
ADVOCATING FOR A THREATENED LANGUAGE: THE CASE FOR MĀORI ON TELEVISION IN AOTEAROA/NEW ZEALAND¹

Allan Bell: *Institute of Culture, Discourse & Communication, Auckland University of Technology* <allan.bell@aut.ac.nz>

Abstract

The Māori text of the Treaty of Waitangi – founding document of Aotearoa/New Zealand – proclaims protection of Māori *taonga* or treasures. A series of court cases began in the 1980s seeking to obligate the New Zealand Government to recognize the threatened Māori language as such a treasure, and to protect and promote it through its broadcasting interests. For a decade the author acted as an expert witness in these cases through all levels of the New Zealand courts. Presenting international precedents for broadcasting in language maintenance efforts, my evidence argued for the importance of broadcasting to help give Māori the prestige which will make speakers want to use it. Exposure through daily use on mainstream, primetime television could make the difference between the language's death or survival as a full, vital language. The successive cases were all lost, but the courts' judgments required the Government to accept its political obligations to the language through broadcasting. The result was the establishment of Māori Television as a stand-alone channel in 2004. Mainstreaming of Māori on majority-audience, primetime television, however, still shows no sign of occurring in the highly deregulated and competitive New Zealand broadcasting environment.

1. The Treaty and the language

Under the English-language text of the 1840 Treaty of Waitangi with the British Crown, the Māori people of Aotearoa/New Zealand agreed to cede ‘sovereignty’ over their lands to the Queen of England, in return for receiving ‘all the Rights and Privileges of British Subjects’. They were also guaranteed ‘full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties’ (unless they decided to sell them to the Crown). However, the two parallel texts of the Treaty, English and Māori, are not direct translations of each other. In particular, the Māori text proclaims protection of Māori chieftainship over not just their ‘lands’ but all their ‘treasures’ – *taonga* in Māori (Table 1). The English text makes no reference to ‘treasures’.

Since the 1980s the Treaty has been at the core of many legal or quasi-legal debates, cases and negotiations in New Zealand over indigenous rights and reparations for past injustices. These have resulted in agreements and decisions whereby, in reparation for land confiscations or other past injustices, Māori groups have received in settlement considerable parcels of land and/or sums of money, and explicit official acknowledgement of and apology for the injustices which were involved. These represent the attempts of mainstream, Pakeha [White] New Zealand to come to terms with its colonialist past, to acknowledge the bicultural character of the nation, both Māori and Pakeha, and to own and make restitution for injustices that their Pakeha forebears inflicted on Māori particularly in the 19th century. While land has been the main focus, other resources such as fisheries have also been part of various settlements. Additionally, the meaning of ‘resources’ has been claimed to include resources which were unknown at the time of the Treaty signing in 1840 but which have subsequently been discovered through technological development, such as the radio spectrum.

In a further extension, the concept and definition of *taonga* or ‘treasure’ has become crucial. It has been interpreted widely to include non-material as well as material heirlooms, such as traditional lore and genealogies. A case brought to protect Māori interests in a whale-watching business ruled that although whale-watching was not itself a *taonga*, it was so closely linked with one that Treaty principles were relevant. Crucially the language, *te reo Māori*, has been argued to be such a *taonga*, obligating the Government under the Treaty to protect and promote the language. In this paper I discuss the arguments, principles and outcomes of a series of legal cases which focused

Table 1: The second article of the Treaty of Waitangi (1840) between Māori chiefs and the British Crown

The first excerpt below is the Māori text, followed by its English translation. The equivalent but non-identical article of the English text of the Treaty is at the bottom.

TE TIRITI O WAITANGI (MĀORI TEXT)

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o **ratou taonga katoa**. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

MODERN ENGLISH TRANSLATION OF SECOND ARTICLE OF MĀORI TEXT

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and **all their treasures**. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

TREATY OF WAITANGI (ENGLISH TEXT)

Article The Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

on advocating that the Treaty required the New Zealand Government to foster *te reo* through the medium of broadcasting.

From the time mass European settlement began in the mid-19th century, *te reo Māori* followed the all-too-familiar downward path of indigenous languages in a colonized country. By the 1860s Māori were a minority in their own land, and their language was increasingly subordinated to the incoming English language of the settlers. Little over a century later, by 1980, a large majority of Māori people were monolingual in English, and the language had not been transmitted naturally to two successive generations. It is unlikely that there are now any monolingual speakers of Māori. The detail of this process has been rehearsed elsewhere (e.g. Spolsky 2005), but the result has been that Māori is an endangered language. Concern for the continuation of the language resulted in educational initiatives from the 1980s such as the *kohanga reo* immersion preschools. In 1987 Māori was belatedly recognized as an official language of New Zealand.

2. The legal cases

In 1985 Māori language groups brought a case before the Waitangi Tribunal, the body set up to settle claims under the Treaty, arguing that *te reo* was a *taonga* under the Treaty and that the Government was therefore obligated to give it support. Māori language groups began to press for recognition that broadcasting was one means within the Government's power to honour its Treaty obligations to the language. A series of court cases began between the advocacy groups and the Crown to force the Government's hand. The cases included one heard by the Waitangi Tribunal, civil cases in the High Court of New Zealand, appeals to the Court of Appeal of decisions that had gone adversely for the Māori language groups, and eventually an appeal to the Privy Council in London, which at the time was still New Zealand's court of last resort.

