics Intellectuals	175
(c)	Rogernomics Ideology	180
(d)	Rogernomics and International Developments	183
(e)	Maori and Rogernomics	185
(f)	The Pending Collision	193
C. C	orporatisation	193
(a)	Public Sector Reform	193
(b)	Corporatisation Policy	195
(c)	The Treaty of Waitangi and the SOEs Act 1986	199
(d)	The Court of Appeal and the SOEs Case	208
(e)	The SOEs Negotiations	212
(f)	The Treaty of Waitangi (State Enterprises) Act 1988	218
(g)	The SOEs Treaty Group	222
(h)	Conclusion	224
D. Pi	rivatisation	225
(a)	The Secret Agenda	225
(b)	The Privatisation Policy	227
(c)	The Economics of Privatisation	229
(d)	The Politics of Privatisation	232
(e)	The Petrocorp Sale	233
(f)	The State Forest Assets Sale	238
(g)	The Coal Corporation Sale	250
(h)	Other Privatisations	263
(g)	Conclusion	270

E. Fi	isheries	272
(a)	The Historical Background	272
(b)	Modern Fisheries Policy	274
(c)	The Muriwhenua Fisheries Claim	279
(d)	The Joint Working Group on Maori Fisheries	281
(e)	Ministerial Negotiations	290
(f)	The Maori Fisheries Bill 1988	294
(g)	The Maori Fisheries Act 1989	308
(h)	The Act in Operation	310
(i)	An Interim Solution?	314
(j)	Conclusion	318
F. Co	onclusion	320
CHA	PTER IV: DEMOCRATIC GOVERNMENT AND THE TREATY OF WAITANGI	
		327
		327
1 - 1		329
4		333
		335
(e)	The Crisis in the Dual State	340
		344
(a)		344
(b)		354
(c)	Conclusion	361
C. La		362
(a)	Labour's Co-ordinated Treaty Strategy	362
(b)	Labour's Treaty Claim Settlement Policy	375
(c)	Conclusion	388
	(a) (b) (c) (d) (e) (f) (g) (h) (i) (i) (EHAI  A. Pa (a) (b) (c) (d) (e)  B. Th (a) (b) (c) (d) (c) (d) (e)	(b) Modern Fisheries Policy (c) The Muriwhenua Fisheries Claim (d) The Joint Working Group on Maori Fisheries (e) Ministerial Negotiations (f) The Maori Fisheries Bill 1988. (g) The Maori Fisheries Act 1989 (h) The Act in Operation (i) An Interim Solution? (j) Conclusion  F. Conclusion  CHAPTER IV: DEMOCRATIC GOVERNMENT AND THE TREATY OF WAITANG!  A. Parliamentary Democracy in Crisis (a) The Crisis in Liberal Democracy (b) The Authoritarian State (c) Liberal Revival and the Democratic State (d) Rogernomics and the Liberal Democratic State (e) The Crisis in the Dual State  B. The Politics of the Treaty of Waitangi (a) Party Politics and the Treaty (b) The 1990 Treaty Celebrations (c) Conclusion  C. Labour's Treaty Policy. (a) Labour's Treaty Claim Settlement Policy

D. T	he Treaty in Legislation	390
(a)	The Bill of Rights	391
(b)	Law Commission Act 1985	405
(c)	Environment Act 1986	407
(d)	Conservation Act 1987	411
(e)	Cabinet's June 1986 Treaty Guidelines	412
(f)	State Owned Enterprises Legislation	418
(g)	Maori Affairs Legislation	419
(h)	Resource Management Bill 1989	421
(i)	Draft Local Government (No. 8) Bill 1989	424
(j)	Other Statutory References	425
(k)	Conclusion	426
E. D	evolution	428
(a)	The Devolution Framework	428
(b)	Devolution of Maori Affairs	430
(c)	Local Government Reform	446
(d)	Resource Management Law Reform	468
(e)	Conclusion	485
F. C	onclusion	486
(a)	Pakeha and The Crisis of Democratic Government	486
(b)	Maori and The Crisis of Colonial Government	490
VOL	UME II.	
Table	e of Contents	xxv
CHAI	PTER V: THE TREATY AND THE COURTS	
A. Th	neoretical Reflections	494
	Liberal Legalism and the Corporatist Welfare State	494
	Liberal Legalism and the Liberal Revival	495
(c)	The Rise of Judicial Activism	497

