



THE COMMON ROOM

# Decolonising Universities? Myth-Histories of the Nation and Challenges to Academic Freedom in Aotearoa New Zealand

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## Abstract

Can decolonising the university create possibilities for new stories to come into being, in the wake of the devastation wrought by colonisation? In Aotearoa New Zealand a particular instance of decolonising universities is under way. This is one that highlights how engagement with decolonising approaches may end up harming academic work. In New Zealand, public universities have involved themselves in negotiating a delicate compromise between activism and the demands of the state. This compromise brings into question the robustness of institutional autonomy and academic freedom. Conjoining the activist idea of decolonising with language that refers to a distinctive form of state governance foregrounding a political relationship between the Crown (executive government) and Māori, several universities have committed themselves to a ‘Treaty partnership’ with Māori. The idea is rooted in recent interpretations of the colonial Treaty of Waitangi/Te Tiriti o Waitangi, signed in 1840. The Treaty is and has been a contested text, event and idea. When universities invoke a particular idea of the Treaty as if it is a consensus view in order to advance social objectives, they risk thwarting the role and responsibility of academics, and particularly historians, to the common good as ‘critic and conscience’ of society.

**Keywords:** Academic freedom; decolonising; New Zealand; universities; indigenising

[T]he issue that concerns us is not who has the power to tell the story – however important that might be; it is rather how power shapes what any true story could possibly be.<sup>1</sup>

<sup>1</sup> Jonathan Lear, *Radical Hope: Ethics in the Face of Cultural Devastation* (2006).

Can decolonising the university create possibilities for new stories to come into being in the wake of the devastation wrought by colonisation? This is the hope of academics responding to wider social activism as well as internal debates about cultural imperialism. Those in former imperial metropolises and various postcolonial and settler colonial locations have called for universities to decolonise themselves by fostering new stories and storytellers. They make forceful arguments for the need to undo existing power structures which marginalise issues of race and representation. They aim to remake universities as places of substantive freedom for a much wider diversity of scholars and subjects than has conventionally been the case.<sup>2</sup>

In Aotearoa New Zealand a particular instance of decolonising universities is under way. This is one that, while promising the telling of new stories, also highlights contradictions in decolonising aspirations. In this south Pacific archipelago, annexed to the British Empire in the mid-nineteenth century, universities are conjoining the activist idea of decolonising with language that refers to a distinctive form of state governance that foregrounds a political relationship between the Crown (executive government) and Māori. Several universities have committed themselves to a ‘Treaty partnership’ with *mana whenua*,<sup>3</sup> that is Māori iwi (tribes) who hold local territorial authority. By so doing, universities seem to be ceding some of their autonomy to an iwi positioned outside of the institution, while at the same time universities mimic expressions of state power-sharing that are only a few decades old and that are the subject of considerable political dispute.

The idea of being a ‘Treaty partner’ is rooted in more recent interpretations of the colonial Treaty of Waitangi/Te Tiriti o Waitangi, signed in 1840. The Treaty was one basis for annexation of the islands to the British Empire. Despite its historic role in annexation, in recent decades its meaning has been rehabilitated: the Treaty has come to be regarded as the founding document of a bicultural nation. The current story told about the Treaty is that, in two somewhat different language texts, it allowed for British governance while guaranteeing Māori certain rights. This included, in the Māori language text, the ongoing right to exercise *rangatiratanga*, which is variously translated, sometimes as ‘sovereignty’ as well as ‘chiefly authority’.<sup>4</sup> Today, the Treaty is invoked in law and public policy to signify reparation and biculturalism, referring to indigenous Māori culture and that of the mainly British settler descendants, or *Pākehā*. The Treaty also evokes Māori political and social goals including power-sharing, autonomy and equality, even when these might be in tension with each other.

While politically useful to an extent, this story of the Treaty assumes a consensus about the past. This is one that affirms a present-day view rather

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<sup>2</sup> See for example Gurminder K. Bhambra, Dalia Gebrial and Kerem Nişancıoğlu (eds.), *Decolonising the University* (2018).

<sup>3</sup> Note that because the Māori language is an official language of New Zealand, Māori language terms are not italicised in English-language publications. I have followed that local convention in this essay.

<sup>4</sup> See for example Claudia Orange, *The Story of a Treaty: He Kōrero Tiriti* (Wellington, 2023).

than examining different meanings of the Treaty in different historical contexts. When such a consensus underwrites a political project and institutional change – the conjoining of the decolonising project with a state political process – it needs to be questioned and carefully analysed.

The consensus view of the Treaty is premised on a myth-history that underwrites current institutional claims to decolonising in the name of ‘Treaty partnership’. While this myth-history draws on real events (such as the making of the Treaty itself), it retells such events in terms of a story of what *ought* to have occurred. Thus, it is written with a view to enacting its ideals in the present, rather than seeking to examine the messy complexities of past realities. By presenting a myth-history as agreed-upon fact, the *colonial* Treaty can thereby be reimagined as a framework for decolonisation in contemporary university settings.

Yet the Treaty is and has been a contested text, event and idea. Recent university policies invoke a particular, static, idea of the Treaty as if debate about it has been resolved. Ironically, the writing of a critical and rigorous constitutional history, one that may seek to question the role and significance of the Treaty and examine its many lives, is likely to be regarded as an act of bad faith in such a context. The academic historian faces moral dilemmas and unknown pitfalls in pursuing such a critical account. Moreover, the achievement of wider institutional goals via an unquestioned myth-history threatens to lead to conformity of opinion. While these university policies aim to advance social objectives, they risk thwarting the role and responsibility of academics, and particularly historians, as ‘critic and conscience’ of society.

The challenge that I describe is different from that faced in the United Kingdom and Florida, where right-wing governments have conflated ‘academic freedom’ with a broader ‘free speech’ agenda. Amia Srinivasan has recently pointed out that the former is ‘the freedom to exercise academic expertise in order to discriminate between good and bad ideas, valid and invalid arguments, sound and hare-brained methods’. This is what she argues is under ‘attack’ from the new *Higher Education Act* in Britain according to which universities may be forced into compliance with the ‘right’s doublethink around free speech’.<sup>5</sup> What I analyse in this essay likewise throws up questions of how universities are or are not autonomous from the state and politics, although the context is very different. I associate the current challenges in Aotearoa New Zealand with a politics of progressive nationhood in a fraught postcolonial context. I am not describing – and do not believe this to be – an ‘attack’ on academic freedom. Instead, public universities are negotiating a delicate compromise between activism and the demands of the state in the wake of colonisation. But a good-faith effort to right historical wrongs may have the unintended consequence of circumscribing the ‘freedom to exercise academic expertise’. This may happen by limiting the choice of research and teaching topics and by reshaping individual academics’ ability to carry

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<sup>5</sup> Amia Srinivasan, ‘Cancelled: Amia Srinivasan Writes about Free Speech on Campus’, *London Review of Books*, 45 (29 June 2023), <https://www.lrb.co.uk/the-paper/v45/n13/amia-srinivasan/cancelled>.

out such work in a way that they see fit according to their varied expertise, interests and skills.

