RACE-ING AND ENGENDERING THE NATION-STATE IN AOTEAROA/NEW ZEALAND

NAN SEUFFERT*

I. INTRODUCTION

During the past several decades the dynamics of law and policy reform in Aotearoa/New Zealand have prefigured and encapsulated contemporary trends in economic state restructuring, indigenous claims to refigure the nation, and gender struggles for political representation. Successive governments have restructured the economy and the state using radical forms of neo-liberal economic policy with the stated aim of globalizing the economy, making Aotearoa/New Zealand a "world model for structural adjustment."[1] Political action on the part of the indigenous Maori people, often led by Maori women, increased and diversified, and included demands for self-determination and redress of historical colonial injustices. In 1997, the conservative National Party's Jenny Shipley became the

* Senior Lecturer in Law, *University of Waikato*, LLM (Hons) *Victoria*, JD (Hons) *Boston University*, BA *University of Virginia*. I would like to thank Penny Pether for organizing this symposium in response to my query about conferences on postcolonial theory and the law, and for her ongoing support and helpful suggestions on articles over the years. The few occasions when we have been in the same hemisphere have been both intellectually stimulating and fun.

1. JANE KELSEY, THE NEW ZEALAND EXPERIMENT: A WORLD MODEL FOR STRUCTURAL ADJUSTMENT? 1-9 (2d ed. 1997).

country's first white female Prime Minister, followed in 1999 by the election of a center-left coalition headed by Labour Party leader Helen Clarke. This article analyzes the race and gender dynamics of these contemporary trends. First, it argues that policies of state structural adjustment and Maori political claims have converged in commodified settlements of past colonial injustices as corporate deals. These deals are temporary alliances of men across race[2] to silence and erase the demands for self-determination or political power sharing of Maori activists, who are usually Maori women. Second, this article contends that the political instability created by rapid structural adjustment and the change to a Mixed Member Proportional ("MMP") electoral system converges with white backlash against these settlements to open space for New Zealand's first two female Prime Ministers. This article also suggests that the election of a second white female Prime Minister in New Zealand may reflect the (temporary) regendering of the role of Prime Minister to the feminine.

II. SILENCING MAORI WOMEN: ALLIANCES OF MEN ACROSS RACE

Centering Maori women activists in an analysis of the convergence of policies of structural adjustment and political claims for self-determination and redress of colonial injustices suggests that the settlements were an alliance of men across race to silence these women. The political activism of some Maori women, gaining momentum from the 1970s, operated to disrupt the illusion of unity of the nation. Regaining the illusion of unity, and in particular reaffirmation of the dominance of the minority of privileged white men, required erasing these Maori women activists as serious political subjects. This move required the cooperation of at least some Maori men in a temporary alliance among men across race in a process of "settlement" of historical colonial injustices. This part examines Maori activism's disruption of New Zealand's illusion of national unity, and the resultant configuring of a national identity as bicultural. It then briefly discusses policies of structural adjustment and the corresponding emergence of a national identity of global entrepreneurs. The production of these two national identities resulted in tensions that were resolved through the settlements process, with the assimilation of some Maori men to the new national identity of global entrepreneurs. This resolution restored the illusion of national unity, silencing and erasing the activism of Maori women.

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2. *See* JANE FLAX, THE AMERICAN DREAM IN BLACK AND WHITE: THE CLARENCE THOMAS HEARINGS 94-113 (1998).

A. *Disrupting New Zealand's Illusion of National Unity: The Nation as Bicultural*

The dominant story of the founding of Aotearoa/New Zealand is a simple one of cession of sovereignty by the indigenous Maori people to the British in the English version of the Treaty of Waitangi of 1840 ("Treaty"), resulting in one unified British New Zealand.[3] Contrary to the dominant story, it has been argued persuasively that the Maori version of the Treaty, signed by most Maori leaders, did not cede sovereignty to the British.[4] Historical data suggests that, in the Maori version of the Treaty, Maori people agreed to the British coming into the country to govern the British while Maori retained their traditional control over their land and people.[5] The "appropriative mistranslation"[6] of the English version of the Treaty, which clearly ceded sovereignty, into a Maori version that envisioned power sharing, was followed by the repression of the Maori version in the dominant foundation story. The textual and material violence necessary to this repression produced an illusion of national unity. Simultaneously, however, repression results in return.[7] There have been repeated disruptions to the myth of national unity throughout New Zealand's history.[8]

Discourses of biculturalism, which gained momentum in the 1970s, developed out of the most recent disruption to the illusion of national unity in New Zealand. Political activism on the part of Maori, often initiated and led by Maori women, increased and diversified.[9] The local context of Treaty protests was framed by the global development of discourses of multiculturalism and indigenous, self-determination claims. The 1984 Labour Government promised prior to the election to honour the Treaty and

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3. Treaty of Waitangi, Feb. 6, 1840, Gr. Brit.-N.Z., *available at* http://www.govt.nz/aboutnz/treat.php3.

4. *See* R.J. Walker, *The Treaty of Waitangi As the Focus of Maori Protest*, *in* WAITANGI: MAORI AND PAKEHA PERSPECTIVES OF THE TREATY OF WAITANGI 263, 263-79 (I.H. Kawharu ed., 1989).

5. *See id.* at 278; *see also* DAVID WILLIAMS, *Te Tiriti o Waitangi—Unique Relationship Between Crown and Tangata Whenua?*, *in* WAITANGI: MAORI AND PAKEHA PERSPECTIVES OF THE TREATY OF WAITANGI 64, 79 (I.H. Kawharu ed., 1989).

6. Elizabeth Constable, *Critical Departures: Salammbo's Orientalism*, 111 MOD. LANGUAGE NOTES 625, 634-35 (1996).

7. *See* Nan Seuffert, *Colonising Concepts of the Good Citizen, Law's Deceptions and the Treaty of Waitangi*, 4 LAW TEXT CULTURE 69, 78-79, 94-95 (1998).

