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# Editorial Welcome

The *Policy Quarterly* begins quietly in 2005 as a new electronic journal in the area of public policy in New Zealand, with three key objectives:

- to inform policy debate in New Zealand
- to engage the reader with a style that is lively, well-argued and readable
- to show-case some of the more interesting thinking in the School of Government and its associated research centres at Victoria University of Wellington.

This last is not to exclude outside contributors, but to indicate the likely primary source of writing.

The *PQ* will offer four articles in each edition. The resulting sixteen papers each year, accumulating across the life of the *PQ*, will grow into a substantial body of intellectual material on public policy in New Zealand. With proper database warehousing, that material should be accessible world-wide for those interested in public policy and in how we have been thinking about the issues.

This edition begins the process. The first paper expresses thinking from Professor Gary Hawke as Head of School, and from recently-retired State Services Commissioner Michael Wintringham, on the research relationship between the School and the public sector in New Zealand. It incorporates ideas stimulated through our participation in the Australia-New Zealand School of Government. The second (by Associate Professor Bob Stephens) puzzles over one of the core problems for any government: how to measure “poverty” and by extension, any other relevant social indicator.

The third contribution is from Associate Professor Jan Pryor as Director of the Roy McKenzie Centre for the Study of Families, one of the research centres within the IPS umbrella. It sweeps across centuries and cultures in asking what is meant by “the family” in the context of public policy. And the fourth, from me as Director of the IPS, begins a series of reflections on the policy implications of the Treaty of Waitangi. It is intended to locate the core issues of self-government in a context of negotiated and limited democracy, rather than in a clash of supposed non-negotiables (like ‘sovereignty’). This continues a substantial IPS engagement with Treaty matters, going back to 1988 and including the publication of six monographs.

A printed copy of the *PQ* will find its way (at a modest price) to readers who prefer that format - details are on the back page. The web version ([www.vuw.ac.nz/ips/pq](http://www.vuw.ac.nz/ips/pq)), will include comment, criticism and letters in a section for “Readers’ Comments” that will reflect some of your views. If this works as thoughtful interaction, that site might develop as one of the distinctive features of the *PQ*. Please take us at our word – this is an invitation to discuss - send comments long or short to: [editor-pq@vuw.ac.nz](mailto:editor-pq@vuw.ac.nz)

We begin modestly. There is much to think about. Please join us.

**Andrew Ladley**  
Editor-in-Chief

# Research and Government: Feeding Knowledge into Public Policy

Gary Hawke and Michael Wintringham

## Introduction

Academic research on government may or may not be of value to those who govern today. It is, after all, motivated principally by the desire to advance knowledge, not to assist the public policy process at any given time. The latter may draw on, or be the specific motivation for, other research undertakings beyond academia. Of course it is also the case that any research, regardless of its principal motivation or institutional setting, may advance both knowledge and the public policy process.

In pursuing its mission, the School of government at Victoria University must seek to bridge the gap between academic research and enquiry which is linked directly to policy development. The latter can be generally referred to as “directed research” (and is in fact usually conducted in or for government agencies). Between this and academic research there may be few hard boundaries in real world discussions on knowledge and public policy. But there will always be underlying tensions – and debate over the value of particular research – because of fundamentally different, yet equally legitimate, motivations.

In New Zealand, as elsewhere, it is not unknown for politicians and officials to bemoan the irrelevance of much of the academic research being funded by public expenditure. It is also common for researchers to bemoan the way the Government wants research of a very restricted kind and will not recognize the relevance, let alone the value, of really interesting research possibilities. Even when policy managers have a broad appreciation of research, and when researchers want to contribute to public issues as well as attract public funding, the coincidence of agendas tends to be limited by the difference in motivations.

## Academic research

As a university institution, the School is concerned with “the advancement of knowledge and the maintenance and dissemination thereof by teaching and research” (the traditional statutory formulation). Accordingly, it can bring academic expertise and knowledge to bear on the central issues of public sector capability, within the standard academic enterprise. The field of academic research and teaching must encompass the understandings of society held within the Government, where the latter is comprised of both politicians and officials. And it must include understanding the constraints which are imposed on the Government by other sectors of society, notably business entities, non-governmental organisations and bodies of public opinion.

Within our broad definitions of government and research, we start to see a long list of topics in which work has already been done, much of it within a range of disciplines that includes demography, economics, international relations, management, political science and sociology. It may have been classified under such problem-oriented or interdisciplinary areas as the “future of work”, health policy, public sector management, public policy, or sustainable development. Research tends to proliferate in areas in which New Zealand policies and practices are of interest overseas. In the field of governance, the state sector reforms of recent decades have attracted significant international interest.

Overseas researchers and practitioners look with interest on New Zealand’s innovations in numerous other policy and management areas, including resource management, engagement with Treaty of Waitangi issues, genetic modification, and accident compensation and rehabilitation. In other policy and management fields, New Zealand researchers have taken advantage of the country’s small size, diversity, and other specific characteristics to interest international audiences in

universal themes, often as contributions to comparative research programmes.

In summary, academic research from diverse sources and disciplines can make contributions to the public policy process across the following range of themes:

- The New Zealand context, including the structures and institutions of government, historical conditions, legislation, and national identity;
- Major policy questions, which academic research has both informed and reacted to;
- Big public sector management and administration questions; and
- Achieving continuous improvements in practice in the operation of the government sector and the implementation of government policies.

There is significant value in these, even within the specific requirements of the Senior Leadership and Management Development Project. However, there is a long-standing belief among Ministers and officials that New Zealand's research capacity is poorly aligned with national priorities. The idea of mis-alignment has been a particular element in tertiary education policy since the 1980s; the re-organisation of the science sector since the creation of Crown Research Institutes (and the subsequent response to the failure of the Social Science CRI); the "science envelope" and "futures" initiatives of the Ministry of Science and Technology; as well as the current activities of the Tertiary Education Commission. The underlying tensions, as referred to earlier, are as old as government interest in the (original) University of New Zealand.

## Directed research

The spectrum of research undertakings directly related to the policy process is also very broad. Indeed, merely elucidating the objectives of government is more problematic than is generally realized – outside the ranks of public servants for whom it is an important professional skill. Lobbyists can take the incidental remark of a minister (or even in some circumstances of a member of a Government political party) as an authoritative statement of Government objectives. Public policy researchers cannot be so cavalier. Governments occasionally make formal statements of objectives

but it is in the nature of politics for these to be high order and framed with significant caution.

By way of illustration, we can use New Zealand's current statement of "Key Government Goals to Guide the Public Sector in Achieving Sustainable Development." This reads as follows:

- Strengthen National Identity and Uphold the Principles of the Treaty of Waitangi;
- Grow an Inclusive, Innovative Economy for the Benefit of All;
- Maintain Trust in Government and Provide Strong Social Services;
- Improve New Zealanders' Skills;
- Reduce Inequalities in Health, Education, Employment and Housing; and
- Protect and Enhance the Environment.

These goals are not meaningless; they close off some policy positions which have political advocates. They were originally drawn up "to guide public sector policy and performance" and the subsequent inclusion of specific reference to "sustainable development" reflects a high-level policy decision. The fifth goal originally referred to "Close the Gaps for Maori and Pacific People..." instead of "Reduce Inequalities in etc..." and that amendment, too, reflected a high-level decision. Nevertheless, such goals remain at a broad level of generality. This is equally true of the goals for research in the Tertiary Education Strategy. They identify concepts which researchers can discuss, and look for linkages which throw light on why an objective is desirable or explore the implications of pursuing an objective in a particular way.

The process of international economic integration which underlies the concept of an open competitive economy opens up many fields of enquiry. So does the concept of an "inclusive" society, which might sound innocuous, but is seen by some as diverting attention from issues of social stratification or class. Research which is motivated by a desire to enhance conceptual understanding will often lead into more specific enquiries.

Abstract reasoning in many fields is facilitated by real-world observation, and those empirical enquiries may relate to issues of interest to government departments or agencies delivering public services. There can,

therefore, be direct links between high-level government objectives and policy-related research. But the high-level objectives themselves create an agenda for researchers only in so far as they indicate some concepts where discussion is more likely to attract public interest.

## Government agendas

The government may commit itself to somewhat more specific agendas in particular contexts. The political leaders of the current government have published papers with the authority of Cabinet on their objectives in relation to sustainable development (as noted above) and with reference to policies affecting families (by the establishment of a Families Commission). The Cabinet has also published a formal “Growth and Innovation Framework” and invited research on ways in which government can work with the private sector in promoting regional and industrial development. It has stated the view that microbiology, ICT and cultural industries are of special importance. It cannot be said with any confidence that such government statements of research priorities have great influence as signals to researchers.

The government has much greater influence on researchers through the processes and criteria it establishes for allocation of research funding. The government, acting on the advice especially of the Ministry of Research Science and Technology, creates priorities for funds appropriated for research. There are various funds, most notably the Marsden Fund, where the criteria emphasise qualities like innovation and originality. The Public Good Science Fund criteria emphasise desired socio-economic outcomes. These various criteria are developed in consultation with researchers and with stakeholders in the end-use of research. At the end of the process, it can be difficult to see much connection with what the government has declared to be its high-order objectives.

Government also creates research agendas through questions posed as departments and agencies work on developing or implementing policy. Nobody could doubt that there would be intense interest from officials and Ministers in any research which created simple rules about the optimal nature of the Crown balance sheet. Nor could anybody doubt that there would be equally intense interest in any research which gave greater understanding of the optimal public resourcing of child welfare agencies, or of how those resources should be

managed. Answers to major questions which trouble governments are always welcome – and they are major questions because answers are not easy to find.