### Universities and ‘Treaty partnership’

The predicament for historians and other scholars has become clearer as universities in Aotearoa New Zealand have announced new vision statements and strategic plans. These claim to be led by principles of the Treaty – usually referring to the Māori word ‘tiriti’ to indicate allegiance to a particular interpretation. For instance, according to its ‘Vision 2040’ interim statement, the University of Otago ‘aspires to be a Tiriti-led university’. ‘Te Tiriti’ is the ‘foundation document of our nation’ and this institution will now be trying to ‘liv[e] up to’ the ‘kind of relationship it originally envisaged’. This includes ‘advancing Māori development aspirations’ and ‘integrating te ao Māori, tikanga Māori, te reo Māori and mātauraka Māori’ into teaching, learning, research and support services.<sup>6</sup> Other universities have also emphasised the importance of the Treaty in institutional commitments. Massey University’s ‘Strategy 2022–2027’ makes a similar set of claims about being a Tiriti-led institution:

As a Tiriti-led University we are committed to demonstrating authentic leadership in contemporary Aotearoa New Zealand as we uphold Te Tiriti o Waitangi, the founding document of our nation, and its principles through our practice. We see this as a critical requirement to advance more inclusive and socially progressive outcomes for Aotearoa New Zealand. We will achieve this through provision of well-resourced Te Tiriti education, including research, teaching and collaborations that emphasise Te Tiriti-informed partnerships.<sup>7</sup>

Why this emphasis on being ‘Tiriti-led’? The answer is to be found in part in relation to broader political developments in New Zealand. In the absence of a single document, or collection of documents, that we could refer to as the constitution of New Zealand, the Treaty of Waitangi/Te Tiriti o Waitangi has achieved such a status. This has occurred in a distinctive context, for a particular purpose: to establish legitimate terms of cohabitation between two peoples, who have at times opposed each other in the past (sometimes violently), and now seek to reconcile without giving up important differences that make them distinct. According to this story, while the Treaty marks the beginning of a new nation, it has also preserved cultural continuities. This idea is significant for how the Treaty is put to work in present-day policy-making and in forging a broader political consciousness: invoking the Treaty seems to invite the new without destroying the old. Remarkably, this idea of the Treaty has permeated much of public life in the country.

<sup>6</sup> University of Otago, ‘Vision 2040’ (approved as an interim final version by University Council, 29 Nov. 2022). ‘Mātauraka’ is the southern spelling for the term ‘mātauranga’ used elsewhere in the country.

<sup>7</sup> Massey University, ‘Strategy 2022–2027’, 6.

The interpretation of the Treaty as foundational to biculturalism, though now appearing as timeless orthodoxy, is only one of many that have been made by historians, lawyers, politicians, activists, rangatira (traditional leaders) and others over time. In other historical contexts, the Treaty was ignored or marginalised, or accorded a blithely symbolic meaning in making claims about the unity of the nation. Māori have interpreted the Treaty in many different ways since 1840: as a compact guaranteeing equal citizenship; or as a promise by which the state might be held to account, particularly in regard to land loss and rights to fishing and harvesting; but also as an event entailing considerable duplicity, one to be contested and even refuted. Even at an important meeting of chiefs and government ministers in 1860, just twenty years after the signing of the Treaty and on the verge of war, Māori understanding of the Treaty's terms and promises was not settled and their speeches did not even reference the Treaty extensively, as Lachy Paterson has carefully examined.<sup>8</sup>

A common activist slogan in the late 1970s and 1980s was 'the Treaty is a fraud'.<sup>9</sup> The slogan, associated with the activist group the Waitangi Action Committee, responded to the emphasis from the 1970s onwards that the 'two texts' (in fact there are a number of versions of Treaty documents), one in the English language and one in the Māori, appear to differ markedly, partly in meaning as well as in intent. Of particular concern for historians has been how sovereignty, government and possession were translated by missionaries at Waitangi and elsewhere, and how these ideas were understood at the time and subsequently.

Since the 1970s, following a seminal article published by the public historian Ruth Ross in the *New Zealand Journal of History* in 1972, the differences in meaning between the two language versions have preoccupied lawyers, judges, activists and historians.<sup>10</sup> In a recent book, Bain Attwood shows that Ross's argument in this unexpectedly influential article came to be misinterpreted.<sup>11</sup> Nonetheless, he traces how her 'minor' argument that the Māori text – or 'te Tiriti' – was the original text, since this was the one that many, though not all, rangatira in 1840 signed, laid the groundwork for a major reinterpretation of the Treaty. This is one that has underpinned the work of the Waitangi Tribunal, established in 1975 to inquire into Māori grievances regarding breach of the Treaty and recommend redress. It has also been highly influential in the courts and public policy.

While the different language texts have been the focus of considerable attention and debate, what has received much less attention in the public and political spheres is the quite radical change over time in political and

<sup>8</sup> Lachy Paterson, 'The Kohimārama Conference of 1860: A Contextual Reading', *Journal of New Zealand Studies*, 12 (2011), 29–46.

<sup>9</sup> For a discussion, see Ranginui Walker, *Ka Whawhai Tonu Matou: Struggle without End* (Auckland, 2004), ch. 11.

<sup>10</sup> R. M. Ross, 'Te Tiriti o Waitangi: Texts and Translations', *New Zealand Journal of History*, 6 (1972), 129–57.

<sup>11</sup> Bain Attwood, 'A Bloody Difficult Subject': Ruth Ross, *te Tiriti o Waitangi and the Making of History* (Auckland, 2023).

constitutional meanings ascribed to the idea of the Treaty, as Attwood forcefully demonstrates. It is primarily the *matter* of this difference – that is, the historicity of Treaty interpretation and its plural (though not necessarily endless) meanings – to which I draw attention.<sup>12</sup> The Treaty has been, and should continue to be, the subject of reinterpretation and even contestation.

