

# *INTERSECTING DISCOURSES: CLOSING THE GAPS, SOCIAL JUSTICE AND THE TREATY OF WAITANGI*

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## **Abstract**

Public policies are neither neutral nor static entities. Analysis reveals that the three arguments offered in support of the Closing the Gaps strategy – namely, “social justice”, Treaty of Waitangi and social cohesion – stem from distinct social justice discourses. This paper demonstrates how the interplay of these intersecting rationales is fraught with tension, ambiguity and contradiction. In particular, it is argued that a distributive “social justice” discourse is inconsistent with the recognitive justice demands of Māori as tangata whenua. The existence of discourses that contradict or modify each other reveals how social policies are continually constituted and reconstituted in different contexts. The tension between these intersecting discourses is also shown to correspond with a comparable dynamic involving the Treaty of Waitangi. Finally, the paper contends that the predominantly accommodative stance of the Closing the Gaps policy may well have the intent or effect of de-politicising a rights-driven discourse that challenges the foundational principles of Māori-Crown relations.

## INTRODUCTION: THE POLITICS OF POLICY

The general public often assume that policies have one intended purpose, to rationally identify and solve a single “problem”. There is an expectation, therefore, that public policies should have singular and authoritative meanings that can be universally understood. But policies are neither neutral nor static entities with a singular and uncontested point of reference. Rather, their meanings are constituted and

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reconstituted in an ongoing process of construction and reconstruction within diverse and contested social contexts (Pihama 1996:108).

Policy content evolves as a wide and complex “space” of plans, documents and practices in which key terms, such as “social justice”, “equality” and “partnership” may be interpreted and negotiated from a wide range of perspectives (see Marshall et al. 2000:12). Such perspectives are shaped by the philosophical positions of those who control, comment upon and capitalise on the competing interests of intersecting policy discourses (see Solomos 1988:171). As governments are made up of collections of competing interest groups, whose points of view and goals vary greatly, the discourses that inform policy may at different times, or simultaneously, conflict with or at least modify each other (see Cheyne et al. 2000:45, Pihama 1996:108). The politics of policy thus make it highly problematic to portray public policies as monolithic entities that can be reduced to a single reading or interpreted in an unambiguous fashion.

To illustrate this argument, this paper analyses and assesses the rhetoric employed to promote the Closing the Gaps strategy, conceived as the flagship of the Labour Coalition Government’s social policy programme. Political speeches and promotional material announcing and detailing the policy strategy highlight the multiple discourses captured by the Closing the Gaps policy. In particular, this paper centres on the Budget speech of Prime Minister Helen Clark (2000), which offered three reasons for the strong emphasis the Labour-led Government placed on reducing disparities between Māori and Pacific peoples and other New Zealanders:

First, it is a simple issue of social justice. Second, for Māori, it is a Treaty issue. Third, for all New Zealanders it is important that the growing proportion of our population which is Māori and Pacific Island peoples not be locked into economic and social disadvantage, because, if they are, our whole community is going to be very much the poorer for it.

The three rationales for Closing the Gaps appear to correspond with the three articles of the Treaty of Waitangi. The “social justice” discourse correlates with Article Three, a “Treaty” discourse acknowledging tino rangatiratanga coincides with Article Two and the “social cohesion” discourse is in line with Article One. Moreover, the rationales offered correspond with different models of social justice. When these competing models intersect, they uncover the questions and contradictions that underscore the politics of policy when applied to issues of social justice. Exposing such contradictions goes some way to explaining media reports of a backlash by the general public towards Closing the Gaps, causing this catch-phrase to be politically abandoned only a year into the Labour Coalition’s term (see Young 2000:A17).

The paper follows three lines of argument. First, it outlines three major models of social justice and contends that each may be inferred from the Closing the Gaps policy, depending on which discourse is used in its support. In particular, the primacy of the distributive model of social justice is shown to be at odds with the highly politicised claims of Māori as tangata whenua. Second, exploration is made of the way in which the tensions between the three defences of the Closing the Gaps strategy correspond with similar tensions implicit in the relationship between the three articles of the Treaty of Waitangi.

