

## Overview of *Guilty as Charged?*

'*The Treaty of Waitangi.*' Say that anywhere in New Zealand and you're bound to get a reaction. Every New Zealander has something to say about the Treaty. One could fill a small library with articles and books that have been written on the topic. So it will come as a relief to hear that this is most definitely *not* what *Guilty as Charged?* is about.

*Guilty as Charged?* is not yet another work about the Treaty of Waitangi. Instead it is a book on the status of Māori in New Zealand and their relationship with Pākehā. This distinction may seem pedantic, but it is the author's opinion—it is my opinion—that it is no less than the distinction between positive and negative; between growth and stagnation; between life affirming and life detracting. Indeed, it is my opinion that this distinction has the potential to liberate the great Māori/Pākehā debate in New Zealand from the confines of a lifeless and two-dimensional document to the freedom of a dynamic and multidimensional interaction between living peoples.

OK, so *Guilty as Charged?* is still about the great Māori/Pākehā debate in New Zealand. Whether it's about the Treaty or not, there are still countless books on this topic. So what else makes *Guilty as Charged?* different? Well, for the most part, books on this topic tend to fall into one of three categories. The first of these are the books of protest written by Māori. The second are the relatively light-weight factual or opinionated books aimed at Joe Bloggs public. And the third are the heavy-weight academic tomes only touched by the keen and/or specialist. *Guilty as Charged?* spans all three of these categories. In short, *Guilty as Charged?* is a book of protest in support of Māori rights written for Joe Bloggs public that assimilates the tenor of much current academic debate. Not only that, but the voice of protest comes from a Pākehā—a Pākehā who is not even resident in New Zealand; Joe Bloggs public is not just restricted to the New Zealand public; and the academic debate spans many disciplines, such as history, law (both domestic and international), politics and sociology. In other words, the slant is unusual, the potential audience large, and the scope broad.

Why such an unusual book? Can a non-resident Pākehā have anything useful to add to the great Māori/Pākehā debate that rages in New Zealand? Why might a non-New Zealander be interested in this topic? And why might anybody, even a New Zealander, be interested in the many academic manifestations of this debate?

Well, here are some short answers to these questions:

- 1) I may be a non-resident Pākehā, but I grew up in South Auckland (home to a large urban Māori population) and have a Māori adopted sister. This, combined with my annual visits to New Zealand, has provided me with the motivation and insight to appreciate the tensions between Māori and Pākehā. On the other hand, my UK home has given me the space to pursue this project away from the daily clamour in the media. I can view the situation with an outside's head, but with an insider's heart. In other words, to use a popular metaphor, I have been able to see the forest for the trees.
- 2) By taking a non-Treaty approach, the arguments in *Guilty as Charged?* become much more general and fundamental. Indeed, it soon becomes apparent that what is being discussed applies to any nation with a settler/indigenous mix. The arguments become universal, with the New Zealand situation merely being a case study. At any rate, New Zealand is global melting pot with citizens from all over the world. Many recent immigrants must be confused about the great race row in New Zealand. Yet it is essential that this confusion is dispelled. For the great race row will never begin to resolve unless *all* citizens of New Zealand are initiated into its background and basics. On the whole the literature currently available does not address the needs of the recently arrived New Zealander.
- 3) Pākehā are asking searching questions in their attempts to win the argument, or at least understand the Māori point of view. Searching questions require searching answers. No one academic discipline has all the answers to the Māori/Pākehā debate. The topic is far too broad for that. Not only that, but the debate must be taken in its totality. Breaking it down subject-sized chunks means that many academics miss the point—the holistic point that Māori are trying to make. Māori culture is an holistic and integrated world-view. This requires an holistic and integrated response from Pākehā culture, part of which is academia as a whole. As *Guilty as Charged?* shows, much of the confusion

and misunderstanding of Pākehā in the great race row comes not so much from ignorance of Māori culture, but from ignorance of their own Pākehā culture.

So that is *Guilty as Charged?* in a nutshell. Only I have missed the main point. For if *Guilty as Charged?* were merely an attempt at some abstract broad academic sweep for a universal audience, then I too would be missing the main point. For I would be doing what many Pākehā do. I would be missing 'I'. I would be forgetting that 'I' is a fundamental part of the debate, 'I' is a fundamental part of the problem, and 'I' is a fundamental part of the solution. Māori culture is nothing if it is not a culture of relationships. If we Pākehā continue to meet Māori with impersonal abstraction, we will never get anywhere. Instead we Pākehā must engage with the issues on a personal level—even when the issues belong to the so-called 'academic' sphere—but, more importantly, engage personally with Māori themselves.

So let me begin this overview once again and state what *Guilty as Charged?* is really about.

I am a Pākehā. Like many Pākehā, I grew up with a strong sense of justice based on equal opportunities, equal rights for all, and the fundamental principle that a person is not to be judged on the colour of their skin. In 2004, something happened in New Zealand that struck a chord with this. It was a speech by one Don Brash—the then leader of the main political party in opposition to the government. Most New Zealanders won't need reminding of this speech. On the face of it, though, it wasn't a significant speech. It wasn't a speech to the nation in a time of crisis. Nor was it a speech to the great and good of New Zealand. It was simply a speech given to a small club in a small town one Tuesday in late January. As for its contents, it basically said that every New Zealander—Māori, Pākehā or anybody else—must be treated equally. In other words, it appealed to the strong sense of justice shared by myself and many other Pākehā. It made a lot of sense.