Yet such interpretive dissensus – which is ongoing – becomes difficult to discuss and debate openly when Te Tiriti is presented as a set of incontestable, fixed, principles by which a university defines itself. Indeed, it is as if, by becoming ‘Tiriti-led’, universities in Aotearoa New Zealand are proposing that their interpretation of the Treaty is *the* framework by which academic work – teaching and research – is to be assessed and valued, however vague and ill-formed. Both of the university statements quoted earlier refer to Te Tiriti – that is the Māori version and what Ross viewed as the original text. Both universities represent their particular responsibilities to Te Tiriti in terms of advancing Māori language and knowledge, custom and law. Further, these universities argue that in order to make good on the obligation to uphold the original relationship envisaged in the Treaty, they will be partnering with mana whenua. In the case of the University of Otago, it will be ‘proactively partnering with Kāi Tahu as mana whenua’ and those iwi in other locations where the university has a presence.<sup>13</sup>

It is the claim to be ‘proactively partnering’ with mana whenua that the political scientist Dominic O’Sullivan has drawn attention to in critiquing Otago’s vision statement. Universities, he writes, should not be adopting the role of Treaty partner as if they are delegated Crown representatives. Doing so turns academics into something more like public servants. It does not do enough to recognise their role as critic and conscience of society. Universities are independent institutions, emphasises O’Sullivan, places where ideas need to be tested and debated by academics who are not constrained by the codes of conduct imposed on public servants.<sup>14</sup>

I am not privy to the discussions among senior leaders of universities about why they have decided to engage in Tiriti-led partnerships. However, it is clear from publicly available documents that partnership is centrally important. Variations on the term ‘partner’ and ‘partnership’ are used at least twenty-four times in Otago’s interim statement. The keyword is primarily used in reference to a partnership with mana whenua, but also to refer to other ‘partnering’ activities. For instance, the university aims to partner with ‘communities in Te Waipounamu [the South Island] and Aotearoa New Zealand, the Pacific, and beyond to undertake research, teaching, and service that supports their needs’. Further underlining the idea that such actions are, in fact, core values, the statement explains that ‘community and partnership’ is something that the

<sup>12</sup> On this point, see also Michael Belgrave, *Historical Frictions: Māori Claims and Reinvented Histories* (Auckland, 2005), esp. ch. 2.

<sup>13</sup> University of Otago, ‘Vision 2040’, 20. See also Massey University, ‘Priority 8 – Create, Honour and Sustain Meaningful Connections and Partnerships’, in ‘Massey Strategic Plan 2022–2027’, 16.

<sup>14</sup> Dominic O’Sullivan, ‘NZ Universities Are Not Normal Crown Institutions – They Shouldn’t Be “Tiriti-Led”’, *The Conversation*, 21 Mar. 2023. See also *idem*, *Sharing the Sovereign: Indigenous Peoples, Recognition, Treaties and the State* (Singapore, 2021).

university 'foster[s]'. This includes partnerships with industry and other local body authorities and so on. 'Partnership' is now something that the university seems to be extensively involved in with a variety of communities and entities, in order to meet those communities' needs as well as (at least implicitly) reap some benefits.<sup>15</sup>

But what does 'partnership' mean and what does it entail? The vagaries in these statements make it hard to work out what exactly is being envisaged. The scale at which partnerships is imagined matters. A bounded, specific project undertaken by an academic research team or class in partnership with a particular indigenous entity in order to, for instance, co-design a museum exhibition is a very different proposition to that of enacting an ongoing partnership between two major institutions. In that case, we might ask whether two very different partners do in fact share the same values and means of enacting them. One partner is an educational and knowledge-producing institution with a long European and colonial history, publicly funded to be of service to New Zealand society, and both legislatively required and conventionally understood to guarantee academic freedom. As the often-cited 'Statement of Principles on Academic Freedom and Tenure' by the American Association of University Professors (1940) asserts, 'Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole.' Further, '[t]he common good depends upon the free search for truth and its free exposition'.<sup>16</sup>

The other partner is a community defined by ancient lines of whakapapa (genealogical descent) seeking to uphold its mana, or authority, in the wake of dispossession and more recently following extensive monetary and cultural settlements with the Crown. Why would or should this institution be expected to be of service to wider society and uphold the common good? Do these different partners operate with equality and even capacity? Does one partner now have advisory or even veto power over the decisions of the other? Does this work both ways – and should it? A more recent plan from the University of Otago that outlines goals to 2030 only underlines that the partnership with iwi will require 'shifts in the way we teach, learn, research, engage and work as we bring together te ao Māori [the Māori world] and the traditional university world in a way that both honours the ideals of our Scottish heritage and upholds tino rangatiratanga'.<sup>17</sup> As I have already pointed out, rangatiratanga might be interpreted variously as the authority and dignity of the tribe through to an acknowledgement of the tribe's political sovereignty.

The significance of partnership as a core practice and value of the university thus raises a number of questions about the institution's autonomy and what we mean by this concept. Is the value of such partnership primarily to be found in enacting the obligations of the university to society – a claim

<sup>15</sup> University of Otago, 'Vision 2040'.

<sup>16</sup> American Association of University Professors, 'Statement of Principles on Academic Freedom and Tenure', AAUP, <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>.

<sup>17</sup> University of Otago, 'Pae Tata: Strategic Plan to 2030', 12.

that would imply some sturdiness and confidence on the part of the university but may place obligations on iwi that they may not wish to uphold? The proposition speaks to a wider set of debates in a variety of democratic societies where greater participation, particularly from under-represented groups, is being sought and nurtured in institutional and public settings in order to renew democracy. These debates are important and urgent but surely still leave many questions of justice in unequal societies unanswered.<sup>18</sup>

It is also possible that the frequent reference to partnership and partnering speaks to institutional vulnerability and even perhaps to an erosion of autonomy, on the part of the university at least. This seems particularly pertinent given the funding deficit and financial crisis in many universities in New Zealand, which are ‘chronic[ally] underfunded’.<sup>19</sup> Several institutions are currently initiating widespread staff redundancies because they are in deficit.<sup>20</sup> Taking this context seriously is important for understanding the purpose of and critiquing the unintended consequences of the university’s Treaty-led policy, for it is in an ongoing period of fiscal decline that partnership with a number of entities has come to seem valuable. Furthermore, this context forces questions about the material conditions necessary for realising academic freedom, as ongoing staffing and subject cuts mean that many departments are unable to offer the kinds of classes and courses and undertake the breadth of research that enacting such freedom would ideally entail.