In 1986 the Waitangi Tribunal made the determination that *te reo Māori* was indeed a *taonga* and that the Crown was forbidden under the treaty from stripping Māori of the language, either actively or by omission. The Tribunal held that the language should be regarded as a *taonga* because it is a core part of Māori culture. The practicalities of this determination were played out over the following decade in a series of cases which focused on preventing the Crown from selling assets if such a sale would limit the Crown's ability to

meet its Treaty obligations. This was one among a range of claims covering lands and assets owned by Crown entities which the economically neoliberal Labour Government of the late 1980s was about to turn into ‘State-Owned Enterprises’. SOEs were commercial quasi-companies which could potentially be sold to private sector owners. The New Zealand Māori Council, in particular, took a range of cases, which eventually went to the Court of Appeal, to stop assets being transferred to these SOEs, and therefore effectively preventing their establishment.

The New Zealand Māori Council and Nga Kaiwhakapumau i te reo/Wellington Māori Language Board argued that Treaty obligations would be violated by the transfer of the assets of the public broadcasters, Radio New Zealand and Television New Zealand, since this would reduce the Crown’s ability to meet its Treaty obligations to the language. These cases effectively blocked the conversion of the two broadcast agencies into quasi-private sector entities from their then public-sector status.²

3. The evidence

I was in due course called in to give evidence in these cases. One of my main areas of research is language and broadcasting (e.g. Bell 1983, 1991), and I was based in Wellington, the capital city where most of the political and legal action took place. I was retained as an expert witness in the general area of language and media, and specifically on the role of broadcasting in the maintenance of a minority language. Below I summarize the main points of the evidence that I put forward at different times and for successive cases across a decade or more from the late 1980s to the late 1990s.³ These points lay out the basis for advocating for the significance of broadcasting to the maintenance of *te reo Māori*, and therefore arguing against the moves which the New Zealand Government wished to take to divest itself of broadcasting capability.

In the adversarial situation of the New Zealand court system, I was being retained by one side in the debate. This made it necessary and appropriate to take an advocative and even polemical stance which may seem at odds with academic discourse. Nonetheless, I was enlisted here on a side whose principles I supported – advocacy for a threatened indigenous language, the language of the *tangata whenua* ‘people of the land’ of Aotearoa/New Zealand, significant to them and to the nation as a whole.

So to the main points of evidence:

3.1 Usage of a language in broadcasting is often a primary focus for the advocacy of minority rights

The international literature since the 1980s covers the role of minority languages in broadcasting in numerous countries, for example:⁴

Irish Gaelic in Ireland (e.g. Browne 1992; Ó hIfearnáin 2001)

Welsh in Wales (Dodson & Gerallt Jones 1984; Gruffydd Jones 2007)

Gaelic in Scotland (Cormack 1993; Hourigan 2007b)

the Basque language, especially in Spain (Arana, Azpillaga & Narbaiza 2007)

Catalan in Spain (Corominas Piulats 2007)

Swedish in Finland, Finnish in Sweden (Howkins 1982)

French in Belgium (Baetens Beardsmore & van Beeck 1984)

Spanish in the United States (Bixler-Marquez 1985; Lipski 1985)

Tok Pisin in Papua New Guinea (Siegel 1985).

These language situations are widely divergent geographically, historically and culturally. They range from the high-profile Celtic and other European languages (Irish, Welsh, Breton, Basque, Catalan), through major world languages which are spoken by minorities in some countries (Spanish, French), to the relatively new national language, Tok Pisin, which is not numerically a minority language but which has suffered some of the same sociopsychological positioning. A few of these sociolinguistic situations are quite parallel to that of Māori (e.g. Breton and Scottish Gaelic), most are different in important ways.

It is evident from these surveys and studies that language forms a constant focus of a minority's demands for its cultural rights. In addition, where language is salient, the demand for broadcast services is frequently the principal focus of pressure for language rights. Welsh is one of the classic cases of language maintenance and of the often crucial role of broadcasting as the public face of that process. The sentiment expressed as early as 1941 by Gwynfor Evans, leader of the Welsh Nationalist Party Plaid Cymru, is typical of minority advocates' rhetoric concerning language in broadcasting:

Television is so much more than a medium of entertainment and even of education for Wales ... It could do more than any other institution to sustain and promote the language and the intellectual energy of the Welsh people and to ensure that the heritage of the centuries is not eroded.

Gwynfor Evans (1941)

Translated and quoted in Gruffydd Jones (2007)

The call for more Welsh-language broadcasting was a focus of Welsh nationalism in the 1970s, leading to a campaign of civil disobedience when the British government attempted to reverse an election promise to provide one primary Welsh-language television channel. The culmination and turning point of the campaign was Gwynfor Evans's declaration in 1980 that he would fast to death if the promise was not honoured. The result was the establishment of S4C, Channel 4 Wales/*Sianel Pedwar Cymru*, which opened in 1982, broadcasting 22 hours of Welsh language programming per week. Those hours have nearly doubled as the channel has grown and flourished.

3.2 However, it is virtually impossible to prove that broadcasting is essential to minority language maintenance

Minority advocates, then, are convinced that broadcasting has a role in supporting a minority language. However, the case which opposed Māori broadcasting sought conclusive empirical evidence that broadcasting is essential to minority language maintenance. Such proof is, of course, virtually unobtainable. The nature of mass communications makes it almost impossible to isolate one element such as broadcasting from other social factors such as schooling, migration or socioeconomic status which may affect language maintenance. It is not possible to distinguish cause from effect, that is, whether broadcasting promotes the vitality of a language or vice versa. In fact, the role of language in broadcasting is in any case inherently circular. Use of a language in broadcasting is a recognition of its social standing but also simultaneously enhances that standing, as I argue below.