Third, it is argued that, like the principles of the Treaty of Waitangi, the Closing the Gaps strategy cannot be analysed as a unified set of logical responses to rational debates. The intersection of social justice models that contradict or modify each other is a common attribute of public policies since they are neither fixed entities nor explicitly transparent, but are constantly in a contested process of construction and reconstruction (see Solomos 1988:235-236). “Floating signifiers” such as “Closing the Gaps” rarely have inherent meaning (see Gunew 1999:12). Rather, policies are constituted in relational negotiations around certain reference points that themselves are reconstructed in light of shifting contexts. The remainder of this paper provides a critical analysis of the three reference points used to support Closing the Gaps, indicating that both Treaty discourses and social justice models may conflict with each other at one level, but prove compatible at another.

### CONTESTING SOCIAL JUSTICE

The concept of social justice is frequently invoked but has proven difficult to define or to characterise. Social justice may be interpreted from the perspective of freedom and democracy, or in terms of social and economic equality (Corsianos and Train 1999:xi-xii). Furthermore, social justice models are complicated by difficult questions that are the subjects of ongoing debates. Who is entitled to social justice allocations? On what grounds? Who should pay? Should individuals or collectivities be the recipients of social justice entitlements? Should social justice approaches endorse a “one size fits all” remedy or should reparations be customised to suit the context? Should differences be ignored as a basis for equitable justice treatment? Or should differences be taken seriously and into account to ensure a substantive justice within unequal contexts?

Three models, however, dominate discussion: distributive, retributive and recognitive models of justice. The extent to which the interplay of these competing social justice models inform, rationalise and advance the Closing the Gaps policy is pivotal to this paper.

### Distributive Model of Social Justice

A distributive model of social justice is based on the principle that individuals are entitled to an equal distribution of scarce resources. Fairness in allocation is based on treating everyone the same, unless an unequal distribution is in the interests of those historically disadvantaged. There are two main variants of the distributive justice model. A “liberal-democratic” version of social justice is founded on the premise that all individuals are fundamentally alike and have the same needs with respect to material and social goods. It is also based on the universalistic principles of liberal pluralism, namely, that what we have in common as morally autonomous individuals is more important as a basis for recognition and reward than what divides us as members of fixed groups. The solution to any unjust balance is to compensate excluded individuals on terms defined by the dominant sector. A “social-democratic” variant argues that different people possess different needs, yet have unequal resources at their disposal to meet these needs. Attainment of social justice is thus based on the differential distribution of social and material goods for different people – albeit within a common institutional framework (Gale 2000:234,254-256).

### Retributive Model of Social Justice

A retributive model of social justice is grounded on the principle of fairness in the competition for scarce resources. Individuals are entitled to different rewards in accord with their differential contribution to the competition for goods, rather than because of any disparities in possessions. A retributive version of social justice endorses a commitment to compensate those unfairly victimised by past actions. It also seeks to penalise those who unjustly infringe on the rights and freedoms of others to compete fairly. This model bears a striking resemblance to the distributive models of social justice, insofar as it also regards the current system as natural and universal, wishing only to make adjustments to, rather than fundamentally challenge, the institutional framework that creates “injustice” in the first place. Nevertheless, the retributive model of justice goes beyond just attempting to allocate resources equally, by wishing to compensate (albeit temporarily) those individuals who have been unfairly limited (for example, through a form of discrimination) in their ability to compete equally for the resources (Gale 2000:256-258).