	he Colonial Courts and the Treaty of Waitangi	501
(a)	The Historical Position	501
(b)	The Maori Relationship with Colonial Law	502
(c)	The Contemporary Crisis in the Colonial Courts	504
C. T	he 'Enlightenment' of the Judiciary	516
(a)	The Shifting of Judicial Ground	516
(b)	The State Owned Enterprises Case	526
(c)	The Privatisation Cases	556
(d)	The Constitutional Crisis	570
(e)	The Consequences of the SOEs case for Maori	573
(f)	The Fisheries Quota Management System cases	574
(g)	Judicial Recognition of Maori Rights	581
(h)	Other Treaty Cases	593
D. C	onclusion	596
CHA	PTER VI: THE WAITANGI TRIBUNAL	
	PTER VI: THE WAITANGI TRIBUNAL  ne Theory of Incorporated Justice	600
A. Th	ne Theory of Incorporated Justice	600
A. Th	ne Theory of Incorporated Justice	600
A. Th	ne Theory of Incorporated Justice ne Government and the Waitangi Tribunal The Treaty of Waitangi Act 1975	
A. Th	ne Theory of Incorporated Justice	605
A. Th B. Th (a)	ne Theory of Incorporated Justice ne Government and the Waitangi Tribunal The Treaty of Waitangi Act 1975	605
A. Th  B. Th  (a)  (b)	ne Theory of Incorporated Justice ne Government and the Waitangi Tribunal The Treaty of Waitangi Act 1975 The Treaty of Waitangi Amendment Act 1985	605 606 615
A. Th  B. Th  (a)  (b)  (c)	ne Theory of Incorporated Justice  ne Government and the Waitangi Tribunal  The Treaty of Waitangi Act 1975  The Treaty of Waitangi Amendment Act 1985  The Treaty of Waitangi (State Enterprises) Act 1988.	605 606 615 620
A. Th  B. Th  (a)  (b)  (c)  (d)	ne Theory of Incorporated Justice  ne Government and the Waitangi Tribunal The Treaty of Waitangi Act 1975 The Treaty of Waitangi Amendment Act 1985 The Treaty of Waitangi (State Enterprises) Act 1988. The Treaty of Waitangi Amendment Act 1988	605 606 615 620
A. Th  B. Th  (a)  (b)  (c)  (d)  (e)	ne Theory of Incorporated Justice  ne Government and the Waitangi Tribunal The Treaty of Waitangi Act 1975 The Treaty of Waitangi Amendment Act 1985 The Treaty of Waitangi (State Enterprises) Act 1988. The Treaty of Waitangi Amendment Act 1988	605 606 615 620
A. Th  B. Th  (a)  (b)  (c)  (d)  (e)	ne Theory of Incorporated Justice  ne Government and the Waitangi Tribunal The Treaty of Waitangi Act 1975 The Treaty of Waitangi Amendment Act 1985 The Treaty of Waitangi (State Enterprises) Act 1988. The Treaty of Waitangi Amendment Act 1988 Government Control of the Waitangi Tribunal	605 606 615 620 622 624
A. Th  B. Th  (a)  (b)  (c)  (d)  (e)  C. Th	ne Theory of Incorporated Justice  ne Government and the Waitangi Tribunal The Treaty of Waitangi Act 1975 The Treaty of Waitangi Amendment Act 1985 The Treaty of Waitangi (State Enterprises) Act 1988. The Treaty of Waitangi Amendment Act 1988 Government Control of the Waitangi Tribunal  ne Operation of the Waitangi Tribunal	605 606 615 620 622 624
A. Th  B. Th  (a)  (b)  (c)  (d)  (e)  C. Th  (a)	ne Theory of Incorporated Justice  ne Government and the Waitangi Tribunal The Treaty of Waitangi Act 1975 The Treaty of Waitangi Amendment Act 1985 The Treaty of Waitangi (State Enterprises) Act 1988. The Treaty of Waitangi Amendment Act 1988 Government Control of the Waitangi Tribunal  ne Operation of the Waitangi Tribunal The Waitangi Tribunal Reports	605 606 615 620 622 624 634 634

D. T	he Waitangi Tribunal as Incorporated Justice	678
(a)	The 'First' Tribunal 1975-1983	679
(b)		681
(c)	The 'Second' Tribunal 1987-1989	684
(d)	The Expanded Tribunal 1989-1990	688
(e)	Reformalisation of the Waitangi Tribunal	691
E. T	he Waitangi Tribunal and the Formal Courts	696
(a)	The Court of Appeal and the Waitangi Tribunal: The SOEs Case	697
(b)	The Judicial Standing of Waitangi Tribunal Reports	698
(c)	Judicial Circumvention of the Waitangi Tribunal	700
(d)	The Waitangi Tribunal and the Formal Courts	701
F. C	onclusion	702
(a)	The Waitangi Tribunal and Popular Ideology	702
(b)	The Tribunal and the Passive Revolution	709
CHA	PTER VII: THE TREATY, IDEOLOGY, AND THE LEGAL INTELLECTUALS	×
L L		
A. ld	eology	712
(a)	The Role of Ideology	712
(b)	Ideology in Aotearoa/New Zealand	716
	eaty Ideology in the 1980s	720
(a)	The Principles of the Treaty	721
(b)	Partnership	740
(c)	Biculturalism	743
(d)	Bicultural Jurisprudence	751
(e)	Tino Rangatiratanga	757
(f)	Maori Interpretations of the Treaty of Waitangi	759
(g)	Conclusion	761