8. *See id.*

9. *See generally* Denese Henare, *Carrying the Burden of Arguing the Treaty*, *in* VISION AOTEAROA: KAUPAPA NEW ZEALAND, 126-36 (Witi Ihimaera ed., 1994); JANE KELSEY, A QUESTION OF HONOUR?: LABOUR AND THE TREATY 1984-1989 20-22 (1990) [hereinafter KELSEY, QUESTION OF HONOUR].

to settle Treaty grievances.[10] Initially the Government's discussions of these issues occurred in terms of multiculturalism and even broader equity considerations.[11]

The broad discussion of equity and multiculturalism was not satisfactory to many Maori people, who responded with claims that biculturalism was the appropriate relationship for Maori and non-Maori under the Treaty of Waitangi.[12] Some argued that a focus on multiculturalism was an excuse for "doing nothing" and a means by which the state could silence Maori demands and placate mainstream New Zealand.[13] Perhaps the most powerful explication of biculturalism appeared in Moana Jackson's 1988 report on Maori and the criminal justice system, which critiqued both the system's basis in a monocultural philosophy and the substantive outcome of criminal convictions.[14] Jackson concluded that parallel legal systems for Maori and non-Maori in Aotearoa were mandated by the Treaty.[15] While Jackson's report was quickly sidelined and repressed by the government, his analysis resonated powerfully with many Maori and some Pakeha.[16]

In contrast to Jackson's proposal for parallel legal systems, state-sponsored attempts to implement biculturalism included the establishment of the Waitangi Tribunal, which was eventually given jurisdiction to hear the claims of Maori for Treaty grievances dating back to 1840.[17] The Tribunal was initially empowered only to make recommendations to the government with respect to those claims, not to order redress binding on the government. Jane Kelsey has cogently argued that the Tribunal process channeled the energy of claims for full political self-determination into a cumbersome, expensive, and largely ineffectual apparatus that operated to legitimate the government's supreme authority, without placing any

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10. KELSEY, *supra* note 1, at 23.

11. *See* ANDREW SHARP. JUSTICE AND THE MAORI: MAORI CLAIMS IN NEW ZEALAND POLITICAL ARGUMENT IN THE 1980S 205-26 (1991).

12. *See id.* at 227.

13. *See* KUNI JENKINS, *Maori Education: A Cultural Experience and Dilemma for the State — A New Direction for Maori Society, in* THE POLITICS OF LEARNING AND TEACHING IN AOTEAROA-NEW ZEALAND 153 (Coxon et al. eds., 1994).

14. MOANA JACKSON, THE MAORI AND THE CRIMINAL JUSTICE SYSTEM: HE WHAIPAANGA HOU — A NEW PRESPECTIVE (1988) (articulating the stated objectives of developing research tools that look at crime from different perspectives).

15. *Id.* at 265.

16. *See* Sharp, *supra* note 11, at 235-45 "Pakeha" is a contested Maori term, sometimes defined as "a person of predominately European descent." H.W. WILLIAMS, A DICTIONARY OF MAORI LANGUAGE 252 (1997).

17. KELSEY, QUESTION OF HONOUR, *supra* note 9, at 227-32.

obligation on it to act.[18]

B. State Structural Adjustment: The Nation as Global Entrepreneurs

Prior to 1984, the New Zealand state might have been described as socialist, providing free education through the tertiary level, student living allowances, a comprehensive national health system, an extensive state housing system primarily in single family dwellings, a state pension plan, and welfare services and income assistance, including a domestic purposes benefit for single mothers.[19] The State also owned railways, power generators, television and radio stations, universities, airlines, many coalmines, most forestry, some hotels, a shipping line, a ferry service, and a number of farms.[20] It wrote wills, administered deceased estates, and ran banks and the largest contracting business in the country.[21] All of this changed with the 1984 Labour Government, which commenced and accelerated the project of state structural adjustment. While neo-liberal economic policies were contradictory to Labour's traditional policy stances, economic and political instability in the early 1980s provided an opening for a push for law and policy reform by advocates of structural adjustment within the New Zealand Department of Treasury ("Treasury"). These advocates were influenced by economic theory produced in the United States.[22] Treasury's advice was based on faith in market efficiencies: "[e]ssentially, Treasury's advice was founded upon the assumption that the economy is self-righting."[23] Faith in markets was combined with anxiety about regulation and the assumption that the economy prior to 1984 had been constrained from reaching its full potential by government interventions. The overall prescription for stimulating the economy involved downsizing the government in favour of more and bigger markets.

The New Zealand structural adjustment reforms have been divided into three stages.[24] The first stage, commenced by the 1984 Labour

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18. *Id.* at 234-35.

19. *See* GEOFFREY PALMER, UNBRIDLED POWER?: AN INTERPRETATION OF THE NEW ZEALAND'S CONSTITUTION AND GOVERNMENT 5-6 (1979).

20. *See generally id.*

21. *See generally id.*

22. *See* Andrew F. Simpson, *Public Choice Theory and Securities Regulation in New Zealand, in* SECURITIES REGULATION IN AUSTRALIA AND NEW ZEALAND 217, 236 (Gordon Walker & Brent Fisse eds., 1994).

23. *Id.* at 228.

24. *See* ALLEN SCHICK, THE SPIRIT OF REFORM: MANAGING THE NEW ZEALAND STATE SECTOR IN A TIME OF CHANGE 14-15 (1996). In this report, prepared for the State

Government, involved deregulating the commercial and financial markets. The idea was that deregulation freed the market to allow it to work its miracles. Deregulation included ending wage and price controls, and deregulating interest rates, controls on external investment and borrowing, and foreign exchange trading. The New Zealand dollar was floated on the foreign exchange market, the stock market and regulation concerning mergers and trade practices were liberalized, and the country was opened further to foreign investment and ownership.

The second stage of structural adjustment, beginning in 1986, provided for the privatization and quasi-privatization of state-owned assets and utilities. It was assumed that organizing these enterprises along commercial lines would result in market-driven efficiency gains. The New Zealand State-Owned Enterprises Act of 1986 ("SOE Act") restructured government-owned assets and utilities into businesses, with a view to their eventual sale.[25] Any state-owned enterprise ("SOE") was to be run on a commercial basis and have, as its primary goal, the production of profits for the government owner.[26] Corporatization and privatization of SOEs led to massive redundancies of employees and a much "smaller" state. For example, the Ministry of Transport went from employing 4,500 people to a few hundred, contracting out almost all of its activities in an attempt to stimulate efficiencies through competition for the contracts.[27] Also in the time period of the second stage, what was essentially another first stage deregulation project was carried out. The New Zealand Reserve Bank Act of 1989 ("RBA") was passed, repealing the New Zealand Reserve Bank Act of 1964 ("1964 Act"), with price stability through inflation control as its primary objective.[28] The primary objective of the 1964 Act was to achieve full employment.[29] In contrast, consistent with "orthodox macroeconomics," the RBA reflected faith in the marketplace to

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Service Commission and the Treasury, Schick discusses New Zealand's restructuring reforms. *See generally id.*

25. *See* NEW ZEALAND TREASURY DEP'T, ECONOMIC MANAGEMENT: LAND USE ISSUES 293-94 (1984) [hereinafter ECONOMIC MANAGEMENT].

26. State-Owned Enterprises Act, 1986 § 4(1)(a) (N.Z.).

27. *See* William D. Eggers, *The Wonder Down Under*, GOV'T EXECUTIVE, May 15, 1999, at 2, *available at* http://www.govexec.com/news/index.cfm?mode=report&articleid=9714.