Cormack's perceptive overview (2007) of the role of media in language maintenance contextualizes the issue well. Empiricist media research was never able to demonstrate a causal relationship between media input and subsequent behaviour. The interaction of people with media proved too complex for such a model, leading to a 'what do people do with media' approach rather than 'what media do to people'. The question of the

role of media in language maintenance remains essentially unanswerable in behaviourist terms:

We should not expect to find direct evidence of how successful or not media use has been in encouraging language use. The complexities involved in the social uses of language are simply too great to be simplified into a series of cause-and-effect relationships.

Cormack 2007: 62

3.3 A first reason for Māori language broadcasting: it helps transmit the language

There are two main reasons for desiring broadcast use of a minority language. The first – and lesser – of these is to transmit and teach the language to new generations and new speakers. Broadcasting is commonly used for educational purposes, including direct and indirect language teaching. The use of Māori in broadcast programming seems likely to reinforce skills which learners are acquiring in face-to-face teaching situations. Some programming may also be directly didactic, aiming explicitly to teach aspects of the language.

Again, because media communications are so widely available, it is difficult to suggest how one might control an experiment to prove the language-teaching effects of broadcasting. One example, however, where broadcasting has been used extensively is the still-ongoing ‘Speak Mandarin Campaign’ in Singapore, begun in 1979. The Singapore government has promoted Mandarin in preference to the other Chinese ‘dialects’ widespread in Singapore such as Cantonese, Hakka and Hokkien. This included making and televising programmes which directly taught Mandarin. A survey two years into the campaign indicated that it was proving successful in promoting Mandarin, and that television had been the main influence on that change (Kuo 1984).

The Speak Mandarin Campaign is one of the most extensive and intensive language promotion undertakings in the world. For 30 years it has utilized all possible means, including all available media (Harrison 1980; Bokhorst-Heng 1999). Recent studies agree on the campaign’s impact. Wee (2010: 102) concludes that ‘there is little doubt that the SMC has been largely successful in discouraging the use of the dialects’. The most obvious and draconian action taken was the banning of Chinese dialects from the Singapore media in favour of Mandarin. Films and videos, many of them in Cantonese, had to be dubbed into Mandarin before they could be released. There seems little doubt

that media measures of this strength can contribute to promoting a language. The differences between the sociolinguistic and sociopolitical situations of Mandarin in Singapore and Māori in New Zealand are, however, considerable. The one represents a diglossic-style High language, and the other an historically marginalized indigenous language. Nevertheless, the evidence of broadcasting influence *in principle* is there. Singapore Education Ministry data show that far fewer Chinese families now speak dialects in their homes. From a figure of 60 per cent at the start of the Speak Mandarin Campaign, reported home usage of Chinese dialects declined below 10 per cent by 1988, and to less than 2 per cent in 2001 (Wee 2010).

Note, however, that these findings are evidence of increased usage as a result of the domination of Mandarin in the media rather than of increased language skills as such. That is, the spread of Mandarin in the home domain in Singapore probably has less to do with its direct transmission or teaching than with promotion of the language's standing.

3.4 A second and primary reason: broadcasting promotes the prestige of the language

The second and main reason for broadcast use of a language is not to teach the language but to enhance its *mana* or prestige through institutional support. There are three main domains of institutional support for a language: education, law/government, and the mass media. The value which a nation places on a particular language is reflected in the social domains within which that language is used. A minority language will generally be regarded as vital and robust (Giles, Bourhis & Taylor 1977) to the degree in which it is used in these public domains. Broadcasting is second only to education in importance as institutional support for the Māori language in New Zealand.

It is essential to a minority language that it be seen to be used in prestigious public domains. When a language is confined to the private domains of the home, or the traditional ethnic domains of ceremony and religion, it is not regarded – even by its own speakers – as having usefulness and prestige in the wider society. Lest it be thought that such reasons are ‘merely psychological’, we should note that the Māori language has been brought to its present marginal status by just such psychological pressures which have downgraded its value in the eyes of Māori as well as Pakeha. Exposure in the media encourages speakers to use their language. It provides a language environment which promotes the use of Māori, and this is vital to the continuance of the language.

In an early international survey of minority language use in broadcasting, Howell (1986: 15) wrote: 'Broadcasting is perhaps a nation's most conspicuous social institution and cultural manifestation'. Broadcasting is certainly the most public, readily available and widely heard use of language in a nation. Broadcast languages are accorded an authoritative status as disseminators of desirable culture. The language, dialect or accent which is used in broadcasting, is invariably the prestige form – and broadcast use reinforces that prestige (Bell 1983). Use of a language in broadcasting indicates to speakers that their language has status and that it is worth their while to talk it. To give the Māori language the *mana* which will make its actual and potential speakers want to use it, broadcasting is arguably the most important public, institutional domain in society.

Broadcasting is also the most practicable and favourable domain for introduction of policies to enhance a minority language such as Māori. Because broadcasting is in the hands of relatively few institutions and individuals, it is easier for such policies to be carried through effectively (witness the Singapore experience). Broadcasters are among society's leading language brokers. They are language professionals, and broadcast media have the chance not just to reflect their society's norms but to lead.

