I Introduction

There are two kinds of language in New Zealand: private and civic. Private language can be heard and read in the private sphere. It is the language in which conversations of all hues take place: the language of the classroom, of the reality TV show, of the church service; the raucous chatter of the sports bar, the hushed tones in the law school library. At any given hour, this kind of language can be heard, usually in English, sometimes in Māori, sometimes in other tongues, in private and in public settings. Civic language, by contrast, is the language of the enactment of state law, of government, administration, politics and the economy. This language ultimately determines the rights and obligations of New Zealand citizenship. Almost exclusively, English is the civic language of New Zealand. While Māori has remained the dominant language of the pre-eminent Māori civic realm, the marae atea, Māori has not had a civic role in the New Zealand state for over a century.1

English became the civic language of New Zealand as the result of the fulfilment of two necessary conditions, as described by Stephen May.2 In the first instance, English was legitimated or granted (at least de facto) authority and recognition as the standard language of the nation state over the course of the 19th century. This legitimisation occurred as the Māori language conversely became de-legitimated over the same period. In the second instance, the institutionalisation of English ensured that the institutions of the new state utilised English as their normal and primary tool of communication and enactment.

This paper proposes that recent battles fought to claim recognition of the Māori language have been somewhat successful in seeing the first small steps towards the institutionalisation of the Māori language alongside English as a civic language of the New Zealand state. Since 1985, under Standing Orders, Māori has been granted the status of a parliamentary language, alongside English. Under the Māori Language Act 1987 (NZ), Māori also received ‘official language’ status. At one level, by virtue of these two developments alone, the Māori language has already achieved civic status, and, to use May’s words, has been legitimised in the civil sphere. Until recently however, the institutionalisation of the Māori language has failed, notwithstanding its new status. Yet the acceptance and increase in the use of Māori as a language and tool of substantive debate in the New Zealand Parliament suggests that the true first steps towards institutionalisation may have been achieved. The process has by no means run its course, and many obstacles stand in the way of the complete institutionalisation of the Māori language. Nevertheless, the evidence suggests a beginning.

II The Decline of Māori as a Civic Language

According to the process identified by May, Māori was certainly the civic language of Māori politics, law and governance during the 19th century. The nascent colonial state had to recognise that status, and use the language, even as it sought to undermine it. That Māori remained a civic language for Māori communities during the 19th century is reflected in the fact that the Treaty of Waitangi, the Declaration of Independence, and almost all deeds of cession prior to the establishment of the Māori Land Court in 1862 were enacted in Māori as well as in English. Even after 1862, confiscation agreements and pre-emption agreements were also often enacted in Māori and in English.3 The colonial state understood the need to utilise the Māori language to disseminate western ideas of law and government, but showed little interest in retaining it as a civic language of the
new state. In 1865, under the governorship of Fitzgerald, an Act of the New Zealand Parliament was distributed to Māori communities, in Māori, for the first time. Over succeeding decades until 1910, many such Acts and Bills were also disseminated, although the degree varied considerably, and Māori language versions were never enacted. Similarly, a number of official proclamations and circular letters were disseminated by the Crown among Māori communities, particularly during the height of the land wars, between the late 1850s and the 1880s. The Crown’s engagement with Māori communities in the Māori language shows that Māori retained its civic role and authority for Māori communities during much of the 19th century. This observation is also supported by the fact that Māori-led governance bodies – such as the Kōtahitanga Parliament, the synod of the Waiapu Diocese of the Anglican Church, and the King Movement – often recorded their decisions and enactments in Māori, even until the 1890s and beyond.

Nevertheless, both the private and the civic role for the Māori language did come under increasing attack as the 19th century progressed. The Māori language and its speakers became seen as an obsolescence – an obstacle to nation-building and modern progress. Education in the English language rapidly became seen as a necessary foil, as observed by Henry Taylor, Inspector of Native Schools, in 1862:

The Native language itself is also another obstacle in the way of civilization, so long as it exists there is a barrier to the free and unrestrained intercourse which ought to exist between the two races, it shuts out the less civilized portion of the population from the benefits which intercourse with the more enlightened would confer. The School-room alone has power to break down this wall of partition between the two races.