## Pressures on government

Specific research may contribute to issues which are pressing across the public service. In early 2003, the School interviewed departmental chief executives about the major issues facing them. Each had his or her own list, related to their area of responsibility, but there were some common themes as well. These were matters of strategic policy management, or problem areas which reflected the overlap between policy issues and issues of public sector management. The three leading themes were:

- Problems that cut across conventional categorisation of policy areas and require responses from more than a single agency – the “whole of government” interest in “wicked issues” and the related challenges of achieving “joined-up government”;
- Problems that require co-operation or collaboration between the public sector and some kind of community organisation – these may involve more abstract questions over the nature and legitimacy of governance, or at the other extreme, issues around achieving efficient service delivery;
- Recognition of a growing need to conceptualise policy issues and responses to them in an international rather than national framework – concern that policy development in New Zealand could be judged inappropriate if it did not take account both of international obligations and the international implications of decisions taken here.

These themes derive from officials rather than politicians, but of course the priorities of the elected members of the Government tend to press heavily on the concerns of chief executives of departments. There are other strong pressures arising from Ministers’ needs to respond to issues which have come under public scrutiny. The public and media are inevitably interested in scandals and failures, and Ministers expect the public service to be equipped to answer questions as soon as they are asked. Officials must, therefore, be engaged in preparatory work before those questions are put, while also satisfying Ministers that their other priorities are getting proper attention.

Governments want a public service which is innovative, able to respond to new challenges and not merely one which maintains familiar routines. Innovation and flexibility flow from learning by doing, and this involves making changes when it is apparent that improvement is possible. Change itself – let alone the failed experiments that are inevitable in any process of change – can often be portrayed by the public, media or political opponents as an indicator of failure and scandal.

Perhaps the most fundamental challenge facing the public service is the creation and maintenance of trust on the part of both Ministers and the public – to the point where both separately believe that such innovation is to be welcomed. The broad agenda of public management and public policy must include the deliberate pursuit by public sector agencies of the kind of reputation that enables them to be creative and flexible in their approach. This line of thinking gives a high priority to research about the nature of ethical systems and of community trust. It promotes research of a conceptual kind – not unlike the work required to pursue the high-level objectives of government discussed above.

Consider the approach of social science researchers working outside the public service. They are more likely to reflect on the same set of research questions and see common threads through categories familiar within the discipline. If this were to inform discussions within the public service, the focus would be on topics including risk, children, governance, integration/co-ordination/outcomes, public-private split, and the concept of a knowledge society. Whatever broad approach is taken, we will find a number of discussions where research themes interact with the debate on policy and public sector management.

### **Research alignment**

A key challenge for both universities and public service organisations is to find constructive ways in which research priorities (and incentives) for academics and others can be aligned with the priorities of the government. It is, in fact, a challenge central to the future of our Parliamentary system, given the basic requirement for public servants who can faithfully serve the elected government of today while, at the same time, building their capabilities to serve future governments. In other words, the ability to maintain focus on the

medium- to long-term policy horizon is an essential professional skill.

There is no doubt that government participants and academics have difficulty working across institutional barriers. Career structures in New Zealand, and also in Australia, do not facilitate exchange and movement between the government, academia and research institutes (or other “think tanks”). We have to look elsewhere to develop high-powered academic researchers who can make important connections and translate knowledge from the world of ideas into practical applications for the world of public policy. If we want to grow knowledge and capability, we may need to examine the reward for academics and others who focus their research energies on real world policy and management issues. Intractable issues are rarely solved with the insights of a single discipline and we should recall the old adage, “if the only tool you have is a hammer, then all your problems seem like nails”.

This is a period of increased transparency in government processes and greater complexity in political coalitions, across diverse ideologies and policy preferences. There is a danger that this will create an environment in which the potential of a more stable and capable public service is not fully realised. Some departments report, for instance, that they are now less able to shelter deep thinkers within their organisation than in former times.

On the other hand, some New Zealand public agencies have been quick to embrace moves to establish e-government web portals, and to pool data and information across agencies. Many have yet to establish robust research and knowledge management strategies in order to support the ongoing “business” of government. The development of scenarios, futures work and environmental monitoring is part of a growing set of tools that governments will have to employ to meet the challenge of fostering governance appropriate to the 21<sup>st</sup> century.

There is surely a common interest in linking public sector analysis and advice more clearly to the evidence, and in emphasising more clearly its medium term and strategic dimensions. Can we specify the precise role of information, evidence and methods as inputs to policy development and decision-making in the public sector today? It would certainly be encouraging if we

could demonstrate that policy advice is evidence-based in New Zealand. Much is said about embedding international best practice in public sector agencies. But such practice must be rigorously adjusted by those who are able to bring professional understanding of the local context. Perhaps this tells us to foster creativity and innovation in those agencies in order to produce solutions based *principally* on applied research into, and close knowledge of, the New Zealand experience.

## The way forward

The gulf between academia and the public service is much wider than need be. To some extent, the situation reflects limited awareness within each group about where comparative advantage might lie when it comes to examination of public policy and management priorities. The way forward is for clear definition of the critical policy and management issues. Can this be arrived at by consensus among the end users of research? Can such a process in turn produce a greater commitment to link theory in an effective way with public sector practice?

The School seeks to lead in forging these linkages in support of its Tertiary Alliance with the Government and through its participation in the Australia New Zealand School of Government (or ANZSoG for short). The latter offers several unique opportunities;

- *Cross-jurisdictional comparison.* There are many broad similarities among the challenges facing the public services of New Zealand, the Commonwealth of Australia, and Australian states and territories. There are also differences. Exploration of these features could generate advances in our mutual understanding, together with highly practical lessons for policy development and service delivery in Australia and New Zealand.
- *Case studies* tracking significant developments in public policy and public sector management in either Australia or New Zealand.
- *Practitioner reflections on experience and international thinking.* Exchanges among participants in ANZSoG courses create unusual opportunities to combine reflection on day-to-day practice with leading-edge thinking at the international level.

With these opportunities always in mind, the School is guided also by the priorities of the Tertiary Alliance.

This leads to a particular interest in improving knowledge about:

- *People and their values.* There is a continual demand for better understanding of how management differs between the private and public sectors. This is linked in turn to the way in which changes in society impact on the ethics and values of public servants. There are challenges to conventions such as political neutrality (which vary across jurisdictions) as society becomes more litigious and conscious of the rights of both individuals and groups. Perhaps the most fundamental element here is the fact that the consent of the governed, on which democracy rests, will be increasingly challenged by the decline of trust in public institutions. This has been observed internationally, and New Zealand is no exception to the trend.
- *Organizational performance.* Developing leaders and senior managers puts the focus on individuals, but the process also requires more detailed understanding of how individuals work together in groups. A particular opportunity for cross-jurisdictional comparison arises from New Zealand's conception of departmental chief executives as employers, not just holders of a particular office in the policy process. There is always room for better understanding of how to achieve compatibility between "outcomes leadership" and efficient management of processes and budgets. We still have much to learn about the critical success factors of "managing for outcomes" and about identifying capabilities which are mission critical for specific organizations.
- *The public management system.* Key issues include managing innovation, so that certain safeguards are placed around any scope for experimentation. These must ensure that failure is used to bring about some element of learning and positive experience. Then there is the task of disseminating innovation from a pilot scale to effective application within a complete system. The core requirement in the next stage of people-focused management is to anticipate demographic changes. In parallel, managers will have to make informed calculations about the impact of Information and communications technology, or ICT.
- *Working with NGOs.* Because of the combination between strategic policy management and changes

in the way governments will want to work, there will have to be a new capability to contract and co-operate with NGOs. Moreover, the enhanced focus on what citizens can bring to the policy process means that expectations on the part of public sector managers will continue to rise. Perhaps they will need a new blend of agility and consistency to succeed in their task.

In short, there is an array of valuable research possibilities in New Zealand. We need to take full advantage of the dialogue flowing within the Tertiary Alliance and through the Schools to guide decisions on research, both academic and government-directed. The tensions between research motivations may linger on, but they can be reduced. This can only help all those who are stakeholders in government administration – including the public, who will ultimately judge the value of our effort.

**Professor Gary Hawke is Head of the School of Government at Victoria University of Wellington. He prepared an earlier version of this paper in mid-2004, in conjunction with Michael Wintringham, State Services Commissioner (who has since retired).**

**The authors drew on ideas which were discussed by a wider professional group in preparation for the symposium held by the Australia-New Zealand School of Government (ANZSoG) in February 2004.**



# Poverty Measurement and Policy

Bob Stephens

## Introduction

The measurement of poverty is a contested academic exercise and also a very controversial political issue. There is no single, accepted method of either conceptualising or measuring poverty. Each method of analysis results in identifying a different proportion of the population (as having an inadequate standard of living). This means that for different family, age or ethnic groupings, there may be a greater (or lesser) likelihood of being poor. Inevitably, the determination of who is poor has a major impact on the choice of policy measures to alleviate and ameliorate that poverty.

Publication of the results of poverty analysis tends to be a highly visible exercise, politically loaded and with varying emotive, popular and sectoral responses. The government of the day is invariably held responsible for any adverse trends, despite having had only partial control over the causal mechanisms. And the political response may be at variance with the policy prescriptions arising from the evidence-based statistics. As all students and practitioners of public policy know, the first step is for the analyst to get an issue onto the political agenda, but after that the issue can take on a life of its own.

