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# The continuing impact of amalgamation, assimilation and integration policies

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## ABSTRACT

Calls for the peoples of Aotearoa New Zealand to come together in unity – tuī, tuī, tuituia – have featured frequently in oratory and writings over the 250 years since the bark HMS Endeavour reached these shores in October 1769. The Ministry of Culture and Heritage has included as a theme for Tuia – Encounters 250 events in 2019 ‘Dual Heritage, Shared Future – presenting a balanced and honest history to better understand each other, and build a strong foundation for a shared future.’ This paper focuses on the very high rate of prison incarceration in this country and the large number of Māori who are incarcerated. Current criminal justice policies undermine hopes for a positive dual heritage in a shared future. The significance of integration policies fostered by the Hunn Report 1960 is a particular focus. The article draws on an historical report of mine published in 2001 by the Waitangi Tribunal during the Wai 262 inquiry that led to the report *Ko Aotearoa Tēnei* [Waitangi Tribunal. 2011. *Ko Aotearoa Tēnei: A report into claims concerning New Zealand law and policy affecting Māori culture and identity*. Te Taumata Tuarua, Wellington: Legislation Direct] and then comments on recent criminal justice data and governmental policies. It is concluded that whole-of-government policies to address underlying issues of inequality, scarcity and deprivation existing in our midst are more important than tinkering with prison policies.

## ARTICLE HISTORY

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## Introduction

According to the website of Manatū Taonga/Ministry for Culture & Heritage

In 2019, Aotearoa New Zealand will acknowledge 250 years since the first onshore meetings between Māori and Europeans. Tuia – Encounters 250 (Tuia 250) is the national commemoration that recognises this milestone in our history. This is a time to share, debate and reflect – to enable a more balanced telling of our stories, so that we speak openly and respectfully about our history. Tuia 250 is an opportunity to hold some honest conversations about Māori and European settlement of New Zealand to guide us as we go forward together. (Manatū Taonga 2019)

It is entirely appropriate, therefore, that the *Journal of the Royal Society of New Zealand* has taken the initiative to solicit a range of contributions for a Tuia 250 special issue.

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Calls to come together – tuī, tuī, tuituia – have featured strongly in Māori oratory addressed both internally within hapū/whanau, and more broadly to the wider community, in the years since the bark HMS Endeavour reached these shores in October 1769. The various manifestations of Kotahitanga movements bear testimony to that tradition (Keane 2012). However, the weaving of pathways towards ‘unity’, and what might be entailed by seeking ‘unity’, have been the subject of fiercely contested debates over the decades. There is, of course, a long and diverse history of resistance and struggle by many Māori against colonial impositions, but that is not the focus of this paper. Rather I look at governmental discourse, policies and practices.

In that arena, there has been a distinct lack of evidence that a dual heritage arising from our origins in the meetings of Kupe’s people and Cook’s people and their commingling might be building strong foundations for a shared future that engages all the peoples of Aotearoa New Zealand. As the Waitangi Tribunal put it in the letter of transmittal for its *Ko Aoearoa Tēnei* report:

... unless it is accepted that New Zealand has two founding cultures, not one; unless Māori culture and identity are valued in everything government says and does; and unless they are welcomed into the very centre of the way we do things in this country, nothing will change. Māori will continue to be perceived, and know they are perceived, as an alien and resented minority, a problem to be managed with a seemingly endless stream of taxpayer-funding programmes, but never solved. (Waitangi Tribunal 2011, p. xxiv)

The Tribunal went on to suggest that ‘Even after all this time, relations between Māori and non-Māori New Zealanders continue to test our collective comfort zones’ (Waitangi Tribunal 2011, p. 14).

A significant problem is that if Māori looks to the past in front of them – ngā rā o mua – they see successive colonial policies of amalgamation and assimilation that were imposed in the nineteenth century as the Māori population declined to the nadir it reached in the 1890s. This was followed, as the population recovered, by twentieth century government versions of assimilation promoting adaptation and integration. The achievement of ‘unity’ in the nation was not to be shaped by cultural sharing, but by a one-directional process subsuming Māori into an acceptance of British values, English law and colonial settler culture. Whatever the label used to describe it, these government policies were intended deliberately (and often coercively) to undermine tikanga Māori, reo Māori and mātauranga Māori in favour of the assumedly superior values of British civilisation. By the mid-twentieth century and the publication of the Hunn Report in 1960 there was a distinctly monocultural vision of a New Zealand national identity. This paper discusses perspectives from the past and then considers issues surrounding one of the least comfortable features of contemporary New Zealand society – the absurdly high rate of incarceration in this nation’s prisons, and the huge proportion of Māori in the prison muster. It will be suggested that, despite moves towards biculturalism and the development of principles of the Treaty of Waitangi since the 1970s, the effects of the monocultural assimilationist past remain with us.

