

## **After the Treaty: a new fiction**

Bruce Jesson Memorial Lecture

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This is an honour and an astonishment: an astonishment because this occasion is grandly titled a "lecture" and I am a journalist — journalists write stories; and an honour because I think Bruce Jesson was worthy of having a lecture named for him.

I don't claim familiarity with Bruce. But on a couple of occasions I went fishing (well, sitting on a boat) with Bruce and his generous friend Peter Lee. Once we became marooned when the motor in Peter's venerable vessel would not start. As Peter communed with his engine and we gently rocked far out of swimming distance from Peter's little bay on Waiheke, Bruce suddenly grinned at me. Imagine the story, he said, if the news media were to report our loss at sea, each in the incongruous company of the other, he of the "left" and I supposedly of the "right".

In fact, we shared, I think, two interests: in policy, where it originates, how it works and what it does to people; and in the ingredients of this place, this country, which we who perch here sometimes fancy we can call a nation. But Bruce was an activist as well as an observer; as much a politician as an analyst of politics; he shaped as well as described. I just watch. The price I pay for the incalculable privilege of watching up close is to have to write down some of what I see. Moreover, Bruce was, Andrew Sharp wrote, a "patriot". My roots are too shallow and my ambitions too small to be a patriot. I am ephemeral; Bruce has a legacy.

Bruce had a framework, marxism, into which to fit the world he studied and wanted to change. I have no such framework.

I did fall under Marx's spell as an instantly impressionable 17-year-old university fresher. "From each according to ability, to each according to means" seemed as indisputable as "do unto others as you would have them do unto you".

But, while my grandfathers were working class, my parents were teachers, which stranded me in the petty bourgeoisie and so doomed me to fail the class-consciousness test. (I am a life member of the Engineers Union but that is another story). So it would not have surprised Bruce that Marx lost his grip on me when the following year my French lecturer, Max Adereth — incidentally, a marxist — introduced me to the bleak, and for me, as it turned out, inescapable, limbo of existentialism where there are no bearings other than those one makes up for oneself. My journalism reflects that: no right answers, just a stumbling search for questions, confined to the empirical, not the theoretical, to the event, not the imagination, to human muddle, not tidy templates. Journalism the way I live it operates by its own version of the uncertainty principle, all the more uncertain because its role is to haphazardly freeze-frame that everlasting wide-screen movie, The Human Condition.

My freeze-frame this evening is the Aotearoa/New Zealander of 2005. Like all freeze-frames, however, it is of a subject in motion. And, as I shall make clear later, I am here to ask for help.

By definition, to talk of the Aotearoa/New Zealander is to talk of someone who belongs in Aotearoa/New Zealand — or in Aotearoa or in New Zealand or in New Zealand/Aotearoa, for different people belong in different place-names.

So who belongs and how do they belong? Many sorts. Here's some ways people might stake their claims:

"I belong here because my ancestors came here 650 years ago."

"I belong here because my ancestors, or my kin, brought to these benighted shores the fruits of the finest civilisation then invented."

"I belong here because me and my mates are in a gang or football club."

"I belong here because my ancestors came to work the tailings after the gold rush and stayed to work the soil in the market gardens, even though they could not be citizens."

"I belong here because I chose this place for a more prosperous or peaceful or close-to-nature life than I could have where I came from."

"I belong here because my parents or their parents or their parents came to live a better or more prosperous life than where they came from."

"I belong here because I was driven out of my homeland and this country kindly gave me refuge. I need very much to belong."

"I belong here because I feel this land in my bones, its colours and mysteries, its grandeur and softness, its bounty and its ghosts."

"I belong here because my family has farmed this place for generations and is embedded here."

"I belong here because I share a special way of seeing and knowing the world in sport, songs and writing and art and dance."

"I belong here because this is home and there is no other."

This babble of belonging has prompted some to assert a hierarchy, to say: "I belong more than the others" or "I belong and those others don't" or "I am indigenous and they are not."