The aim in this article is to discuss the benefits and difficulties in measuring poverty. This requires discussion on the objectives of poverty measurement, and some of the technical issues that bedevil practitioners. In the process, we shall see the different ways in which poverty has been conceptualised and measured in New Zealand. The paper is set in the context of the Poverty Measurement Project (introduced in the aftermath of the 1991 benefit cuts). It explores the subsequent use made of those results in policy development post-2000, as well as the establishment by the Ministry of Social Development of a set of living standard measures and deprivation

scales. The final section considers how the different poverty measures can be utilised in the policy process, and examines their relative strengths and weaknesses for different political purposes. This analysis leads to the conclusion that a raft of measures is required if a full picture of those with low standards of living is to be obtained, and appropriate policy responses devised.

## The objectives of poverty measurement

In most western societies there is a degree of concern for people who are poor. This concern may result from consideration of human rights, from a belief in social justice, or from purely selfish reasons. International covenants on human and social rights affirm that each individual and family has the right to an adequate standard of living, access to health care, housing of suitable quality and to educational opportunity. Covenants on rights provide for a minimum standard, sometimes with possibilities of access to legal recourse if the minimum standards are not met, but rights legislation is unable to prescribe the form and substance of policy itself.

Although there is no universal definition of social justice, many approaches stem from a social entitlements perspective. This implies that all members of society should have a minimum standard of living, with equality of access not only to all social services, but also to the law and to any possible redress to offset inherited disadvantages. It assumes that it will remain a social objective to eliminate poverty or hardship for those with an inadequate standard of living. Permitting each person to achieve their potential requires at a minimum the abolition of poverty.

Even if it is argued that individuals mould their own fate, so that being poor is seen as a consequence of rational individual decision-making, there can still be a concern for the consequences of poverty. There may be

a dislike of seeing people in rags and sleeping rough, a fear of crime associated with the poor obtaining sustenance illegally, or a worry that children growing up in poor families may not have an equal start in life. Others may fear that current and future economic growth will be curtailed by the tax burden created by increased health and other costs resulting from poverty (or from direct attempts to reduce the prevalence of poverty)

Given this individual and societal concern for the removal of poverty, it is necessary to ascertain who are the poorest people, and what is the best method to assist them. Two broad solutions are feasible: the development of a short-term programme to reduce the incidence of poverty or the endorsement of long-term solutions to the causes of poverty. In either case, it is necessary to know what constitutes poverty, to have some mechanism for distinguishing the poor from the non-poor, and to create a theoretical or empirical structure for ascertaining the causes of poverty. In all of this, measurement is the inexorable first step.

We can suggest several uses for a poverty measure, all of which are inter-related:

- *To provide a mechanism* to target resources to those groups that have the greatest need. The development of an appropriate indicator requires an assessment of the relative incidence (and severity) of poverty among different family types or socio-economic groupings. It also relies on insights about the structure of poverty – the proportion of the total poor who are in each socio-economic group.
- *To monitor the impact over time* of changing economic, social and demographic effects as well as policy decisions on the incidence and severity of poverty. To satisfy this objective requires regular, preferably annually, updating of the poverty measure.
- *To calculate the dynamics of poverty* – the length of time that families or groups remain poor, whether there is movement in and out of poverty, and whether poverty is transmitted from one generation to the next. Longitudinal studies are required to achieve this objective.
- *To act as a benchmark*, reflecting a standard of adequacy for social security benefit payments, including any additional assistance to offset the extra cost of children. A measure of adequacy of living standards independent from the benefit system itself is required.

The benchmark can also be used to calibrate the level at which income tests become operative.

- For short-term poverty alleviation, *to determine the cost* to the taxpayer of eliminating poverty. This calls for a calculation of income shortfall, or poverty gap, and also for an assessment whether income maintenance is more cost-effective in cash or in-kind.
- *To investigate the causes of poverty*. This will inform decisions about the appropriate mix of short-term measures and longer-term solutions to address the causes of poverty. The requirement here is a data set that enables both proximate causes (e.g. sole parenting) and ultimate causes (e.g. low self-esteem, leading to sole parenting) to be determined.

In short, a measure of poverty has to satisfy a variety of different objectives. It is likely that each will require a different approach. Measurement in itself obviously does not mean that poverty or hardship will be eliminated: the reality facing any government is the limit on its ability to redistribute resources.

## Establishing a poverty measure

The need for consistency between the conceptualisation of poverty and the techniques used to measure poverty is well recognised. However, in most instances the determining factor has been the availability of (and cost of obtaining) data. Counting the poor is thus an exercise in the art of the possible rather than value-free evidence than can be immediately reformulated into policy prescriptions. Three distinct steps can be identified:

### Refining the concept of poverty

Most poverty measures are based on an external, or objective, assessment of family circumstances, rather than the family's own (subjective) view. Objective assessments rely upon the judgement of experts, but most of them have never been poor, they often impose arbitrary standards, or allow themselves to be guided by secondary data collected for other purposes. Subjective evaluations stem from the feelings of individuals as to the adequacy of their standard of living. They may reflect essential underlying values such as democracy and citizenship. One way of reducing the gap between objective and subjective evidence is to use focus groups to draw upon the experiences of those living on low wages or social security benefits. Focus groups allow participants time to work

through the issues and come up with an agreed minimum basket of goods and services. (Results from the Poverty Measurement Project do in fact show a high degree of consistency across such focus groups. The results are intuitively plausible, placing the poverty line at a level very similar to the New Zealand Superannuation pension.)

### Developing a Poverty Indicator

Three broad approaches to the development of an indicator have been devised:

- 1) Consumption of specific goods and services. The concern here is with 'outcomes' loosely defined – reflected for example in the fact that people have insufficient to eat, have poor clothing, are unable to afford health care or have sub-standard shelter. The approach requires a specific questionnaire, and must take care to separate deliberate choice from constraint in the consumption of specific items. It should cover the use of assets as well as consumption flows, thus providing a realistic picture of achieved standards of living.
- 2) Total expenditure. An indicator is developed using the total spent in order to achieve a minimum standard of living. Various techniques can be applied in calculating this amount and once again any component flowing from asset ownership should be included, e.g. by using actual housing expenditures.
- 3) Total income. This uses an input measure approach, and has to make inferences about the actual standard of living achieved. Due to asset accumulation, savings and borrowings, an income approach may differ from one based on expenditure. Surveys have shown a considerable mismatch in household rankings between the two series. On balance, family income appears to be a more robust measure at the unit record level than family expenditure.

### Technical issues in poverty measurement

As in most areas of social policy, there is a host of technical issues that require resolution before measuring the extent of poverty. There is no correct answer: a pragmatic response will depend largely upon data availability and the policy question being confronted. Some of the issues are;

- 1) The appropriate unit of analysis – should it be the individual, the (extended) family, or the household?

Clearly, the more inclusive the definition, the lower the poverty estimate as more people with a low personal income will be aggregated with those on a higher income. For example, adult children (over 18 years) living at home should not be treated as a separate household, despite their individual eligibility for social security benefits, without some adjustment covering the degree of resource sharing. (Sharing of resources within the *whanau* or *aiga* unit is however probably too difficult to adjust for.)

- 2) The time period over which the standard of living is measured. Fluctuations in expenditure, due to their lumpy nature, make that approach problematic, and many families show variations in income. The fortnightly measurement used in the Household Economic Survey (HES) is too short, but the annual measure is too long, as poor families do not have sufficient savings or ability to borrow.
- 3) The appropriate equivalence scale to reflect adjustments for family size and composition. Subjective approaches tend to give a lower weighting for additional people, especially children, than those based on observed data, and thus finish up with more singles and couples, and less children, in poverty.
- 4) Measuring the extent of poverty. Information is required not just on the number or proportion of the population who fall below the poverty standard but also on the duration of their poverty, as well as the extent to which they fall below the poverty standard.
- 5) Adjusting the poverty measure through time. Irrespective of the standard of living adopted (as representing adequacy) in the initial establishment of a poverty threshold, every hardship measure has to be adjusted through time to take account general economic and social change. For income and expenditure approaches, the threshold can be adjusted in line with some measure of movements in average standards of living. Inevitably, policy changes (such as the implementation of user charges) can alter the minimum income required to achieve a given standard of living. So poverty standards have to be related to contemporary policy parameters as well as economic conditions.

## Poverty measurement

New Zealand has three innovative techniques for the measurement of poverty: *living standards*, as pioneered by the Ministry of Social Development; *income poverty thresholds*, developed initially by Brian Easton and subsequently by the Poverty Measurement Project; and *area-based deprivation scales*, using Census data and developed by Peter Crampton.

### Living Standards

The living standards approach is based on a questionnaire, and documents ownership and social participation restrictions, economising behaviour, financial and accommodation problems. It also includes a scale for self-assessment. The approach covers activities that families are forced to restrict, and then aggregates the restrictions into a master score to reflect living standards. Most of the restrictions show that individuals have an ability to prioritise that reflects societal values – more people do without a dish-washer than good shoes, and prescriptions are more important than holidays.

There are weaknesses. For example, there is no measurement of social amenities such as access to parks, libraries, transport or shops. By providing each restriction with similar weight in the overall measure, the sense that one factor is different in quality from another is lost. This technique does however have one strong point. This stems from the ability to provide a useful description of what it is like to be poor – what one has to go without.