That said, O’Sullivan is right to point out that the idea of a university engaging in a partnership as part of its aspiration to become ‘Tiriti-led’ is different in kind and poses particular challenges to notions of autonomy and freedom in the academic context. There is value in thinking seriously about and questioning this policy shift for a number of reasons, including whether it will achieve the kinds of social change that it aspires to do, and whether it meets larger goals universities might pursue, such as a renewal of democratic life and the valuing and protection of scholarly work in contributing to such a renewal.

### Treaty partnership and the state

But where does this idea of Treaty partnership come from? Partnership between the Crown and Māori came to be regarded as a key ‘principle’ in interpreting the Treaty in the mid-1980s. It arose in part from a claim that the

<sup>18</sup> See for example Danielle Allen, *Justice by Means of Democracy* (Chicago, 2023).

<sup>19</sup> Brian S. Roper, ‘Protect Otago – Save Our University!’, ISO Aotearoa, 8 May 2023, <https://iso.org.nz/2023/05/08/protect-otago-save-our-university/> See also Roper, ‘Neoliberalism’s War on New Zealand’s Universities’, *New Zealand Sociology*, 33 (2018), 9–39.

<sup>20</sup> On 27 June 2023, the New Zealand government announced top-up funding for universities but it is unlikely to be enough to stop redundancies – voluntary and possibly forced – from going ahead. See ‘Big Job Losses at Victoria and Otago Universities to Go Ahead Despite More Government Funding’, *Stuff*, 28 June 2023, <https://www.stuff.co.nz/national/education/300915606/big-job-losses-at-victoria-and-otago-universities-to-go-ahead-despite-more-government-funding>.



Treaty promised an ongoing relationship between Māori and the Crown, given public voice by key Māori leaders. This argument contrasted with the alternative contemporary claim mentioned earlier that the 'Treaty is a fraud'. But in significant ways, the idea of a Treaty relationship built on the efforts of generations of iwi leaders, while also reshaping interpretations of those earlier claims. Since the late nineteenth century, leaders had brought claims about dispossession to governments of the day. Some of those had been inquired into in the past, and some payments had even been made, but these were minimal and had not been accompanied by a broader shift in public understanding of colonial dispossession and its effects. In the late twentieth century, a new generation of Māori leaders aimed to achieve a broader transformation in the understanding of political authority, and even sovereignty, as shared, not unitary.<sup>21</sup>

The Treaty of Waitangi Tribunal, a specially designed permanent commission of inquiry tasked with investigating Māori claims of breach of the Treaty, became a central institution in this transformation. While the *Treaty of Waitangi Act* (1975) that established the tribunal is often referred to today as the moment when the Treaty began to be given real statutory meaning, the political philosopher Andrew Sharp viewed the tribunal as a way of 'avoiding rather than confronting the continued Māori demand that the Treaty should be "ratified" ... It was instituted too, as a means of negotiating, perhaps even evading, Māori claims that many statutes ... were in breach of the Treaty.'<sup>22</sup> What made the Tribunal into a much more significant institution was, as Sharp put it, the 'continuing and growing Māori demand for justice' and the role of some key leaders.<sup>23</sup> This pressure resulted in a significant amendment in 1985 which allowed for inquiries into breaches of the Treaty going back to 1840. The amendment opened the floodgates to hundreds of claims – more than the Cabinet of the day had contemplated.<sup>24</sup>

As well as investigating breaches of the Treaty, the Waitangi Tribunal was tasked with defining key principles of the Treaty. Presided over by justices of the Māori Land Court – led at the time by the chief judge Edward (Eddie) Taihakurei Durie – as well as eminent scholars, business leaders and others, the tribunal began to undertake this work in the early 1980s, defining several principles, key among which are partnership and protection. 'Partnership' refers to how the Crown should enact major policy as well as legislative and even constitutional change in the various branches of the state in consultation with Māori and in order to uphold its own honor. 'Protection' refers to how the Crown must protect Māori interests, and has primarily been invoked in reference to property. Both these principles have been used by the tribunal to evaluate the actions of the settler state in the past as well as in the present

<sup>21</sup> Richard Hill, *Maori and the State: Crown-Maori Relations in New Zealand/Aotearoa, 1950-2000* (Wellington, 2009).

<sup>22</sup> Andrew Sharp, *Justice and the Māori: Māori Claims in New Zealand Political Argument in the 1980s* (New York, 1990), 74.

<sup>23</sup> *Ibid.* See also Miranda Johnson, *The Land Is Our History: Indigeneity, Law and the Settler State* (New York, 2016).

<sup>24</sup> Alan Ward, *An Unsettled History: Treaty Claims in New Zealand Today* (Wellington, 1999).

in order to recommend forms of redress.<sup>25</sup> Although envisaged as being complementary, the two principles might also conflict with one another. Partnership acknowledges Māori political autonomy, whereas protection acknowledges inequality, even subordination, in the relationship of Māori to the Crown, particularly given the history of land dispossession. A third principle of ‘participation’ concerns ‘empowering Māori communities to achieve their aspirations’.<sup>26</sup>

The principle of partnership was further entrenched in *New Zealand Maori Council v Attorney-General* (1987), colloquially known as the ‘lands case’. In their decision, which upheld the appeal, the justices of the Court of Appeal stated that the ‘Treaty signified a partnership between races’. The case concerned key aspects of the *State-Owned Enterprises Act* (1986), particularly the matter of whether land and other assets that might become the subject of future Waitangi Tribunal inquiries would be transferred to the newly established state enterprises, whence they could be sold into private hands and therefore would no longer be available to be returned to iwi as part of a Treaty settlement process. In entrenching the principle of partnership, the Court of Appeal referred to the Māori version and understanding of the Treaty, and its ‘spirit’ of intent, as made in ‘utmost good faith’.<sup>27</sup>

In making these interpretations, the court observed the influence of broader social changes. Whereas just twenty years earlier, ministers of the Crown argued to remove legislative recognition of distinctive Maori land title, by the mid-1980s, the court argued, ‘the emphasis is much more on the need to preserve Maoritanga, Maori land and communal life, a distinctive Maori identity’.<sup>28</sup> The court admitted a diversity of opinions among Māori and cited a 1980 Royal Commission into Māori lands that had emphasised the contextual and contingent interpretations of key concepts. Nonetheless, underlined the Court of Appeal in 1987, ‘it is equally clear that the Government, as in effect one of the Treaty partners, cannot fail to give weight to the “philosophies and urgings” currently and, it seems, increasingly prevailing’.<sup>29</sup>

Still, at the time of the ‘lands case’, only a few acts of Parliament made reference to the Treaty of Waitangi and its principles.<sup>30</sup> Notably, for our purposes, the transformative *Education Act* of 1989, which established a new vision of primary and secondary education and outlined the role, function and responsibilities of tertiary education institutions, did not reference the

<sup>25</sup> Janine Hayward, “‘Flowing from the Treaty’s Words’: The Principles of the Treaty of Waitangi”, in *The Waitangi Tribunal: Te Roopu Whakamana i te Tiriti o Waitangi*, ed. Janine Hayward and Nicola R. Wheen (Wellington, 2009), 29–40.