The most insistent claim to superior belonging has been from Maori. Over the past 35 years Maori have reasserted their first-arrival status, reinvigorated and claimed respect for the language, culture, spiritual beliefs and traditions, asserted self-determination and demanded redress of past wrongs.<sup>1</sup> And the political elites have responded to those claims in law and administrative practice to a degree near-unimaginable 20 years ago. The assertions and responses have amounted to a revolution. That has made large numbers of non-Maori feel culturally insecure. Some have responded with deference; some with rejection. We have seen both in our politics in the past few years and most recently in this year's election. It is not pretty.

But is indigeneity a sort of finders-keepers? Can only Maori be indigenous?<sup>2</sup> I think there has been another powerful claim to indigeneity, a claim that was asserted through an "independence revolution" from the colonial mother-country.

This revolution came about not by guns or civil unrest but initially by way of an outpouring of plays, novels, music, film, dance and revisionist historical writing from the late 1970s onwards. This proclaimed a new confident expression that was a decisive

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<sup>1</sup> I have canvassed much of what follows in more detail in speeches and writing over the past two years. They are on my website, [www.ColinJames.co.nz](http://www.ColinJames.co.nz).

<sup>2</sup> Jeremy Waldron, *Indigeneity? First Peoples and Last Occupancy*, Quentin Baxter Memorial Lecture, Victoria University of Wellington, 5 December 2002

break with the self-conscious and half-apologetic differentiation from mother-Britain which marked both popular culture and the arts up till then. Britain stopped being Home. This place became home. This relocation was not, as many think, a response to Britain leaving us for Europe. It was a brash young generation asserting its own place in the world and stating that that place was here, in mind, spirit and body. This new expression was adolescent, for sure, and it was still British in derivation. But there has been no going back. Instead the new brash overturning of the old order infused our way of doing business and politics; it added up to a change in the value-system. There were dramatic, swift and deep policy changes, especially in economic and foreign policy. We were independent. We belonged here. We were — and are — indigenous.

One revolution is a big shock for any society to accommodate. Two at once is doubly a shock — and the policy and economic upheavals were highly disruptive and earned Bruce Jesson's dismay and disgust. Yet our society has absorbed these shocks with remarkable resilience. The institutions, though modified, still stand. The middle class, though remodelled, still runs the show. No bus has been blown up, no political leader has been assassinated, no mass popular movement has stormed the parliamentary heights.

But there is more to come. To be indigenous requires a strong, confident culture that can accommodate new influences without losing its integrity.

That requires, in the case of the newly indigenised British-derived New Zealand culture, the reclaiming of the pre-colonial heritage, the rich history of Britain and Europe, and its integration with the new. For now the 650-year association Maori have with the land, against only six or seven generations at most for non-Maori, give Maori the firmer cultural base. The folk history of those with Maori ancestry is deep; that of the ex-British still in infancy.

But we are now, I think, on the brink of a mixing of the two cultures.

In one direction is now beginning to flow an increasing Maori and Pacific influence on the majority culture — language, kapa haka, sport, ways of seeing things in graphic arts, music, especially popular music, ceremonial ritual. No longer is the Maori dimension place-names, Ka Mate at sports events and plastic tikis. We will all over the next generation or two become *of* the Pacific instead of just *in* the Pacific — and I say "Pacific" because the link between Maori and Polynesia is being re-forged in South Auckland and Samoan and other Pacific influence is also beginning to be felt.

I call that influence on the majority culture Pacific-ation. It will profoundly unsettle many people, particularly older people. It challenges what had seemed to be settled notions about religion, family, how we speak and how we govern ourselves.

In the other direction will flow a challenge to traditional Maori culture and governance. It will not be imposed, as during the colonial period, the monocultural British period. It will develop organically with the now rapid growth of a Maori middle class.