What then is the value of this approach for policy development and formulation? Here the answer does not seem to be clear-cut. The results are in broad agreement with what we learn from measurement of income poverty results. Thus, sole parent families emerge worse off on average than two parent families, and home ownership improves outcomes for the elderly in general. Low home ownership rates and the relative lack of assets accentuate the problems facing elderly Maori.

### Income poverty thresholds

The Poverty Measurement Project used a poverty threshold defined by focus groups, together with the results of the Household Economic Survey. The results lent statistical support to the flurry of small-scale, community-based studies emerging from the aftermath

of the 1991 benefit cuts. (Those studies had indicated a significant degree of hardship for beneficiaries and state housing tenants. In hindsight, it can be recognised that they provided an excellent insight into the impact of policy on vulnerable groups.)

The initial results of the PMP also provoked a political denial that poverty existed – together with claims that if it did exist this would be a short-term transition and/or was due to a lack of household budgeting skills. Soon however the medics and teachers were to enter the fray with evidence of poverty-related diseases and declining educational attainments due to lack of food and overcrowding. At that point, policy was directed to overcome the source of low income through the mandating of work (rather than directly raising benefit levels or child assistance).

If poverty is to be dealt with in a cost-effective manner income clearly has to be targeted as the key variable. A high poverty incidence is a combination of low market income and low efficiency of the tax/transfer system in reducing that poverty. There are two policy variables – market income and the level of net transfers (tax rates and cash assistance). The appropriate mix of these is going to depend upon age, household type, potential for obtaining employment at an adequate wage, and other individual factors.

### Area-based deprivation scales

Individuals and households live in communities and, to some extent, outcomes will be influenced by group characteristics. Area-based deprivation scales will reflect, at the level of a Census mesh-block, material and social deprivations in a community. The variables (based on proportions in an area) include: low equivalent income; with an income-tested benefit; no access to a car; adverse household occupancy; renting; educational qualifications and sole parenting. Thus some measure of asset ownership is collected, but unfortunately there is no measure of social capital. The resulting maps of deprivation are predictable – Taita has a higher index score than Khandallah, and Otara is higher than Remuera – but the scale also shows that there are anomalous pockets of relative wealth (or poverty) in poor (or rich) suburbs respectively.

The approach is valuable for policy development on several counts: first, one can correlate the deprivation

index with other social and economic outcomes, such as health status or educational attainment; secondly, the approach can be used for targeting social services delivery to offset degrees of deprivation; and thirdly, the approach provides valuable statistical information to community groups. This will assist their members in both advocacy and service delivery roles.

## Understanding poverty dynamics

A gap in the Poverty Measurement Project is the measurement of how long people have been living in poverty. This can be tackled in two ways: first, one can look at the transfer of poverty from one generation to the next. Secondly, and possibly in combination with the first approach, one can assess the length of time that any household has been in poverty (and whether the experience is likely to recur). The data at present available in New Zealand is inadequate for either task. We must therefore rely on indicative results, together with causal studies on intergenerational mobility, based on US data.

It is important to understand the causes of movement in or out of poverty, because the policy solutions may be quite different. To overcome benefit dependency, mandatory work-for-the-dole schemes and strict entitlement rules are needed. The poverty model requires extra financial resources in the short term, with education/skill formation to improve earning capacity in the long run. Neighbourhood models require dispersal of housing as well as targeted social service delivery.

The incidence of poverty is not spread evenly across all households. Using US data over a 15-year period, about two-thirds of children never experience poverty, and about ten percent have one spell of a year of inadequate income, but over the total period have more than adequate resources. Others move in and out of poverty, with greater or lesser degrees of persistence, and there is a small group who are permanently poor. Roughly similar results come from analysis of those on social security benefits in New Zealand, with a significant proportion having just short spell of unemployment, whereas others are in receipt of benefits for a long period or are in and out of employment.

For the short-term poverty/unemployment group, adequacy of social security benefits is required as a short-term alleviate. But the persistent and recurrent groupings require long-term solutions as well, through addressing

the cause of the poverty problem such as a lack of education, labour market skills, location or ill-health.

## Poverty dynamics

The comparative study undertaken by PMP does not indicate how long people have been poor for, and thus may not be a complete indicator of the effects of poverty or hardship. There are two types of poverty dynamic analysis, both requiring longitudinal data. First there is the inter-generational transference of poverty and low income: the extent to which children who grow up in a low income household also become low-income households when adults. Second, there is the length of time that any household is in poverty, and whether that experience is one-off or subject to repetition. Unfortunately the longitudinal data in New Zealand are not really adequate for either of these two tasks, though some indicative results have been obtained.

The early data on intergenerational mobility, based on US data, showed that individuals made their own fortune, rather than being dependent upon their family background. Subsequently, more careful analysis of much richer data-sets indicates far less mobility. The causal mechanisms of this mobility have also been investigated. The debates occur between those claiming the cause is one of benefit dependency (children growing up in homes where benefit use is high and long have lower aspirations, limited pressure to obtain secure and well-paid employment and feel less stigma about receiving a benefit), those claiming that the transference mechanism is one of poverty (children growing up in poor households have less resources and nutrition, poorer health, over-crowded housing and lower educational attainment and thus face the same labour market disadvantage as their parents) and those claiming that the neighbourhood that one grows up in results in type-casting in the labour market.

The policy solutions are quite different. To overcome benefit dependency, mandatory work-for-the-dole schemes and strict enforcement of entitlement rules are required. The poverty model requires extra financial resources in the short-term, with improvements in education and skills to increase employability and adequacy of wage rates in the long-term. Neighbourhood models, as measured by deprivation scales below, require housing dispersal policies as well as targeted social service delivery.

## Conclusions

Measuring poverty or hardship is fraught with a host of technical issues and value judgements. There is no single correct measure of poverty, and no simple dividing line between the poor and the non-poor. The afflictions of poverty are not avoided if one is marginally above a particular poverty standard, especially if one has been on a low standard of living for some period of time.

Both sides of the boundary line are foggy. Those who are marginally below the poverty standard may not experience adverse outcomes if they have adequate assets and some capacity for self-sufficiency. This is particularly true if the fall in income is only for a short period. The fact that there is no consistency across different techniques for measuring poverty offers a range of perspectives on such issues. Each perspective can thus complement others in the process of determining policy.

The income measure of poverty is more useful for policymakers, since it relates directly to the instrument that the government can control, namely cash support. Annual, cross-sectional data on the incidence and severity of poverty and on the effectiveness of existing instruments provide valuable supplementary information. It can be readily used by any government interested in mitigating poverty or in monitoring the impact of previous adjustments to policy on the poorest members of society.

The real picture of poverty cannot be formed on the basis of cross-sectional results: this requires longitudinal studies, and there are as yet no robust New Zealand examples. The living standards approach does provide an excellent description of poverty, and fits neatly with the public perception of inadequate outcomes. It provides a realistic check on the results of the income-based method, and offers guidance on the adequacy of benefit levels. This can also help in targeting resources to those groups in greatest need: for example, home-owning elderly are less in need of additional assistance than families with children. The same information can also inform the in-kind versus cash debate. Unless living standard estimates are widened to incorporate the degree of social capital within a community, the results may however be less helpful for policy purposes.

In short, if a government is concerned about the alleviation of poverty, it will require some poverty standard to be established in order to direct resources to the area of greatest return. Measurement is the first step in this process, and this requires a threefold combination of:

- cross-sectional income measures
- verified by living standard outcomes
- and supported by longitudinal studies for information on both the persistence of poverty and its ultimate causes.

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# Families in New Zealand: the Challenge for Policymakers

Jan Pryor

## Introduction

“Family policy” is a field which presents a set of unique problems. One is the difficulty we have in removing individual experiences (and prejudices) from the discussion about political choices. There is something remarkably odd, indeed ostrich-like, about the debates we have about families, our relationships within them, and where they fit into the broader contexts of communities and cultures. Quite simply, our heads are in the sand about what a family is, and how in New Zealand perceptions have merged and changed in step with other shifts in society.

The agonising over families is not new. It was a Greek philosopher who bemoaned the state of youth in the following terms: “Children nowadays are tyrants. They no longer rise when their parents enter the room. They contradict their parents, chatter before company, gobble their food and tyrannise their teachers.”

In 2004, the bemoaning continues. The American sociologist David Popenoe argues for example that through a lack of both social support and individual will, family has reached the ‘end of the line’, after a long decline. Similar views are held in New Zealand. They were advanced for example during a television debate in September which went to air with the subject “The nuclear family is the only family.”

This article sets out to examine the (brief) history of families in the western world in order to provide a perspective on the immediate issues. It will also touch on the emergent diversity of New Zealand families in this 21 century. Finally, it seeks to identify some of the focal issues for constructive debate about policy choices. (This treatment may not do full justice to the interplay of various cultural strands, with *whanau*, *aiga*, and other models becoming not only familiar, but also an integral element in the genealogy of future generations).

## Families in change

Why are we in such angst about families? Should we be as deeply concerned as many commentators want us to be? It *is* true that we are in a period of rapid change, but this is not unprecedented – such eras have occurred before. As Anthony Giddens, a British social theorist has argued:

Amongst all the changes that are going on today, none are more important than those happening in our personal lives – in sexuality, relationships, marriage and the family. There is a global revolution going on in how we think of ourselves and how we form ties and connections with others. It is a revolution advancing unevenly in different regions and cultures, with many resistances.