There was also strong support among some Māori for English language education, arguably a recognition that English was to become the language of civic belonging for Māori in the new state. A petition signed by 337 Māori in 1876 called for English language instruction for Māori children, clearly seeking the benefits of ‘European knowledge’, in the belief that the Māori language could not suffice for the permanent attainment of such learning:

Ki te kōrero mai te Paremete (otiia e mohiotia ake nei ano e kore e kitea mai) a, ki te taea te whakaae mai kia tuhonoa tenei wahi ki te Ture (Native Schools Act, 1867), he pono ra i te mutunga o nga tau e rua te kaua matahi (21) e hāere ake nei timata atu i tenei tau 1876 kua rite tonu te matauranga o nga tamariki Māori ki nga tamariki Pakeha. Otiia ki te penei tonu te tua ahua ako mo a matou tamariki me tenei e mahi nei he tika te tupatotanga ake ahakoa tae ki te mano tau e penei ana te ako mo a matou tamariki e kore rawa e riro mai te nei mea e ki ia nei he ‘Matauranga’.

While Māori petitioners would never have intended the wholesale destruction of the language, these attitudes reveal a loss of status for Māori, not only as a private language, but also as a civic language for Māori communities. English ultimately became taken for granted, even among Māori speakers, as the civic language of New Zealand. By 1910, dissemination of Acts and Bills in Māori had ceased. With a few exceptions, written agreements between the Crown and Māori were no longer enacted bilingually. As Parkinson puts it, te reo Māori (the Māori language) became a ‘largely ineffectual medium of communication’ for civic purposes. Weakened by this denudation of public relevance and civic authority, Māori began disappearing from the private sphere as well.

The demise of the civic functions for the Māori language among Māori, and its concomitant sublimation to the legitimation and institutionalisation of English within the New Zealand state, were largely complete by the early years of the 20th century. This decline is clearly reflected within the parliamentary record. This record is instructive, not only on the decline (but not extinction) of Māori as a parliamentary language, but also on its reinvigoration and reinstatement, at least in one civic context, as a civic language.

III The Fall and Rise of the Māori Language in Parliament

The Māori language was used within the Parliament and the Legislative Council once Māori attained representation in 1868. For those early Māori Members of Parliament (‘MPs’), the Māori language was their only means of communication. For this reason, the presence of Māori was tolerated, although as Māori members became increasingly competent in English, it was expected that use of Māori in the House would cease.

The use of Māori in Parliament at this time cannot be seen in any degree as a legitimation or institutionalisation of Māori as a civic language. Māori was not considered to be a...
language capable of civic relevance within the New Zealand state. The following points illustrate this point:

A  Māori MPs Were Not Expected to Play a Substantive Part in Law-Making

The early Māori MPs were not expected to wield real political power, and it was perfectly acceptable for Māori MPs to have no idea what was going on around them in the chamber. As stated (in translation) by the first Member for Western Māori, Metekingi Paetahi:

I have been here for four weeks in the House and have said nothing. Tareha and I have been in this Parliament for three years. Although, perhaps, we may not understand all the matters which you discuss, still, my opinion is that we may be allowed to say a few words on Māori matters. We are not familiar with your language, and therefore cannot follow all the points which are adduced in respect of the laws. It is through our not having any knowledge of your language that we have been silent during the time the Assembly has been sitting.12

B  Māori MPs’ Māori Language Speeches Were Not Recorded or Archived in the Same Way as English Language Speeches

The Hansard record provides incomplete but nonetheless valuable evidence for the changing status of Māori as a parliamentary language from 1907.13 The Hansard record is incomplete, in part because some Māori language elements of members’ speeches were simply ignored for the purpose of the record, and also because only English translations of Māori language speeches were usually printed, making it impossible to identify all instances where Māori was actually spoken in the House. Sometimes, Māori words – a small whakatauk (ancestral saying), or just a greeting – would be published in Māori. Hansard at least provides some evidence of when Māori was deemed important enough to record.