### Recognitive Model of Social Justice

A recognitive model rethinks and expands the very concept of social justice with respect to the placement and legitimacy of diverse social groups within society (Gale

2000:259). In contrast to the distributive and retributive models of social justice, with their focus on the equal distribution of goods among individuals, a recognitive model emphasises the social processes, institutional structures, and cultural politics that unintentionally create disadvantages, while securing the power and privilege of dominant sectors (Young 1990:8-9). This model is fundamentally different from the distributive and retributive models, due to its willingness to take differences seriously, recognition of the collective rights of groups, support for indigenous models of self-determination, and commitment to inclusiveness through meaningful involvement in decision-making processes (Gale 2000:259-260). As a consequence, acknowledgement is made that changes to our current democratic system based on majority rule are necessary to accommodate demands for self-determination. The chart below provides a succinct, if simplified and ideal-typical, overview of the differences that distinguish between the distributive, retributive and recognitive models in terms of underlying assumptions, objectives, target group, means and anticipated outcomes.

**Table 1 Models of Social Justice**

	Underlying Assumption	Objectives	Target Group	Means	Anticipated Outcome
<b>Distributive</b>	liberal pluralism	allocate scarce resources	disadvantaged individuals	<b>Liberal-democratic:</b> allocate based on same needs <b>Social-democratic:</b> allocate based on differential needs	equal opportunity (based on basic needs) equitable outcomes
<b>Retributive</b>	liberal pluralism	allocate by way of compensation	"handicapped" individuals	compensatory packages	equal opportunity (based on talent/effort)
<b>Recognitive</b>	"taking differences seriously"	self-determination	collective rights of social groups	challenge, resistance and transformation	inclusion = equitable outcomes + relative autonomy

## Contesting Social Justice Models

There is nothing inherently wrong with distributive and retributive justice models. But the way in which social justice is reduced to distribution, glossing over context, relations and power, is a common concern (see Young 1990, Gale 2000). These models focus on the static *distribution* of material and social goods within a competitive context and measure social injustice in terms of what people *have* rather than by what they *do*. As a result, the distributive and retributive justice models ignore the social structures and institutional contexts – and the relationships that have shaped them – which determine distributive patterns. There is thus an excessive concern with *compensating* for past misdeeds, without *confronting* the structural and systemic biases embedded within institutional and opportunity structures that allow discrimination to persist and in which individual rights dominate at the expense of collective rights (Young 1990:8,15-33).

Under a distributive or retributive model of social justice, stakeholders become trapped in the scramble for scarce resources, rather than focusing on the structures that defined and created the scarcity in the first place. The distributive and retributive models of social justice therefore provide an accommodative stance that contrasts with the transformative agenda endorsed by recognitive justice. This latter model hopes to escape the “blame the victim” approach to social justice by looking at relationships within the “bigger picture”. Its transformative dimension is reflected in a commitment to take differences seriously as a basis for entitlement, recognition of collective rights to self-determination, and endorsement of inclusiveness as a basis for living together with differences (Fleras and Spoonley 1999:246-250). How then does Closing the Gaps fit into this discursive framework?

## RATIONALISING CLOSING THE GAPS

Three key rationales for the Closing the Gaps strategy were presented in last year’s Budget address (Clark 2000): social justice, the Treaty (tino rangatiratanga) and social cohesion. Each of these is discussed below.

### The “Social Justice” Discourse

The first and dominant rationale offered for the Closing the Gaps strategy (Clark 2000) is based explicitly on social justice: society is offended by gaps in socio-economic status and opportunities between its members and has a preference to eliminate them (Chapple 2000:9). This argument for Closing the Gaps is heavily influenced by

distributional value judgements which render social justice as the morally proper distribution of social benefits and social positions among society's members (Young 1990:8). Of the two forms of distributive justice noted earlier, the "social justice" discourse employed here mostly reflects the "complex equality" of the social-democratic variation. This theorises that people do not have the same needs or the same resources at their disposal, thus different or unequal distribution of social goods is required to meet the needs of different people (Gale 2000:255).