Furthermore, no-one is exempt from family influence. All cultures can identify some grouping of people whose role it is to raise children. As individuals, then, we are naturally, and quite deeply, concerned about the concept since it represents our most intimate relationships.

Again, this may not be unusual. Everywhere, families are hugely diverse in today’s western society. ‘Normal’ families have not disappeared, but other forms now increasingly exist alongside them. This diversity is the cause of a great deal of debate in terms of whether they work or not, whether they should be allowed to exist, and how we might return to the ‘good old days’ of the nuclear family.

At least as significant as diversity is the steady disappearance of models and boundaries for families. These have been provided in the past by cultural norms, social sanctions, and political dictates. One’s social class provided further boundaries (and still does in many cultures), as did gender roles. People knew how women and men should behave, even if they did not like those

restraints. These guidelines are dissolving at varying rates, giving way to choices and options that are increasingly made at individual rather than family group levels. No longer does the youngest son of a catholic family necessarily enter the priesthood; other options are available to him.

Inevitably, the dissipation of external boundaries and constraints has internalised the choices available to families, and to individuals within them. In turn, this has added to the variety and diversity of family structures we see today. In most official usage, the word 'family' now has to be used in the plural. It is notable that when the present Government fulfilled its promise to the political party supporting it (to set up a separate agency concerned with family issues) this body was named the *Families Commission*.

## An historical perspective

Families have always changed by being responsive, and adapting, to fluctuating social influences, economic pressures, migration and sometimes conquest. What follows is a brief outline of the way these changes were experienced over the last four centuries by one broad grouping: those societies which formed the Western tradition.

Starting with the seventeenth and eighteenth centuries, the pattern in Europe was one of household-based economies. In other words the family was an economic unit, with the father identified as the "head of household"/manager. We can think of the trades, crafts and guilds which characterized the pre-industrial era; within the family unit, we then see women and children playing a centuries-old role as economic contributors – a role which was not dissimilar to the situation in many non-European societies.

With the advent of the industrial revolution early in the nineteenth century, "home" and "work" were separated, in a major departure from this long tradition. The role of the previous "head of household" most often became downgraded to that of a mere worker in a much larger economic unit. The home then became important, for all family members, primarily as an emotional refuge and as the focus of family life. But another factor was to emerge as the century drew to a close. This was the introduction of compulsory education at the primary level. As a result, children were to acquire greater (and earlier) independence, leading to greater power as individuals – as reflected in

decisions to move away from "home" to set up their personal (and separate) families.

The twentieth century was to bring more rapid and extensive changes throughout society, as reflected in the words of Giddens quoted above. Progressively, medical and scientific advances brought lower mortality and a greater capacity to control fertility. The family became nuclear and marriage was not entered into solely to produce children. Sociologists chronicle the emergence of 'companionate marriage'.

Alongside these changes, two major wars in Europe were to put a different slant on the role of women, who were often drafted into industry to carry out roles previously held by men. This liberated the males for armed service, but in the peacetime situation it created many problems of readjustment.

Some would argue that this was a major influence on the feminist movement in the last 30-40 years, although there were undoubtedly other key factors. By the year 2000, there were in any event few Western societies where this movement had not brought about an irreversible shift in family patterns. Women were entering the workforce at all levels (and not simply in part-time or flexible hour roles, although these were statistically significant). We see the new dual earner household, with or without children, and also the pattern of "double shifts", with one partner at work when the other is at home, and constant baton-changing between them (especially if child care is involved).

For the male earner, this removed the original rationale for a "family wage" as the measure of adequate income. There was some diminution therefore of his "sole provider" status which had been predominant for over a century. This and other changes have fed into the patterns which are already emerging for the twenty-first century, although any summary must be highly speculative at this early stage.

Already, however, we can see the emergence of high rates of change in the family. There is probably a much greater emphasis on the emotional aspects, bringing sometimes a "negotiated" approach to relationships within the unit. Consequently, children are beginning to enjoy more economic, legal and personal power than in previous centuries. For some ethnic groups, this is unprecedented and will bring quite difficult challenges to traditional notions of seniority and *mana*.



In parallel, the prolongation of life (through medical technology) and continuing developments in fertility control will produce a larger proportion of multigenerational families and a higher incidence of childlessness. Changes in the ages of marriage and childbirth are already becoming familiar, leading to a pattern where the individual is probably spending less time in a family situation. Artificial reproductive techniques can be bracketed with an increase in households with same-sex parents and in the use of surrogacy.

Within a relatively short historical period of about two hundred years, therefore, the family as a social institution will have changed beyond recognition. In New Zealand, this process has coincided with a phase of new settlement from European, Pacific and other sources. The process of adjustment, and the sequence of cultural and genetic cross-fertilization with the indigenous Maori population, will inevitably exert a strong influence on our national view of what makes up a “family”. Policy constructs must in turn reflect the plurality within society, rather than remain based on a “one size fits all” approach.

## **New Zealand families today**

Today, then, it is not surprising to record that a set of fundamental changes is under way in this country. We are all aware of shifts in the dynamics of families, in the choices people have available, and the diversity of family forms and structures now in existence. As noted above, this has emerged from a complex and inter-related set of factors sited in cultures, in communities, and in legislative provisions. But we can also recognize a tendency for the policy debate to reflect strong nostalgia for the nuclear family. Possibly this is part of the delayed response seen in other areas of policy. In New Zealand as elsewhere, social and political interaction is slow to recognise changes and new elements of diversity as they appear. Inevitably, there will be groupings and political platforms which remain in denial and continue to advocate the “freeze-frame” solution.

It is undoubtedly more helpful to the formulation of policy options to see the “nuclear interlude” for what it is, or rather what it has been. The record shows it as a blip in the social evolution of families, especially if we interpret the term “nuclear family” in its strictest sense of heterosexual married parents, with father as the main provider and mother as the homemaker. This is not

the reality for the vast number of people today, and even in the heyday of the nuclear family it was not close to reality for those families who could not afford to have either adult out of the work force.

In order to summarize these trends more vividly, let us turn to the statistical record which sets out the state of families in New Zealand today.

### *Age at first marriage*

- Now 27.7 years for women, 29.5 years for men
- In 1971, it was 20.8 years for women and 23.0 years for men
- Age gap is now 1.8 years; was 2.7 years in mid- sixties

### *Change in marriage rates*

- Current rate is 14.5 per 1000 not-married population
- In 1971 it was 45.5 per 1000 - now less than a third of that rate

### *Marriage and divorce rates*

- Current divorce rate is 13.1 per 1000 marriages (10,491 in 2003)
- Highest rate was in 1982 after the Family Proceedings Act

### *At what stage do divorces occur?*

- Age at divorce is rising - now 42.5 years for men, 40.1 years for women (in 1993, the figures were 39.6 for men, 36.8 for women)
- 46% involve children; of those 46.4% are under 10, 56.6% over ten

### *Cohabitation*

- 1 in 4 partnerships were cohabitations in 1996 for those between 15 and 44 years
- More partnerships are cohabitations than marriages for couples under 25

### *Lone parent families*

- 23.6% of children are living in lone parent households
- Rates of increase are slowing

### *Father-headed lone parent households*

- Nearly one in five children in lone- parent households live with their father

*Remarriage*

- More than one in three marriages involve at least one person who has been married previously
- That number was one in six in 1971

*Births in New Zealand*

- 54,021 in 2003, 3% lower than 2001
- 17% lower than peak fertility in 1961, despite 86% increase in women of childbearing age

*Fertility and age at birth*

- Fertility rate is 1.9, lower than 2.1 for replacement
- Is a little higher than Australia, UK, Canada, Denmark and Sweden but the same as France
- Median age for first births is 30.1; over half of children born have a mother over the age of 30.
- In 1971 median age for first births was 24.9

*Mothers in the work force*

- Only one in three children has a mother who is not in the work force

In 1996:

- 35.5% of mothers of infants
- 51.2% of mothers of 1-4 year olds
- 64% of mothers of 5-9 year olds
- 72.4% of mothers of 10-14 year olds
- 25.6% of children live with parents who are both employed full time

**What is important about families?**

Families clearly continue to matter, but in rather different ways from the past. The description of 18<sup>th</sup> century England showed them as primary sites of work and spiritual sustenance. Gender roles and social roles were clear, and were dictated largely by church and state. Young people did not have to work out their identity and morals; all they had to do was to learn what was right and wrong. Today, perhaps the most fundamental and far-reaching change from those times is the flip from external constraints and guidelines, to internal ones.

Families (with few exceptions) no longer provide a work environment, but they are the arbiters and fashioners

of their own microcultures, values, and beliefs. In fact, this imposes an enormous responsibility on families, who are not always up to the task. Parenting, for example, is now a complex psychological task rather than merely a functional one, and there are few guidelines available. The rules our parents followed no longer seem to apply. No-one tells us, either, how to be a stepfamily – even though increasing numbers of people are facing the specific challenges which are posed by this family form. Even being a satisfied and satisfying partner is far less straightforward than it was 50 years ago. The core family roles have been pared down to two, both of which are awesome in the full sense of that word. They are to nurture their young and other dependents; and to provide an exchange of affection and support (both economic and psychological) among their members. How are these functions best fostered? There are three possibilities, each of which would take another article to explore in full. In summary, however:

- One is to minimise stress on families – in particular economic stress and stress at the work/family interface. These are largely policy issues.
- Another is to encourage and support families in using their own resources and strengths to flourish, rather than to focus on their deficits. This is particularly applicable to families that do not conform to the ‘normal’ image, yet who can (and often do) function optimally for all their members
- A third is to enable family members to develop and sustain relationships amongst them that are positive, realistic, and stable. In this time of demand for emotional and psychological satisfaction in family relationships, and of comparative ease of dissolving families, this is particularly crucial.