## Racial amalgamation

As public conversations about race relations in the 1970s began to turn from integration to biculturalism, two historians reflected on past policies. In 1974 the seminal work of Alan

Ward on the nineteenth century New Zealand was first published as *A Show of Justice: racial 'amalgamation' in nineteenth century New Zealand*. The sub-title identified the importance of racial amalgamation in the history of that period. Ward's description of amalgamation policies read:

The 'permanent welfare' of the Maori included the abandonment by them as soon as possible of their own customs in favour of English law, and the adoption by them of such European skills as would command the respect and outweigh the prejudices of the incoming settlers. The saving of the Maori race involved the extinction of Maori culture. (Ward 1974, p. 38)

The next year an essay by Keith Sorrenson was published on 'How to Civilize Savages'. This examination of the British civilising mission in New Zealand identified three vital agents of civilisation – commerce, Christianity, and colonisation. The combined impact of these agents of civilisation was, as Sorrenson put it 'confidently expected to bring about what Europeans in the nineteenth century called the amalgamation of the races. The civilized Maori were ultimate to be absorbed or assimilated into the European population' (Sorrenson 1975, p. 97).

The pace and trajectory of amalgamation was a matter of serious dispute in the earliest years of the Crown colony. The extent to which the property of Māori should be recognised and protected on the one hand, and the perceived need for a rapid alienation of land from Māori to the Crown to provide ample lands for incoming settlers, on the other hand, occupy many folios of Colonial Office files. The voluminous correspondence on such matters between that Office and advocates for the New Zealand Company has been thoroughly researched (Adams 1977; Hickford 2011). Controversy remains as to the intended pace and impact of amalgamation. Ned Fletcher has argued convincingly that, at least until the recall of Robert FitzRoy in 1845 and his replacement as Governor by George Grey, the original intentions of those who drafted both the English and Māori texts of the Treaty were honoured. Any changes in Māori society would be gradual and consensual. There was an emphasis on elements of the Treaty of Waitangi protective of Māori interests:

British settlement was to be promoted only to the extent that Maori protection was not compromised. Maori tribal government and custom were to be maintained. British sovereignty was not seen as inconsistent with plurality in government and law. Maori were recognised as full owners of their lands, whether or not occupied by them, according to custom. (Fletcher 2014, p. iv)

The governorships of Grey and the establishment of a settler-run parliamentary system under the New Zealand Constitution Act 1852 saw the implementation of much more coercive approaches to the assimilation of Māori. James Belich has noted the importance of a range of nineteenth century European opinions about Maori and their future to an understanding of the legend of New Zealand race relations:

In an age without knowledge of bacterial and viral infection and immunity, there was a strong tendency to attribute [the decline of aboriginal populations], not merely to practical factors such as disease and alcohol, but also to more mysterious causes. (Belich 1988, p. 323)

The 'more mysterious causes' included the views of racial determinists of a polygenist tendency for whom the inferior state of the 'dark races' was unchangeable. Then there were social Darwinists who assumed the survival of the fittest and who also assumed

that Europeans were the fittest of all the races in the world. Belich quotes from a paper by Alfred Newman, a medical doctor and later a long serving member of Parliament. It contained a lengthy discussion on prevalent diseases and an analysis of statistics on death rates. According to Newman, ‘imported diseases have not been the chief causes leading to the disappearance of the Maori’. Rather, he opined, ‘All over the world we see some races progressive, some stationary, others decaying’. The Anglo-Saxon race was ‘rapidly progressing’, the French ‘seem nearly stationary’ and the Maori race was certainly ‘decaying’. Newman reached a firm conclusion, expressed in a matter of fact manner, on the inevitable extinction of the Maori race.