As a result, the Labour-led government clearly acknowledged that "the most urgent and visible gaps exist between Māori and Pacific communities and others" (Cullen 2000:D4). Of the 72 policies grouped under Closing the Gaps in Budget 2000, 39 were aimed specifically at Māori and Pacific peoples, emphasising acceptance that different needs should be dealt with differently (Young 2000:A17). Thus, initiatives specific to Māori and Pacific peoples, in which "equity" and access to equality of opportunity were the baseline measures, formed a significant part of the Closing the Gaps strategy (see Gale 2000:255).

Interestingly, however, rhetoric articulating a liberal-democratic form of justice, based on equality of opportunity, played an important role in the Labour Coalition Government's *promotion* of the policy strategy. Leading Pākehā politicians, such as Michael Cullen, Helen Clark and Steve Maharey, commonly referred to gaps between other groups besides those based on ethnicity, even before media reports of a public backlash against preferential treatment for Māori became commonplace. For example, one of six goals announced in the March 2000 Policy Statement was to "Close the gaps that now divide our society" and, in his Budget speech, Treasurer Michael Cullen (2000:D4) referred to gaps between "the skilled and the unskilled, between employment-rich and employment-poor communities, and between the cities and the provinces".

Such rhetoric, which argued that achieving social justice required the "social participation" of all peoples in the political, economic and social areas of society, suggested that the policy strategy was part of a wider plan for "social inclusion". This notion of "inclusion" is different to that discussed in relation to recognitive justice, because it is closely correlated to "accommodation". Defending Closing the Gaps as a strategy to target the "disadvantaged", regardless of ethnicity, located it more squarely in the liberal-democratic form of justice promising "simple equality". The baseline measure of this model of justice is "formal equality", with an assumption made that individuals have the same basic needs (Gale 2000:255).

There were tensions, therefore, between the liberal-democratic and social-democratic forms of distributive justice, although they are not *necessarily* incompatible and a differentiation between the two is not always obvious. Indeed, both notions of distributive justice correspond with Article Three of the Treaty of Waitangi, which is based on equal citizenship rights. The Crown has largely accepted a responsibility to ensure Māori progress in the same way as other people in Aotearoa/New Zealand, although Barrett and Connolly-Stone (1998:32) note that debate continues as to whether this “progress” refers to equality of opportunity or outcomes. This debate is apparent in the dual strands of the “social justice” discourse supporting the Closing the Gaps strategy.

### The Treaty (Tino Rangatiratanga) Discourse

The second main argument provided by the Coalition Government for its focus on Closing the Gaps is based on the responsibilities of the Crown under the Treaty of Waitangi. However, the Treaty is not a clear-cut document and it has been the subject of numerous interpretations, particularly due to the existence of differences between the Māori and English language versions. The tension in the Treaty between Article Three (guaranteeing equal citizenship rights for Māori) and Article Two (recognising Māori self-determination over their own affairs) has been long debated (see Durie 1998:175-213 and Fleras and Spoonley 1999:1-31 for background on recent Treaty debates).

Māori commentators (e.g. Parata 1994, Durie 1998) have argued that the definition of good government referred to in Article One of the Treaty requires a sensible balance between Articles Two and Three, rather than an undue emphasis on one or the other. Governments have, however, focused mainly on Article Three, producing a needs-driven, distributive policy that deals with the symptoms, rather than the causes, of Māori socio-economic disadvantage (Parata 1994:40). Governments in Aotearoa/New Zealand have traditionally found it difficult to come to terms with how Article Two applies to social policy. Consequently, when most politicians, including Clark, discussed the Closing the Gaps strategy in relation to the Treaty, it was Article Three rights to which they referred.