Inherent in the selection of these three approaches is the notion of respecting all families, in their diversity, and recognizing their vulnerabilities and strengths. We need to know more therefore about what matters and what does not matter in relation to strong families.

What *does not* matter is the sex of parents. All the research thus far on families where parents are the same sex (mostly lesbian partners) indicates that children flourish in such families and that relationships are strong. The children may suffer stigma; they are no more likely to be teased than other children, but if they are picked upon the teasing will focus on the sexual

orientation of their parents. (Stigma, it might be noted, lies outside not inside the family.)

Another factor that does not matter is *legal status*. The fact of being married *in itself* has been shown to confer no particular advantage on parents or their children. We know that marriage is not a guarantee of stability or happiness, and it is becoming apparent from research that for children the legal status of their parents is irrelevant. In the US, some factors associated with cohabitation are important – unmarried parents there are more likely to be poor, and poverty is a known contributor to family dysfunction. (Research in Europe shows that this is not so much the case, for example in the Scandinavian countries, and it may not follow such a clear pattern in New Zealand).

A third factor that is not important in terms of parenting and good parent-child relationships is *biology*. There is something of a contemporary myth about biological relationships being stronger than social bonds. Studies of families formed by artificial reproductive techniques, and of adoption taking place in infancy, indicate that genetic relatedness is not in itself a predictor of wellbeing in families. In fact, it is estimated that in about 10% of New Zealand families, the father is not the biological parent of his child or children and no-one apart from the mother knows. Children in families formed through artificial reproductive techniques can have five parents at the time of their birth; two social parents, a surrogate mother, and two gamete donors. It is therefore a challenge for family policy to articulate how such families might be helped to arrange their relationships.

Knowledge about genetic origins will of course have its own significance, especially for the young people concerned. Experience in adoptive families (and in those using artificial reproduction) indicates that for many it is very important to know their genetic heritage. Possibly, this will turn out to be important also from the top down. Consider, for example, the parents of gamete donors who have genetic grandchildren and who may at some stage want to know about them (or have the opportunity to find out more). This might especially be the case where there are no other grandchildren in existence.

A fourth factor that is not important is the *structure* of the family unit. Having two parents is not necessarily

'better' than having one, or three for that matter. What does count is the pattern of transactions – of what is going on in a family. We all know two-parent married families where the family dynamics are toxic for both children and adults; we also know single-parent families where children thrive. Structure in itself does not predict optimal family functioning.

## What is important to families?

The brief and incomplete answer is *stability*, although by itself it is not sufficient. Successive transitions are demonstrably damaging for children (and adults), yet remaining in a dysfunctional, conflicted home environment is even worse. Stability has to be given a real chance of being established, but this can only happen if individuals make some kind of commitment. Again, we are not talking legal commitments here. Recent work at Victoria University of Wellington indicates that cohabiting parents are just as committed to their relationships as those who are married, and many eschew marriage because of lingering connotations of restraint and/or religion. In the recent debate about the Civil Union Act, it has been stressed that it would offer an alternative kind of commitment that is likely to foster stability in many relationships.

In today's families, commitment calls for negotiation of relationships. It is interesting to see how the sequence between commitment and negotiation has reversed over time. Not so long ago people made a commitment to each other through marriage, and *then* embarked on the day-to-day negotiations that are the bedrocks of a functioning relationship together. Now, it is far more common for the process of day-to-day negotiation to be undertaken *before* a commitment is entered into. Only about 15% of couples now marry without cohabiting first, and they represent a group with particular values and beliefs.

Again, the onus is on individuals to develop functional relationships and to maintain them, rather than to have to accommodate pressure coming from outside. This sets up both vulnerability and opportunity. If the partners fail to establish a stable relationship then the option of leaving is comparatively easy. Conversely, success will set up a relationship that works well for the individuals involved. (In Sweden the median age of first child

birth is lower than the median age of marriage; in other words, most couples will opt to have a child before they marry).

Finally, parenting is a factor that stands out as mattering very much. It is not easy. No longer are parents in an unquestioned position of power and supremacy; children have (and will extend) power in many arenas. They have a large amount of power in decisions that are made about purchasing, for example, from hamburgers to houses. Frequently, they can also appear smarter than the parents – at least in the sense that they know a lot about things, from being ‘cool’ (and avoiding “uncool”) to manipulating microscopic cellphones with their smaller fingers...

None of these elements in the contemporary scene will alter the basics. Children continue to need not only love and support, but also monitoring and guidance. One of the saddest aspects for the practitioner or researcher is to see mothers and fathers who are (almost literally) scared of their children. Sometimes this may come from a sense of guilt about being absent from the family and in the workforce. Often it will lead to a situation in which ‘quality time’ becomes a priority. But it can only be selective, since it inevitably comes at the expense of balanced parenting. We do children no favours if they grow up with a sense of entitlement that is far beyond reality. Children need to know that they are loved to bits, but they also need to have appropriate boundaries.

## Postscript

This article is adapted from an address by the author in 2004 to specialists involved in using music as therapy. It is tempting to draw on musical analogies when describing the trends reported here on the shape and place of contemporary family units. There are common features which can be captured in words such as “harmony” and “tonality”. Perhaps the most important is that form of highest musical achievement, where both the individual players are indistinguishable from the group, and where the sound emerging is itself somehow detached from the separate instruments.

The shape of that harmony, however, will inevitably vary amongst family groupings. Just as we respect

diversity in musical forms and harmonies, so might policy in New Zealand focus not on the composition of the group, but on the harmonious interplay of its members.

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# The Treaty and Democratic Government

Andrew Ladley

## Introduction

This is the first of a series of articles exploring current implications of the Treaty of Waitangi for New Zealand governance. Here, the objective is to locate the persistent Maori demand for some form of self-government in its democratic context of government-by-consent. The argument is that the issues are not *conceptually* difficult. In particular, fears about 'sovereignty' are unwarranted. The current burst of activity in 'Treaty negotiation' is not a threat to New Zealand's democracy, but a sign of its strength – a positive *and expected* part of the constitutional system. As in any democracy, however, there are legitimate questions about the framework within which such negotiation takes place and its limits.

Self-determination is a major theme across human history and across cultures. All societies have had to negotiate and fight their way through the changing relativity of authority between self, family, group, tribe, nation and empire. In the New Zealand context, this pattern predates European settlement - witness the ebb and flow of authority amongst the Polynesian groups who sailed to these islands. Post-1840, self-determination was the key theme in the attainment of self-government and eventual independence from Britain.

The distinctive characteristics of the New Zealand experience lie in the unique language, history and present role of the Treaty. Perhaps this obscures the fact that the issues raised in the "Treaty debate" reflect similar problems of governance everywhere. The argument presented here therefore locates the particular challenges of the Treaty in a broader democratic context - namely that *all governments face limits to their power*. Quite simply, this should dispose of the notion that 'sovereignty' issues form an insuperable barrier. It is then possible to see self-determination questions as part of an ongoing

negotiation of relative degrees of autonomy, within a system based on government-by-consent.

## The limits to all claims of power

Across history, the limits to power have always been the subject of debate, political action, war, and, more recently, constitutionalism. How far can a particular minority assert its distinctiveness and not become too divisive, perhaps bloody, for society as a whole? How far can a majority assert its numerical, cultural or other dominance without crushing the distinctiveness of smaller groups? What are the limits of domination, and of resistance to such? In the fast-churning washing machine of today's world, with accelerating movement of peoples, economies and cultures, what is the 'right to self-determination'? Put differently, are there limits to both 'majority rule' and 'self-determination' where distinct communities live together?

The New Zealand version of these questions can be briefly stated: what are the limits in the 1840 Treaty of Waitangi, implicit in the juxtaposition of national powers of governance in article 1, the Maori/tribal powers of self-rule in article 2, and the rights of equal citizenship in article 3?

The proposition that there must be limits to all human conduct, and certainly to the assertion of a 'freedom' or 'right' of any description, is relatively simple. The fact of living together requires that *any* claimed right is limited by the rights of others. This provides limits everywhere, from personal choices (like sexual partnerships, or where to live) to claimed rights to speech, movement, association, political activity, and the use of property, for example.

The notion that there are limits has not of course stopped people or governments *claiming* absolute powers or rights – or even *exercising* what looks like absolute

power for a period if backed by sufficient force to crush objections. But over-riding dominance is always temporary (though the night may at times be long for individuals or peoples subject to such). Louis XIV's claims to absolute power and the Divine Right of Kings was a good line, but it soon seemed just silly. The Orwellian power behind the Iron Curtain had some limits in the Communist Party system, it was certainly contested and, under myriad pressures, it could not last.

To an intuitive argument that there must be limits arising from the fact that other people have rights too, one thus might add centuries of history, philosophy and countless court cases affirming the limits on human claims to absolute rights. A simple illustration of the general point lies in the ongoing exploration of what some have claimed as virtually absolute powers of private owners to do what they like with "their" private property. The answers are the same: ownership is not absolute; there are limits on one's actions arising from the fact of community.

There is thus no difficulty in principle with the notion that *all* rights are restricted by the rights of others – the questions are rather what is reasonable and fair, and what particular balance might apply at a point in time.