Middle classes make wealth in their societies. And they modernise, individualise, and democratise those societies. So this rising middle class will, as it grows, challenge tradition and tikanga and those whose positions and power depend on tradition and tikanga. When will top Maori women refuse to play second fiddle to second-rate men? When will the indiscriminate display of powhiri tail off? And at what point will those on the rolls which iwi and hapu are building use their voting power to decide who governs them and how? Middle classes value science and technology and the rule of law and good management and the material wealth that can bring. So they will challenge the

capacity of whakapapa to explain phenomena and challenge whanaungatanga as a principle of organisation and say that it makes mistakes in handling commercial enterprises and social services delivery agencies.

You might call this the second advent to te ao maori of the Enlightenment — this time grown from within, not imposed from without.

This remix of the two cultures will disturb and enrich both. At some point haka will have English words, which will be right and proper when a haka speaks for the nation. Maori words adopted into English will take on new meanings. If traditionalists object the response will be: "It's our haka, too. Those are our words now." Cultures are not frozen, they live and evolve. So don't be surprised if the New Zealand accent changes to reflect Maori intonation — if it shifts from New Zealand to Aotearoan. South Auckland has a lot more to say to us yet.

This intermixing will eventually take us beyond the fraught business of claiming and conceding rights, which has been at the nub of much of our politics of the past 20 years and has divided us more than it has united us. But as over the next 20 years we leave behind the rights argument and the overburdened Treaty of Waitangi on which the rights claims have been hung, that does not mean we will elide into a new monoculture, a convenient nation. Animism and the Enlightenment do not fit easily in the same mental and spiritual space. There is a great deal of cultural insecurity ahead of us yet, on both sides. And there are ethnically visible disparities in achievement, the products of underclass disadvantage, which have enormous implications for social cohesion and economic performance. Will this ethnic drag on the economy trigger white flight to other countries in search of cultural and material comfort? Already there are signs of that, at least in some of the emails I get from expatriates.

I mentioned "nation". In my simple journalist's calculus there are two ways to make a nation (apart from arbitrarily drawing lines on a map, as after Vienna and for Africa). One is by long occupation of a place by a folk so that the land and the folk become one. Maori might lay such a claim but non-Maori are the majority and their six or seven generations is not long enough here to embed a nation. The other way to be a nation is by way of an "idea", the American way — perhaps one might cite also the Jewish way. If we once thought we had candidates for a nation-forming idea they are unconvincing in 2005: "frontier", "No 8 wire", "mates", "progress".

Some think the idea of the Treaty, two cultures in one space in harmony, might do. But the Treaty is now too loaded with fears and invested with hope to bear such a weight. It was the creature of an imperial moment; it has more recently served as a momentary instrument of revival and reconciliation. But it is not a charter for a nation. Not least, it sets some of us apart from the rest. In a democratic age, that can't work.

Moreover, there is a bigger earthquake building under us, which will shake this half-nation to its foundations.

We are becoming used to a world in flux: turbulence in trade, huge flows of people fleeing tyranny or seeking riches or getting an education, environmental interdependence, random terror. Many of the old nations, particularly in Europe, are losing their cultural integrity as burgeoning immigrant groups import discordant customs. Their material security is under threat from cheap or efficient Asian producers and energy is becoming expensive. Even the most powerful city in the world was not immune from attack. Some talk of a "clash of civilisations", God v Allah. We in this tiny corner of the world are a pingpong ball on this cauldron.

But something bigger is coming for us.

For nearly two centuries we have sourced our people, our investment, our science and our ideas from Europe, North America and their offshoot, Australia — what might be called the North Atlantic sphere.

For five centuries the North Atlantic has dominated the world economy and devised its economic mechanisms. It has bestrode the world strategically, for much of the time through direct colonial occupation. It has found almost all the new science that has enriched us materially and lengthened our lives. It has thought up the ideas by which we govern ourselves and run our societies. It has produced the great innovations in art and music and writing.