Although certainly a less dominant discourse, it is nevertheless possible to interpret the promotion of the Closing the Gaps strategy in relation to Article Two of the Treaty of Waitangi, which acknowledges Māori rights to exercise tino rangatiratanga. In past Treaty debate this article has mainly been associated with the property rights at the centre of Treaty settlements. However, the Waitangi Tribunal’s *Te Whānau o Waipareira*



*Report* (1998) states that Māori control over Māori matters, as provided for by Article Two, has broader application than just forestry and fisheries, indicating that tino rangatiratanga can be discussed in relation to social policy. Importantly, the Tribunal also affirmed in its report that the Treaty should be interpreted as a whole, not article by article (Barrett and Connolly-Stone 1998:41).

The strongest references to Article Two rights were articulated in *He Putahitanga Hou*, the Labour Party's (1999a:1-2) proposed Māori policy. Alongside acknowledgement of the Crown's Article Three responsibility for the protection of Māori citizenship rights sat references to "co-signatories" and "self-determination" which implied that the Labour Party was serious about negotiating the current power-sharing arrangements by recognising Māori as an equal partner. "Self-determination", in particular, is a highly contestable term, but in the Aotearoa/New Zealand context it certainly has connotative meaning that in this case implies, if not intends, recognition of tino rangatiratanga.

After the election, references to Article Two rights in relation to Closing the Gaps continued to be made by Māori politicians and officials when promoting the capacity-building arm of the strategy. For example, Closing the Gaps was declared a "new partnership approach between Māori, the state sector, business, local government and the wider community" (Horomia 2000:1). An ideological charter-word (see Solomos 1988:158), "partnership" was occasionally referred to in the Labour-coalition Government's general social policies concerned with building strong communities (see Labour Party 1999b:19), but dominated discussion of capacity-building. Having long been used to discuss the ideal relationship between the Treaty partners, Māori and the Crown, this term has highly politicised meaning, evoking Article Two rights because it has been commonly used to do so in Treaty debate.

The notion of Māori ownership and control over the capacity-building process was also stressed in promotional material published by Te Puni Kōkiri. In it, Minister of Māori Affairs Parekura Horomia (cited in Te Puni Kōkiri 2000a:1) described capacity building "as Māori development by themselves for themselves" and noted that such "bottom-up" development would allow Māori to come up with their own flexible and innovative solutions, without government telling people how they should "solve their problems" (Horomia 2000:1). Te Puni Kōkiri Chief Executive Ngatata Love (cited in Te Puni Kōkiri 2000b:3) talked of empowering "Māori communities to take ownership of their own development". "Ownership" is, of course, another connotative term, suggesting far more than mere decentralisation or even devolution of service provision, which were the likely intentions for capacity building.

Associate Minister of Māori Affairs Tariana Turia (2000) made explicit connections between Closing the Gaps and the Article Two rights of the Treaty. In particular, she said that “capacity building is envisaged by the Government to be a process which supports the rangatiratanga of whānau, hapū and iwi”, and noted that there is room for self-determination and development of hapū resources *as well* as participation and equity under the Treaty of Waitangi. Thus, she recognised Article Two and Article Three rights as in balance with each other.

The above-mentioned statements aside, most of the references to Article Two of the Treaty and recognition of tino rangatiratanga were implicit. Nevertheless, the tacit references to tino rangatiratanga and Article Two left open an interpretation of recognitive justice that went far beyond the equal citizenship rights of Article Three of the Treaty of Waitangi. According to Gale (2000:259-260), recognitive justice acknowledges the place of collective rights within social justice and accepts difference as differently valued. It thus refers to a kind of “positive liberty” that focuses on the means, not just the ends, and should deliver positive identity, self-development and self-determination (Gale 2000:268). This form of justice does not endorse separatism, but is certainly in line with many of the expressions of tino rangatiratanga that Māori communities do, or wish to, exercise.