28. Reserve Bank Act, 1964 § 8 (N.Z.); Roger Kerr, Symposium, *The New Zealand Employment Contracts Act: Its Enactment, Performance, and Implications*, 28 CAL. W. INT'L L.J. 89, 89 (1997) ("The Reserve Bank Act of 1989 made the central bank independent of government, with the primary aim of monetary policy being 'price stability.'").

29. *See* KELSEY, *supra* note 1, at 160-61.

achieve the most efficient level of employment.[30] The RBA, therefore, represents a further step in deregulating the economy by a "hands off" stance in monetary policy in relation to employment.

In the third stage of structural adjustment the success of the application of market principles to the new SOEs was applied to the remaining core state sector.[31] Generally commenced after Labour was re-elected in 1987, it comprised the reorganization of the remaining state sector through downsizing, contracting out, and the imposition of rigid accountability requirements, in attempts to facilitate efficiencies assumed to be achievable through competitive markets.[32] A fourth stage, deregulating the labour market and dismantling the welfare state, gained momentum with the election of a conservative National Government in 1990. The new Government immediately repealed the New Zealand Pay Equity Act of 1990 and the New Zealand National Labour Relations Act of 1987, and substituted the latter with the radical free market New Zealand Employment Contracts Act 1990 ("ECA").[33] Weeks after its election it started cuts to the unemployment and domestic purposes benefits.[34] In the "Mother of all budgets" in June of 1991, it introduced further cuts to benefits and cut community grants, training programs, Maori development and legal aid.[35] Disposable incomes of beneficiaries were cut by up to thirty percent.[36] Following Treasury's lead, the National Government argued that cuts were necessary to restore integrity to the system and to provide incentives for beneficiaries to find work.[37]

Taken together, these four stages represent a radical neo-liberal economic "experiment" voluntarily implemented in New Zealand to an extent usually only seen in third world countries in response to

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30. *See id.*

31. 1 NEW ZEALAND TREASURY DEP'T, GOVERNMENT MANAGEMENT: BRIEF TO THE INCOMING GOVERNMENT 46-95 (1987) [hereinafter GOVERNMENT MANAGEMENT]; *see also*, ECONOMIC MANAGEMENT, *supra* note 25, at 19.

32. *See* ECONOMIC MANAGEMENT, *supra* note 25, at 20-22.

33. Employment Contracts Act, 1991 (N.Z.).

34. *See* Jonathan Boston, *New Zealand's Welfare State in Transition*, *in* REDESIGNING THE WELFARE STATE IN NEW ZEALAND: PROBLEMS, POLICIES, PROSPECTS 3, 10 (Jonathan Boston et al. eds.,1999).

35. JANE KELSEY, ROLLING BACK THE STATE: PRIVATISATION OF POWER IN AOTEAROA/NEW ZEALAND 84 (1993) [hereinafter KELSEY, ROLLING BACK].

36. *See* GOVERNMENT MANAGEMENT, *supra* note 31, at 14.

37. *See* Robert Stephens, *Poverty, Family Finances and Social Security*, *in* REDESIGNING THE WELFARE STATE IN NEW ZEALAND: PROBLEMS, POLICIES, PROSPECTS 238 (Jonathan Boston et al. eds., 1999).

pressure from international monetary organizations.[38] These reforms have taken Aotearoa/New Zealand from one of the most highly regulated to one of the least regulated countries in the Organisation for Economic Co-operation and Development ("OECD"),[39] making it a model for neo-liberal economic policies. "Anyone who looks at privatization and government reform trends around the world tends to look first at New Zealand . . . no one has done a better job than them."[40] New Zealand capitalizes on this reputation by "actively export[ing] advice on deregulation and privatisation."[41]

The National Party's dramatic decline in support at the 1993 election and the success of a referendum to change the electoral system from first-past-the-post ("FPP") to MMP representation are both often attributed to the lack of popularity of, at least, the fourth stage reforms of the welfare state.[42] The National Party was re-elected in 1993 by a slim majority in a context where the only other choice was the party that had initiated the radical reforms. Perhaps alerted to the possibility of overturns to its policy initiatives by its close win, and disturbed by predictions that MMP would result in more representative governments, the 1993 National Government quickly moved to attempt to entrench their fiscal policy through the New Zealand Fiscal Responsibility Act of 1994 ("FRA").[43] The fiscal strategies embedded in the FRA include stating principles of responsible fiscal management, which were seen as necessary to the maintenance of the confidence of the markets.[44] These principles include reducing Crown debt by running budget surpluses, maintaining stable tax rates, and prudently managing the Crown's financial risks (usually by privatising Crown assets to avoid risks of loss).[45] The requirement of extensive reports by the Government to the House of Representatives provides for monitoring of compliance

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38. *See* Noam Chomsky, *Old Wine in New Bottles: A Bitter Taste*, 2 ELECTRONIC J. RADICAL ORG. THEORY 1, 4 (1996) (comparing free market theory in today's First and Third World within the context of a symposium on JANE KELSEY, THE NEW ZEALAND EXPERIMENT: A WORLD MODEL FOR STRUCTURAL ADJUSTMENT? (1997)), *available at* http://www.mngt.waikato.ac.nz/depts/sml/journal/indexv11/chomsky.htm.

39. *See* KELSEY, *supra* note 1, at 85-90.

40. Eggers, *supra* note 27, at 2 (quoting U.S. Representative Scott Klug on federal privitisation).

41. Wendy Larner, *The 'New Boys': Restructuring in New Zealand, 1984-1994*, 3 SOC. POL. 32, 32 (1996).

42. *See* Boston, *supra* note 34, at 15-16.

43. Fiscal Responsibility Act, 1994 (N.Z.) [hereinafter "FRA"].

44. *See* JANE KELSEY, RECLAIMING THE FUTURE: NEW ZEALAND AND THE GLOBAL ECONOMY 376 (1999) [hereinafter KELSEY, RECLAIMING THE FUTURE].

45. FRA § 4(2).

with these principles.[46] The FRA allows for only temporary departure from the principles of responsible fiscal management.[47] Further, while the FRA is not formally entrenched in New Zealand law, non-compliance with its reporting requirements, or repeal, opens any government to attack on the basis that it is irresponsible with the country's money.