We are kin with the North Atlantic. We have a privileged place at the fount of riches and ideas. This is our cultural wellspring. I say "we" because Maori are, through miscegenation, North Atlantic as well as Pacific.

Now China and India are on the rise. Of course, China has growing internal social and political tensions, economic imbalances and pressures, serious water shortages and pollution, which it must navigate on its way to sustainable prosperity and in the short term it will be buffeted when the world's serious economic imbalances are unwound. And India is a turbulent democracy beset by grinding poverty so its economy develops at most in fits and starts. But both have great energy and strong commercial instincts which are now being given space to breathe. And both are very big.

China has long exported people. Increasing numbers of that diaspora have fetched up here. That has fuelled cultural insecurity over the past decade. Its people save. A growing proportion of investment here already comes from east Asia; that proportion will surely grow. And, of course, China is a vital trade partner and east Asia as a whole is bigger than Europe and the United States.

China is also investing in science. Over time some, and in due course a lot, of the world's science will come from China. We might not have such ready access to Chinese science as we have had to North Atlantic science. And as China asserts itself on the world stage, it is likely also to challenge the North Atlantic's hegemony of ideas and ideologies for political and social organisation. Our self-confidence will be tested to the core if we have to comprehend very different ways of thinking. (Just as, in the nineteenth century, the Maori had to.)

For us this rebalancing of the world will be especially intense because we are already in Asia's strategic sphere in geography and trade and, to come, in people. In due course we will have to work out how to live with China's assertion of its strategic interests. We are kin of the North Atlantic but not of China, though as Chinese come here in increasing numbers a growing minority will be kin of China. And India is coming up and Indians are coming here in rising numbers. We might find ourselves perched unstably at the apex of an Asian triangle.

And this will be happening at the very time we are groping for a key to nationhood. Our cultural security will be deeply disturbed.

Which brings me to the request I flagged earlier: I am here to ask for help. This is a university and as I understand universities, they are places for thinking. If I am half right about the changes looming over the next generation or so in our place in the world and in what makes a New Zealander/Aotearoan, some hard thinking is needed to develop appropriate analytical frameworks.

Hard thinking is your job. You are underfunded, understaffed and crammed with undergraduates (at least a third of whom should not be here). But that is no excuse. Jeremy Waldron, arguing the Treaty of Waitangi's "obsolescence" in a lecture at Otago University in August, put it this way:

"We have a responsibility as tenured academics to explore different frameworks and new and perhaps disconcerting pathways of thought. If we are not prepared to do that, we don't need our tenure and many of us are wasting our salaries."<sup>3</sup>

The "we" in question are academics in this country, not those in the great northern hemisphere cloisters to which we customarily genuflect. And "new" is not some minor reformulation of the great authorities of the past. "New" is "new".

And the hard thinking must be unique to this place.

Bruce Jesson recognised, Andrew Sharp tells us in the introduction to the book of his collected articles, that he was observing a unique society which required unique analysis. One of his articles refers to "working class, not in a cloth cap English sense but in a New Zealand black-singlet sense". So he did not plonk orthodox marxism on New Zealand and expect a fit. He searched the byways of modern marxist writing for ways to make sense of this unique society, for example to explain Maori sovereignty arguments which eluded orthodox marxist analysis.

In short, Bruce respected facts, including inconvenient ones. And I respected him for that.

So, in memoriam of that respect for facts, let me offer some facts as starting points for your hard thinking. (I am aware, by the way, that "facts" are elusive and changeable and that "events" are a more convenient word. But I am using "fact" in the journalist's sense of what I see in front of me that has not been falsified.)

My first fact is this unique society's bicultural nature.

Bicultural here is not a subset of multicultural but an issue of power and of belonging. Many people think they can wish or ideologise it away, that if they change a few dozen acts of Parliament they can return us to a golden age when taniwha didn't get in the way of roads and sacred Maori places were a matter for private contemplation, not public respect. But too much has changed. And the cultural intermix now under way which I talked about earlier is embedding that change. One indicator is the number of National party people, including some in high places, who feel the party's election race policy was wrong or inappropriate or unworkable.

