

What will it take? Understanding settler silencing and realising cultural and structural reforms

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How power influences the culture and structure of State schooling in Aotearoa has historically been set by the State and, although this has been particularly harmful for Māori, structural change continues to be imposed from the top. For example, the latest Education and Training Act came into effect in August, 2020. Changes through this Act are further supported by Ka Hikitia – Ka Hāpaitia, the National Education Learning Priorities (NELP), the Curriculum Refresh, and the Aotearoa New Zealand Histories Curriculum. Other major changes, across the system, are set to come into effect by 2024. This paper discusses some of the learning that is required if cultural changes for equity and belonging are to be achieved within these imposed structural changes.

Introduction

For years we have claimed the Treaty of Waitangi as the founding document of our nation, promising partnership, protection and full participation in all the benefits the country has to offer. However, a look at our national statistics shows the education disparities for Māori, first statistically identified by Hunn (1961), have not disappeared. Rather the gaps between Māori and non-Māori continue to widen (Ministry of Education, 2022a, b, c) with teachers' implicit biases and prejudices being identified as influential (Peterson et al., 2016; Pihama & Lee-Morgan, 2019). For Māori and Pacific peoples, these disparities have been entrenched across the range of our social indices (Marriott & Alinaghi, 2021).

According to Stats NZ (2022), Māori made up about 17.1% of the national population in 2021, however, in schooling they make up 25.02% (Ministry of Education, 2022c) with only 3% in Māori medium. Unfortunately, according to Education Counts, 5.1% of Māori learners are stood down or suspended from schooling before their sixteenth birthday. A further 0.5% of Māori learners are excluded or expelled, and 70% of learners ending up in Alternative Education settings identify as Māori. In addition, 51% of all early leaving exemptions approved in 2021 were granted to Māori learners aged 15 or younger (Ministry of Education, 2022c). Add to this the National Certificates of Education Achievement (NCEA) data (Ministry of Education 2022b), which continues to position Māori students in English medium schools as the lowest achievers at every level, and our current story becomes even more alarming. Rather than achieving a level of equity or belonging for Māori learners, we have failed yet another generation of Māori learners.

The current political, policy, curriculum and assessment reforms in education, built from the principles of Te Tiriti o Waitangi, signal major structural changes that reach out to the very fabric of society. However, we are building over racialised policies and curriculum that have systematically pathologised Māori knowledge for generations of Māori and non-Māori alike (Pihama & Lee-Morgan, 2019; Simon, 1992). Building over this

policy sediment without seeking to recognise or understand the intergenerational racialised discourses and beliefs perpetuated throughout society (Eley & Berryman, 2020) seems naive at best.

This paper discusses the need for some unlearning as a nation, so that the new learning that is required for both cultural shifts and structural changes for equity and belonging can be considered and achieved.

Our cultural relationships – the current state

According to some (Jackson, 2021; Mutu, 2018; Ngata, 2019), the cultural relationships between the Indigenous peoples of Aotearoa and the Crown were cemented as early as the 1400s when a succession of Popes in Europe issued a series of decrees or papal bulls. These papal bulls allowed European explorers to ‘discover’ and seize lands inhabited by Indigenous peoples, on behalf of those who maintained power in Europe (Harjo, 2014; Watson, 2010). For example, Pope Nicholas V gave permission for King Alfonso of Portugal to search out and reduce Saracens, pagans and other unbelievers to perpetual slavery (Harjo, 2014; Watson, 2010). Under the same pope, various papal bulls allowed full seizure of non-Christian lands and the enslavement of native, non-Christian peoples in Africa and the Americas. Other decrees followed, further endorsing the rights of ‘discoverers’ to seize land and enslave Indigenous peoples in the name of European, Christian monarchs.