The stated aim of structural adjustment was making New Zealand markets (including its labour market) and products globally competitive.[48] Competition became the buzzword and the benefits of competition were continually espoused.[49] The centrality of competition to the economic policies restructuring the state required a corresponding rewriting of New Zealand's national identity. The national identity had to be shifted from one in which the motto "we take care of each other" was prominent,[50] to one that emphasized self-sufficiency, individual responsibility and individual competition in domestic and global marketplaces: "For 40 years, New Zealand tried to build a civil society in which all its people were free from fear or want. That project has now lapsed. In its place is only a vague exhortation for individuals to go and get rich."[51]

Politicians labeled this new society the "enterprise society."[52] The paradigm citizen in this nation competes individually in global markets as a business entrepreneur. His interest in getting rich coincides with the national interest, as his business creates jobs and products for export. His wealth allows him to exercise citizenship to consume many goods and services previously provided by the government,[53] but now more efficiently provided by businesses like his.

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46. FRA § 6-15.

47. FRA § 4(3)(a).

48. *See* KELSEY, *supra* note 1, at 91; *see also Shipley Praises Singapore Economic Measures*, THE DOMINION (Wellington), Nov. 21, 1998, at 2.

49. *See* KELSEY, ROLLING BACK, *supra* note 35, at 252.

50. Tim Hazeldine, Taking New Zealand Seriously, Inaugural Lecture at the University of Auckland (Aug. 1993) (on file with author); *see* Katherine Saville-Smith, *Women and the State*, *in* PUBLIC AND PRIVATE WORLDS: WOMEN IN CONTEMPORARY NEW ZEALAND 198 (Shelagh Cox ed., 1987). The national identity of care was written in an agricultural economy as farmers and neighbors all pitched in to help each other in difficult times. This identity also had a strong 'self-sufficiency' strand, onto which the current individualist discourse is being written. *See* DAVID THOMSON, A WORLD WITHOUT WELFARE: NEW ZEALAND'S COLONIAL EXPERIMENT 31 (1998). The welfare state that existed in New Zealand was far from utopian. *See* NANCY FRASER, UNRULY PRACTICES: POWER, DISCOURSE AND GENDER IN CONTEMPORARY SOCIAL THEORY 144 (1989).

51. KELSEY, *supra* note 1, at 8.

52. KELSEY, ROLLING BACK, *supra* note 35, at 22-23.

53. *See* NIRA YUVAL-DAVIS, GENDER AND NATION 84-86 (1997).

C. *The Treaty Settlements Process: The Production of Maori Men as Global Entrepreneurs*

The Eurocentric logic of identity provides a framework for analyzing the resolution of the tensions between the emerging national identities of biculturalism and global entrepreneurship in Aotearoa/New Zealand. These tensions came to a head in 1986 in *New Zealand Maori Council v. Attorney General* ("NZMC case"),[54] where the New Zealand Maori Council ("NZMC"), a statutory body, challenged the privatization aspect of structural adjustment using the SOE Act. The tension was resolved through the assimilation of some Maori men as global entrepreneurs and partners to the neo-liberal Treaty settlements. The logic of identity in dominant Eurocentric discourses produces universal unmarked subjects, usually some versions of white European males, who enjoy a wide range of possibilities in constructing their identities. "Membership in the dominant group . . . is legally marked by a convenient lack of interdiction, by unlimited possibilities."[55] The production of the universal unmarked subject relies on the logics of race, class, and gender for the displacement of these 'marks' onto 'others.'[56] The logic of assimilation of these 'others' to the position of the universal unmarked subject operates in two steps. The first step recognizes the sameness of the assimilated subject. The second part of this logic resists the incorporation of difference, leaving the mark of difference as "the primitive, the local, or the merely contingent" unassimilated.[57] This logic also structures the assimilated sameness hierarchically over the unassimilated difference.[58]

In the NZMC case, the NZMC sought a court order enjoining the government from privatizing state-owned assets under the SOE Act. The NZMC claimed that by transferring state assets potentially subject to future Tribunal claims to SOEs with a view to privatizing them, the Crown was exercising its powers in a manner inconsistent with the principles of the Treaty in contravention of the SOE Act.[59] The decision in the case provided some very limited protections for such assets, and highlighted the tension between biculturalism and

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54. N.Z. Maori Council v. Att'y Gen. [1987] 1 N.Z.L.R. 641.

55. Colette Guillaumin, *Race and Nature: the System of Marks. The Idea of a Natural Group and Social Relationships*, FEMINIST ISSUES 25, 41 (1988).

56. *See* CAROLE PATEMAN, THE SEXUAL CONTRACT 116-53 (1988).

57. David Lloyd, *Race Under Representation*, 13 OXFORD LITERARY REV. 62, 73 (1991).

58. *See id.*

59. 1 N.Z.L.R. at 655; State-Owned Enterprises Act, 1986 § 9 (N.Z.).

economic restructuring.[60]

The NZMC case was followed by a raft of cases challenging the SOE Act,[61] and an increasing backlog of costly and time-consuming Tribunal claims.[62] These cases and claims presented a practical obstacle and a political challenge to the legitimacy of the government's increasingly hegemonic economic agenda.[63] In response, the government developed a policy of negotiating Treaty claims directly, with the goal of settling them fully and finally. Settlements of outstanding debts to Maori would be fiscally prudent, would remove the 'drag' from the economy represented by Maori people and resources tied up in Tribunal claims, and would provide finality to Maori grievances and certain title to state-owned enterprises, enabling the Government to maximize profits from their sale. The Treaty settlements produced in this crucible of biculturalism and neo-liberal economic policy involved structuring the settlement proceeds into corporate ventures. The benefits of the settlements were meant to "trickle down" to Maori people over time.[64]

The recognition of sameness is the first part of the logic of assimilation.[65] Some senior and influential Maori men were among those at the forefront of the reconstruction of Aotearoa/New Zealand's national identity.[66] In 1984, as the Labour Government commenced implementation of neo-liberal economic policies, a few of these men formed a corporation called Maori International Ltd. ("MIL"). Subsequent to the NZMC case, the directors of MIL proposed the establishment of a Maori SOE that would "act as financial manager, advocate, negotiator, business advisor, commercial developer, lender and manager of trading operations owned by Maori investors."[67] Maori opponents argued that this type of economic approach would leave Maori "subordinated to colonial

60. *See* 1 N.Z.L.R. at 660, 665-68.

61. *See, e.g.*, Tainui Maori Trust Bd. v. Att'y Gen. [1989] 2 N.Z.L.R. 513; Love v. Att'y Gen., unreported (C.A. Mar. 20, 1989); N.Z. Maori Council v. Att'y Gen. [1989] 2 N.Z.L.R. 142.

62. Sir Robert Te Katahi Mahuta, *Tainui: A Case Study of Direct Negotiation*, *in* TREATY SETTLEMENTS: THE UNFINISHED BUSINESS 79-80 (Geoff McLay ed., 1995); KELSEY, ROLLING BACK, *supra* note 35, at 258.

63. *See* KELSEY, *supra* note 1, at 322.

64. *Id.* at 366.