C  The Māori Language Was Subject to Considerable Limitations Placed on It by the Procedures of Parliament, Including Successive Speakers’ Rulings

An important obstacle to the acceptance and use of Māori as a civic language, or indeed as an ordinary language of parliamentary debate, occurred in 1913 when, prompted by Apirana Ngata (an Eastern Māori MP) speaking without an interpreter, the Speaker, Frederic Lang, stated that if an MP was capable of speaking English, then he should do so, and ruled that native MPs could not address the House in Māori without being interpreted.14 This ruling appears to have had a chilling effect on the substantive use of Māori in the parliamentary debates. From this ruling until the 1940s there was very little recorded Māori in Hansard at all, although it certainly was used on occasion.15 This absence is probably due the fact that this more formal requirement of having an interpreter present in order to be able to speak at any length is likely to have rendered the choice to use everyday Māori inconvenient for those Māori members with sufficient English fluency. Furthermore, Frederic Lang’s ruling of 1913 confirmed that Māori could no longer be considered a practical parliamentary language; as such, there was little incentive to record its usage faithfully in the record.

D  The Māori Language Could be Tolerated as a Language of Ritual, but Not as a Language of Parliamentary Debate

After 1940, some relaxation of the rules imposed after 1913 occurred, and Māori began to be heard again on a reasonably frequent basis, not only in ritual contexts, but also in everyday language used in parliamentary debates among Māori members who were perfectly fluent in English. While little record survives of this usage, some, including Prime Minister Sid Holland, noted and disapproved of the growth of such practice:

I have heard Mr Taite Te Tomo and I have heard other Maoris speaking the Maori language here. It has become a custom which I frankly regret because I think it is wrong. ... I cannot see the point in the Honourable member for Southern Maori District wanting to speak to me in the Maori language. I would not understand a single word of what he would say and he would interpret his remarks back to me; why not say it in English in the first place?16

This comment, with its apparent hardening of attitude, was recorded in a 1951 debate that saw a return to a stricter application of Frederic Lang’s 1913 ruling. The overriding concern of the debates in 1913, 1951 and 1985 and beyond appears to have been the difficulties incurred for parliamentary process when Māori members sought to employ Māori for more than ‘ceremonial’ use.
The recorded instances of Māori language, although providing an incomplete picture of how much Māori was actually spoken in the House, can still cast valuable light on the language’s status during these lean years. Between 1907 and 1986, across 79 years, Hansard records at least 36 such examples where at least one sentence in Māori was used in the debating chamber. Most of these examples involved language of a formal and ritualistic nature. Ritual language elements such as *tauparapara*, *whakatauākī*, *karakia* were performed on the floor of Parliament in this period, with the most common element being *mihi*, or formal greetings, for the living and dead. The largest speech found in this period was given by Ererua Tirikatene (Southern Māori), comprising a total of 503 words. Tirikatene himself noted in 1951 that one of the largest speeches in Māori he was aware of comprised ‘almost 400 words’, indicating the rarity of such a length. Almost all other recorded Māori usages for this period were less than 100 words in average length.

For the foregoing reasons, the mere existence of the Māori language within Parliament at that time cannot be said to have been either a mark of its legitimation or institutionalisation as a civic language. For most of its parliamentary history, Māori has simply been tolerated as a private language of ritual, or used by a few individuals with the primary function of ensuring at least some in the Māori community could gain an understanding and appreciation of parliamentary process and the laws being generated by it. The use of Māori was therefore an inconvenience, to be allowed until such time as all Māori were fully conversant in the use of what the Crown considered to be the true civic language of the state: English.

In simple terms, English became the norm – in a process that Māori must replicate if it is ever to achieve status as a civic language of New Zealand:

The result of this joint process of legitimation and institutionalisation is to privilege a particular language variety over others; imbuing it, in the process, with high status. Not only this, but the privileging of the language becomes normalised – it is simply accepted or taken for granted.

May also identifies that nation states will often allow for rights-based protection of minority language rights in the private sphere (‘tolerance-orientated’ rights), but that protection of the right to use such languages in the civic sphere (‘promotion-orientated’ rights) is absolutely necessary for the achievement of legitimation and institutionalisation.