### **One law for all...**

The same argument applies to another conceptual blockage. The undisputed importance of all citizens being 'equal before the law' should not suggest that there is in any sense 'one law for all'. A multiplicity of laws apply to people in different circumstances, every day. Directors of companies have laws that apply only to them, and not to other parts of the company; squash clubs have their own rules that do not apply to non-members; Maori tribes have laws that do not bind other Maori, let alone Pakeha. New Zealand, like every other society, lives with a plurality of laws within one umbrella legal system. Indeed, there is a multiplicity of specialist courts that apply those different laws.

The same argument applies to discrimination. Whilst it is unlawful to discriminate on some grounds in some areas of activity, there is constant differentiation elsewhere in both the law and public policy: only those over 65 get state pensions, only migrants pay significant fees to apply for a state service (permission to immigrate), only school children get certain dental

benefits, universities admit students on a number of grounds of differentiation, etc.

In reality, the legal system does not expect or guarantee exact equality, but something closer to relative fairness and relative protection, guided by standards that change as societies re-assess what is fair and just. Nevertheless, an overarching authority in the court system is important as a symbol of some sense of unity in all this diversity; this is now achieved ultimately through the Supreme Court in New Zealand. The point, simply stated, is that the rhetoric of 'one law for all' is just that.

### **"Sovereignty"**

Let me set up starkly where the above discussion leaves us in relation to the New Zealand Parliament and self-government/*tino-rangatiratanga*. Any suggestion of 'sovereignty' meaning 'absolute power' is nonsense from first principles. Whatever the nineteenth century conceptualisation, no group of people meeting in a building (however grand and symbolic) has absolute power in practice, philosophy or law. The rubric of the sovereignty of the Crown-in-Parliament should thus be read much more simply as the (mostly) superior powers of governance. Governments operate within limits that come from politics, convention, parliamentary tradition, international law, fundamental rights, the law and from other important rules which society has endorsed in various ways.

The New Zealand constitutional system, therefore, emerges not with 'sovereignty' located in one institution, much less a person, certainly not in a symbol like 'the Crown', and not in any one or many dozens of scattered Maori tribes and sub-tribes. If by 'sovereignty' one means the ultimate power of decision-making, then that is surely shared in *processes* that reflect collective self-governance by all New Zealand citizens – more particularly, in their interactive negotiation as they deal with the power and resource issues of the day.

The word 'sovereign' of course carries its history from western European thinking as the concept of the state developed. That tradition came to see ultimate power as located or epitomised in the person and institution of the monarch: the Sovereign. And, in the Parliamentary tradition, as the reality of governance slid from the monarch to the monarch's advisers (the cabinet) drawn from elected representatives, it was easy to widen the location of supposed 'sovereignty' to

include those elected representatives. All this was very mystical. It continues today in the notion that responsibility for government resides in one eternal and ever-governing (and hence ever-defending) 'Crown', instead of 'the Government of the day', or 'the state'.

I suspect that if one today asked a random foreign observer, a modern Alexis de Tocqueville, to locate 'sovereignty' in the workings of New Zealand's democratic constitution, the result would be more practical than mystical. The heart of our governance is in government-by-consent. Parliament is a critical part of that, of course, hence the importance attached to the legitimacy cycle of elections-mandates-coalitions-tax-budget-accountability-elections. Bills passed by Parliament also trump, as law, the product of other governmental institutions. It is perhaps this 'legal superiority' that suggests to some that Parliament is all-powerful, and also that has led it to become a focus of authority in its own right rather than as part of government-by-consent.

### **Seeing sovereignty/tino rangatiratanga as process**

It is not tenable to accept the notion that a New Zealand Parliament has unlimited power. Mostly, the limits are found in the heart of what makes the New Zealand constitution tick: an acceptance that 'the people' are the sole source of ultimate authority and that the questions of the day must be solved through government-by-consent. That consensus would, in almost all conceivable circumstances, provide limitations to what is done by any government and to what it requires of Parliament. But I have no doubt that in extreme circumstances the courts would simply strike down some parliamentary action as unlawful. The question is not, to my mind, one of principle, but of being able to recognize a 'really bad case'. If all sides note this possibility, that case might conveniently never arise, leaving all sides happy - albeit sometimes a bit huffy and puffy.

If Parliament is not an all-powerful despotic institution, there is similarly no unlimited 'right' to self-determination. Tino rangatiratanga (by any translation, including 'Maori sovereignty'), is thus a claim to self-rule with limitations. Most people probably understand the need for a tribe to see itself as standing eye-to-eye with the 'other side' in the Treaty relationship. But

there is abundant room in the negotiation process of this democracy for mana (here: appropriate respect, authority, dignity) to be accorded to all parties, including the times when government ministers and negotiators appear on tribal marae. Even on its own terms, the concept and practice of chiefly rule was never that of unlimited power. Mana always had to be earned and sustained, whatever the boost that noble birth might have given.

It is important to see our history in perspective. Over the centuries, there have been many strong Maori leaders, but there is no suggestion that any rangatira ever had, or sought, the kind of authoritarian and absolute power associated with a pharaoh, a Montezuma, a Ceaucescu, or any other human despot. Similarly, there has always been dynamism in the relative authority between the levels of tribal organisation of family/sub-tribe/tribe (whanau/hapu/iwi). Those tensions continue to this day and no tribal leader can claim the right to trump totally, let alone extinguish, the authority/rangatiratanga of a constituent hapu.

If tribal governance has always been limited and contestable in relation to its own followers, it follows that the degrees of autonomy and power that any tribe might have in relation to any external competitor were (and are) similarly qualified. The pursuit of mana (here: authority) in the Maori world is a nice parallel to the competitiveness of the wider political and economic world. None of this is to suggest that in particular respects (eg, rights to customary fishing in a given locality) a Maori tribe might not have greater rights than any other competitor (flowing from the status of tangata whenua).

In short, there should be no suggestion the nation is confronting some clash of absolutes: *either* (a supposedly Pakeha or even 'foreign') Parliament is 'sovereign', all-powerful, in-charge, *or* Maori institutions of some sort are 'sovereign', all-powerful, in-charge... Faced with the *irresistible-force versus immovable-object* trap, most people instinctively refuse to accept it, as they should. Fundamentally, there is no standoff here between overall governance (article 1 of the Treaty) and Maori tribal governance (article 2). The constitution reflects instead relative degrees of power - as well as relative degrees of autonomy. Such logic does not of course mean that some powers might not wax and wane over time, as they have always done.

## Changing times and limits

To a historian, it would be obvious that the limits on any notion of power, including majority rule and self-determination, are not fixed in stone but are negotiated in different ways as circumstances change. The real questions, therefore, concern the processes in any society for determining and balancing the limits.

In relation to self-determination, what seems inconceivable at one point in time may become commonplace at another. With hindsight one can be simply baffled at the apparent stupidity that sent people to war. In this century, the phenomenon of an expanded European Union will remove the potential for internal wars – this in a continent where throughout recorded history, issues of self determination and dominance sparked massive conflict, culminating in two World Wars. And all those everlasting empires long broken into smaller bits (Central American, African, European, Russian, Asian) seem like fables from the Lord of the Rings, not places where so often the unity forged by blood, steel and lead was destroyed by the same means.

In Maori terms, tradition tells broadly of origin myths from the Gods (with some nice parallels with Greek and Roman mythology) and their own struggles for dominance and autonomy. In the movement out of Polynesia, the pattern is of early canoe migrations to these islands, followed by the establishment of tribes and then centuries of flux in which tribes branched and sub-branched and sometimes merged and re-merged. The pursuit of mana has been described as a core motivating aspect of Maori culture – and that pursuit would have seen constant fluctuation in the standing of any particular group (or individual).

If accurate, it is hard to exaggerate the importance of this in the context of New Zealand's constitutional system as argued above. If government-by-consent is at the heart what New Zealand does, and if every Maori group sees the possibility of negotiating its way to increase the mana of the individual or group, then there is a very busy period ahead. But none of this is a threat to the constitutional system – just the contrary, it is a confirmation of its health.

As New Zealand struggles with the apparent difficulty of reaching any single, durable, constitutional solution to the question of the place of the Treaty in New Zealand governance, the key is therefore to see all

governance, including Maori self-governance, as a framework for negotiation within limits. Put simply, and shorn of the mysticism of 'the Crown', the issues involve the relationships between peoples in a state, and between central and Maori spheres of governance.

However hard any particular group (a hapu, Maori in general, or any others such as farmers, workers, the poor, families, battlers, the rich, the creators of wealth) tries to insist upon its distinctiveness to justify its particular claim to maximise its 'rights', in the end this is all negotiation within a kiwi democracy.

This is not to reduce Maori under the Treaty to exactly the same status as other bargainers in other phases of government-by-consent. The fact of the Treaty, and more particularly the importance (even reverence) attached to it by Maori, does confer a distinctive character on the Maori dialogue with government. This goes to the heart of the social contract that is our democracy. This has been increasingly recognised, and more widely accepted by all citizens. The history of colonisation, including a domestic war, means that the nature of the Maori negotiation will always be unique within New Zealand.

Despite all this distinctiveness, Maori nonetheless are just part of the normal negotiation process in this democracy – players amongst many, bargainers amongst many (including each other). The partners to the entire New Zealand social contract need each other, as it were, to keep reaffirming basic aspects of the rule of law and the authority of elected parliaments. And Maori and the other communities particularly need each other – because they cannot back away from the history of human settlement in Aotearoa New Zealand, and also because their futures are linked increasingly by intermarriage, whakapapa and all the elements of a shared national identity. That particular die was cast even before the Treaty came into being.