In 1496, King Henry VII issued a decree to allow explorers to claim lands occupied by “heathens and infidels” on behalf of England (Davenport & Paullin, 1917; Miller et al., 2010; Mutu, 2018). This decree connects colonisation to the Indigenous peoples in Australia, Canada and New Zealand. In 1769, Captain Cook claimed the North Island of New Zealand for King George III. An opportunity to formalise this relationship occurred in 1840 with the signing of the Treaty of Waitangi between Māori tribal leaders and the British government on behalf of the Crown, thus establishing Aotearoa as a British colony. However, even today many in Aotearoa have different views of what happened and as long as history comes mainly from one perspective, other stories will remain silenced. For example, a political leader’s comment on television in 2022 about his lack of understanding about our two treaties suggests there may be others like him. Many more may not understand the conflicting views maintained by these documents and how these views came about.

Two treaties with conflicting views

One version of the treaty was prepared in English and one was prepared by Henry Williams in te reo Māori (the Māori language). Unfortunately, rather than being translations of the other, these versions contained distinctly conflicting views. The English text acknowledged collective Māori *sovereignty* over New Zealand, which Māori agreed to cede to the British Crown. The Māori text on the other hand was much more acceptable to Māori for it only gave the Crown *kawanatanga* (governance) over the land while, according to Considine and Considine (2012), promising to Māori “*tino rangatiratanga* (the unqualified exercise of authority) over their lands and villages ‘and all their treasures’” (p. 88). Māori were also promised *protection* and the same rights and duties of citizenship. To better understand the Māori language text we need to understand what preceded it.

From He Whakaputanga to Te Tiriti o Waitangi: A silenced view

During the late 18th and early 19th century there was increasing interaction between Māori and Europeans trading successfully in a range of home-grown and imported

commodities (Bishop & Glynn, 1999). This unregulated activity created profits for entrepreneurs on both sides. While valuing their extensive global connections, tribal leaders were intent on being able to determine and effectively manage their affairs. In 1835, to support this, a group of Northern tribal leaders sought and won an alliance gaining protection from King William IV.

The British Resident James Busby requested that Missionary Henry Williams facilitate the drafting of this document, *He Whakaputanga o te Rangatiratanga o Nu Tirenī* (an emergence of [tribal] self-determination/highest chieftainship/sovereignty in New Zealand) that became known simply as He Whakaputanga. He Whakaputanga was signed by iwi leaders throughout Northland, Waikato, and from Ngāti Kahungunu. It declared Māori tribal sovereignty; that the British would never give law-making powers to anyone else. Finally, it had been formally acknowledged by the British (Mutu, 2004; Waitangi Tribunal, 2014).

The Treaty of Waitangi and Te Tiriti o Waitangi

However, because of the rapid expansion of immigration and He Whakaputanga, Britain sent William Hobson as consul representing the Crown to negotiate a treaty between the Crown and representatives of Māori (Orange, 2011). According to Moon (1998), Hobson's specific instructions from Lord Normanby and the Colonial Office were to negotiate a treaty that would be fully understood by both sides and with the "free and intelligent consent of chiefs." Moon (1998) contends that Māori "title to the soil and to the sovereignty of New Zealand is indisputable and has been solemnly recognised by the British Government" (p. 48). Hobson was to obtain sovereignty only if Māori were willing to cede it, and obtain land only if Māori were not disadvantaged.

While this may have been the intent of those who conceptualised this treaty, it appears that the parties who were involved came from quite different views. One could conclude that those representing the Crown were strongly influenced by the beliefs within the Doctrine of Discovery and the resulting colonisation of Aotearoa became a process of the "violent denial of the right of Indigenous peoples to continue governing themselves in their own lands" (Jackson, 2021, p. 1).

The Māori text, Te Tiriti o Waitangi, was eventually signed by some 512 Māori over a period of seven months and some 39 Māori signatures were appended to the English version. That is, most Māori signatories had neither seen nor signed the English version. British sovereignty was imposed with both sides operating from different texts, different understandings and different worldviews (Consedine & Consedine, 2012). The Treaty was seen by the coloniser as a transfer of administrative authority from Māori to British control, while Te Tiriti was seen by the Māori signatories as building from a formal declaration of their independence granted in 1835. Te Tiriti was therefore a partnership between two nations. On this basis, iwi leaders undoubtedly understood that their signing would determine how they would continue to care for Māori people and their possessions while the British would take care of the settlers. Consedine and Consedine (2012) conclude that "the colonial history of New Zealand since the signing of the Treaty of Waitangi in 1840 was a history of dishonoured promises, fraud, theft and violence against Maori by the government through a process of systematic colonisation" (p. 22).