Taking all things into consideration, the disappearance of the race is scarcely subject for much regret. They are dying out in a quick, easy way, and are being supplanted by a superior race. (Newman 1882, p. 477)

It should be noted that the New Zealand Institute, which published this scientific prognostication, was the forerunner of the Royal Society Te Apārangi. In the words of Sir George Bowen, the then Governor who served as the founding President of the Institute, it was ‘founded and endowed by the wisdom and liberality of the Colonial Legislature pursuant to the New Zealand Institute Act 1867, a public Act of Parliament’. Thus, scientific thinking such as Newman’s was given credibility at that time by a body presided over by the Queen’s representative in the colony and financially supported by the Government. Isaac Featherston, long serving Superintendent of Wellington Province and member of the House of Representatives, proclaimed in an election speech that ‘our chief duty consisted not in attempting elaborate theoretical policies but in rendering the dying couch of the race as easy and as comfortable to them as possible’ (Ward 1974, p. 18).

The kaupapa of Tuia 250 requires us to speak openly and honestly about the past, hence the need to be reminded of those nineteenth century perspectives even when they were so convincingly dismissed by later scholars such as Te Rangi Hiroa (1924). We should also avoid any temptation to assume that onslaughts on the culture and values of te ao Māori ceased in the century that followed. Far from it.

## Hunn Report 1960

The enactment of the Maori Social and Economic Advancement Act 1945 signalled the coordination of strong pressures from the government to encourage a rapid migration of Māori from ancestral papakainga into urban centres. Earlier policies of Āpirana Ngata and others favouring employment on remnants of their tribal land base were no longer a priority. Māori advancement now would be ‘as an integral part of the economic structure of New Zealand’ (Williams 2001, pp. 66–67) – that is, they were to be integrated into the urban proletariat. In 1960 Walter Nash, Prime Minister and Minister of Māori Affairs in the second Labour Government, made a renewed commitment by his government to the further and rapid integration of Maori as a predominantly urbanised population.

[I]t has long been the conviction of successive New Zealand Governments, and of the majority of both races, that for this country integration is not only the best path to follow but ultimately and inevitably the only path that will lead to the development of a happy, harmonious, and progressive community. (Nash 1960, p. 5)

He requested Jack Hunn, a member of the Public Service Commission, to review the Maori Affairs Department. In his report, Hunn concluded that evolution of Māori society was inevitable. 'Evolution is clearly integrating Maori and pakeha' and this was 'the obvious trend' (Hunn 1960, p. 15). Evolution also decided which were the 'fittest elements' of Māori culture. The government played no role in this. Only Māori as a matter of individual choice could decide. If key elements of Māori culture such as language did not survive, then they were not worthy of preservation. In any case, the blame for the loss of Māori cultural practices with 'the onset of civilisation' should be laid on Māori individuals who chose not to speak the Māori language or engage in Māori cultural practices. This was none of the government's business, so it could not be the government's fault. What then, according to Hunn, was the government's business?

The Maoris today could be broadly classified into three groups:

- A A completely detribalised minority whose Maoritanga is only vestigial.
- B The main body of Maoris, pretty much at home in either society, who like to partake of both (an ambivalence, however, that causes psychological stress to some of them).
- C Another minority complacently living a backward life in primitive conditions. (Hunn 1960, p. 16)

The object of policy should be to eliminate Group C and Hunn was aware that such a policy might cause resentment:

Here and there are Maoris who resent the pressure brought to bear on them to conform to what they regard as the pakeha mode of life. (Hunn 1960, p. 16)

He did not apologise for advocating such governmental pressures. He explained that in seeking to eliminate Group C the government was pushing Māori to live a way of life that was 'not, in fact, a *pakeha* but a *modern* way of life, common to advanced people'. 'Advanced people' were mostly Europeans but included Japanese. The report made it very clear that the government should apply pressure to Māori in order to force them to be modern. Hunn stressed that the problem for Māori was 'not one of destination or route, but of pace' and 'the rearguard' could not be left 'to go their gait' because they would 'fall behind into a world of their own that provokes all the frictions of coexistence' (Hunn 1960, p. 16).

The second National Government that was in power from 1960 to 1972 enthusiastically embraced and implemented the Hunn Report recommendations. It did not merely acquiesce in 'urban drift' but rather it vigorously promoted deliberate migration of Māori to centres of employment and it abandoned land development schemes that had once sought to provide employment for Māori in rural areas. Operation Relocation pressured Māori to sell any land they might still own in rural areas and to accept a one-way fare order to move to a city and be housed in State houses. The housing provided was deliberately 'pepper-potted'. The State Advances Corporation and the Department of Maori Affairs worked together to intermingle Māori and European homes so that, as far as possible, Māori families had no immediate Māori neighbours and no Māori communal facilities were built in the new suburbs. Meanwhile, all existing instances of differentiation between Māori and Europeans in legislation were reviewed with the intention of them being gradually eliminated (Williams 2001, pp. 81–87).