3.5 The role of the state is crucial to minority language broadcasting

With the exception of the United States, with its unique private-enterprise broadcasting structures, it is invariably the state which has taken the initiative in minority language broadcasting (as the discussion in Guyot 2007 indicates). Such undertakings are not left to the marketplace, because governments have recognized that unaided private enterprise will not provide them. So in Wales, Ireland, Belgium, and Canada, it has been state-owned broadcasting organizations which have been at the forefront of minority language broadcasting. The brief life of the Breton television channel TV-Breizh founded in 2000 has reinforced rather than contradicted this position. While for a short time it looked like a token that the private sector might be the future of minority language television (Kelly-Holmes 2001), the rapid fall-off and eventual disappearance of Breton programming indicate the continuing limits of reliance on the market to support minority interests (Guyot 2007).

By comparison with Māori, the broadcast use of minority European languages is enlightening. Welsh in Wales, Irish Gaelic in Ireland and Basque in Spain are all much better served by broadcasting. In all three countries, considerable state-backed broadcasting resources are being devoted

to programming in the minority language. This results in hundreds – even thousands – of hours of programming per year. S4C broadcasts close to 40 hours a week in Welsh (Guyot 2007). It also now provides an all-Welsh-language digital service *S4C Digidol*, and more recently a children's channel in Welsh. This compares with the small amounts of Māori-language programming on mainstream New Zealand television.

3.6 Mainstreaming of Māori on television is essential for the standing of the language

In the course of the court cases and debates surrounding them, one of the main issues was whether a stand-alone Māori channel was more desirable than 'mainstreaming' of Māori on the existing channels. Stand-alone Māori broadcast media would be in a position to air a lot more of the language than mainstream media, especially in the short term. They would also clearly have the advantage of autonomy, with Māori in control of programming and production decisions. There was the possibility of trying to combine the strengths of both the stand-alone and mainstreaming paths by allocating one national TV channel to Māori interests.

This was the solution reached in Wales, where S4C is simply the Welsh Channel 4, the fourth UK national channel which elsewhere broadcasts in English. Grin & Vaillancourt's case study of S4C in their major 1998 report for the New Zealand Treasury classed the channel as 'special purpose' as opposed to 'mainstream'. Since their own data show S4C to be broadcasting three times more hours in English than in Welsh, that is an inappropriate categorization – S4C is a clear case of 'major' mainstreaming but under minority control.

While in the New Zealand television system, provision of a Māori-run channel is essential, it is only part of the solution. In these debates, I argued for mainstreaming, based on what appeared to be the language's primary need. If the main requirement for redeeming the state of the Māori language is a raising its standing, then it is important that the language be used in the mainstream of New Zealand television. A minimum level of Māori-language programming is necessary on the existing general channels which most New Zealanders watch. If this is not achieved, Māori is in danger of being ghettoized on a minority channel and will not receive the profile which it needs in society at large to increase its prestige in the eyes of its speakers.⁵

Proof is not available to tell us how much broadcast use of Māori would constitute enough, and New Zealand cannot afford to wait for proof.

Nevertheless, it is possible to infer minimum amounts of Māori-language programming which will begin to give the language some measure of exposure and standing in the broadcast media. Approaching this question as a working media professional (which I was at the time, as well as an academic), my assessment was that television exposure of Māori was needed daily for no less than the minimum usual programme length during maximum viewing hours on the broadcast channels which held most of the audience.

The initial minimum requirement therefore consists of a formula with four elements, summing to a total of just 10½ hours per week in Māori:

- 1 30 minutes (the standard minimum programme length)
- 2 per channel (3 main terrestrial channels)
- 3 per night (7)
- 4 in prime time (approximately 6–9pm).

The first element of the formula is a minimum length of Māori-language programming per night. This needs to be set at no less than the length of the standard short broadcast programme of any kind, that is, a half-hour slot. Tokenistic short bursts of Māori are not sufficient.

The second element of the minimum is that Māori-language programming is needed on all the large-audience channels not just on one. The three free-to-air channels of the 1990s still claim most of the audience in 2010. The whole population needs to be within the catchment of the broadcast language. New Zealand television channels tend to reach different audience segments. For example, TVNZ's Television Two targets younger viewers and Television One an older audience. If Māori-language programmes are transmitted only on Television One, the younger speakers – those who most need encouragement that their language is worth speaking – will be missed.

The third element is to have the Māori language on television every night, giving a constant high public profile for the language. It needs to become a standard and accepted part of New Zealand mainstream viewing, to be naturalized as a daily presence.

The fourth element is primetime scheduling, that is, between approximately 6pm and 9pm. The goal is to give the Māori language high profile and standing. Quite the opposite message results from hiding Māori-language programmes away at off-peak times – the usual practice for the small amount of existing Māori programming.

The proposed total of 10½ hours per week is only a fraction of total broadcast hours, but it is many times more than the current provision of Māori-language programming. However, it should be noted that, for example, Welsh-language television began its transmissions with double that figure, a level which has now doubled again.

Writing in 2010, aspects of this formula may appear to have been outdated through outlet proliferation and technological advancement (cf Hollings 2005). Several more channels (e.g. C4, Prime) are now readily available as part of the normal suite of terrestrial television options. Access to the hundreds of channels on satellite television is increasingly widespread. And digitalisation is changing the configuration of New Zealand's telescope. Grin & Vaillancourt's conclusion in discussing S4C Wales was that the strategy of mainstreaming had been 'completely outstripped by technological progress' (1998: 104) because of the proliferation of alternative channels.