The simplicity of the view of Maori as distinctive, but nonetheless 'amongst many' players in a negotiating democracy, might disappoint some. But for most it should be comforting, especially for those who hear echoes, in the occasional strident voice, of repression-resistance from other times in this country, as well as from other struggles abroad. Fears that we might again be approaching a time when violence could erupt are not without all possibility,



though much is arguably tabloid journalism and political opportunism. There is no real evidence to suggest that the sky is about to fall in.

Indeed, events in 2004 produced for many in New Zealand a sense that in negotiating how far resistance might go, the country peered over the edge of our current flexible political structures – saw an unhappy alternative, and quietly pulled back. Thus, in the biggest Maori protest march ever seen in New Zealand (the hikoi to protest against the government's seabed and foreshore policy) the atmosphere was festive and colourful, the crowd mixed, behaviour was orderly and lawful, the speeches were fiery but faced down by government ministers who sat safely, unprotected and unharmed in front of tens of thousands of protesters... That night, there were no riots, no attacks, no burning tires. Parliament continued sitting peacefully. The next day, one had the sense that a party had come to town. The protest was thus not a threat to democracy and the rule of law, but an affirmation of both: a strong and vocal challenge to government policy, true, but negotiation within a peaceful, political, distinctively Aotearoa New Zealand framework.

### **Tino rangatiratanga**

The Waitangi Tribunal was established in 1975, first to hear Maori claims that the Treaty of Waitangi was not being honoured in current government policy and action. Then, in 1985, its jurisdiction was extended to hear Maori claims that the Treaty had not been honoured from its signing in 1840, to current times. Adding the historical jurisdiction was a breathtaking move, exposing the country to a searching re-examination of its entire history after colonisation. Few countries could comfortably re-examine the last century and a half through modern eyes. So far as I am aware, there is no exact precedent.

The political judgement that New Zealand should re-examine in detail the hurts of the past in order to build a stronger nation was therefore made 20 years ago. My metaphor is that the country is 'in the gorge' downstream from that decision; there is little option but to paddle on an even keel as steadily as possible, to calmer waters further down the river. However, the way in which the process has evolved, and the way it will develop from now on, has profound implications for the way in which contemporary

issues are negotiated and debated through the political system.

This is particularly so for the relationship between the key articles of the Treaty. Much writing has been devoted to the significance of differences between the Maori and English texts and this is not the place to re-examine those issues. For this paper, a sufficient summary is that Article 1 establishes the authority of central government; Article 2 preserves Maori land, forests, fisheries, other valued resources and tribal governance to themselves, and establishes that if land is to be sold voluntarily, it must be sold to the government; and Article 3 states in essence that Maori will have the same rights as non-Maori. Unsurprisingly, almost all claims are based on Article 2.

The key point is that in either language, this is an explicit social contract and agreement on governance. There is agreement that there will be a central process of government, of which Maori will be a part. At the same time, Maori will retain self-government and their assets, as long as they wish. On one level, this social contract simply reflected English statute and common law, which at least since Magna Carta in 1215 has provided a protection of private custom and property within the overall umbrella of monarchical-parliamentary rule.

The words are of course important, but the statutory requirement is that the Tribunal apply the Treaty "principles" in deciding if there has been compliance. Herein lies considerable scope for measuring historical actions against principle – especially notions of good faith, or equal partnership. The Reports of the Tribunal contain a wealth of information on New Zealand's history, and are increasingly themselves the object of analysis and historical scholarship. In relation to the historical jurisdiction, a claim process solely to hear Maori complaints about governments' compliance over one hundred and fifty years has (predictably, given a history of colonisation and war) found overwhelmingly in favour of Maori claimants.

There has however been a growing concern that the Tribunal has been unable to escape the danger of "presentism", i.e. seeing history through today's eyes, standards and judgements. This suggests that its role requires careful thought, if for no other reason than

that the credibility of the whole process is at risk. But in the meanwhile, the inevitable result has been to alter the conditions under which New Zealand's government-by-consent negotiation process is taking place. The Tribunal has created a situation in which the balance has shifted in favour of Maori, simply because it brings historical detail and contemporary awareness to the process. As a result, there is indeed a momentum of claim and negotiation across the public and private sectors, and a new economy emerging from settlements. Some will however continue to question the net benefits of this process, often described as a "Treaty industry".

### **A shifting political balance...**

In terms of restoring balance, the political process has itself responded, especially over the last thirty years. Through the reserved seats in Parliament, Maori have long been guaranteed participation in governance and the significance of this has arguably increased since the introduction of proportional representation. The interplay here between active participation in Article 1 (national governance/kawanatanga) and Article 2 (tribal governance/rangatiratanga) is one of the more interesting aspects of the overall process.

Are the current structures of government-by-consent sufficiently flexible to cope with this burgeoning activity? Is change needed? What might be some key policy responses?

The answers must be explored in future papers and only a few points can be made here. From a policy point of view, it now seems inevitable, and necessary, that some limit will be put on the historical claims process. Otherwise, there might be no end to the process of looking backwards and reliving past wrongs. No society can cope indefinitely with the tensions that inevitably emerge from such an examination.

The issues that do require further thought include the recurring theme in virtually all of the Tribunal's Reports: its insistence that Article 2 established an ongoing "Crown" fiduciary duty to each tribe, implying that the Crown was required to ensure the cultural (and possibly economic) viability of the tribe. In the Reports, this theme emerges from the words of Article 2 and the finding of a 'principle' behind them.

The policy question that arises, therefore, is whether government can or should pre-empt much of the

criticism, by establishing criteria under which central government (including Maori) will recognise (and possibly assist) Maori groups in the management of some element of Maori self-government? A related question is whether there is any limit, time or other, to this process? Underlying all policy options is a key balance between 'rights' that call for a court-related process in determining their limits, and 'claims' where the primary issues are political, and hence for the executive/legislature to deal with.

Shorn, then, of the rhetoric of sovereignty as unlimited power, the issues are surprisingly simple. Those tribes that have received substantial settlements are today busy exercising aspects of their self-government/tino rangatiratanga through the management of assets. In many areas, tribes are exercising their own powers in closely cooperative relationship with central government. A nice and largely unknown example concerns Maori customary fishing rights, where local tribes establish their customary rules (reflecting tino rangatiratanga), and the state (kawanatanga) extends the protection of the ordinary criminal law and courts to enforce those rules as against *any person* fishing in the area.

None of this threatens either the national authority of parliament or tino rangatiratanga. It is an expression of both. Just as any group in New Zealand might claim and exercise some aspect of self governance (local government, clubs, societies, professions), so it is conceptually simple to create a framework for tino rangatiratanga to evolve as an explicit aspect of government policy and law. If Maori are seeking representation of their tribe in dealings with central and local government and in asset management, it is not difficult to give clarity and certainty to legal frameworks for such – indeed, it is essential, especially given the growing economic importance of tribal business.

### **Conclusion**

If the heart of New Zealand's constitutional system is government-by-consent, then the Treaty-driven activities are part of the heartbeat. We have seen that the Treaty explicitly sets up a social contract involving both central government (in which Maori can and do participate significantly) and tribal authority/assets (which has always featured, but more so under the settlement process). As a result of the introduction of a new institution (the Tribunal) into the ongoing

process, we can also register a significant shift in the weight given by government institutions to this process.

For their part, Maori are now better resourced, better engaged, better lawyered and better politically-represented in New Zealand's democratic negotiation. This is delivering a far better crack at the negotiation than over the last 160 years. But it has limits, like everything, and most of these flow directly from the pervasive and progressive involvement of Maori in all aspects of community and society in New Zealand.

The improved position is reflected in changes which are very much in the public eye: the use of Maori language (especially in the current format of the national anthem), the linked names of "New Zealand Aotearoa" on passports (a significant international statement, although unnoticed domestically), the removal of much (but not all) of the discrimination that characterised New Zealand social and public life in the past, and the integration of a 'Maori dimension' into a great deal of government policy and law.

As the elections in 2005 approach, the appropriate response to the sustained claim for tino rangatiratanga may again loom large. The argument of this paper is that this trend is an expected, and indeed confirming, part of government-by-consent.

The real issue is therefore not about sovereignty, but about making things work. That will require us to test the limits of political acceptability to the whole society as well as to individual Maori tribes, of the amount of money it might reasonably cost, and of the mandate for the institutions that will decide these issues. Removing the conceptual blocks is the indispensable first step. All parties then need to see the mutual rewards to be derived from a unique negotiation process, which now offers a template for New Zealand democracy.

Such discussions should be seen as deepening our democracy, not threatening it. That said, there is good historical and comparative reason why the more extreme rhetoric needs to be tempered. Going outside the boundaries of peaceful negotiation, especially if real or perceived injustice is inflamed (as happened in the former Yugoslavia with the emergence of "virulent ethnic entrepreneurship") is a less promising option. It would take the current vibrant engagement down a less happy road.

**Andrew Ladley has been Director of the IPS since 2003 and his interaction with many of the principal participants in the ongoing debate goes back over a longer period. In this article, he has drawn on the burgeoning literature which deals with public policy aspects of the Treaty (see select bibliography below) and on discussions with academic and legal colleagues.**

#### *Further reading:*

For a full text of the Treaty and translation, see: <http://www.treatyofwaitangi.govt.nz/treaty>

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