C. C	Official Reports	761
(a)	Report of the Royal Commission into Broadcasting 1986	762
(b)	Report of the Royal Commission on the Electoral System 1986	763
(c)	Law Commission Reports 1987 and 1988	766
(d)	Parliamentary Commissioner for the Environment's Report 1988 .	771
(e)	Report of the Royal Commission on Social Policy 1988	774
(f)	'Picot' and 'Hawke' Reports on Educational Reform	777
(g)	Reports on Maori Access to Justice 1986 and 1988	779
D. L	awyers as Organic Intellectuals	784
(a)	Counsel for Maori	784
(b)	Officers of the Crown	788
(c)	The Judges	795
(d)	The Legal Profession	810
E. Le	egal Academics as Organic Intellectuals	823
(a)	Early Legal Academic Writings	825
(b)	Aboriginal Title	826
(c)	International Law	838
(d)	Liberal Constitutionalism	844
(e)	Critical Legal Academics	859
(f)	Conclusion	881
- 14	Ford Intelligence	
	aori Intellectuals	883
(a)	Maori Intellectuals and the Passive Revolution	884
(b)	Maori Organic Intellectuals and Counter-hegemony	887
G. C	onclusion	890
<u>CHA</u>	PTER VIII: CONCLUSION	895
(a)	The Dual State	895
(b)	Law and the Dual State	897
(c)	Anti-colonial Struggle in the Dual State	903
(d)	The State of the Contradictions at October 1990	904
(e)	Conclusion	906

GLOSSARY	907
APPENDIX I: He Wakaputanga o te Rangatiratanga o Nu tireni:	
A Declaration of the Independence of New Zealand	909
APPENDIX II: Te Tiriti o Waitangi: The Treaty of Waitangi	911
BIBLIOGRAPHY	915

#### **ABBREVIATIONS**

AJHR Appendices to the Journal of the House of Representatives

ALG Cabinet Committee on Reform of Local Government and Resource

Management Statutes

ANC African National Congress

AULSA Australasian Law Schools Association
BCNZ Broadcasting Corporation of New Zealand

BORMG Bill of Rights Monitoring Group

CAB Cabinet

CIS Centre for Independence Studies

CM Cabinet minute

DOC Department of Conservation
DPB Domestic Purposes Benefit

EDC Economic Development Commission

FIB Fishing Industry Board

FMA Federation of Maori Authorities

FOC Officials Committee on Maori Fisheries

FWG Forestry Working Group
IMF International Monetary Fund
ISA Ideological State Apparatus
ITA Iwi Transition Agency

ITQ Individual Transferable Quota

JWG Joint Working Group on Maori Fisheries

LGC Local Government Commission LGR Local Government Law Reform

MAF Ministry of Agriculture and Fisheries

MAFFish Ministry of Agriculture and Fisheries, Fisheries Division

MAG Maori Advisory Group on the Bill of Rights

MCC/SOE Ministerial Cabinet Committee on State-Owned Enterprises (under

Richard Prebble as Minister of SOEs)

MCG Maori Consultative Group on Maori Fisheries

MDC Maori Development Corporation

MP Member of Parliament
NZMC New Zealand Maori Council

NZPD New Zealand Parliamentary Debates
NZULR New Zealand Universities Law Review

OCCLG Officials Coordinating Committee on Local Government
OECD Organisation for Economic Co-operation and Development

P, PCO or CPC Cabinet Policy Committee
PAC Pan-African Congress

RMLR Resource Management Law Reform

RSA Repressive State Apparatus

SAC State Agencies Committee (under Stan Rodger as Minister of SOEs)

SE, SEC or SEQ Cabinet Social Equity Committee

SOE State-Owned Enterprise
SOP Supplementary Order Paper
SSC State Services Commission
TAC Total Allowable Catch

TAG Technical Advisory Group (on SOEs negotiations)

THC Tourist Hotel Corporation
TNC Transnational Corporation
TOWPU Treaty of Waitangi Policy Unit

TOW[SE] Act Treaty of Waitangi (State Enterprises) Act

QMA Quota Management Area
QMS Quota Management System