They omitted, however, to factor audience behaviours into the equation. In New Zealand, audience behaviour has changed much less than might be anticipated since the 1990s. Table 2 shows the audience viewing shares of NZ channels in December 2010. The three main terrestrial channels targeted in the formula above – TV1, TV2 and TV3 – retain 58 percent of the audience. Although the combined suite of satellite channels available through the Sky Network attracts more viewers (29%) than any single terrestrial channel, the three mainstream channels remain the default viewing options for most New Zealanders. While individual channel proportions differ by a few percentage

Table 2: Audience shares of New Zealand television stations, 12 December 2010

TV One	22%
TV2	24%
TV3	12%
C4	5%
Prime	4%
Māori	1%
Other	3%
Sky Network	29%

Source: Nielsen

points across the year, the overall share remains similar to the Table 2 figures. Therefore while the dominance of the three channels has undoubtedly been reduced, the shift has – perhaps surprisingly – not been enough to nullify the case for mainstreaming.

3.7 Broadcast use of Māori could make the difference to its survival

The conclusion of my evidence was openly polemical: the state of *te reo* is dire. While broadcast initiatives need piloting to produce quality and gauge response, there is little time to wait for substantive action. Māori has been brought to a state from which few languages have recovered to survive in everyday use. In this it has followed the pattern of the many indigenous languages worldwide which have been overwhelmed by an imperial language – in this case, English. To save Māori as a living language will require considerable effort and commitment on every possible front. This is an effort which English-speaking New Zealand society owes to the language which it has superseded.

The extent of future broadcast use of the Māori language could make the difference between the death or survival of Māori as a full, vital language. The media of New Zealand, at present overwhelmingly operated in English, have a leading part to play in helping pull Māori back from the edge. In summary, I quote the conclusion of Howell (1986: 197):

Popular usage in and of itself will not guarantee a language's survival within a technological society unless it also has access to the major channels of public communication. No matter how diligent the attempts by parents and teachers to speak an ethnic dialect within the home and school, living languages have become critically dependent upon broadcasting for their continued vitality.

4. The battles lost: the war won?

The series of court cases in which this evidence was presented included civil cases in the High Court, appeals to the Court of Appeal, and lastly an appeal to the Privy Council in London. All these cases were lost and the assets were in due course transferred into the new State Owned Enterprises. However, although the judgments went against Māori, the courts consistently found that the Crown was indeed failing in its Treaty responsibilities to the language.

The early Waitangi Tribunal judgments included *te reo* within the scope of *taonga*:

Taonga means ‘all things highly prized’ by Māori, which includes tangibles such as fishing grounds, harbours, and foreshores ... and intangibles such the Māori language and the mauri (life force) of a river.

Waitangi Tribunal, 1986

(Hayward 1997: 486)

The 1986 Waitangi Tribunal report on the Māori language determined – and this was later tested in the Court of Appeal – that the Crown owes active protection of Māori Treaty rights, it cannot just operate *laissez-faire*. The Tribunal stated in its report on the language:

The word ‘guarantee’ [used in the Treaty] meant more than merely leaving the Māori people unhindered in their enjoyment of language and culture. It required active steps to be taken to ensure that the Māori people have and retain the full exclusive and undisturbed possession of their language and culture.

Waitangi Tribunal, 1986

Confirmed by Court of Appeal, 1997

(Hayward 1997: 488)

The final appeal to the Privy Council in London resulted in a 1995 judgment, which acknowledged that:

Foremost amongst [the] principles are the obligations which the Crown undertook of protecting and preserving Māori property, including the Māori language as part of *taonga*, in return for being recognised as the legitimate government of the whole nation by Māori.

Lord Woolf, Privy Council, 1995

(Hayward 1997: 483)

When the Privy Council case was lost, the end of the legal road was reached and the disputed assets were finally transferred to the ‘State Owned Enterprises’. This enabled the commercial part of Radio New Zealand to be sold into private ownership in 1995. The public-service radio networks and Television New Zealand remained in public hands.

However although Māori may have lost the battles, it could be argued that

they had won the war. The judgments made it clear to the Government that it needed to take action over Māori language broadcasting. So when assets were disposed of, such as radio and television frequencies, it was ensured that part of the resource – that is, certain frequencies – were reserved for Māori. Maintenance of the Māori language was the key element in arguing these cases.

One of the political obligations laid on the Government as a result of the court rulings included the establishment of a stand-alone Māori television channel. The shape of this was worked out from 1996 onwards, and the channel eventually began transmission in 2004. Its first year on air was dogged by problems – including alleged misuse of funds and appointment of a chief executive whose credentials later proved to be bogus – in an atmosphere of what appeared to be thinly veneered racism. However by 2006 general public opinion had turned around, according to an evaluation by Te Puni Kokiri (2008), and 70 percent of non-Māori were said to be supportive of Māori Television. Two thirds of the programmes were by then in the Māori language. By the time of writing (2010), Māori Television had become an established presence among New Zealand's broadcast channels, although still with a minority audience.

5. Caveat: the Discourse of Language as Treasure

The key argument which convinced the courts and produced these outcomes for Māori was that the language should be classed as a treasure under the Treaty of Waitangi. It is worth while stepping back to consider what such a characterization actually means for the language. First, a legal ruling does not in itself necessarily make for a change in the attitudes or behaviour of Māori people towards their language. Internalized patterns of neglecting or downgrading the language do not readily shift in such situations. Nor is it easy at this distance to be sure if understanding of the meaning of the word *taonga* has shifted since 1840.