Like our two different treaty versions, the culture of schooling has emerged from two distinctly different views of the world, one that has grown more powerful through the belittlement, overpowering and assimilation of the other. Taylor, a school inspector, wrote, "Native habits of filth and laziness also impede the progress of civilization"

(Appendix to the Journals of the House of Representatives, 1862, p. 6). Māori language itself was seen as being:

another obstacle in the way of civilization, so long as it exists there is a barrier to the free and unrestrained intercourse which ought to exist between the two races, it shuts out the less civilized portion of the population from the benefits which intercourse with the more enlightened could confer. The School-room alone has power to break down this partition between the two races. (Appendix to the Journals of the House of Representatives, 1862, p. 35)

With the Education Act of 1867, a separate Native schooling system was set up for Māori that lasted until 1969. According to Simon (1992), this system was intended by the government “to prepare Māori for labouring class status” (p. 82), a result that with our participation statistics, still rings true today. Education policy for Māori did not change in terms of its perceived outcomes for the next 100 years and only then, in the 1970s and 1980s, was concern expressed for the ‘failure’ of Māori children within the education system (Hunn, 1961). While it is clear that government policy and especially education policy contributed greatly to the demise of Māori language and identity, wider society was also responsible for undermining the relationship between treaty partners whichever treaty we were operating from. Stenhouse (1996) cites a renown Doctor Newman who in 1882 wrote that:

many Maori fell victim to 'cannibalism.' The killing of infants and old people was 'very common,' suicide 'exceedingly common,' and murders 'numerous.' Maori 'died frequently from slight wounds' because they lacked medical knowledge. During times of warfare or famine 'the old women were killed.' Deadly diseases — consumption, diarrhoea, bronchitis, pneumonia, rheumatism, and scrofula — decimated the population. It declined still further as a result of inbreeding, which produced 'sterility' and 'barrenness.' (p. 125)

While we might feel we have come a long way since these beliefs, a school textbook written by Woodcock (1989), reprinted in 1990, contained many of these same beliefs including:

Before 1820, visiting journal writers commented on the fact that not many half-castes were to be seen among the Maori villagers. Infanticide was assumed to be the reasons for this. Even by the 1840s, there were only 300-400 known half-castes in Maori settlements. However they represented the beginnings of the **cultural dilution** that has continued up to the present. (p. 24)

However, many stories about our shared history, such as these, remain silenced and unheard. The roots of this silencing may well be in the Racial Contract discussed by Mills (1997); a contract that Mills suggests guarantees and regulates a social contract which designates economic, social and political privileges based on race.

Settler silencing

Mills (1997) suggests this Racial Contract demonstrates and reinforces the tenacity of racial inequality. He argues that a socio-political system of white supremacy allows whiteness to ignore the impact of historical racial injustice. Furthermore, Mills asserts that white normative assumptions about the superiority of the white race have been used to

legitimise colonisation and subjugate indigenous people across the world. Bonnett (1998) contends that as the terms European-ness and whiteness became synonymous, the construct of whiteness expanded from a marker of status for an elite few, to a racial identity for all settlers, regardless of class, which represented white Britishness in colonised countries across the British empire.

In relating this to the education system in Aotearoa, MacDonald (2018) argues that a “settler manifestation” (p. v) of the Racial Contract operates through systems, structures and processes of silencing. She contends that silencing is a racial discourse consistent with state ideologies about biculturalism that support ignorance. MacDonald (2018) continues that schools advance “the notion of harmonious settler-colonial race relations by marginalising or denying violent colonial histories and their consequences in the present” (p. 1). Further she infers that the state narrative of biculturalism, widely endorsed within schools through policy, promotes the rhetoric of congenial, settler-colonial race relations by denying violent settler histories of colonisation and their ramifications to the present day. Kidman, Ormond and MacDonald (2018) espouse that the New Zealand education system is based on a Settler Contract that aims to codify a system of settler domination. They suggest that historical and cultural fugue¹ is diligently built into the policy, curriculum and pedagogy of schooling in order to maintain ignorance about the structuring effects of colonisation. A regrettable example of settler silencing or cultural fugue has been the removal, through education, of Māori learners’ cultural connections to the land and their identity as tribal peoples, because of the lack of value or understanding shown to these authentic cultural histories. While the discursive positioning of the previous writers may come from a Māori perspective, interestingly Terruhn (2015), using white settler narratives, suggests that the fundamental argument against the idea of acknowledging the past is that in settler societies, becoming postcolonial can be tantamount to anti-colonisation.