65. MOIRA GATENS, IMAGINARY BODIES: ETHICS, POWER AND CORPOREALITY 25 (1996).

66. *See* KELSEY, ROLLING BACK, *supra* note 35, at 246-70.

67. KELSEY, QUESTION OF HONOUR, *supra* note 9, at 250.

economic and political structures,"[68] and the Maori SOE did not materialize. Despite this outcome, the directors of MIL were the men that the government turned to in its efforts to settle Treaty claims. They became known as 'the Maori negotiators,' assimilating themselves consistent with the new national identity of global entrepreneurs, or the "wheeler-dealer, BMW driving, cell phone carrying entrepreneur[s]."[69] These men negotiated settlements of Treaty grievances as corporate deals mirroring the neo-liberal policies of structural adjustment.

The two principle Maori negotiators of the first two major iwi (tribal) settlements, which were the most politically visible, were rewarded for assimilating to the new national identity with knighthoods. The knighthoods came at great cost. Treaty claims had to be negotiated in monetary terms and structured consistently with neo-liberal economic theory, and had to ignore issues of self-determination and political power-sharing, such as Jackson's claim for parallel legal systems.[70] In order to be constructed as reasonable, realistic, and deserving of knighthood, the negotiators assimilated to the new national identity, accepted a small fraction of the estimated amount of the claim, and agreed to fully and finally settle claims.[71]

The first part of the logic of assimilation provided recognition for the Maori negotiators only to the extent that they were willing and able to mirror the new national identity as global entrepreneurs. The title 'corporate warriors,' popularly used for the Maori negotiators, signals assimilation as both the reflection of the dominant 'corporate' partner, and the difference as the 'warrior' marked local, primitive, and raced other. Similarly, the Maori negotiators have been tagged as the 'Business Brown Table,' or just the 'Brown Table,' as a reflection of the Business Round Table marked by race.[72] The central corporation in one of the settlements is dubbed the 'Brown-faced Brierleys,' after Brierley Investment Ltd., one of the country's largest corporations. These labels in the neo-liberal economic terms of globalisation are translated in the colonial marking of the assimilated

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68. KELSEY, ROLLING BACK, *supra* note 35, at 248.

69. *Id.* at 338; *see* Larner, *supra* note 41, at 47.

70. *See* Audrey Young, *Treaty Settlements Salve for Maori Sovereignty Calls*, NEW ZEALAND HERALD, Oct. 7, 1995, at 5.

71. *See* Wayne Rumbles, Treaty of Waitangi Settlements Process: New Relationship or New Mask? Sovereignty, Tino Rangatiratanga, Identity and Postcolonialism 75-77 (1998) (unpublished L.L.M. thesis, University of Waikato School of Law) (on file with the University of Waikato School of Law).

72. Murray Horton, *The Brown Table*, 341 N.Z. MONTHLY REV. 14, 14 (1993).

'other' as 'just like a white man' or as a 'black Englishman.'[73]

Assimilation of the Maori negotiators as reasonable, realistic global entrepreneurs deserving of knighthood also allows those Maori who do not settle on these terms to be marked as unreasonable and unrealistic:[74]

> Mr Graham has offered $40[M] to the Whaktohea tribe in the Bay of Plenty to settle claims arising from the [C]rown's military invasion. The confiscated land today might be worth billions, says Mr Graham, 'but there are only 8000 of them (in the tribe) and the idea that somehow they should get all of that money is just totally unrealistic.'[75]

The assimilation of the Maori negotiators leaves a residue of race that is reflected in appellations of 'brown' and 'warrior,' and is displaced onto those Maori who refuse to settle Treaty grievances.

D. Displacing Gender and Culture: Centering Maori Women

Within the dominant logic of identity, production of the unmarked subject of New Zealand's new national identity also required displacing the marks of gender and culture onto 'others.' White women are one of the necessary symbols of the local and particular against which the universal subject is measured. Within the logic of gender, white women, as those responsible for raising white men, are the bearers and reproducers of Eurocentric cultures, and serve as a civilizing presence within the nation.[76] The re-emergence of the prominence of 'family values' during the process of structural adjustment and reconstruction of New Zealand's national identity may be seen as reaffirmation of the roles of white women as bearers and reproducers of Eurocentric cultures.

The process of colonization involved attempts to conform Maori women to the dominant logic of gender by constructing them as bearers of culture and civilizers of Maori men. In the crucible of discourses of structural adjustment and biculturalism, assimilation of the Maori negotiators into the new national identity displaced the

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73. *See* PATEMAN, *supra* note 56, at 85.

74. *See* Rumbles, *supra* note 71, at 83.

75. Anthony Hubbard, *Counting the Cost of Alienation*, SUNDAY STAR-TIMES (Auckland), Aug. 31, 1997, at C2.

76. *See* ANTOINETTE BURTON, BURDENS OF HISTORY: BRITISH FEMINISTS, INDIAN WOMEN, AND IMPERIAL CULTURE, 1865-1915 83 (1994); *see also* Lucy Bland, *Feminist Vigilantes of Late-Victorian England*, *in* REGULATING WOMANHOOD: HISTORICAL ESSAYS ON MARRIAGE, MOTHERHOOD AND SEXUALITY 33, 44 (Carol Smart ed., 1992); ANN ELSE, A QUESTION OF ADOPTION: CLOSED STRANGER ADOPTION IN NEW ZEALAND, 1944-1974 1-13 (1991).

mark of culture onto Maori women.[77] The negotiators are constructed in opposition to the local, particular and primitive represented by the colonized 'traditional' culture imposed on Maori women. Simultaneously, the agency of Maori women exceeds this construction.

Prominent Maori women scholars have pointed out that there is much evidence that, traditionally, Maori women assumed a whole range of leadership roles.[78] There is "unmistakable evidence that women's lives were richer and more varied than has ever been suggested in the 'received' anthropological literature"[79] and "all Maori women enjoyed a better status than that being experienced by women in Europe at the time."[80] Imposing the dominant logic of gender onto the operation of gender in Maori culture during colonization in New Zealand involved rewriting the roles of Maori women as subordinate to Maori men,[81] and consigning Maori women to the private sphere. For example, British officials often attempted to refuse political recognition to Maori women leaders by refusing to allow them to sign the Treaty, rendering them invisible in the public sphere of the new British colony. Despite these attempts, a number of Maori women signed at the insistence of the groups that they represented.

These rewritten, static 'traditional' roles are again imposed on Maori women as part of the process of assimilation of some Maori men. Maori women are often kept out of the management of Treaty settlement assets with the argument that 'traditional' Maori culture requires men to manage assets: "There is no system of guarantee of a place for Maori women within our own institutions or within the new organisations which have evolved to manage our assets. Any talk of structural change sends our Maori men into a tail spin about 'cultural

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77. *See* Sandra Phelps, E/Raced Bodies: Postcolonial Contestations and the Pathology of New Zealand's National Identity (1988) (unpublished M.S.S. thesis, University of Waikato) (on file at University of Waikato library).