In 1962 Hunn defended his integration policies from critics who saw them as the latest iteration of assimilationism. He boasted that New Zealand was ‘one of the nations in the vanguard of those building multi-racial societies’. As late as 1969 Duncan McIntyre as Minister of Māori Affairs insisted that ‘integration’ was not ‘assimilation’ and meant ‘ensuring complete equality between the races legally, politically, socially and economically’ (Williams 2001, pp. 88–89). In both instances, though, it was explicit that ‘equality’ was as defined by the Pākehā majority. This was no more apparent than in the recommendations of Prichard and Waetford (1965) to ‘Europeanise’ Māori land holdings as implemented in the Māori Affairs Amendment Act 1967. This attracted the ire of many Māori (Boast 2017, pp. 123–124) including Hugh Kawharu (1967). As Richard Hill has commented ‘Although Hunn distinguished integration from assimilation, the goal of official policy remained assimilative in all but name’ (Hill 2009, p. 93).

### Incarceration rates in New Zealand

I turn now to a contemporary issue about which an honest conversation is certainly needed in the context of Tuia 250 in 2019, and indeed has been the focus of intense scrutiny in recent times. A Criminal Justice Summit was held in Wellington and Porirua in August 2018 (Safe and Effective Justice 2018) and an Advisory Group was appointed to canvass a range of ideas about how the criminal justice system might be improved (Little 2018; Te Uepū 2018). The remainder of this paper is focused on the absurdly high rates of incarceration in New Zealand prisons compared with that of similar nations, and concerns about the proportion of those identified as Māori amongst those who are imprisoned.

First, some data collated by the President of the Court of Appeal:

We currently imprison 217 people per 100,000 members of the population. The OECD average is 127. Here are some other countries that we share common values with: Australia, imprisons 167 people per 100,000. England and Wales, 143. Canada, 114. Norway, 74. Denmark, 59. Sweden, 57. Finland, 55. New Zealand hasn’t seen numbers like the Scandinavian countries since 1965. I mentioned that our average prison sentence length is now 18 months. In Norway, it is eight months. (Kós 2018, p. 7)

The example of Norway as an enlightened alternative to current New Zealand practices is one that appealed to a young law and politics scholar whose recent book advocates a vision for confronting justice challenges (Harris 2017, pp. 18–19). To move in that direction, though, would require a dramatic change from the criminal justice policy options adopted since the neo-liberal turn in the 1980s. Kós again:

Three facts. First, total offending recorded in New Zealand has fallen fairly steadily across the last two decades. It has fallen 13 per cent since 2011. Secondly, and contrary to some popular opinion, the most serious violent crime has also been falling. Thirdly, violent crime in public places has fallen also. (Kós 2018, p. 3)

Yet

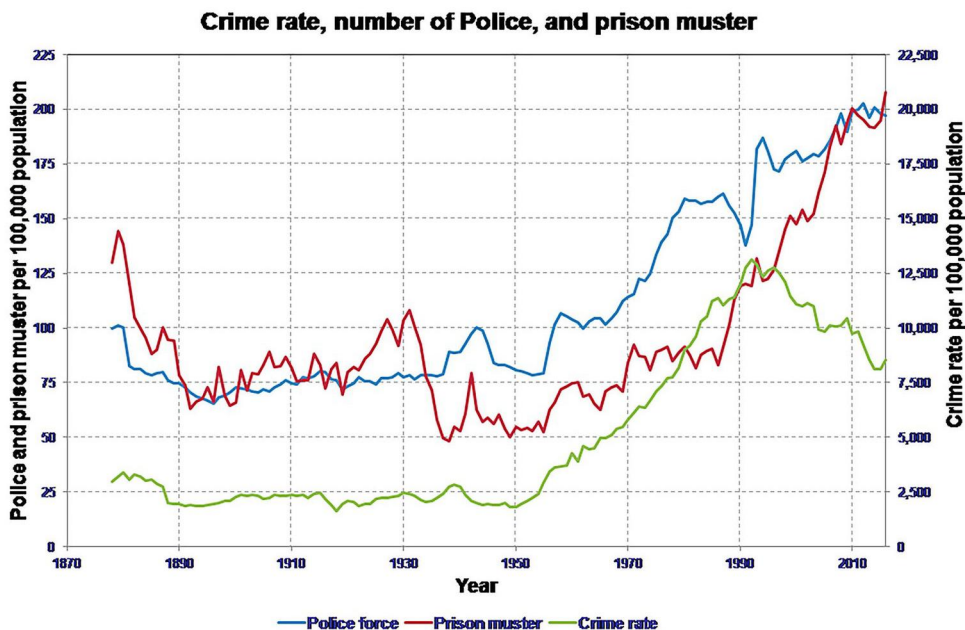
[W]e are sending more and more people to prison. In 2015 the Ministry of Justice estimated a prison population of 10,000 in 10 years’ time. That increase took just two years. Last week [February 2018] the prison population was 10,700. Fifteen years ago it was less than 6000. And all this at a time when crime rates generally are declining. (Kós 2018, p. 5)