Restructuring the education system

Our collective opportunity and responsibility to restructure this system to ensure that Māori students enjoy and achieve educational success as Māori was clearly outlined in the launch of a major and ground-breaking strategy and vision: *Ka Hikitia: Managing for Success 2008-2012* (Ministry of Education, 2008). This strategy challenged educators to collaboratively focus on making the difference by ensuring that Māori students “in their early years and first years of secondary school are present, engaged and achieving, and strong relationships with educators, whānau and iwi are supporting them to excel” (p. 5). The term Ka Hikitia, defined as a means to “‘step up,’ ‘lift up,’ or lengthen one’s stride” (Ministry of Education, 2008, p. 10), was positioned as “a call to action” (p. 11) in order to step up “the performance of the education system to ensure Māori [students] are enjoying education success as Māori” (p. 10). For the first time, rather than problematising Māori students and whānau, this was an attempt to prepare the system to work more effectively with Māori. Within this strategy was a challenge to educators, communities and the education system itself to step up so as to more effectively ensure the potential of its Māori learners. However, our failure to achieve these aspirations saw this strategy refreshed and relaunched as *Ka Hikitia: Accelerating Success 2013–2017*.

The effectiveness of Ka Hikitia was evaluated by the Office of the Auditor General who concluded that: “overall, I found reason to be optimistic that Ka Hikitia will

¹ fleeing from your own identity in an attempt to develop a new one.

increasingly enable Māori students to succeed” (Office of the Auditor-General, 2013, p. 7). The Auditor General reported that Ka Hikitia holds the potential for making a difference for Māori because it “reflects the interests and priorities of Māori well, is based on sound educational research and reasoning, is widely valued throughout the education system, and has Māori backing” (p. 7). The report was critical about the launch and introduction of the policy. It was also critical of the loss of opportunity for transformational change, seeded within the Ka Hikitia policy but never realised: “There were hopes that Ka Hikitia would lead to the sort of transformational change that education experts, and particularly Māori education experts, have been awaiting for decades. Although there has been progress, this transformation has not yet happened” (Office of the Auditor-General, 2013, p. 7).

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Changes to our historical relationship under our Treaties may well have been signalled in 2010 when the New Zealand Government announced its support for the United Nations Declaration on the Rights of Indigenous Peoples. The 46 articles of UNDRIP cover all areas of human rights including equality and non-discrimination, protection of lands, culture and linguistic identity, and self-determination. Article 37 specifically relates to the honouring of treaties. In international law where there is any ambiguity between versions of a treaty the *contra proferentem principle* applies, which means that a decision is made against the party that drafts the document and the indigenous language text takes preference.

The connection between UNDRIP article 37 and perhaps the most major structural change across the system has yet to be fully socialised across the system. The structural shift from honouring the Treaty of Waitangi to giving effect to Te Tiriti o Waitangi arrived in the changes to Education and Training Act (New Zealand Government, 2020), Section 127. Schools, through their Boards, are now required to:

- ensure their plans, policies and local curriculum reflect local tikanga Māori, mātauranga Māori and te ao Māori;
- take all reasonable steps to make instruction available in tikanga Māori and te reo Māori;
- achieve equitable outcomes for Māori learners.

In addition, a primary objective of all School Boards is to take all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school.

By the Act now explicitly referring to Te Tiriti o Waitangi, we have a different set of principles to enact. Phase 3 of Ka Hikitia – Ka Hāpaitia – was also launched and although these two events could significantly impact schooling for Māori, the silence by which they have been socialised across the system has been deafening. While school leaders are now having to report against the National Education Learning Priorities (NELPs), the extent to which these events interconnect, in many minds, appear to be still unclear. We need to consider the use of imposed mandates from the Crown, if support to make these important intercultural and structural connections is not also being provided – within schools and early learning, across the system, and across society.