78. *See* Annie Mikaere, *Maori Women: Caught in the Contradictions of a Colonised Reality*, 2 WAIKATO L. REV. 125 (1994). *See generally* Annette Sykes, *Constitutional Reform and Mana Wahine*, *in* THE FISCAL ENVELOPE: ECONOMICS, POLITICS AND COLONISATION (1995); Linda Te Aho, *The Dilemma of Conducting Research that Challenges Accepted Practices and Perspectives Within a Tribal Administrative System*, (paper presented at Feminist Legal Academics Workshop: Law, Feminisms, Cultures and Diversities, Univ. of Sydney, Feb. 24-26, 1999) (on file with author).

79. Judith Binney, *Some Observations on the Status of Maori Women*, *in* WOMEN IN HISTORY 2: ESSAYS ON WOMEN IN NEW ZEALAND 12,14 (Barbara Brookes et al. eds., 1992).

80. Clea Te Kawehau Hoskins, *In the Interests of Maori Women?: Discourses of Reclamation*, 13 WOMEN'S STUD. J. 25, 31-32 (1997).

81. *See* Mikaere, *supra* note 78, at 129.

correctness' and 'making waves.'"[82] At the same time, assimilation indicates that the male roles are fluid: "The changes being made to our culture are freeing up the role and status of all men, Maori and Pakeha, whilst petrifying, meaning ceasing to change or develop, the role and status of Maori women."[83]

The gender 'spin' on the settlements process is that fluidity is appropriate for the roles of Maori men and the implicit assumption is that women's roles must remain static.[84] In other words, Maori women carry, or symbolize, 'traditional' Maori culture.[85] The exclusion of women from the management of settlement assets reflects the dominant Eurocentric logic of gender, within which women are bearers of culture.

The actions of many Maori women far exceed the construction of "Maori women" through this logic of gender. Maori women have been central to the revitalization of Maori culture over the past two decades.[86] Many occupy powerful and influential positions within Maori culture and society, and "have maintained a vanguard position on Treaty issues and debates with the Crown."[87] A recent survey of Maori people revealed that leadership was firmly located at the hapu ('sub-tribe') level (not in the so-called national figures, some of whom were chosen by the government to negotiate the Treaty settlements). Furthermore, two of the only three Maori leaders who gained over ten percent recognition outside of their iwi borders were women.[88]

A theoretical analysis that centers on Maori women focuses on their pivotal position in the operation of the settlements process. The political activism of some Maori women, gaining momentum from the 1970s, operated to disrupt the constructed illusion of unity of the nation. Regaining the illusion of stability and, in particular, reaffirmation of the dominance of the minority of privileged white

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82. Ripecka Evans, *The Negation of Powerlessness: Maori Feminism, a Perspective*, 20 HECATE 53, 64 (1994).

83. Kathie Irwin, *Towards Theories of Maori Feminisms*, *in* FEMINIST VOICES: WOMEN'S STUDIES TEXTS FOR AOTEAROA/NEW ZEALAND 1, 18 (Rosemary Du Plessis et al. eds., 1992); *see generally* Catherine P. Kingfisher, *Rhetoric of (Female) Savagery: Welfare reform in the United States and Aotearoa/New Zealand*, 11 NAT'L WOMEN'S STUD. ASS'N J. 1, 1-15 (2000).

84. *See* Irwin, *supra* note 83, at 19.

85. *See id.* at 16.

86. *See generally* Evans, *supra* note 82.

87. Tania Rangiheuea, *The Role of Maori Women in Treaty Negotiations and Settlements*, *in* TREATY SETTLEMENTS: THE UNFINISHED BUSINESS 108 (Geoff McLay ed., 1995)

88. *See* Mikaere, *supra* note 78, at 137 n.98.

men, required erasing these Maori women activists as serious political subjects.[89] Cooperation of at least some Maori men in a temporary alliance among men across race in the Treaty settlement process facilitated this erasure.[90] Necessary to this dynamic is the construction of the Maori negotiators as reasonable and rational assimilated subjects. Maori women who refuse to participate in this production by performing the corresponding roles of bearers of 'traditional' Maori culture are labeled 'Maori activists' and represented as "hysterical and out there."[91] The construction of their 'hysterical' claims for full political self-determination in opposition to the 'realistic' acceptance of the Maori negotiators of tiny fractions of commodified claims operates to maintain the legitimacy of the myth of the illusion of national unity.[92]

III. AOTEAROA/NEW ZEALAND'S FIRST WOMEN PRIME MINISTERS

While the settlements process operated to silence and erase the political activism of some Maori women, backlash against it contributed to political instability, opening space for the political coup bringing Aotearoa/New Zealand's first white woman Prime Minister to power. Another factor contributing to the instability was the transition to an MMP electoral system and government in 1996. Simultaneously, the new MMP coalition governing system and the results of structural adjustment and free trade agreements limited the power of the Prime Minister, raising the question of whether that position is in the process of regendering to the feminine. The events surrounding the coalition government headed by New Zealand's second, and first elected, woman Prime Minister highlight this regendering process.

Studies of women as national leaders indicate that most have held office in less developed countries and have been leaders in times of social or political instability,[93] or when crises or transitions require a mediator-type figure.[94] Prior to the transition to MMP, New Zealand's Parliamentary structure and party politics allowed and facilitated

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89. *See* KELSEY, *supra* note 1, at 50.

90. *See id.* at 151; Evans, *supra* note 82, at 63.

91. KELSEY, *supra* note 1, at 321. *See generally* Te Aho, *supra* note 78.

92. *See* Paul McHugh, *Crown-Tribe Relations: Contractualism and Coexistence in an Intercultural Context, in* THE NEW CONTRACTUALISM 199 (Glyn David et. al. eds., 1997).

93. *See* Michael A. Genovese, *Women as National Leaders: What Do We Know?, in* WOMEN AS NATIONAL LEADERS 211, 212-13 (Michael A. Genovese ed., 1993).