Figure 1 (Lambie 2018, p. 7).

Reprinted from Using evidence to build a better justice system: The challenge of rising prison costs, Ian Lambie, Figure 3, Pages 7, with permission from the Office of the Prime Minister's Chief Science Advisor. <https://www.pmcsa.org.nz/wp-content/uploads/Using-evidence-to-build-a-better-justice-system.pdf>

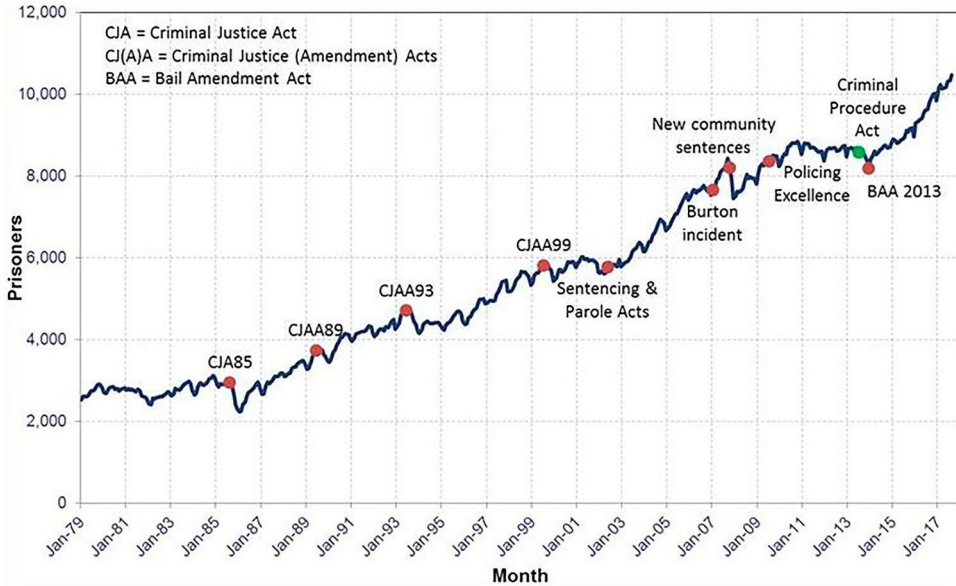
Figure 1 illustrates Kós's point. Since about 1990, the historic pattern in our criminal justice statistics has been reversed. Prison musters have risen dramatically whilst crime rates have fallen. The Chief Science Advisor to the Office of the Prime Minister concludes that it is not rising crime rates that correlate with more punitive penal outcomes, but rather political responses to public perceptions of rising crime rates and reactions to a few high profile events. Prison population increases directly follow from legislated political responses to law and order concerns as plotted in Figure 2 below (Lambie 2018, p. 10). Given the obvious direction of the green line in Figure 1 one might have thought that New Zealanders would feel safer than in the past. On the contrary, however, research commissioned by the Ministry of Justice discloses exactly the opposite. Seventy-one per cent of New Zealanders surveyed believe that national crime rates continue to climb (Binnie 2016, p. 5). There lies the nub of the problem.

Moreover, the old paradigms of left versus right contests in party politics on this and other issues have been replaced by jostling for the 'centre' in the light of 'common sense' policies advocated by the likes of the Sensible Sentencing Trust. As competing parties take hard-line stands and position themselves so as to avoid the label of being 'soft' on crime, they move across the political spectrum to what one British commentator calls the 'extreme centre' (Ali 2015, 2018).



**Figure 1.** Comparative rates of crime, police and people in prison. Notes: Ministry of Justice, Department of Corrections & New Zealand Police. Maintaining a safe NZ and working towards a more humane and effective criminal justice system. Wellington, NZ: Authors 2017.





**Figure 2.** Prison population increases and legislation. Notes: Ministry of Justice, Department of Corrections & New Zealand Police. Maintaining a safe NZ and working towards a more humane and effective criminal justice system. Wellington, NZ: Authors 2017.