In accordance with May’s observations, over the past 30 to 40 years there has been much work done on the revitalisation, even restoration, of *te reo* Māori as a language of first choice in the home and the classroom, and to introduce and foster it in broadcasting and in everyday use. Largely, however, these environments are not part of the civic realm. This is not to underestimate the importance and political significance of the private use of the Māori language. Merely to use the Māori language in any such context today can be a powerfully political, even transformative, act. Speaking Māori publicly in New Zealand, for example, can transform the simple act of pushing a child on a swing at the park, or getting the groceries, into a conscious or unconscious statement that the Māori language (and with it, the Māori people) has somehow survived against all the odds stacked against it. Using the Māori language in such ordinary situations can perform, even if only fleetingly, a type of transformative magic that reclaims a kind of public space for Māori thinking and Māori ways of being.

Yet a large part of the battle for revitalisation of endangered Indigenous languages must be to fight for such transformation within the civic as well as the private sphere.

**IV Legitimation**

**A Official Status**

The 1980s did see a number of changes that led to improved status for the Māori language in Parliament, ultimately leading to the fulfilment of the first aspect necessary for Māori to become a civic language – legitimation. These changes were brought about by, for example, the Māori Language Petition of 1972, which was signed by 30,000 people and requested that the Māori language be offered in all schools, and by the Land March of 1975. Other political actions were carried out by activist groups such as Ngā Tamatoa, and societies for the protection of the language such as the Te Reo Māori Society, and the Wellington Māori Language Board, Ngā Kaiwhakapūmau i te Reo. In 1984 Ngā Kaiwhakapūmau i te Reo lodged a claim before the Waitangi Tribunal. The Tribunal subsequently found the language to be a *taonga* (a treasured thing) for the purposes of the *Treaty of Waitangi*.

The passage of the *Māori Language Act 1987 (NZ)*, partly in response to the claim that led to the Tribunal’s report, denoted Māori as an official language. While such status
was not one of the recommendations of the Waitangi Tribunal, applying this status appears to have been a response to some of the Tribunal’s concerns from the Reo Meo e report. These concerns below reflect the notion that official status or recognition alone does not equate to a full civic status for the Māori language:

Official recognition must be seen to be real and significant which means that those who want to use our official language on any public occasion or when dealing with any public authority ought to be able to do so. To recognise Māori officially is one thing, to enable its use widely is another thing altogether. There must be more than just the right to use it in the Courts. There must also be the right to use it with any department or any local body if official recognition is to be real recognition, and not mere tokenism.

Similar concerns about the use of the Māori language were debated vociferously in Parliament well before the Tribunal’s report and its recommendations were released. Legitimation of the Māori language in that environment was also a necessary step.

B Official Status in the House

In July 1985, prompted mainly by community developments and the insistence of a very few Members such as Koro Wetere (Western Māori) on using Māori in the House, the House debated Standing Order 151 (later to be known as Standing Order 150, now Standing Order 104), which established that members of the House could elect to speak either Māori or English. This Standing Order was put before the House the year before the Māori Language Act 1987 (NZ) was finally enacted, thereby assigning official language status, and legitimation, to Māori – the first step to the acceptance of Māori as a civil language.

However, for a minority language such as Māori to become accepted in the civic realm, the minority group itself will need to have some special active rights recognition in order to achieve institutionalisation for that language. This second step is the one that requires political will and substantial resources to achieve.

V The Failure of Institutionalisation

May does not provide any defined set of indicators that might serve to identify when institutionalisation is achieved, but Māori has certainly not yet achieved that status. Māori is not even an ordinary language of the courts and tribunals. Section 4 of the Māori Language Act 1987 (NZ) creates a statutory right to speak Māori in certain legal proceedings. ‘Legal proceedings’ include all courts but only a small number of tribunals and authorities. Given that the Ministry of Justice now administers 25 tribunals and statutory authorities, this list is small indeed.

It is important to note that, similar to the Standing Order, the right set out in section 4 does not depend on the speaker requiring the exercise of the right due to a lack of fluency in English. However, an important and well-known limitation of the statutory right is that it pertains to spoken Māori only (as does Standing Order 104). The creation of a protected oral language, as distinct from an unprotected written language, is simply anathema to civic status. The full institutionalisation of Māori is unlikely to occur without some form of protection of the right to use written Māori.