Second is the character and implications of the 'treasure discourse'. In a suite of articles devoted to considering linguists' role as advocates of endangered languages, the senior American anthropological linguist Jane Hill (2002) considers three discourses which linguists have used in such advocacy and which she believes to be problematic. The first discourse is that of universal ownership – that endangered languages in some sense belong to everyone. The third is that of enumeration, which presents alarming statistics

that demonstrate the rate at which the world's languages are disappearing. Hill's second discourse is:

... the theme of hyperbolic valorization, expressed through locutions like "Endangered languages are priceless treasures." ... The discourse of hyperbolic valorization converts endangered languages into objects more suitable for preservation in museums patronized by exceptionally discerning elites than for ordinary use in everyday life by imperfect human beings...

Hill 2002: 120

Both Hale (e.g. 1992) and Hinton (1994: 19), two of the most prominent linguist-advocates of endangered languages, use 'treasure' to characterize indigenous languages that are at risk of loss. Hill does not question the integrity of those who use these arguments in support of endangered languages, observing: 'I have in my own writing and public speaking repeatedly used locutions identical to those that I quote' (2002: 120). She points out that most endangered languages do not have commonplace 'value' in the sense of everyday marketability for their speakers – often quite the opposite. Endangered languages have routinely functioned as one factor in the marginalization and denigration of the community which speaks them. This is a prime reason for the shift that has endangered the languages in the first place, as we have seen above for Māori. The value of an endangered language has, then, often been translated into the realm of the 'priceless'. Hill questions some of the potential effects of such conceptions, particularly for the communities of speakers themselves:

The entailments of expressions like "priceless treasure" go beyond mere commodification to turn endangered languages into a special kind of symbolic capital that is exchanged within a sphere in which only certain kinds of people can participate.

Hill 2002: 124

If an endangered language is displaced on to such a rarefied plane, could this discourage precisely that mundane usage which is essential to its survival? Certainly, it may promote linguistic purism of a kind that ends up hindering a challenged upcoming generation from speaking the language.

However, in the case of Māori, the 'treasure' discourse has indigenous roots, it is not an outside imposition. It is built on the indigenous-language

term *taonga*, and draws solely on the Māori-language version of the Treaty, with no direct equivalent in the English text. So while it is one of the discourses that Hill challenges, in the case of Māori it paradoxically also fits her concluding principle that discourses should be sought among the custodians of endangered languages themselves. The question for Māori then is: are the potentially problematic entailments of treating *te reo Māori* as a ‘treasure’ eliminated or mitigated because the concept of *taonga* is itself indigenous to the culture?

6. Conclusion: what happened to mainstreaming?

In 1996, soon after the final court decision, the New Zealand Government established a Māori/Crown Joint Working Group to negotiate towards an agreement on what was needed in the three areas of Māori television, Māori radio, and the mainstreaming of Māori within New Zealand broadcasting. I was retained as an adviser to the Māori interests in the Joint Working Group. Significantly, the Group’s report agreed a definition of mainstreaming between the Crown and Māori:

Mainstreaming is broadcasting which has the effect of:

Raising the profile/status/mana of Māori language and culture and enhancing their recognition as part of everyday life; and

Presenting the Māori language as one which has relevance, is significant, and is worth learning; and

Providing all New Zealanders with access to a Māori view of the world, in its full complexity.

Joint Māori/Crown Working Group 1996: 14

The principle of mainstreaming seemed to be accepted – and that was the last that was heard of it. While an established, stand-alone channel has been achieved through the establishment of Māori Television, what has not happened to this day is mainstreaming. In 2007, Television New Zealand’s Chief Executive, Rick Ellis, appeared before a Parliamentary Select Committee to defend his organisation’s performance in relation to Māori language and culture. He argued – let it be said, to negative reaction from the committee – that TV1 could not screen *Te Karere Māori News* in primetime because it would lose too much advertising revenue:

“We are, at the end of the day, a commercial broadcaster. Let’s be realistic about this – less than 4 per cent of New Zealanders speak Māori and so putting a Māori language programme in prime time ... it simply won’t rate.”

Quoted in the *NZ Herald*, 24 May 2007

Ellis’s argument is that Māori-language primetime television will not pay. Since it has not been tried, it is difficult to find evidence either way. However, Grin & Vaillancourt’s report (1998) on the broader issue of the economics of Māori language policy options includes broadcasting as one of its alternatives. Its comparative measures rate broadcasting as a close second in cost-effectiveness to education as a policy to support Māori language. This is based on an assessment of S4C Wales (compared to education policies for Basque). Since, as argued earlier, S4C should be regarded as an instance of mainstreaming, this can be read as support for mainstreaming – although it offers no comparison between the cost-effectiveness of that compared to a minority channel.

The New Zealand broadcast media scene is among the most regulation-free in the world. New Zealand television stations, including the state-owned Television New Zealand, live off advertising revenue, screening commercials at rates of up to 15 minutes per hour. In this highly commercial – and highly politicized – arena, mainstreaming has never been given a chance. Māori programming is no more exposed on the main channels in prime time than previously. While the commercial imperative remains so strong on New Zealand television, including the publicly owned TVNZ, Māori language will not be given a prominent place in prime time.

Māori Television does not – and probably cannot – achieve that goal. It may have grown its following and provided some programming (such as weekend arthouse films) that attracts a wider viewership, but its audience share seems to average only 1–2 percent of the total (Table 2). If the goal is to raise the standing of the language through exposing a majority of New Zealanders to it, this cannot happen to any appreciable degree through a low-audience minority channel, however important the other benefits of that undoubtedly are. It is hard to assess the impact that Māori Television may be having on the standing of the language in the nation at large, but any impact cannot be a result of audience share. It is possible, however, that there is a ‘because-it-is-there’ factor such that the mere presence of a dedicated Māori channel contributes to the language’s status.