Figure 2 (Lambie 2018, p. 10).

Reprinted from Using evidence to build a better justice system: The challenge of rising prison costs, Ian Lambie, Figure 6, Pages 10, with permission from the Office of the Prime Minister's Chief Science Advisor. <https://www.pmcsa.org.nz/wp-content/uploads/Using-evidence-to-build-a-better-justice-system.pdf>

This political trajectory favouring retributive responses to law and order issues and ever-higher rates of incarceration in prison as 'common sense' has been regularly challenged by research-informed social scientists. Victoria University of Wellington's John Pratt, in particular, has published extensively on such matters. He has drawn attention to the incongruity of rising imprisonment rates when total crime rates are falling (Pratt 2013). The option favoured by Kós and Harris of looking to the less punitive policies of Scandinavian nations has been extensively considered (Pratt and Eriksson 2013). These authors argue that the penal differences which currently exist between Anglophone and Scandinavian societies emanate from their early nineteenth century social arrangements. The Anglophone societies were dominated by exclusionary values systems, in contrast to the more inclusionary values of the Nordic. Pratt has also explored the propensity of decision-makers to favour penal populism (Pratt 2006).

Given that political responses are the primary reason for higher incarceration rates rather than actual social facts, then political responses based on inclusionary values will be necessary to reverse the perverse fact this relatively safe and low crime rate nation has such a penchant for incarcerating more and more people in prisons. Penal institutions are very expensive to run. Yet, by and large, they perpetuate a pro-crime environment that encourages persistent recidivism by prisoners on their release, rather than achieving pro-social outcomes.

## Māori and the criminal justice system

The last section of this paper concerns the proportion of persons identified as ethnically Māori who are processed through the criminal justice system, many of whom are incarcerated. It will also return to the impact of the Hunn Report in seeking to understand criminal justice statistics. Justice Joe Williams, now a member of the Supreme Court, presented these figures comparing the treatment of Māori in comparison to non-Māori to a Treasury audience:

Māori are ... ♣ 3 times more likely to be arrested ♣ 3.5 times more likely to be charged ♣ 11 times more likely to be remanded in custody ♣ 4 times more likely to be convicted ♣ 6.5 times more likely to be imprisoned. (Williams 2017)

These grotesque figures may have worsened recently but the trends are not new. Māori comprises only some 14.9% of the total population (Stats NZ 2013) but that 50% or more of the prison population are Māori has been known to policy makers for a long time. What is less well known is that Māori over-representation in prisons is not an inevitable fact – and most certainly it has not always been so (Pratt 1992; Te Uepū 2019, p. 23).

Allan Nixon, a criminology teacher at Auckland in the 1970s, pointed out that in the 1920s there were very few Māori in penal institutions. Most of those incarcerated in prisons at that time were Catholics – predominantly of Irish origins – in a Dominion where elite institutions were dominated almost exclusively by English and Scots Protestants (quite a few of whom were also members of Masonic lodges) (Nixon 1974). Would we now suggest that the religious identity of prisoners accounted for their criminality? I think not. Almost all the prisoners were young males with little formal education and few employment opportunities living in working class communities. The crimes they committed were offences against property and persons of the sort that police forces target in urban centres.

Why were Māori a small proportion of the prison muster in the 1920s? They were certainly among the very poorest members of the population. Most lived in conditions of significant poverty in rural communities where they were marginalised socially, culturally and economically. But seldom were they the subjects of incarceration processes. I have argued that, in many respects, government policies most drastically affecting the social cohesion of Māori hapū and the role of tikanga in the lives of whānau did not occur during the devastation of wars, land confiscations and Native Land Court operations in the nineteenth century. Despite the efforts of amalgamation and assimilation policies, monolingual Native School education programmes and blatant racial discrimination, most Māori lived in small, cohesive hapū/whanau kainga. The first language remained te reo in the dialect spoken in that region. Breaches of tikanga were dealt with within the local community and dispute settlement seldom involved national courts.