Further, there is no right to use Māori in any dealings with government departments, nor any other legal or civic environment, such as Parliament. Indeed, as observed in 2010 by the Waitangi Tribunal, the Māori Language Act 1987 (NZ), far from enabling the use of Māori in the courts, has frustrated such use:

The High Court requires at least 10 working days’ advance notice of any intention to speak Māori. Under the Maori Language Act, court participants do not have the right to be addressed in Māori and there is no requirement for the proceedings to be recorded in Māori. Even in the Māori Land Court, applicants must inform the registrar of their intention to speak Māori in court so that an interpreter can be arranged. Thus, it is no easier to use Māori in court than any other language besides English. In fact, foreign nationals are catered for by means of interpreters so they can actually communicate and understand proceedings, whereas the ability of Māori court participants to communicate in English is effectively excused by the provisions of the Maori Language Act. It seems to us that this falls short of the intent behind the Tribunal’s recommendation in 1986.

There are, of course, some limited opportunities to use, or at least to see, Māori within the civic public sphere. Such initiatives include the creation of the Māori Language Strategy (Rautaki Reo Māori), which has necessitated some limited language planning and policy making: bilingual
forms, the provision of some online information, street signs, and the certification of translators and interpreters. Despite these not insubstantial developments, the mono-lingualism of the Crown remains untrammelled. As observed by the Tribunal, true institutionalisation is required:

Fundamentally, there is a need for a mindset shift away from the pervasive assumption that the Crown is Pākehā, English-speaking, and distinct from Māori rather than representative of them. Increasingly, in the twenty-first century, the Crown is also Māori. If the nation is to move forward, this reality must be grasped. If the Crown is serious about preserving and promoting the language it must also endeavour to speak te reo itself. This not only leads by example but provides symbolic as well as tangible support to keeping the language alive. Māori should be able to use their own language, given its official status, in as many of their dealings with the New Zealand State as practicable - particularly since the public face of the Crown will often be a Māori one. The idea of the Crown speaking Māori is of course not novel; by necessity, this was the status quo for a large proportion of New Zealand’s colonial past.

Not only is it difficult merely to use Māori in these civic environments, it is almost impossible to get things done in the language. Simply put, Māori is rarely used to bring about real legal outcomes. For a language to have real civic value it must be used in the promulgation and enactment of law. Matilla identifies the most ‘spectacular’ function of any legal language as being the ability of that language to ‘produce legal effects by speech acts’. Māori is not ordinarily used as language of such legal effect.

The evidence for this observation is extensive. While Māori is commonly used within the Māori Land Court and the Waitangi Tribunal, decisions of the Court and reports of the Tribunal are not issued in Māori. Nor is legislation enacted in Māori, although there is a significant use of Māori terms in legislation, as well as in the use of Māori in legislative preambles and preliminary provisions, particularly in regard to legislation enacting treaty settlements. Accordingly, neither is Māori the primary language of settlement agreements between the Crown and Māori. Most modern deeds of settlement signed between the Crown and Māori are in English. Some deeds feature background sections, acknowledgements and apologies in both languages. In turn, those Māori language sections will often be repeated in any resultant legislation. Notwithstanding, all provisions setting out the substance of the final settlements in the deeds themselves or in the enacting legislation are set out in English. Māori has an official status, but almost no ability to bring about change in the civic realm: an empty pāua shell - beautiful, denuded of meat.

In view of these limitations, it is important to revisit the context in which Māori is used in Parliament. In short, a limited level of institutionalisation of Māori has occurred in this one environment that has not been achieved elsewhere in the modern New Zealand state.

VI The (Partial) Institutionalisation of Māori in the Modern New Zealand Parliament

As mentioned above, ‘legal proceedings’ under the Māori Language Act 1987 do not include Parliament. Indeed, developments of the use of te reo Māori within parliamentary proceedings have occurred without recourse to the Act, although they have probably been influenced by it. In this instance, Standing Order 104 provides that a member may address the Speaker in English or in Māori. That Order was subject to a Speaker’s ruling that when a member chooses to speak in Māori, he or she does so as of a right stemming from the Standing Order (as opposed to some other source of such a right such as the Act):

When a member speaks in Māori, that member does so as of right under the Standing Orders. Whatever time is allowed by the Standing Orders for that particular type of speech, the whole of that time may be used in Māori. The translation is for the benefit of the members who do not understand Māori and it is in addition to the time in which the member is entitled to speak on that particular Bill or whatever.