<sup>26</sup> New Zealand Law Commission *Te Aka Matua o te Ture, Justice: The Experience of Māori Women*, Report 53 (Wellington), 1999.

<sup>27</sup> *New Zealand Maori Council v Attorney-General and Others*, 1987, 6 *New Zealand Administrative Reports* 353 at 35.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*, at 36.

<sup>30</sup> These included the aforementioned *Treaty of Waitangi Act*, the *State-Owned Enterprise Act 1986* that was the subject of the Court of Appeal case, and the *Conservation Act 1987*, which was to be ‘interpreted and administered as to give effect to the principles of the Treaty of Waitangi’. *Conservation Act 1987*, s. 4.

Treaty in relation to tertiary education responsibilities.<sup>31</sup> In the next three decades, however, reference to the principles of the Treaty and to the principle of partnership became ubiquitous in new and amended legislation, and across the public service more generally. What had been defined as a relationship between Māori and the Crown, or the executive government, became something to be recognised and upheld by various branches of the state, its bureaucrats and increasingly other actors in civil society too.

Yet Treaty principles were not everywhere and universally supported. In a paper prepared for a hui in 1991, lawyer and activist Moana Jackson offered a contrary perspective. The Tino Rangatiratanga Hui was set to discuss a possible claim to the Waitangi Tribunal on education. But, insisted Jackson, the terms of the Treaty of Waitangi act 'have placed Treaty issues firmly within a context of Pakeha law and Crown control. The effect of this process has been to redefine the textual guarantees of the Treaty into a set of "principles" which actually diminish the rights of Maori and facilitate increased control over Maori.'<sup>32</sup>

Other academics helped to extend the applicability of the version of the Treaty that emphasises the Māori text and the importance of Treaty principles in education. In an address to the Vice-Chancellor's Forum in Kuala Lumpur in 2009, the psychiatrist Mason Durie emphasised sustained progress in the incorporation of 'indigeneity (a distinctive indigenous perspective)' into education alongside increasing participation in and some influence over mainstream university education by Māori. Durie, the brother of Eddie Durie, the former chairperson of the Waitangi Tribunal, emphasised the importance of the Treaty in his analysis of the 'context for change'. By the late 1980s, he argued, the 'Crown's Treaty obligations were seen to apply to all sectors and to extend to agencies funded by the Government such as public schools and universities'.<sup>33</sup>

However, the Treaty was not given statutory expression in regulating education until 2020. In the *Education and Training Act* (2020), and the accompanying Tertiary Education Commission (TEC) strategy, we can see how the flowering of an idea that universities could and perhaps should be engaging in their own partnerships with mana whenua has come about – although the force impelling such innovations is in fact not clearly spelled out in the policy documents. As O'Sullivan rightly points out, this act affirms academic freedom and institutional autonomy. Section 267 further affirms 'the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions'. However, the act also includes a new section 9, 'Te Tiriti o Waitangi'. This section states that the education system '*honours Te Tiriti o Waitangi and supports Māori-*

<sup>31</sup> The only related reference in that statute is where it lays out the responsibility of the minister to provide a tertiary education strategy that addresses 'the development aspirations of Maori and other population groups'. *Education Act 1989*, s. 159 AA 'Tertiary Education Strategy'.

<sup>32</sup> Moana Jackson, 'Maori Education Perspectives on a Claim to the Waitangi Tribunal: A Paper Prepared for Tino Rangatiratanga Hui 1991 on Behalf of Nga Kaiwhakamarama I nga Ture/Wellington Maori Legal Service Inc', Wellington, 1991 (n.p.).

<sup>33</sup> Mason Durie, 'Towards Social Cohesion: The Indigenisation of Higher Education in New Zealand', paper for the 'How Far Are Universities Changing and Shaping Our World?' conference, Vice-Chancellors' Forum in Kuala Lumpur, 2009, 12.

Crown Relationships'. It further asserts that the minister of education and the minister for Māori–Crown relations: Te Arawhiti

*may, for the purpose of providing equitable outcomes for all students, and after consulting with Māori, jointly issue and publish a statement that specifies what the Ministry, TEC, NZQA [New Zealand Qualifications Authority], the Education Review Office, and Education New Zealand must do to give effect to public service objectives (set out in any enactment) that relate to Te Tiriti o Waitangi.*<sup>34</sup>

The verbs 'honour' and 'support' and the proposition that different ministries 'may' give effect to te Tiriti, are all somewhat vague, and they are not used to explicitly redefine the clauses guaranteeing academic freedom. Turning to the 'Statement of National Education and Learning Priorities (NELP) and Tertiary Education Strategy (TES)' of 2020, we find the language of honouring Te Tiriti o Waitangi is prominent. Tertiary education providers are required to 'ensure that strategies, behaviours, actions, services and resourcing *reflect* a commitment to Te Tiriti o Waitangi'.<sup>35</sup> While the act and policy document do not expressly state that universities must engage in Treaty partnerships, it is possible to see how honouring Te Tiriti and supporting Māori–Crown relationships might be interpreted in this way. This may explain why, at some universities, students are required to demonstrate allegiance. Admission to the Bachelor of Teaching at the University of Otago requires demonstration of a 'commitment to Te Tiriti o Waitangi'.<sup>36</sup> Yet in contrast to the vaguer language used in relation to universities, Te Pūkenga, the centralised organisation of what were formerly independent polytechnics, is statutorily required to engage in '*meaningful* partnerships with Māori employers and communities and to reflect Māori–Crown partnerships to *ensure* that its governance, management, and operations give effect to Te Tiriti o Waitangi'.<sup>37</sup> The language in this section is much stronger.

There was little comment in parliament, or in the media, on section 9 when the new 'Education and Training' bill was being debated in the House. Discussion focused primarily on the centralisation of the polytechnics. The minor attention paid to the introduction of a Treaty clause speaks perhaps to the ubiquity of such clauses in recent legislation and government policy-making. What was notably absent in 1987 was run-of-the-mill by 2020. But, recalling O'Sullivan's criticisms, we might still want to question the idea that a university should be upholding 'Māori–Crown relationships' and what this might mean in practice.

<sup>34</sup> *Education and Training Act 2020*, s. 9 (c). Emphases added.