The new factor in the media mix since the court cases is the growing

number of opportunities afforded by the internet. While the internet may be popularly regarded as a vehicle for the further spread of world languages, it also offers new possibilities for minority languages (Cormack 2007: 12). Surveys of attitudes to the internet in New Zealand show that speakers of Māori (and Pasifika languages) tend to believe that the internet helps support their languages rather than the opposite (Bell et al. 2008). I concur with that view, but with two reservations: minority groups, in New Zealand as elsewhere, are more likely to be on the down side of the 'digital divide': Māori had the lowest internet usage of any ethnic group in the 2007 World Internet Project New Zealand survey (Bell et al. 2008). In her prospectus for future research in minority language media, Hourigan (2007a) similarly notes the impact of the digital divide on indigenous minorities in Europe. Secondly, the nature of the presence provided on the internet caters to members of the minority itself (and existing supporters) rather than showcasing their language to the wider community.

As a sociolinguist specializing in the relationship of language and media, I believe there is still an urgent need to mainstream the Māori language on primetime New Zealand television, to give a widely-heard voice to *te reo* and a mass audience for *te reo*. That exposure could still make the difference to whether Māori survives as a living language or not.

Notes

- 1 Earlier versions of this paper were presented in 2005 at the 7th Biennial Conference on Forensic Linguistics/Language and Law, Cardiff University, Wales; and at the 16th Biennial Conference of the Linguistic Society of New Zealand, University of Auckland. I acknowledge the advocacy through the courts for *te reo* Māori of the New Zealand Māori Council and of Nga Kaiwhakapumau i te Reo/Wellington Māori Language Board, and the commitment to this cause of the late Martin Dawson, Luckie Hain solicitors, Wellington. It was a privilege to turn my knowledge in language and broadcasting to the service of the at-risk indigenous language of New Zealand. I thank the Editor of *Te Reo*, Paul Warren, and three anonymous reviewers for their suggestions which have improved this paper.
- 2 Hollings (2005) surveys a good deal of the progress of Māori broadcasting from the 1980s to 2004, concentrating on the administrative and legislative issues, with some coverage of the legal processes and decisions.
- 3 The original context for presentation of this material was obviously not an academic one, and some of the flavour of that situation is retained in this text. I also use present tense in outlining the points of evidence, although the court cases

are now in the past. At the time, only references up to the 1980s and 1990s were available. I have incorporated here material from subsequent studies.

- 4 For the most well-known situations such as Irish and Welsh, there is a very large literature available. For overview information of different languages at different periods, see for example Contreras et al. (1976); Baetens Beardsmore (1984); Cormack & Hourigan (2007).
- 5 De Bres (2010) addresses the issue of television advertising intended to enhance the tolerability of Māori by non-Māori New Zealanders. 'Tolerability' is the degree to which majority members will support – or at least, not oppose – minority language maintenance initiatives. De Bres studied the content and reception of two advertisements promoting Māori which were screened on four channels between 2000 and 2005. While these advertisements technically represent mainstreaming of Māori language, they are clearly of a different order to usage of Māori in actual and ongoing programming. The study found that viewers did identify the intended messages in the advertisements, but it did not attempt to gauge any effect on viewers' attitudes.

References

- Arana, Edorta, Patxi Azpillaga & Beatriz Narbaiza, 2007. 'Linguistic normalisation and local television in the Basque country.' In Mike Cormack & Niamh Hourigan (eds), *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon, U.K.: Multilingual Matters. 151–167.
- Baetens Beardsmore, Hugo, (ed.), 1984. *Language and Television* (International Journal of the Sociology of Language 48). Amsterdam: Mouton.
- Baetens Beardsmore, Hugo & Herman van Beeck, 1984. 'Multilingual television supply and language shift in Brussels.' *International Journal of the Sociology of Language* 48: 65–79.
- Bell, Allan, 1983. 'Broadcast news as a language standard.' In Gerhard Leitner (ed.), *Language and Mass Media* (International Journal of the Sociology of Language 40). Amsterdam: Mouton. 2942: 29–42.
- Bell, Allan, 1991. *The Language of News Media*. Oxford: Basil Blackwell.
- Bell, Allan, Charles Crothers, Ian Goodwin, Karishma Kripalani, Kevin Sherman & Philippa Smith, 2008. *The Internet in New Zealand 2007. Final Report*. Auckland: Institute of Culture, Discourse and Communication, AUT University.
- Bixler-Marquez, Dennis J., 1985. 'The mass media and the retention of Spanish by Chicanos.' *International Journal of the Sociology of Language* 53: 21–29.
- Bokhorst-Heng, Wendy, 1999. 'Singapore's *Speak Mandarin Campaign*: language ideological debates and the imagining of the nation.' In Jan Blommaert (ed.), *Language Ideological Debates*. Berlin: Mouton de Gruyter. 235–265.
- Browne, Donald R., 1992. 'Raidio na Gaeltachta: revival, preserver or swan song of the Irish language?' *European Journal of Communication* 7: 415–433.