### Social Cohesion Discourse

The third justification for the Closing the Gaps strategy suggested quite clearly that continued disparities between Māori and non-Māori were likely to cause inter-ethnic conflict, which might impose efficiency and social costs on society as a whole (Chapple 2000:9). This social cohesion discourse is largely based on the liberal-democratic form of distributive justice, promoting equality or sameness, and to a lesser extent retributive justice (see Gale 2000:255). Its exponents tend to regard difference as a threat to social stability. An assumption is made that individuals should not only be reasonably “equal” in terms of having their basic needs met, but also that they should define such needs in the same way. The rhetoric of eliminating disparities between Māori and non-Māori thus encourages Māori to be more like Pākehā by reducing “inequality” in socio-economic status. By setting standards to be met that are based on Pākehā criteria, it discourages the definition of needs and desires that are different from Pākehā.

Other politicians supported framing Closing the Gaps as an Article One kāwanatanga (governance) issue, concerning the Crown’s right to make laws in the public interest over the entirety of Aotearoa/New Zealand and all New Zealanders (see Fleras and

Spoonley 1999:10). For instance, John Tamihere (2000:7) similarly suggested that “the continuation of Māori failure to resolve its social and economic future is individually tragic and, nationally, a potential disaster”.

The social cohesion discourse promoted by the Labour-led Government appeared to be built upon a simple equation – if the gaps between Māori and non-Māori were growing, then social and economic instability were also increasing. The media endorsed this assumption: “The fears of social and political instability have heightened over the past decade as the [ethnic] divide has grown” (*New Zealand Herald* 2000:A16). Race Relations Conciliator Rajen Prasad intensified these anxieties when publicly blaming Closing the Gaps for increasing racial tension in Aotearoa/New Zealand (New Zealand Press Association 2000:3).

Commentators in the *National Business Review*, purporting to represent the thoughts of business people, acted as an outlet for those also concerned with issues of retributive justice. Arguing that Aotearoa/New Zealand needed to be able to compete internationally, and Māori “underperformance” impaired the ability to do so, *National Business Review* commentators (e.g. James 1998:21, 2000:A15) conceded that compensation for the “disadvantaged” might be necessary, but it should be based on socio-economic rather than ethnic factors. Thus, the liberal-democratic form of justice (“treat everyone the same”) was evoked in combination with an emphasis on the retributive principle of fairness in the competition for scarce resources (see Gale 2000:254-257).

The underlying message of this social cohesion discourse was that the “problem” might be with Māori, but *all* New Zealanders would suffer if the problem remained unfixed. By implication, it was expected that the Government should correct the problem, thus concurring with the powers of *kāwanatanga* discussed in Article One of the Treaty. However, as further discussion highlights, the social cohesion discourse failed to take into account that in the Māori-language version of the Treaty (which is regarded by the Waitangi Tribunal as having equal status alongside the English-language version), the Crown’s powers of governance are balanced by guarantees of Māori exercise of *tino rangatiratanga* (Fleras and Spoonley 1999:11).

#### Closing the Gaps: Moving towards Self-Determination or Assimilation?

Although each of the rationales for the Closing the Gaps strategy can be correlated with an article of the Treaty, there is still conflict evident between them. The rhetoric surrounding the policy presents intersecting discourses that contain major tensions, as do the articles and the different versions of the Treaty.

The first tension is between the “social justice” discourse, concerning equality of opportunity and outcomes, and the Treaty (tino rangatiratanga) discourse that is linked with Article Two of the Treaty of Waitangi. Philosophically these discourses are based on disparate understandings of justice. Even when the former is grounded on a social-democratic (as opposed to liberal-democratic) notion of distributive justice, it remains concerned only with meeting the *needs* of disadvantaged groups. The latter discourse is based on a form of recognitive justice that acknowledges indigenous and Treaty *rights* to self-determination.

There is a fundamental difference in problem definition depending on whether a discourse is needs-driven or rights-driven. In the first instance, Māori (and “their” poverty and underdevelopment) are considered to be the “problem”. However, a focus on rights suggests that the *state* is the “problem”, due to its failure to fully recognise indigenous and Treaty rights and to use them effectively as the basis for engagement with Māori on a “nation-to-nation” basis. This conflict between “needs” versus “rights” is at the crux of relationships between states and indigenous peoples, and clearly reflects the tension between Article Three (concerned with the “needs” of all citizens) and Article Two (which highlights the “rights” of Māori to exercise tino rangatiratanga) (Fleras and Spoonley 1999:109,148).