Rather, it was policies of integration and the Hunn Report during the period from 1945 to the early 1970s, when many Māori moved into urban areas, that caused reo Māori, tikanga Māori and mātauranga Māori capabilities to be most seriously undermined (Williams 2001, pp. 247–249). It is from about 1944 that Māori begins to feature disproportionately in the prison population statistics (McIntosh and Workman 2017, p. 725). These facts are not unrelated. It might be objected that in harking back to the Hunn Report I have overlooked government rejections of integration in the 1970s and the

development of bicultural policies since the 1980s. In fact I have discussed those developments, and the impact of policies based on principles of the Treaty of Waitangi, at some length (Williams 2001, pp. 98–111). There are indeed many aspects of the social, cultural and economic mores in Aotearoa New Zealand that have been transformed in minor and major ways since the 1970s when assertions by Māori of Tino Rangatiratanga values began to impact on government decision-makers. In numerous respects government policies and practices have become less overtly monocultural and more open to tikanga Māori and mātauranga Māori values. Yet when it comes to economic disparities, the failure of efforts to close socio-economic gaps and the penal populism direction of criminal justice policies, I would argue that the damage caused by assimilation/integration policies from prior to 1970 continues to be a blight on the body politic of this nation. There was a minority of Māori who ended up at the bottom of the heap in urban locations at that time. They became part of the marginalised and disadvantaged urban poor which is the catchment from which almost all of the prison population is drawn. With the retrenchment of the welfare state supports, and the accelerated growth in inequalities under neo-liberal policies from the 1980s, intergenerational patterns of deprivation have become a fact of urban life. Legislation that has led to the huge jump in incarceration rates can be repealed easily (if there is the political will to do so), but intergenerational dysfunction cannot be remedied with the stroke of a pen.

As the decades have passed, so the proportion of those identified as Māori in the total prison muster (including the rapidly increasing number of remand prisoners) has grown exponentially as compared to the percentage of ethnic Māori in the total population.

Table 1 (Lambie 2018, p. 18).

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In more recent figures, 57% of the males incarcerated are Māori and 64% of female inmates (Kós 2018, p. 9). How pertinent are those extraordinary facts to the Tuia 250 objectives of sharing stories that will enable us to build a strong foundation for a shared future?

In every country in the world no-one expects the prison population to be drawn evenly from all sections of a society's population. As of 2013, 14.3% of the total population was 65 years old or more; 50.83% were female; and 13.7% had personal incomes exceeding \$70,000 per annum (Stats NZ 2013). No penologist would expect those percentages to be reflected in the prison population. Criminologists may differ about the causes of crime and how state policies should balance retribution for crimes committed,

**Table 1.** Disproportionate imprisonment rates (as at August 2013).

Ethnicity	Proportion of total population (%)	Sub-population totals	Prisoners (end of August 2013)	Imprisonment rate (per 100,000 sub-population)
Māori	14.6	649,700	4285	660
Pacific	6.9	307,050	1006	328
NZ European	69.0	3,070,500	2847	93
Asian/other	9.5	422,750	376	<i>NA: many are foreign nationals</i>
Total	100	4,450,000	8514	191

Note: Department of Corrections calculation as at August 2013.

rehabilitation of offenders, restitution for victims of crime, etc. What is not being disputed is that, when they first enter a prison, most inmates will be young, many more of them will be males than females, they will be drawn from those with few if any formal educational achievements, they will often have been victims of abuse themselves, many will have mental health issues and they will commit the sorts of crimes (especially in public spaces) that police forces monitor most closely. Above all else, they will have grown up in the poorest and least functional families of urban communities. This point has been made exceptionally well by Tracey McIntosh and Kim Workman:

Prisons are seen as a natural attribute of the social landscape, and it is difficult to imagine a world without them. While they remain unproblematised and largely invisible both as an institution and as experience, they are, however, not invisible from headlines, not invisible as a metaphor of society gone wrong, not invisible as a 'solution' to problems and not invisible as the most overt manifestation of state power and as architectures of control. But they are invisible as receptacles of confined experience, as institutions of stone, concrete, wire, but most importantly as holders of flesh and blood. Prisons are peopled. In Aotearoa, they are largely holders of Māori flesh and blood. More specifically, they are the holders of particular veins of Māori society. If it was simply a Māori issue, then we would expect to see Māori prisoners coming from all socio-economic categories and reflecting the broader Māori population. Yet, the Māori prison population overwhelmingly comes from communities that live under conditions of scarcity and deprivation. (McIntosh and Workman 2017, p. 726)

It is my submission that if we are indeed to problematise the way prison institutions go about their incarceration responsibilities, then it made no sense in the 1920s to focus attention on Catholicism. It makes no sense today to concentrate solely on ethnicity. Efforts by the Department of Corrections to inculcate tikanga within mainstream programmes designed to reduce re-offending were found by the Waitangi Tribunal to be insufficient to comply with the Treaty of Waitangi obligations (Waitangi Tribunal 2017). That Department has no choice, of course, but to try to deal with offenders sentenced to prison terms. It is much more important, though, that work is done elsewhere so that the sheer number of people being sent to prison is reduced.