Tied up with this is the inescapability of dealing with Maori claims to rights and Maori educational, economic and social performance. First, Maori are not a tiny minority, as are the original indigenes in Japan or North America or Australia, nor an eradicable irritant, as in Brazil. There are too many Maori and the demographics tell us there will be many more. Their demands cannot lightly be ignored. Second, Maori became an alienated migrant underclass, similar in that to blacks in Watts in 1965 and Brixton in 1981 and North African muslims in France today. Leave them alienated and this economy and society will underperform. So these matters are not just ethical matters or matters of "justice". They are matters of self-interest for all of us who live here.

There is much to get right on rights yet. But I increasingly find younger Maori, while

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<sup>3</sup> Jeremy Waldron, *The Half-Life of Treaties: Waitangi, Rebus Sic Stantibus*, F W Guest Memorial Lecture, University of Otago, 22 August 2005

giving no ground on rights, are focusing on development. And that is the overriding issue for Maori now: prosperity and dignity in the modern, internationalised world. That is to fully belong.

My second fact is the Treaty of Waitangi. Logically, it should not be a fact. Times and circumstances have changed beyond recognition since 1840. But the Treaty was brought back to life in the 1980s, to heal some of the wounds from the injustices of the past and in that sense is an agent of reconciliation. It now infuses our policy, our jurisprudence and our administrative practices and some of our ceremonials. It has become, for better and for worse, part of the national consciousness. It cannot be wished into thin air.

But, third, the majority is also a fact. Neo-romantic notions about a partner-state that gives article 2 of the Treaty the same weight as article 1 run into a majority brick wall. The Foreshore and Seabed Act made that bluntly clear. The Treaty cannot dismantle the majority and it cannot disaggregate the unitary state. In any case many who have Maori ethnicity choose the majority. We are not two absolutely separate peoples.

Moreover, to give the Treaty life in the 1980s we invented two fictions: its "principles" and "partnership". These have been valuable as public policy mechanisms to meet the particular needs of that time. But they are fictions, the majority thinks they are fictions and some future Parliament will likely trim them. So I think we can say the second Treaty period is within a decade or two of its end.

So what do we do instead? If the Treaty cannot make a nation, what can?

Maybe there is a clue in that word "fiction". Maybe there are not two bases for nationhood but one — that "folk" and "idea" are in essence fictions, so every nation rests on a fiction. If so, it must be a fiction to which the great majority, preferably all, the people subscribe and draw spiritual nourishment from. (The French fiction is fraying right now in Paris's suburbs.)

But if we are to find such an enduring fiction, who is to formulate it?

I can think of three candidates.

The first is you, here, in this thinking place. And that requires some of Professor Waldron's "new and disconcerting pathways of thought". The Lockean fiction and its derivatives, which lie behind "one law for all", are insufficient in the face of the fact of biculturalism and likewise the neo-romantic indigenous rights fiction, which lies behind "Maori sovereignty", is insufficient in the face of the fact of the majority.

The second candidate is the creative arts. Perhaps their weaving together of ex-British and Maori (and ex-Maori) will in time generate a fiction.

My third candidate is the people. We have muddled through not badly so far in our republican manner (to call up another of Bruce Jesson's preoccupations — we are a republic in all but form in that the people ultimately do the deciding, often with only half an ear and eye on the political elites' actions and justifications). Perhaps we can just muddle through the tensions and upsets — and the cultural intermixing — of the next generation or so and find our fiction written then in the interstices of our daily lives.

If so, if we can somehow make or find a fiction to make a nation here, I hope I am given the time and opportunity to watch, up close, a bit more of the process. A journalist — at least of my sort, a watcher not a shaper, a taker not a maker of ideas — cannot ask for more. Thank you for having me. Go and think hard.