Cultural and structural reform

Participating in educational reform initiatives, I have sought to understand how deficit historical, socio-political stereotypes have influenced the way Māori are portrayed by society and indeed, many Māori have come to see themselves (Berryman, 2016; Bishop & Berryman, 2006). Deficit theorising continues to impact on both the culture within which we seek to educate our learners and the structures of institutions in which learners formally engage across their learning pathways. This continues to be modelled and perpetuated down from the Crown.

Learning from learners

I have spoken with and listened to Māori students and their whānau talk about their schooling experiences (Berryman, 2022; Berryman et al., 2017; Berryman et al., 2016). By and large they identified that the development of respectful cultural relationships between the teacher and the students was the crucial factor in their being able to engage effectively in education. When these relationships did not exist, students and their whānau believed they were powerless to bring about change. Many secondary students spoke of resorting to nonattendance of school or subject specific teachers. Parents were similarly frustrated, they spoke of situations where they believed they were not being heard or respected. In many cases this resulted in attendance by their child ceasing to become a priority. With Covid-19, nonattendance was normalised and for many this situation has become even more intractable.

Despite learners and whānau believing that it was the teachers and leaders who had the power to bring about changes by repairing relationships, this has not always appeared to be the priority. Instead, the system was more likely to impose a structural response that often reinforced as punitive rather than being culturally relational and inclusive. For example, letters home detailing nonattendance or visits from truancy officers reinforced the power of the school over children and whānau, doing little to rebuild relationships and belief in the culture of the setting. While respectful relationships can address the culture of the school or centre, there is also the need to change power-relations and resource allocations that reflect the structural response of wider society. Culturalist and structuralist concerns must reach out beyond the boundaries of the school into the very fabric of New Zealand society and this wider response is what transformative reform requires.

Conclusion

Today, I believe we are at a political and policy intersection where success depends on our collaboration as a nation (Berryman, 2022). Māori learners are a significant and increasing proportion of the population; approximately 17% of the total population, with 26% under the age of 15. As in other colonised countries, Western dominance in Aotearoa has resulted in the over-representation of Māori in almost all of our nation's negative social indicators and this undoubtedly remains a major national challenge. The seemingly ruthless process of colonisation in Aotearoa has generated a legacy of inequity that is inconsistent with a society that outwardly claims to value fairness and equal opportunity. Simply by the Crown saying we must overturn which treaty we will lead with in education, will not make it so. Our failure as a nation to implement Ka Hikitia Phase 1 and 2 (Office of the Auditor-General, 2013, 2015, 2016a, 2016b) surely signals a different response is required. Exploring how colonisation has privileged some voices over others requires us to remove the cloak of our historical silencing. While this may be uncomfortable, it is

essential if we are to stop talking past each other and enter into a national conversation to 're-right' our historical relationships.

Transformative reform requires taking seriously the personal and public responsibility to use power, privilege and position to promote social justice and enlightenment for the benefit of society as a whole. This requires spaces to understand and reconcile how the colonial history of our country has been intentionally manipulated so that some discourses are amplified to normalise cultural bias, blindness to difference, fugue and historical amnesia. Once we know and understand these factors, as educators, as whanau, and as members of wider society, implementation towards our shared humanity may finally be in 'our' hands. This means we all have a role to play; leaving it to self-determining schools to undertake this important reform, over the sediment of our past policy failures, will not work and I believe we know this.

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Professor Mere Berryman (Ngāi Tūhoe, Ngāti Awa, Ngāti Whare) University of Waikato, Division of Education. After 20 years of teaching, I wanted to understand why, what we had been doing in education was perpetuating intergenerational disparity for Māori. Over two decades of research has followed, to promote Māori students' educational success as Māori. In this time, historical truths from kaupapa Māori and critical theories have begun to see the disruption of deeply entrenched prejudices. Research shows that with critical consciousness, educators can lead more equitable contexts for learning where Māori learners and others with identified needs can finally be understood, included and feel they can belong.

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