JustSpeak is an eloquent group of younger activists who have addressed prison policy. One of them is Julia Whaipooti, a Māori lawyer and a member of Te Uepū:

There are a number of programmes which have been given a Māori name, and aim to embrace Māori values. But that doesn't reduce the harm done to our communities and whānau. ...

The Crown and Corrections are too prone to get things wrong. I remember very vividly how it made me feel when they organised a site visit to Rimutaka Prison to show the Waitangi Tribunal what 'good stuff for Māori' they were doing to help reduce reoffending. They seemed really proud of themselves. ...

And I remember this time how it hurt, how it broke my heart, going to the Māori focus unit and having the karanga come from within that unit, and having a pōwhiri from the Māori inmates, as tangata whenua, welcoming us in.

So, it was me, Crown lawyers and judges, being welcomed into the prison by this group – as if they belonged there and as if we were manuhiri visiting. And I felt that Māori does not belong in prison and that the appropriate response isn't to 'Māorify' a prison. (Whaipooti 2018)

I am extremely sceptical of policies that seek to bring about 'transformational change' **within** the state institutional framework of prisons. Unfortunately, the government is

continuing down that pathway. Its Hōkai Rangi report released in August 2019 sets out a strategy for 2019–2024. The Chief Executive writes that this strategy ‘will underpin transformative and intergenerational change for those in our care and their whānau’ (Hōkai Rangi 2019, p. 2). To the contrary, I would urge that less effort should be allocated to prison policy as such other than reminding the Corrections Department to adhere to the famous aphorism of Alexander Paterson, the United Kingdom Prison Commissioner in the 1920s, who declared that people ‘come to prison as punishment, not for punishment’ (Ruck 1951, p. 23). The important point is that there should be vastly fewer people in prison at all.

Rather, more work on a nationwide basis needs to be aimed at ameliorating, or indeed abolishing, the conditions of scarcity and deprivation that are an ongoing but preventable blight on our society. There are always the resilient ones who overcome whatever life throws at them. Far too many young people, though, travel along the pipeline that leads from child poverty to incarceration as young adults and recidivism thereafter. They are abused as children, they suffer glue-ear infections at a young age, they miss out at school so thoroughly that they leave school illiterate, there are insufficient mental health services if they need that care, they live in environments of drug abuse and violence, they lack the skills or motivation to obtain meaningful employment.

It is encouraging to read the first report of Te Uepū released in June 2019. In particular the section on ‘Social system, social issues and the criminal justice system’ (Te Uepū 2019, pp. 53–60) and the final section ‘Mental health, addiction, and drug and alcohol abuse’ (Te Uepū 2019, pp. 61–66) very much support my call for increased investment in addressing the causes of crime and improved social policy objectives for greater well-being outcomes in the most disadvantaged communities in our society. The suggestion of tikanga based and Māori-led solutions **outside** of prisons for many of those Māori who are currently dumped in penal institutions would be huge progress (Te Uepū 2019, pp. 23–27).

The call tui, tui, tuituia in Aotearoa New Zealand, 250 years after those first fateful meetings in 1769, would ring less hollow if the wherewithal could be found to fund whole-of-government policies that address properly the underlying issues of inequality, scarcity and deprivation in the midst of this highly affluent society. Then the ‘happy, harmonious, and progressive community’ that Walter Nash hoped for in 1960 just might eventuate (Nash 1960, p. 5). But that, history suggests, will not be achieved by imposing on Māori ‘a *modern* way of life, common to advanced people’ (Hunn 1960, p. 16) as devised by Pākehā power-holders.

As illustrated by Figure 2 above, law changes were the primary determinant in the increase of the prison population from about 2000 in 1985 to around 10,000 at present. Pandering to the penal populists has not produced measurable outcomes indicating that our society is safer now than it was in 1985. If reversing ‘reforms’ to laws such as those on bail, remand in custody, parole and three strikes could even halve our incarceration rate, then that would bring us close to the statistics in Canada right now on the number of persons imprisoned per 100,000 of the total population. With a good deal more determination, the Scandinavian statistics might be reachable. Then the dual heritage/shared future hopes for Tuia 250 might indeed begin to become more of a reality in the area of criminal justice. Is there the political will to move in that direction? Only time will tell.

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