- Contreras, Eduardo, James Larson, John K Mayo & Peter Spain, 1976. *Cross-cultural Broadcasting*. Paris: Unesco.
- Cormack, Mike, 1993. 'Problems of minority language broadcasting: Gaelic in Scotland.' *European Journal of Communication* 8: 101–117.
- Cormack, Mike, 2007. 'Introduction: studying minority language media.' In Mike Cormack & Niamh Hourigan (eds), *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon, U.K.: Multilingual Matters. 1–16.
- Cormack, Mike & Niamh Hourigan (eds), 2007. *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon, U.K.: Multilingual Matters.
- Corominas Piulats, Maria, 2007. 'Media policy and language poicy in Catalonia.' In Mike Cormack & Niamh Hourigan (eds), *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon, U.K.: Multilingual Matters. 168–187.
- de Bres, Julia, 2010. 'Promoting a minority language to majority language speakers: television advertising about the Māori language targeting non-Māori New Zealanders.' *Journal of Multilingual and Multicultural Development* 31: 515–529.
- Dodson, C. J. & R. Gerallt Jones, 1984. 'A Welsh-medium TV channel for Wales: development, controversies, problems, implications.' *International Journal of the Sociology of Language* 48: 11–32.
- Giles, H., R. Y. Bourhis and D. M. Taylor, 1977. 'Towards a theory of language in ethnic group relations.' In Howard Giles (ed.), *Language, Ethnicity and Intergroup Relations*. London: Academic Press. 307–348.
- Grin, Francois & Francois Vaillancourt, 1998. *Language Revitalisation Policy: An Analytical Survey – Theoretical Framework, Policy Experience and Application to Te Reo Maori* (Treasury Working Paper 98/6). Wellington: New Zealand Treasury.
- Gruffydd Jones, Elin Haf, 2007. 'The territory of television: S4C and the representation of the "whole of Wales".' In Mike Cormack & Niamh Hourigan (eds), *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon, U.K.: Multilingual Matters. 188–211.
- Guyot, Jacques, 2007. 'Minority language media and the public sphere.' In Mike Cormack & Niamh Hourigan (eds), *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon, U.K.: Multilingual Matters. 34–51.
- Hale, Ken, Michael Krauss, Lucille J. Watahomigie, Akira Y. Yamamoto, Colette Craig, LaVerne Masayesva Jeanne & Nora C. England, 1992. 'Endangered languages.' *Language* 68: 1–42.
- Harrison, Godfrey, 1980. 'Mandarin and the Mandarins: language policy and the media in Singapore.' *Journal of Multilingual and Multicultural Development* 1: 175–180.
- Hayward, Janine, 1997. 'Appendix: the principles of the Treaty of Waitangi.' In Alan Ward, *National Overview (Rangahaua Whānui Series)*, Vol. ii. Wellington: Waitangi Tribunal. 475–494.

- Hill, Jane H., 2002. "Expert rhetorics" in advocacy for endangered languages: who is listening, and what do they hear?" *Journal of Linguistic Anthropology* 12: 119–133.
- Hinton, Leanne, 1994. *Flutes of Fire: Essays on California Indian Languages*. Berkeley, California: Heyday Books.
- Hollings, Mike, 2005. 'Māori language broadcasting: panacea or pipedream.' In Allan Bell, Ray Harlow & Donna Starks (eds), *Languages of New Zealand*. Wellington: Victoria University Press. 111–130.
- Hourigan, Niamh, 2007a. 'Minority language media studies: key themes for future scholarship.' In Mike Cormack & Niamh Hourigan (eds), *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon, U.K.: Multilingual Matters. 248–265.
- Hourigan, Niamh, 2007b. 'The role of networks in minority language television campaigns.' In Mike Cormack & Niamh Hourigan (eds), *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon, U.K.: Multilingual Matters. 69–87.
- Howell, W. J., Jr, 1986. *World Broadcasting in the Age of the Satellite: Comparative Systems, Policies, and Issues in Mass Telecommunication*. Norwood, New Jersey: Ablex.
- Howkins, John, 1982. 'Communications in Finland.' *InterMedia* 10: 40–60.
- Joint Māori/Crown Working Group, 1996. *Report of the Joint Māori/Crown Working Group on Māori Broadcasting Policy*. Wellington: Ministry of Commerce.
- Kelly-Holmes, Helen, 2001. 'Foreword.' In Helen Kelly-Holmes (ed.), *Minority Language Broadcasting: Breton and Irish*. Clevedon, U.K.: Multilingual Matters. 1–5.
- Kuo, Eddie C. Y., 1984. 'Television and language planning in Singapore.' *International Journal of the Sociology of Language* 48: 49–64.
- Lipski, John M., 1985. 'Spanish in United States broadcasting.' In Lucia Elias-Olivares, Elizabeth A. Leone, Rene Cisneros & John R. Gutierrez (eds), *Spanish Language Use and Public Life in the United States*. Berlin: Mouton. 217–233.
- Ó hÍfearnáin, Tadhg, 2001. 'Irish language broadcast media: the interaction of state language policy, broadcasters and their audiences.' In Helen Kelly-Holmes (ed.), *Minority Language Broadcasting: Breton and Irish*. Clevedon, U.K.: Multilingual Matters. 6–30.
- Siegel, Jeff, 1985. 'Tok Pisin in the mass media.' In S. A. Wurm & P. Muhlhausler (eds), *Handbook of Tok Pisin (New Guinea Pidgin)*. Canberra: Australian National University, Research School of Pacific Studies. 517–533.
- Spolsky, Bernard, 2005. 'Māori lost and regained.' In Allan Bell, Ray Harlow & Donna Starks (eds), *Languages of New Zealand*. Wellington: Victoria University Press. 67–85.
- Te Puni Kōkiri, 2008. *Te Oranga o te Reo Māori i te Rāngai Pāpāho 2006/The Health of the Māori Language in the Broadcasting Sector 2006*. Wellington: Te Puni Kōkiri.

Wee, Lionel, 2010. ““Burdens” and “handicaps” in Singapore’s language policy: on the limits of language management.’ *Language Policy* 9: 97–114.