This right derives from the Standing Orders that govern the rules of procedure for the House and its committees. Therefore, it is narrowly applied and does not extend to other aspects of parliamentary business (such as the drafting of legislation). However, Māori speaking MPs may now exercise their choice to use Māori because of factors that did not exist in 19th century New Zealand.

A Māori-Speaking MPs Are Expected to Play a Substantive Part in Law-Making

There is every expectation that members who speak Māori participate in the law-making process to the same degree as
any other member from within and without the executive. For example, under the previous administration, Cabinet Ministers Parekura Horomia and Shane Jones (Labour) used Māori, as they now do in opposition; present Minister outside Cabinet Dr Pita Sharples also uses Māori reasonably frequently. Māori-speaking members are no longer expected to be the ‘tame kākā’, or tame parrots, of the 19th century.41

B Māori MPs’ Maori Language Speeches Are Recorded and Archived in the Same Way as English Language Speeches, with Authorised Translations Inserted as a Matter of Course

Indeed, in the decade after the implementation of the Standing Order very few resources were put into enabling Māori members to use their right; no simultaneous interpretation was provided in the New Zealand Parliament, and speeches in Māori continued to be inconsistently printed in Hansard. No full-time interpretation services were made available until 1997, when a new group of 10 Māori-speaking members entered the House after New Zealand’s first mixed-member-proportional election. This influx compelled the government to expand the availability of the interpretation services. Substantive use of Māori in the House beyond ritual purposes was slowly being accepted as members were increasingly exposed to it.

On 22 July 1997 a parliamentary interpreter was present in the chamber when Alamein Kopu explained her resignation from the Alliance Party in Māori. This, noted the Speaker, was an important moment:

As to the question of simultaneous translation [sic] that is a matter that the Parliamentary Services, in consultation appropriately with the Office of the Clerk, might well consider. In anticipation of this day there has been some considerable thought to make sure that a basic facility would be available. We have, for the first time in nigh on 60 years, experienced that today.42

The number and nature of the recorded occurrences of Māori language use from 1986 onwards show just how the status of Māori has changed in a relatively short period of time. Over 23 years from 1986 to 2009, Hansard records at least 194 uses of Māori, compared to just 36 occurrences over the previous period from 1907 to 1985. These recorded occurrences include far more use of Māori in substantive ways, over and above the shared ritual components. In fact, recorded use of the language to engage in parliamentary debate increased in an unprecedented fashion and accounts for most of the growth of Māori now seen in the Hansard record. All uses of Māori in Hansard are now followed by authorised translations, and it appears that all usages are now recorded, a far cry from the pre-1985 record.

Once the Māori Party was formed, another influx of Māori-speaking MPs entered the chamber in 2005. With the Māori Party adhering to a policy of using Māori wherever possible for any appropriate purpose, the number of Māori language speeches has again risen. From December 2009 new simultaneous interpretation services have been made available for any member who chooses to use Māori in the House.43

C The Māori Language Is No Longer Subject to Limitations Placed on It by the Procedures of Parliament, Including Successive Speakers’ Rulings

The current Standing Order bestows an absolute right upon all members to speak either English or Māori. Māori-speaking members are no longer required to interpret their own speeches, thereby depleting their own speaking time. Indeed, the Standing Orders Committee at the time the Order was instituted had considered the issue of translations and interpretations:

While the standing orders do not prohibit the use of the Māori language in parliamentary proceedings, the procedures of the House do not encourage such use. Speaker’s ruling suggest that a member is expected to address the House in English if he or she can speak that language and that a member using an interpreter cannot have any extension of time for time taken up in making the interpretation ... accordingly the committee recommends an explicit recognition in the standing orders that a member may speak in either English or Māori.44

Whereas the use of Māori is somewhat frustrated within the courts and tribunals by virtue of procedure, such barriers have been largely overcome in Parliament. Māori members are able to participate fully in debates in whichever language they choose, without fear of not being understood, or of losing precious debating time.
D The Māori Language Is Used Both as a Language of Ritual, and Also as a Full Language of Parliamentary Debate