Yet Don Brash's speech divided the country like never before. For, as most New Zealanders are aware, New Zealand gives special grants to Māori. It gives special treatment to Māori, special institutions. And it is handing over large sums of money and land to Māori in compensation for 'bad and wicked' events from the dim and distant past of New Zealand's colonial history. The logical conclusion of treating every New Zealander equally is that all this has to stop. New Zealand must stop giving privileges to Māori. This, anyway, is what Don Brash said.

Māori came out in force when they heard this. They were extremely angry. Many even called Brash a racist—with the implication that anyone who agreed with him was also a racist. This put me in the dock. Was I a racist? Was I *Guilty as Charged?*

It didn't make sense. I wasn't completely ignorant about the past. I knew something of the 'bad and wicked' deeds of New Zealand's early history. But how could it be that believing in equality today, regardless of skin colour, was racist? Surely such a belief was, in fact, the very opposite of being a racist?

Don Brash had called to my mind, and indeed the nations' mind, a very disconcerting dilemma. If you treat Māori the same as everybody else, you are called a racist. On the other hand, if you treat Māori differently... well, that is the very definition of racism.

*Guilty as Charged?* is first and foremost about my personal journey towards reconciling these two opposing views. It is about stating the Pākehā case and slowly coming to the realisation that it is built on the assumptions of a particular world-view—a world-view that is distinctly different from that of the Māori. In the process of this realisation I do not stand outside lecturing from on high. I place myself in the situation, and ask what it means for me. What are the implications of a Brash attitude (pun intended) for me and the people I know in New Zealand? What does it mean for the people I love? One of the people I love is my adopted Māori sister. This personal journey, then, is very personal indeed. It goes right to the core of my family.

Along the way, there is joy, there is surprise, there is anger, there is hope, and there are even tears. Most importantly, though, there is a will to let love have the final say—love of my family, love of the people I know, and love of the country I hold so dearly in my heart.

I firmly believe that the personal element is a fundamental omission from much of the debate over race relations in New Zealand (or indeed anywhere). The consequence of this omission is to reduce Māori to a 'problem' to be 'solved', an 'academic subject' to be 'studied', or a 'cultural curiosity' to be 'gawped at'. Insert the 'I' into the equation and one learns—I learn—the inadequacy of these approaches, not to mention how

deeply patronising they are. One learns—I learn—to appreciate instead that Māori are a people—a living, breathing people just like us Pākehā. With this new mindset one learns—I learn—the most important lesson of all:—that solving the great Māori/Pākehā debate requires not so much of a quest for the ‘right’ answer, but of a determination to adopt the right attitude.

Once I have understood this fundamental point, I begin my journey again. I go back to those topics that most of us wish to begin with when the topic of race relations rears its ugly head. I go back to the sorts of questions that Pākehā up and down New Zealand are asking themselves, each other, and their government. In other words, I delve more deeply into Pākehā culture. In the process I replace the broad cultural brush of Don Brash with the increasingly fine cultural tools of academia. However I use these tools with my new-found attitude—an attitude developed after a difficult, and sometimes painful, journey. In short, I explore the consequences of my personal journey towards reconciling the two opposing views of racism mentioned above in relation to common Pākehā questions.

These common questions are many and varied, e.g.

- Are there any benefits to Pākehā by giving Māori ‘special’ treatment?
- Why should contemporary Pākehā pay for the ‘sins’ of a previous generation?
- Why does New Zealand have different sets of laws for Māori and Pākehā?
- Why is there so much argument over history? Why can’t someone just state the ‘facts’?
- What exactly do justice and equality mean, and how should they be applied in the Māori/Pākehā situation?
- How and why should the New Zealand constitution be altered to include Māori?
- Does New Zealand really have the best race relations in the world? What sort of things are other countries doing with their indigenous peoples?
- (And a question that’s not being asked, but should be, is ‘what are New Zealand’s obligations to Māori under international law?’)

The answers I give to these are as varied as the questions themselves. Generally speaking, the answers to the lighter topics are shorter and contain few references, e.g. the first question above. On the other hand, the answers to some of the big topics are detailed, well-referenced and rigorous, e.g. the last two questions above. Many of these questions have not been given the treatment they deserve in the literature, especially literature aimed at the lay person. For instance, I have seen no literature for the general public whatsoever that even begins to address how New Zealand fares on the global indigenous scene. Most authors just automatically assume that New Zealand leads the world in this area. As I painstakingly show in *Guilty as Charged?*, the reality is very different indeed. Not only that, but New Zealand is currently in breach of international law in a number of areas, most notably, but not exclusively, because of the foreshore and seabed legislation of 2004.

It should be noted that none of the discussions given in *Guilty as Charged?* are meant to represent the final word on the topic. Instead the purpose is to introduce the topic to the reader, stimulate thought, and highlight the relevant literature for further discussion. However, the most important purpose by far is to encourage the reader to integrate ‘I’ into the discussion. It is to encourage the reader to bring themselves—both heart and mind—into the discussion of the various topics within the great race relations debate in New Zealand. It is to encourage a personal engagement with the issues—and a passionate one at that.

So what is *Guilty as Charged?* about? It is about my personal journey to work through the multi-faceted issues involved in the great Māori/Pākehā debate that rages in New Zealand. It is about bringing everything I am to the table and allowing myself to be altered in the process. Taken at face value such a work might seem like pure self-indulgence, or self-obsession. Taken at a deeper level, I hope *Guilty as Charged?* is seen as an invitation for others to lay themselves open to the possibility of change and to embark on their own journey. I hope *Guilty as Charged?* is both instructive and challenging. For nothing is more harmful to progress than ignorance and apathy.