94. *See, e.g.*, V. SPIKE PETERSON & ANNE SISSON RUNYAN, GLOBAL GENDER ISSUES 46-48 (1993).

rapid change.[95] Its single-house Westminster-style Parliament was elected on an FPP basis. Combined with an entrenched two-party system in which each party maintained rigid internal discipline, and no entrenched constitution or Bill of Rights, this system resulted in the Cabinet (the Prime Minister and Ministers appointed by the Prime Minister or elected by that party's Members of Parliaments ("MPs") enjoying "unbridled power" once elected.[96] Changing the electoral system to MMP was a manifestation of opposition to structural adjustment. The change was seen to be likely to facilitate the participation of more political parties, to result in coalition governments that might be checked by smaller parties, and to result in a more representative Parliament. It was argued that MMP would "bridle" the power of the Cabinet and Prime Minister,[97] make the role of the Prime Minister more difficult, in part due to the mediation skills required in a coalition government, and complicate problems of political leadership and cooperation.[98] The transition from an FPP to an MMP electoral system was also likely to result in some instability of both the first MMP coalition and its Cabinet. In particular, the transition from FPP to MMP style governing was likely to be politically hazardous, as both politicians and voters adjusted their actions and expectations to the new government format and process.

The first MMP election was held in 1996. Winston Peters, a Maori MP who had resigned from the National Party, led the new New Zealand First ("NZ First") party, which claimed to be centrist and had a high proportion of Maori members. NZ First's popularity, which gave Peters the power to form a coalition with either National or Labour, reflected a significant portion of the electorates' opposition to structural adjustment policies and continued reluctance to vote for either party that had implemented the policies. While many of NZ First's voters expected Peters to form a coalition with Labour subsequent to the election, in a surprise move in early 1997, he chose National, led by Jim Bolger, instead.

Treaty settlements had been associated with the Bolger government since at least 1995, and Bolger was closely associated with Treaty Negotiations Minister Doug Graham.[99] In 1997, negotiating

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95. *See* SCHICK, *supra* note 24, at 14.

96. PALMER, *supra* note 19, at 14.

97. GEOFFREY PALMER & MATTHEW PALMER, BRIDLED POWER: NEW ZEALAND GOVERNMENT UNDER MMP 309 (3d ed. 1997).

98. *See id.* at 14, 54.

99. *See* Ruth Laugesen, *Bolger Moves Slowly to Conciliation After Waitangi*, THE DOMINION (Wellington), Feb. 13, 1995, at 2.

the second large iwi settlement, Graham was under attack as part of the white backlash against settlements: "The handout of $170 million of our hard-earned taxes to a perennially dissatisfied bunch of people who claim part-Maori ancestry is a preposterous grovel, an acknowledgement Doug Graham and his supporters have succumbed to political correctness."[100] Graham's "supporters" here may well have included Bolger.

In June of 1997, Graham was castigated in the press for stating that there was "one law for Maori people, [and] a different law for non-Maori people," and it was suggested that National was losing voter support due to the Treaty settlements process.[101] Graham publicly explained that his statement referred to customary rights that Maori had prior to the Treaty that had not been extinguished by Parliament; the second settlement would recognize a right by the iwi to use about one hectare of Department of Conservation land for up to 210 days per year.[102] Despite the explanation, Graham came under "heavy fire" from other National MPs for damaging the party in the polls.[103]

In July, businesses criticized Peters' first budget due to its higher social spending.[104] By September of 1997, eighty-four percent of those polled disapproved of the Coalition's performance, Peters gained only two percent support as preferred Prime Minister, and there were calls to dump Bolger as Prime Minister.[105] Disapproval of the Coalition rose to ninety-five percent in October, and Bolger's ratings continued to fall. Meanwhile, speculation rose that National's Transport Minister Jenny Shipley would make a bid for Prime Minister. Shipley's route to power in a conservative party included being Minister of Women's Affairs and Social Welfare Minister during 1990 and 1991 when the Government repealed Pay Equity legislation, cut benefits, introduced an ECA with minimal protections for workers and ended lump sum payments in the accident

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100. Frank Haden, *Big Handouts and the Maori Lottery*, SUNDAY STAR-TIMES (Auckland), Sept. 28, 1997, at 2.

101. Frank Haden, *Graham Puts His Foot in His Mouth – Again*, SUNDAY STAR-TIMES (Auckland), June 8, 1997, at 4.

102. Doug Graham, *Recognition of Maori Rights Is Not a Short Cut to Apartheid*, THE PRESS (Christchurch), June 11, 1997, at 13.

103. Ruth Laugesen, *Graham Accused of Party Damage*, SUNDAY STAR-TIMES (Auckland), June 15, 1997, at 1.

104. *See* Graham, *supra* note 101, at 9. *But see* Sarah Catherall, *NZ First to Grapple With Cuts*, SUNDAY STAR-TIMES (Auckland), July 12, 1998, at 3.

105. *See* Sarah Boyd & Brent Edwards, *Dire Poll Backs Up Call to Dump PM-Fletcher*, THE EVENING POST (Wellington), Sept. 23, 1997, at 3.

compensation scheme, all policies that disadvantaged women,[106] and disproportionately disadvantaged Maori women. While Graham had been tapped as a possible successor to Bolger in 1993,[107] it was Shipley, perceived to be re-orientating National to its right wing roots,[108] who executed the successful coup in early November of 1997. Although Shipley retained Graham as Treaty Negotiations Minister, probably as part of the price for retaining NZ First's support, one of her first moves was to demote Graham from sixth to eleventh position in the Cabinet.[109] White backlash against Treaty settlements was seen to have cost Graham his aspirations for higher office.[110]

Few analysts have explicitly suggested, as this article has, that white backlash to Treaty settlements contributed to opening space for the first woman Prime Minister. Rather, Bolger's fall from power was often widely attributed to his willingness to soften National's policies to retain the support of its coalition partner,[111] seen as instability by politicians and voters expecting an FPP performance from the first MMP government. This article argues that white backlash, combined with the instability of the transition to MMP governing and the first coalition government, helped to create the space for Shipley's successful bid for Prime Minister.

Some political analysts did highlight the difficult job facing Shipley as Prime Minister, one suggesting that it was a "mission impossible," noting that the odds were "stacked high" against reviving a party eight years in power with a disapproval rating of ninety percent.[112] Much later, the question of whether the National party set her up to fail in the "awful" first MMP government was posed, and it was suggested that "no Prime Minister could have run a convincing government" at that time.[113] Far from being the cause for celebration that feminists might have enjoyed, this analysis suggests that New Zealand's first woman Prime Minster, an MP who gained credibility in a conservative party by implementing policies detrimental to women,

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106. *See* Brent Edwards, *The Battle of Political Amazons*, THE EVENING POST (Wellington), Nov. 10, 1997, at 7.

107. *See* Doug Graham & Tracy Watkins, *Treaty Job a Turning Point*, THE PRESS (Christchurch), Aug. 31, 1998, at 7.

108. *See* Peter Luke, *A Sharp Step to the Right: Fact, Fiction, or Mischief?*, THE PRESS (Christchurch), Nov. 19, 1997, at 11.

109. *See* Graham & Watkins, *supra* note 107, at 7.