<sup>35</sup> 'Statement of National Education and Learning Priorities (NELP) and Tertiary Education Strategy (TES)', 2020, <https://www.education.govt.nz/our-work/overall-strategies-and-policies/the-statement-of-national-education-and-learning-priorities-nelp-and-the-tertiary-education-strategy-tes>. Emphasis added.

<sup>36</sup> See for example Regulations for the Degree of Bachelor of Teaching (BTchg), 'Learning and Teaching Aka Ōtakou', University of Otago Te Whare Wānanga o Otāgo, <https://www.otago.ac.nz/courses/qualifications/btchg.html#regulations>.

<sup>37</sup> *Education and Training Act 2020*, s. 9 (g). Emphases added.

Further, we could debate whether such a notion contravenes institutional autonomy and the provisions guaranteeing academic freedom. We might recall again, as the 1987 Court of Appeal did even if in passing, that the Treaty has been a contested idea and that interpretations of it are shaped by present-day goals, values and aspirations. Is it the role of a university and those it employs to uphold the 'prevailing' or governing hegemony, or rather to question it?

### Myth-histories of the nation

The political commitments outlined above have shaped and are in turn shaped by a powerful myth-history of the nation's past. In part, this finds past precedents for Treaty partnership in order to embed aspirations for present-day power-sharing as a feature of New Zealand identity, rather than as a novel or recently invented phenomenon. As Attwood puts it, the Treaty thus comes to serve as a 'foundational' or, in Nietzschean terms, a 'monumental' history. This is one that is useful for law and legal scholars, who now refer to the Treaty as a source of law.<sup>38</sup> We can see this foundational aspect permeating the University of Otago's 'Vision 2040' statement. When we read that the Treaty is '*the* foundation document of our nation' (i.e. not one of several possible texts); that the university is 'living up to the expectations of Te Tiriti' (which are assumed to be uncontested); and that doing so permits of a 'kind of relationship [te Tiriti] originally envisaged' (when historians have debated extensively what was being envisaged in 1840 and to what purpose), we are being asked to believe in a story of timeless consensus – a story of legal foundationalism.

But the Treaty, its meaning and intentions, and what came next, are an ongoing matter of debate and dispute by historians. As well as Attwood, these include Tony Ballantyne, James Belich, Michael Belgrave, Lyndsay Head, Mark Hickford, Damen Ward and others. Their work on the nineteenth century puts the Treaty in its historical place and examines its disputed meanings and uses. For instance, as Ballantyne observes in his contribution to the *New Oxford History of New Zealand* (2009), while there is 'no doubt that the signing of the Treaty was a crucial watershed ... to structure our understandings of nineteenth-century politics around the Treaty would present a thin and, in many ways, anachronistic reading of the young colony's political landscape'.<sup>39</sup>

However, at the same time that a sophisticated and critical historiography about the Treaty has developed, the mythic consciousness that finds in the Treaty a foundation for partnership – among other principles – has blossomed. Crafted in activist networks, represented in compelling visual media and even repeated in some academic scholarship, a myth-history presents political aspirations for Treaty partnership and imagines a bicultural citizenry as something that should have been nourished in the past. Some historians including

<sup>38</sup> Attwood, 'A Bloody Difficult Subject', 113. See also Bain Attwood, *Empire and the Making of Native Title: Sovereignty, Property and Indigenous People* (Cambridge, 2020).

<sup>39</sup> Tony Ballantyne, 'The State, Politics and Power, 1769–1893', in *The New Oxford History of New Zealand*, ed. Giselle Byrnes (Melbourne and New York, 2009), 100.

Claudia Orange and recently the lawyer Ned Fletcher have contributed to this mythic history. Moana Jackson, earlier a critic of what the Treaty offered Māori politically, more recently argued that stories of the ‘hopes that iwi and hapū placed’ in the Treaty present an opportunity for the development of a ‘different and unique decolonisation discourse’ premised in an ‘ethic of restoration’.<sup>40</sup> It is also represented on government websites, in Treaty workshops and training manuals, and schools. It is almost as if this past becomes more real the more strongly aspirations for the present are yearned for.

In other words, this myth-history is not simply a vernacular. It is embedded in policy and political institutions. Further, it is a creature of the institution that was created to investigate claims of breach – primarily the histories of dispossession – in the first place, that is, the Waitangi Tribunal. The historian W. H. Oliver identified aspects of what he called a particular kind of counterfactual history-writing at work in the tribunal, and about which he had become worried. He had conducted research for Māori claimants in the 1990s and been involved in other aspects of the tribunal’s work. In a provocative essay published in 2001, he charged the tribunal with imposing a ‘retrospective utopia’ on historical events. It had created an implausible but highly attractive ‘alternative past’ in which

European settlement in (rather than of) New Zealand is depicted as dependent upon Maori consent and should and could have led to a regime characterised by partnership, power-sharing and economic well-being for Maori as well as Pakeha. In that scenario, colonists become tangata Tiriti, the people of the Treaty, and their presence in the country is conditional upon the invitation extended by the tangata whenua, the people of the land, an invitation made by Maori to further their own purposes. This is the ‘future’ that was promised in 1840 and, because the promise was subsequently broken, it is the ‘past’ New Zealand did not have. But it remains the ‘future’ to which the country may still aspire.<sup>41</sup>

Oliver’s critique resonates with the charge of ‘presentism’. This is one commonly made by historians, levelled at historical narratives that reflect an author’s own concerns more than those of past peoples. In the case of the tribunal, Oliver contended that the history being written was determined more by the application of present-day judicial principles to the past than by trying to understand the past in its own terms or by its own norms. The actual reports the tribunal produces in making its recommendations on inquiries – hundreds if not thousands of pages long and that include dense empirical detail on dispossession and other grievances – are not themselves widely read by New Zealanders. Nonetheless the tribunal has played a significant

<sup>40</sup> Moana Jackson, ‘Where to Next? Decolonisation and the Stories in the Land’, in Bianca Ellington *et al.*, *Imagining Decolonisation* (Wellington, 2020).

<sup>41</sup> W. H. Oliver, ‘The Future behind Us: The Waitangi Tribunal’s Retrospective Utopia’, in *Histories, Power and Loss: Uses of the Past – A New Zealand Commentary*, ed. Andrew Sharp and Paul McHugh (Wellington, 2001), 10.

role in public life, as we have seen. Thus, the particular ‘presentism’ in tribunal historiography that Oliver diagnosed was potentially quite influential as well as being quite distinctive. In his account, the tribunal was not, for instance, exactly engaged in Whig history – telling a story of past contentions in order to ratify a present-day political consensus, as the English historian Herbert Butterfield put it.<sup>42</sup> This was history shaped for and by an *aspiration* to a better relationship between Māori and the Crown. It was not a *fait accompli*, although it is often represented as such.