Institutionalisation of the Māori language, at least in the debating chamber of this important institution, would require that it be used for more than ritual purposes. It would need to be used as a language of process, and a language of debate. Not all MPs supported such a civic relevance for the language in the mid 1980s. Doctor Bruce Gregory (Northern Māori) sought to allay fears of expense by maintaining that Māori members were more likely to speak ritual and formal Māori than everyday Māori: ‘As Māori members of the House would certainly appreciate – and I should like to think, many other members of the House – it is the ceremonial aspect of speaking Māori that is important, rather than the content of the speech’.45

The Hon George Gair (North Shore) was also reluctant to see Māori used beyond its ritual functions:

I have been in the House 19 years and have heard Māori spoken on many occasions, and it has never caused a problem, nor has the privilege been abused. However there would inevitably be an opportunity for potential misunderstanding if Māori were used extensively beyond a ceremonial nature.46

Full acceptance of Māori as a language of debate, and therefore as a civic language in the environment of Parliament, has been questioned by some Māori-speaking members themselves. One concern raised by Koro Wetere during the debate on Standing Order 150 in 1985 was to ensure that the perceived ‘purity’ of Māori be retained. The implication appeared to be that to use Māori for (civil) purposes beyond the formal and ritual risked a certain denigration of the language:

If Māori is spoken in the House it would be in a very pure way, and I defy any member not to speak in that manner. Māori would probably be used during a debate on any Bill that had a Māori connotation. … I am sure that any member who wanted to use the Māori language would use it in the way that is the custom in Māoridom and would not flout the language in any way.47

The notion that speaking Māori imposed a moral obligation on members to do so with dignity and purity of thought was echoed in 1999 in a debate on the Education (Te Aho Matua) Amendment Bill 1999. Tukuroirangi Morgan (Te Tai Hauauru) expressed frustration at criticism of his own use of Māori in the House from other Māori members. In his opinion, the language ought to be a vehicle for all thoughts and concerns of Māori speakers in the civic environment:

The only times we can speak in Māori are on nice occasions, when being polite to each other! For God’s sake! That is what [the Bill] is about. It is about trying to maintain a living language so that we can convey our pain and our anxieties, and our highs and lows. I speak in this Chamber today, frustrated at the constant barrage from other Māori members in this Chamber who say we should speak Māori only on specific occasions.48

Tutekawa Wylie (Te Tai Tonga) did criticise Morgan’s provocative use of Māori in debate. In Wylie’s view, only English should be the preserve of both the mundane and the provocative:

E te tuakana, e Tukuroirangi. Āe, kei te mamae nei taku ngākau nei kia ngaro nei te kaupapa nei kei mua i a tātou ... Engari e te tuakana aroha mai nei ki ahau nei, tēnei wā nā te mea, mēnā ka tū tātou nei i roto i te Whare Miere nei te whakataurekarekangaia i a tātou, me tahuri au nei ki te reo o te Pākehā nei, te reo hoko pihikete, nērā?

Yes, to you the elder brother Tukuroirangi, I am hurting inside because the matter before us is being lost. … But pity me at this time elder brother, because if we stand in this House to berate ourselves, then I will turn to this language of the Pākehā that buys biscuits!

... 

I suggest to all Māori members of Parliament that our sacred language is not the appropriate medium in which to do that ...49

Ambivalence aside, Māori has arrived as a full-blooded language of parliamentary debate as the Hansard record shows. While not every debate or reading in the House includes Māori language contributions, such contributions are not infrequent. Of equal importance is the fact that members who choose to speak Māori pay respect to appropriate ritual formations, but also substantively engage with the relevant issue at hand.
VII Conclusion

The experience in the New Zealand Parliament is not an example of true institutionalisation. It is too limited in scope, and restricted to one physical environment. The right to use Māori is limited to spoken Māori (as it is in the courts), and does not extend to other aspects of House business. Nevertheless, the limited right is unqualified by restrictive procedure, and it has been taken up and provoked into being by committed, thick-skinned speakers such as Koro Wetere, Tukuroirangi Morgan, Dr Pita Sharples, Alamein Köpu and Te Ururoa Flavell. The parliamentary experience offers some ideas for what might comprise the minimum content for Māori to become truly institutionalised as a language of the New Zealand civic sphere. In short, what appears to be required, at a bare minimum, are the following:

1. an unqualified right to use the Māori language in written or spoken form;
2. that Māori language users be expected to play a full civic role within the New Zealand society;
3. that Māori be paid the same level of ordinary respect in archiving and recording within the public record as English;
4. the eradication of procedural barriers that prevent or make difficult the use of Māori in the civic sphere, so as to facilitate language choice;
5. the acceptance of Māori as a language capable of full civil (including legal) expression and enactment (ritual and formality must be encouraged, but should not be the only mode of expression tolerated for users of Māori);
6. that committed individuals use the language in the civic sphere, regardless of opprobrium they might experience from others; and
7. that resources be used to facilitate interpretation and translation services as required.

There should be no illusions that the granting of a limited type of institutionalisation of the Māori language within Parliament is any more than a step in the right direction. Nevertheless, the example afforded to us by the New Zealand Parliament shows it can be done. Māori is a language for the sacred, the civic and the profane; a language for buying biscuits indeed.
20 Many examples of mihi to the dead or poroporoaki, can be found throughout Hansard. Some of the finest examples appear while Māori members are paying tribute to those who have died, such as the occasion of Sir Apirana Ngata’s death in 1950 [New Zealand, Parliamentary Debates, Legislative Council, 3 August 1950, 1024 (Hoeroa Marumaru)]; Sir Peter Fraser’s sudden death in 1951 [New Zealand, Parliamentary Debates, House of Representatives, 28 June 1951, 40–1 (Tiaki Omana and Tapihana Païkea)]; and during World War II.


22 New Zealand, Parliamentary Debates, House of Representatives, 29 November 1951, 1,198.


26 Māori Language Act 1987 (NZ) s 3: ‘the Māori language is hereby declared to be an official language of New Zealand’.

27 Waitangi Tribunal, above n 25, [8.2.8].

28 May, above n 2, 25.

29 May, above n 23.

30 This right is also provided in Bill of Rights Act 1990 (NZ) s 24(g).

31 The Waitangi Tribunal, the Employment Relations Authority, the Equal Opportunities Tribunal (now replaced by the Human Rights Review Tribunal), the Tenancy Tribunal, the Planning Tribunals (now replaced by the Environment Court) and disputes tribunals established under the Disputes Tribunals Act 1988 (NZ).


33 For a useful account of policy-based and planning initiatives, see ibid 402 [5.3.8].

34 Ibid 451 [5.5.3(2)].


36 Of course, Māori is a legal language of Māori law, but not of the law of the New Zealand state.

37 On occasion segments of vesting orders and other such orders may record purposes or land descriptions in Māori, although the majority of the provisions and the basic structure of such orders will be in English. For a couple of examples see the minute books of the Taitokerau District of the Māori Land Court MB 20 KH 293–4 and 28 KH 11A–D.

38 Examples of such deeds include the Ngāti Awa Deed of Settlement 2003 and the resultant Ngāti Awa Claims Settlement Act 2005 (NZ). Both documents set out the history of the settlement in Māori, and the Act provides a Māori language text for the Crown apology. Neither document includes Māori in any of the operative clauses setting out the content of the settlement itself. Similar use of Māori can also be seen in the Ngāti Ruanui Claim Settlement Act


41 New Zealand, Nga Kōrero Paremete, Legislative Council, 9 September 1902, 64 (Wi Pere).


44 New Zealand, Parliamentary Debates, House of Representatives, 1 December 1987, 1,416 (Speaker).

45 New Zealand, Parliamentary Debates, House of Representatives, 26 July 1985, 5,899 (Bruce Gregory).

46 Ibid 5,899 (George Gair).

47 Ibid 5,898 (Koro Wetere).

48 New Zealand, Parliamentary Debates, House of Representatives, 13 July 1999, 18,022 (Tukuroirangi Morgan).

49 Ibid 18,022 (Tukuroirangi Morgan).