110. *See id.*

111. *See* Ian Templeton, *Wake-up Call for Fiscal Discipline*, SUNDAY STAR-TIMES (Auckland), Oct. 19, 1997, at 2.

112. Ruth Laugesen, *New Leader May Face Mission: Impossible*, SUNDAY STAR-TIMES (Auckland), Nov. 9, 1997, at 2.

113. Colin James, *Patriarchal Party Games*, MGMT. (Auckland), Feb. 1, 1999, at 73.

was supported in her coup by white backlash and rewarded for her efforts with the job of Prime Minister when no one else wanted it.[114] The 1999 election of Helen Clark, as leader of a centre-left coalition between Labour and the Alliance, supports the suggestion that Shipley's task was impossible.

The experiences of Bolger and Shipley suggested that MMP was resulting in limiting the power of the Prime Minister in the Cabinet. The instability introduced by the transition to MMP continued through the 1999 election. It was still unclear whether MMP style coalition governing would be successful in New Zealand. Further, the early experiences of the 1999 coalition government highlight the effect of policies of structural adjustment in limiting, at least at this moment, the ability of a New Zealand government to make changes inconsistent with neo-liberal economic ideology. This analysis raises the question of whether the position of Prime Minister in New Zealand is in the process of regendering to the feminine.

Georgia Duerst-Lahti argues that women tend to repeat in top government posts either because the posts are gendered female because they are consistent with roles ascribed to women more generally, as is the case in the United States with Health and Human Services, or because once a woman has held the post it becomes regendered to female.[115] She describes the regendering of a post: "The basic premise is that highly valued and prestigious work loses status once women perform it; the work becomes gendered in a way that is other than fully masculine and loses value in the process."[116] It should be noted that it may not be possible to distinguish cause and effect in this feminization.[117] The position may become less valued over time because women hold it, or women may hold it because it lacks prestige or is losing prestige. The result of a regendering of a position to the feminine is likely to be some combination of a loss of budget, prestige, and authority.[118]

Both the change to an MMP electoral system and policies of structural adjustment have limited the power of the Prime Minister and Cabinet. Kelsey has argued that restructuring of the public sector, combined with deregulation, market liberalization, free trade

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114. *See* Laugesen, *supra* note 112, at 2.

115. Georgia Duerst-Lahti, *Reconceiving Theories of Power: Consequences of Masculinism in the Executive Branch*, *in* THE OTHER ELITES: WOMEN, POLITICS, AND POWER IN THE EXECUTIVE BRANCH 11, 20 (Mary Ellen Borrelli & Janet M. Martin eds., 1997).

116. *Id.* at 21.

117. *See id.*

118. *See id.*

and fiscal restraint all limit Crown sovereignty,[119] with the intent to facilitate the creation of a global denationalising "economic space."[120] The resulting practical political limitations on successor governments to these radical changes are great:

> According to the globalisers, future New Zealand governments have little room to re-regulate financial markets, capital movements and investor rules, to increase taxes, or to provide support for domestic producers. By the same reasoning, any government policies that impact on international competitiveness and profitability would also be fettered, including those related to the Treaty of Waitangi, labour, the environment, and social policy.[121]

The limitations on the current Labour Coalition Government as a result of the entrenchment of neo-liberal ideology were demonstrated in the response to its introduction of an Employment Relations Bill ("Bill")[122] intended to provide Unions with a moderate rebalancing of power after ten years of the harsh deregulation of the ECA. The business community reacted adversely to the Bill, and there was a plunge in business confidence polls that some argued was contrived and unnecessary.[123] The government was forced to 'water down' the already moderate changes contained in the Bill before enacting it.[124]

Research suggests that a regendering of a position is accompanied by loss of prestige, budget, and authority. The limitations on government decision-making imposed by structural adjustment and illustrated by the attempt to change New Zealand's labour law, even with a clear Parliamentary majority, suggest a loss of authority of the Prime Minister and Cabinet. While the FRA and RBA, which contain key neo-liberal monetary policies, technically may be repealed by a simple majority of Parliament, they have so far been treated as sacrosanct on the basis that they are required to maintain the confidence of "the markets."[125] The requirements of the FRA effectively limit the budgetary discretion of the government. The MMP political system requires political parties to share power in government and requires their leaders to be prepared to listen and

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119. *See* KELSEY, *supra* note 1, at 368.

120. SASKIA SASSEN, LOSING CONTROL?: SOVEREIGNTY IN AN AGE OF GLOBALIZATION 44 (1996).

121. KELSEY, RECLAIMING THE FUTURE, *supra* note 44, at 375.

122. *See* Employment Relations Bill, 2000 (N.Z.).

123. *See* Phil Love, *Wiping Smiles Off Faces*, EVENING POST (Wellington), June 3, 2000, at 11.

124. *See Business Worries*, THE PRESS (Christchurch), May 29, 2000, at 4.

125. KELSEY, RECLAIMING THE FUTURE, *supra* note 44, at 376.

compromise. These are characteristics that are gendered female, and even when demonstrated by Prime Minister Bolger, seem to have contributed to his fall. The requirement of these characteristics may contribute to the regendering of the position of Prime Minister, and its resulting loss of prestige.

This article's argument that the position of Prime Minister in Aotearoa/New Zealand may be in the process of regendering at this particular historical moment is not meant to suggest that New Zealand's two women Prime Ministers have lacked agency or been passive victims in attaining these positions. On the contrary, it has been argued that "both Clarke and Shipley got to where they are through machiavellian politicking."[126] Further, as discussed above, the research suggests that women become national leaders at times of instability, or when the position is faced with particular challenges. This analysis suggests that what we know about women's roles generally might apply here; women have to work harder and perform better for less money, prestige and authority than men would be likely to accept for the same job.[127]

IV. CONCLUSION

This paper has traced two strands of the race and gender dynamics of Aotearoa/New Zealand's political economy. It has argued that the willingness of some Maori men to assimilate to the new national identity of global entrepreneurs through the process of Treaty settlements has operated as an alliance of men across race to silence and erase the political demands of some Maori women activists for Maori self-determination. Ironically, white backlash against these same settlements opened space for the rise to power of Aotearoa/New Zealand's first white woman Prime Minister. Jenny Shipley gained credibility for her rise in the conservative National party by implementing policies detrimental to women, especially beneficiaries and working class women, where Maori women tend to be disproportionately represented. If Aotearoa/New Zealand is to progress beyond repeating the old assimilative, silencing and erasing tactics of colonization, it must be willing to adopt analyses that center Maori women in the search for new solutions to old problems.

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126. Edwards, *supra* note 106, at 7 ("Both used subterfuge, trickery and treachery to wrest control of their respective parties.").

127. *See* PETERSON & RUNYAN, *supra* note 94, at 88.