In the midst of turbulent Treaty politics at the turn of the millennium, Oliver suggested that the tribunal was not so much ratifying the present, as producing an alternative past in order to imagine a past future that could have been and that still could be. By generating this ‘retrospective utopia’, tribunal historiography projected a political vision of partnership not only backward but also forward in time, he claimed. As a historian, Oliver had qualms about this project, though he appreciated its political and moral value in the present-day context. He was concerned that by creating a history framed in terms of what the Crown *ought* to have done (and not just what it did do), the ‘alternative past’ that the tribunal imagined – the past in which state actions would have been consonant with the principles of the Treaty of Waitangi – distorted the actual past. Principles defined in contemporary terms were applied to past events ‘irrespective of the values and norms of the period in which they were performed’. Even more problematic, he suggested, was the ‘millennialist’ shape given to the historical account produced when purportedly timeless principles were applied to other times.<sup>43</sup> What happens, Oliver’s argument might lead us to ask, when a millennialist account, one that fosters a laudable feeling of revival among a colonised people, is authored by *the state*? One thing that might happen is that the colonised – now recognised as a people who should and could have been accorded equal status and rights if the Treaty principles had been properly observed – become responsible for their own colonisation. Indeed, in one of its reports, Oliver observed, the tribunal muses on what ‘consensual annexation’ might have looked like.<sup>44</sup>

Oliver would have preferred a critical historical account of what the state did, not a fanciful one of what it ought to have done. The tribunal, he argued, presented an alternative past as something to which New Zealanders could still aspire; it was not lost or forgotten but could be retrieved and activated. His critique sparked critical responses in turn from other historians who themselves worked as researchers in tribunal processes.<sup>45</sup> Yet they did not engage specifically with what I think Oliver put his finger on: a broader political sensibility that engendered in so many people the desire to participate in finding a better history for a newly bicultural nation.

<sup>42</sup> Herbert Butterfield, *The Whig Interpretation of History* (1931).

<sup>43</sup> Oliver, ‘The Future behind Us’, 12.

<sup>44</sup> *Ibid.*

<sup>45</sup> For a discussion, see Miranda Johnson, ‘Biculturalism and Historiography in the Era of Neoliberalism: A View from Aotearoa New Zealand’, *Ethnohistory*, 70 (2023), 167–85.

We have seen such aspirational politics in the remaking of New Zealand's past implicit in the various public policy documents and strategies discussed earlier. Thus, the critique that Oliver levelled at the tribunal's work might be expanded to thinking about how a story of the Treaty was made and disseminated. This was one that privileged political optimism over self-critique, the mythification of foundational texts ahead of grappling with complex historical contexts, a preference for consensus over ongoing reckoning with dissent, and increasingly in various institutions beyond those of the Crown an assumption of partnership.

The stakes are high. This narrowed-but-longed-for version of the Treaty, now adopted in university policy, stands in for a view of the past that minimises what actually happened, which cannot be contained in any one text or interpretation. Such a view of the past fails to explore how we might create new spaces for interpreting the varied and disputed meanings and legacies of colonial history today. Notably, when the University of Otago's 'Vision 2040' statement alludes to 'moving beyond' our 'colonial heritage' in the making of a Tiriti-led future, I am left wondering how it might be possible for us to continue to critically examine and analyse colonialism in a larger sense. No historian believes that history is something we 'move beyond' since we dedicate our working lives to trying to understand what has gone before. As we often tell our students, this is no antiquarian interest, but necessary if we are to better understand where we find ourselves in the present, although this is not a straightforward exercise.

I deem such inquiry to be vitally important. The process of settler colonisation and accompanying ideologies of colonialism radically transformed Māori community life and selfhood. Even the term of collective identity, 'Māori', is a colonial construction.<sup>46</sup> Like other indigenous peoples in similar contexts, Māori experienced dispossession, cultural and linguistic loss, as well as political and economic marginalisation. Colonial processes and ideologies entailed changes in the conceptions of self and community of the settler colonisers, too, as they laid claim to what they perceived as a 'new world', one of their making. The making of a new world entangled indigenous people and newcomers in a variety of relationships – intimate, social, economic, political – in ways that do not neatly fit the binary categories of 'Crown' and 'Māori'.

In philosopher Jonathan Lear's account, a breakdown in a way of life wrought by settler colonialism presents one of the most challenging predicaments that human societies can face. Haunted by the phrase attributed to the Crow leader Plenty Coups, Lear's contemplation on how to understand such a predicament offers us something more meaningful than 'moving beyond' colonialism. In the late nineteenth century, Plenty Coups's people were forced onto the reservation, and he is supposed to have said that 'after that nothing happened'. As Lear writes, the problem as the philosopher comes to understand it in ontological terms is not 'who has the power to tell the story – however important that might be; it is rather how power shapes what any true story

<sup>46</sup> See for example the extensive work of Lyndsay Head and Lachy Paterson on the crafting on Māori modernity in the nineteenth century, and James Belich, *Making Peoples: A History of the New Zealanders, from Polynesian Settlement to the End of the Nineteenth Century* (1996).



could possibly be'. In the face of cultural devastation, one framing idea of selfhood dies and with it even the possibility of a true story as previously intelligible. But this does not mean all hope is lost. The past can still inform the present. For what might happen is that a new Crow poet might be born who can 'take up the Crow past and ... project it into vibrant new ways for the Crow to live and to be'.<sup>47</sup>

When documents such as the University of Otago vision statement say, rather tritely, that the university will 'move beyond' a colonial heritage, what is missed is the radical destruction that colonialism has wrought. More significantly, such assertions *fail to appreciate the possibility of radical hope* that might arise in the wake of such destruction. The vision attendant on 'moving beyond' a past that is perceived to be holding New Zealanders back, or is embarrassing or shameful, avoids an ongoing confrontation with the ways these complex, messy and murky histories continue to ensnare communities, the ways they make everyone morally complicit, driving many to contest as well as try to understand what has come before. Such efforts, when undertaken by historians, may not lead directly to where a country finds itself today.

### Power and the simplification of the past

In New Zealand, efforts to decolonise research practices are over twenty years old. Linda Tuhiwai Smith's touchstone book, *Decolonizing Methodologies: Research and Indigenous Peoples*, first published in 1999, set a new agenda for academic research conduct, brought into question what counted as academic knowledge and sought to revalue indigenous knowledge. Smith argued that in a settler colonial context like New Zealand, where academic research has been closely associated with the extraction of knowledge from Māori communities, research practice should be reshaped to ensure that any benefits flowed to and not away from them.