Not surprisingly, the “social justice” and Treaty (tino rangatiratanga) discourses also propose the implementation of different initiatives, based on whether they are needs-driven or rights-driven. Even when encompassing a desire to achieve equal outcomes, the “social justice” discourse tends to focus on alleviating the symptoms of socio-economic disadvantage without necessarily attending to the causal factors perpetuating disparities between Māori and non-Māori (Parata 1994:40-41). As a result, this discourse will be content with increased responsiveness to Māori needs within the mainstream. The Treaty (tino rangatiratanga) discourse is concerned with addressing the “problem” that actually creates the disparities, that is, the unequal political and economic power that Māori have in relation to non-Māori. This implies recognition of indigenous autonomy and self-determination, involving Māori ownership over their own resources and Māori control over their own decision-making processes.

Loomis (2000:11,22) argues that this tension is actually contained within the two separate arms of the Closing the Gaps strategy – an increase in the responsiveness of mainstream departments through greater input from Māori and capacity building. His understanding of capacity building is based on indigenous definitions expressed in international contexts, which place emphasis on strengthening governance, human capital and infrastructure, so indigenous peoples can govern themselves and determine

their own path of development (Loomis 2000:11). Although we would argue that the intention of the capacity-building arm of Closing the Gaps was more concerned with decentralisation than indigenous self-governance, the conflict between the *rhetoric* of the distributive “social justice” and Treaty (tino rangatiratanga) discourses remains.

There is also a tension between the kinds of initiatives supported by the Treaty (tino rangatiratanga) and the social cohesion discourses. As noted, recognition of tino rangatiratanga would involve real power sharing, ownership and control for Māori. This would necessarily require considerable transformation of our current institutions and constitutional processes, thus putting into question the governance discussed in Article One of the Treaty. It is likely that such a transformation would cause considerable resistance and conflict, particularly when we consider the extent of the backlash against Closing the Gaps as reported by the media (see Young 2000:A1).

Such national discord would hardly encourage the kind of social cohesion put forward as a policy rationale, which appeared to be concerned with containing Māori demands and disadvantage so that they did not threaten the non-Māori population. All democratic governments need to maintain the trust and legitimacy of the general electorate and this necessity is likely to outweigh desires to support particular interest groups. As a result, even though Māori voters were regarded as a major factor in Labour’s return to government (see Luke 2000:11), the Coalition’s desire to support (or at least give lip service to) tino rangatiratanga was diminished when the extent of the media backlash against Closing the Gaps became obvious. This highlights the difficulties of balancing the “public interest” for social cohesion, under Article One of the Treaty, with Māori demands for the recognition of the guarantees of Article Two and tino rangatiratanga. It also stresses the intrinsic contradiction between majoritarian democracy and the right to self-determination for indigenous peoples that underlies Treaty and Māori Affairs policy in Aotearoa/New Zealand.

There is a final tension between the discourses of “social justice” and social cohesion. It can be argued that a core function of Closing the Gaps was to encourage social cohesion by helping more Māori and Pacific peoples become more like well-off Pākehā. In the 21st century it might be “assimilation in slow motion”, but assimilation it remains, based on a liberal-democratic form of distributive justice promoting equality or sameness and/or retributive justice advocating temporary compensation for past discrimination (see Gale 2000:255). Certainly, the focus on “gaps” measured against a Pākehā “norm” suggests that Māori Affairs policy is still more about encouraging Māori to fit within Pākehā economic and social models – *and* the principles of liberal pluralism – than about self-determination.

Yet, this fact contradicts the social-democratic strand of the “social justice” discourse, recognising the need to treat people differently to achieve equal outcomes. Even if there was an expectation that “equity” will be achieved by means dictated by the government, this discourse acknowledges the requirement for different or unequal distribution of social goods to meet the different needs of varying groups within society and the desire for “social inclusion”. There is a fundamental conflict, therefore, between the assimilationist intentions of social cohesion and the inclusionist goals (if not outcomes) of the “social justice” discourse.

### CONCLUSION: CLOSING WHOSE GAPS?

This brief analysis of the rhetoric surrounding the promotion of Closing the Gaps demonstrates that policies cannot be understood as having singular, authoritative meanings that can be taken at face value. Discourses that appear to contradict or modify each other when they intersect within the rhetoric promoting the Closing the Gaps strategy provide evidence that the public faces of policies are continually constituted and reconstituted in different contexts. This became obvious as the Labour Coalition Government swiftly reacted to media reports of a growing backlash by attempting to “re-brand” Closing the Gaps so that it was identified as a strategy for *all* New Zealanders, not just Māori (see Bingham 2000:A1).

It is difficult to determine exactly why these different discourses were utilised in this particular case of policy promotion. It is possible they were aimed at promoting the Closing the Gaps policy with different sectors of the community. Closing the Gaps may have been purposefully framed in an ambiguous way, so that it could be adapted to circumstances and accommodate demands from different interest groups and the general public (see Parsons 1995:181). This left open the opportunity for the Labour Coalition Government to “re-brand” Closing the Gaps as it found necessary.

The multiple discourses defending the policy strategy may also indicate that the Coalition Government had yet to determine exactly what “problem” it was trying to solve with Closing the Gaps. Was the core problem one of social justice, unfulfilled Treaty obligations or social cohesion? While social “problems” are rarely well-demarcated and it is difficult to know where one begins and another ends, Parsons (1995:89) argues that when problems are ill-defined, problem “solvers” must spend time contributing to the problem definition. The release of Simon Chapple’s (2000) report, which argued that the gaps between Māori and non-Māori were *not* widening, along with media/public perceptions that Closing the Gaps offered preferential treatment for Māori, certainly had politicians and government officials working hard

to “redefine” the problem so that the dominant discourse focused on “low decile needs across the board” (Clark cited in *The Dominion* 2000:6).

It could also be claimed that the correlation between the three supportive discourses and the articles of the Treaty was intentional. The Coalition Government may have actively sought to centre its major social policy initiative on the three articles of the Treaty of Waitangi in regard to the Waitangi Tribunal’s recommendation that the Treaty be interpreted as a whole, not article-by-article. However, if so, the remarketing of Closing the Gaps, with the focus more squarely upon the “social justice” discourse associated with the equal citizenship rights of Article Three, suggests that the Labour-Coalition Government was willing to sacrifice a “whole Treaty” approach under pressure.

Repositioning the “social justice” discourse as the key rationale for Closing the Gaps did not solve the Labour Coalition Government’s difficulties in implementing its social policy strategy. Closing the Gaps continued to suffer from recurrent changes in interpretation that opened to question the credibility of the policy strategy. This may have been, in part, because the Coalition Government did not communicate its repositioning of Closing the Gaps more centrally on a “social justice” discourse to its ministries and agencies, and continued to insert Treaty clauses in legislation (see *The Dominion* 2000:6).

More significant, however, was the fact that the Closing the Gaps strategy contained many of the same tensions and ambiguities that debate over the Treaty of Waitangi has grappled with for many years. Past experience has demonstrated how the favouring of one article or discourse may appease one sector of Aotearoa/New Zealand society, while at the same time alienating another. The real challenge for policy strategies such as Closing the Gaps is thus to secure that fine balance between the inherent tensions found in policy debates, the Treaty of Waitangi itself, *and* calls for Māori self-determination that occur within a society founded upon the principles of majoritarian democracy.

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