Since Smith published her book, support for Māori-led research has become a stated core objective of funding bodies and university processes. A wider objective of decolonising or, more specifically, 'indigenising' the university has enlisted many academics in a progressive cause.<sup>48</sup> This is one that intends to make New Zealand institutions more diverse in terms of staff and students. Universities also aim to foster the recuperation of indigenous knowledge, language and customary principles. Yet in practice, pursuing such objectives has raised profound questions about the conventions of evidentiary-based methods in many disciplines and about the freedom of academics to choose topics and how they research them. Decolonising requires considerable changes to research methods, processes of grant-making, and hiring practices as well as changes to curricula and pedagogy. In response to those advocating decolonisation of the university in other places, critics have voiced concerns about the reshaping of research protocols and disciplinary norms and expectations to meet, as some claim, the spirit of the times. They question whether

<sup>47</sup> Jonathan Lear, *Radical Hope: Ethics in the Face of Cultural Devastation* (Cambridge, MA, 2006), 31.

<sup>48</sup> Te Kawehau Hoskins and Alison Jones, 'Indigenous Inclusion and Indigenising the University', *New Zealand Journal of Educational Studies*, 57 (2022), 305–20.

‘decolonising’ in fact threatens established notions of academic freedom, as well as the quality of scholarship and teaching, by enforcing new orthodoxies that due to their progressive objectives become difficult to challenge.<sup>49</sup>

This problem is manifesting in institutional processes in New Zealand. In some instances, universities are requiring academic staff to present their research plans to a centralised committee for approval based on objectives associated with being Tiriti-led, before research can be funded, undertaken and published. As the Treaty becomes the framework for decolonising, it is not hard to imagine work critical of the story being told about it being externally obstructed. Recently, some scholars raised questions about the centring of mātauranga Māori in science curricula, which sparked acrimony and formal complaints within the Royal Society of New Zealand.<sup>50</sup> Public funding bodies and internal university research grants require academics to produce statements about how their work does or does not contribute to Māori knowledge and communities – irrespective of topic. As I have discussed elsewhere, these demands may dampen critique and even stymie the development of particular research topics as academics censor themselves.<sup>51</sup>

These requirements place scholars in difficult predicaments. Many of the goals associated with te Tiriti in its current interpretation are ones that I share, including the advancement and development of the capabilities of Māori students and staff, the growth and enhancement of Māori language and knowledge, and so on. Yet current university policy makes it hard for me to engage in the sort of critique that I think is valuable without appearing to be opposing these goals, since they are framed by the idea of a Tiriti-led university and the commitment to partnership. Even to question such goals is seen to be acting in bad faith – churlish at best, racist at worst.

However, not to question issues of such fundamental importance also seems like bad faith. To be required to uphold an orthodoxy, when there is no room made for contestability or an awareness of the many historical lives of the Treaty as an idea, feels oppressive to me and also dangerous. Many of the specific terms by which the decolonising of universities is being undertaken, such as becoming Tiriti-led, in fact reflect policies instigated by the New Zealand government and across the public bureaucracy. ‘Decolonising’ can look very similar to other increasingly hegemonic forms of governance.

We do not and cannot know whether this current notion is the ‘best’ version of the Treaty, one that really will help us to achieve all those social and educational goals. We must probe the limits of ideas, values and principles by analysing them from different experiential perspectives and by examining evidence that may even bring the value of those ideas into question. Furthermore, the vision of decolonising the university often simplifies a

<sup>49</sup> See for example D. Abbot et al., ‘In Defense of Merit in Science’, *Journal of Controversial Ideas*, 3 (2023), 1–26.

<sup>50</sup> See ‘He Pānui Statement’, *Royal Society*, 20 May 2022, <https://www.royalsociety.org.nz/news/he-panui-statement>. See also John Ross, ‘Royal Society Drops Action against Controversial Letter Writers’, *Times Higher Education*, 11 Mar. 2022, <https://www.timeshighereducation.com/news/royal-society-drops-action-against-controversial-letter-writers>.

<sup>51</sup> Johnson, ‘Biculturalism and Historiography’.

complex social situation. We are invited to ‘move beyond’ the difficulties and not to dwell on the messy complexities of the past and their meanings for the present. Indeed, we are asked to cede our equally messy freedoms to do so, ones that are never established for all times but themselves always-in-negotiation with others. This kind of decolonising perhaps enables a certain kind of clean, unburdened freedom in a Nietzschean sense, in which we are not overwhelmed by a sense of a looming past and an unknown future. But I cannot help but feel that it gets us off the hook of making difficult decisions in the present.

I believe that acting in good faith as a scholar involves upholding commitments to truth and honesty, even if we often fall short. For historians, this demands an attempt to understand and interpret the past while remaining aware of the interpretive stakes of present-day political and social values. We write our histories in the language of our contemporaries, and what we write is inevitably shaped by the debates and larger forces of our times. But this does not mean that we should write our histories exclusively in the moral terms of our contemporaries or intentionally for the purposes of supporting a particular argument or demand that we find most compelling among them.

Beyond learning languages, how to navigate archives, reading widely and thinking reflectively about method and approach, the most important training a historian undertakes involves an ethical self-practice. That is, of learning how to conduct one’s scholarly self in the acknowledgement of present demands without letting such demands overdetermine what is significant about research into the past. This in turn requires avoiding ‘the respective positions of hegemonic appropriation and incommensurability’, instead cultivating a ‘sensitivity to difference and alterity’, as philosopher Jerome Veith outlines.<sup>52</sup> Such a sensitivity is neither rigid nor craven. For historians it means exercising judgement wisely, not favouring a particular community we admire or to which we belong, nor distorting past realities in order to advance a cause in which, in our life as a coeval citizen, we may strongly believe. At the same time, practising this historical method is not about adopting a view from nowhere (or, omnisciently, a view of everywhere); it is reflective on its own situatedness in historical time. This kind of sensitivity and self-reflection seems particularly important in our contemporary world when individuals and groups often seek legitimation through the narrow selection of particular precedents, to the exclusion of other ways of thinking, feeling and valuing. I would like to work in, and for, a university that respects and upholds, that enhances and protects, the ethical practice of this kind of scholarly good faith.

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<sup>52</sup> Jerome Veith, *Gadamer and the Transmission of History* (Bloomington, 2015), 145ff.

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