

Giving/Taking, Selling/ Buying, Speaking/Silence: *Te reo Maori* in Prime-time

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From 1979 to 1989, rights to broadcast in New Zealand were allocated by the Broadcasting Tribunal, which Australian readers would clearly recognise as having similar functions and powers as the Australian Broadcasting Tribunal. An underlying assumption of the Broadcasting Act 1979 was that broadcasters should acquire the right to broadcast to fulfil specified needs of audiences and/or advertisers.

The 1989 Broadcasting Act did away with the Tribunal, and the allocation decision was embodied in the Radiocommunications Act 1990. Rights to broadcast were described as 'frequencies', and these were to be sold by tender in the open market. The frequencies were assumed to be an asset of the Crown, managed by the Ministry of Commerce to maximise the Crown's financial return.

The economic doctrines which justified this move have, from 1984 to the present, dominated policy discourse in New Zealand. The most effective resistance to the New Right agenda has come from Maori. Their claims for restorative justice, heard before the Waitangi Tribunal and grounded in the legal and constitutional discourses surrounding the Treaty of Waitangi (1840), have prevented the sale into private hands of substantial Crown assets in forestry, land, and fisheries. A successful claim was also made regarding the sale of radio frequencies, which provided present and prospective Maori broadcasters with a limited pool of AM and FM radio frequencies, and sufficient UHF television frequencies for a national TV network.

Maori rights of control over cultural re/production in electronic media are entangled by the discourse of new right economics and the legal/constitutional discourse surrounding the Treaty of Waitangi. These have little in common except for a euro-centric conception of the role of property in exchange. It is these commonalities and differences this article explores, together with the strategies involved in their deployment.

Giving/Taking: *taonga*, *utu* and *hau* - the 'primitive' mode of exchange

In 1986 the Waitangi Tribunal found that *te reo* Maori (the Maori language), was a *taonga* (treasure), and the government is therefore obliged, by Article I of the Treaty of Waitangi, to guarantee its continued possession by Maori. Article II provides that the Crown will guarantee to Maori '...exclusive and undisturbed possession of their lands and Estates, Forests, Fisheries and other properties...' The Maori language version of the Treaty differs, crucially, in its meaning. It promises Maori *tinio rangatiratanga* over '...o ratou taonga katoa..' – taken by the Tribunal to mean 'the fullness of control' (22), over '...all their valued customs and possessions...' (20).

So the English version of the Treaty prevents the Crown from stripping Maori of their carved boxes, fine feathered cloaks, ceremonial tools and weapons, and other sorts of *taonga*. Nor should the Crown create laws which allow these *taonga* to be alienated from Maori. The Waitangi Tribunal in its *Te reo* Maori Report invokes the English interpretation of the Treaty:

When the question for decision is whether *te reo* Maori is a '*taonga*' which the Crown is obliged to recognise we conclude that there can only be one answer. It is plain that the language is an essential part of the culture and must be regarded as 'a valued possession'. The claim itself illustrates that fact, and the wide representation from all corners of Maoridom in support of it underlines and emphasises the point (1986: 20).

Thus the Tribunal finds that *te reo* Maori belongs to Maori and it must not be 'taken' from them either deliberately or by acts of omission. That interpretation was reinforced by the Privy Council in 1994 (the case is described below):

With the passage of time, the 'principles' which underlie the Treaty have become much more important than its precise terms. Foremost among those 'principles' are the obligation which the Crown undertook of protecting and preserving Maori property, including the Maori language as part of *taonga*, in return for being recognised as the legitimate government of the whole nation by Maori (517).

Taonga are not property

The term *taonga* invokes a way in which an artefact belongs to a person, or should be exchanged, that is profoundly different from the English legal and economic concepts regarding property.

From the time of Locke onwards, property has been regarded in English jurisprudence as an extension of the individual; the theft of property is regarded as equivalent to an assault upon the person. Property is alienable – its transfer between persons is usually held to be complete and unfettered. Complete alienability promotes market exchange and economic efficiency, and is therefore held to be a virtue of property rights in economic theory (Fountain, 1988: i).

The Maori conception of *taonga* is explained in this quote which Elsdon Best (1909), attributes to Tamati Ranaipiri:

Suppose you have some particular object, *taonga*, and you give it to me; you give it to me without a price. We do not bargain over it. Now I give this thing to a third person who after a time decides to give me something in repayment for it (*utu*), and he makes me a present of something (*taonga*). Now this *taonga* received from him is the spirit (*hau*), of the *taonga* I received from you and which I passed on to him. The *taonga* which I receive on account of the *taonga* that came from you, I must return to you...I must give them to you since they are the *hau* of the *taonga* which you gave me. If I were to keep this second *taonga* for myself I might become ill or even die. Such is the *hau*, the *hau* of personal property, the *hau* of the *taonga*, the *hau* of the forest...(433-481).

Mauss (1925), O'Connor (1991), and Weiner (1992), all elaborate on and discuss the paradigm of exchange invoked by *taonga*, *hau* and *utu*. Mauss seeks to draw parallels with the American Indian potlatch and similar practices in other cultures. Weiner emphasises the role of women in the production and circulation of such 'inalienable possessions'. O'Connor discusses implications of 'symbolic exchange' for resource management issues and Treaty settlement processes in Aotearoa/New Zealand. Among these interpreters, the following characteristics of *taonga* are agreed upon.

- Possession of a *taonga* is equivalent to holding the *taonga* in trust for the community, its ancestors and its successors. *Taonga* are not so much exchanged as circulated, and the circulation binds the individual to the community. To cease the circulation, would be to '...lose one's claim to the past as a working part of one's identity in the present.' (Weiner, 1985: 210, cited in O'Connor, 1991: 40). The theft or dispossession of a *taonga* is not an assault on the person, as in English jurisprudence, but an assault on the community, including its ancestors.
- *Taonga* are repositories of history. To have possession of a *taonga* is to become part of its history and to be included in the history of the community. As Salmond puts it, each *taonga*:

...was a fixed point in the tribal network of names, histories and relationships. They belonged to particular ancestors, were passed down particular descent lines, held their own stories and were exchanged on certain memorable occasions. *Taonga* captured history and showed it to be living, and they echoed patterns of the past from first creation to the present (quoted in O'Connor, 23).
- Not all *taonga* are exchanged or circulated freely. Those held within a family for long periods of time are the most precious or significant. The significance of the *taonga* which is given can be judged by preciousness of the *taonga* that are not given. This, according to Weiner is part of the essence of 'primitive' exchange: the act of keeping-while-giving.

- Possession of a *taonga* is also a signifier of mana (authority):

...such possessions, as they move through time and space, become the carriers of more information and greater authority than other kinds of things. Control over their meanings and transmission from one generation to the next accords authority to their owners (Weiner, 1985:10).
- Mana is exercised not just by the possession of *taonga*, but by the giving of *taonga*: the value and significance of the *taonga* given bespeaks the mana of the giver.
- *Taonga* can be wielded to exert power:

So great is the *mana* of high-ranking cloaks that if a woman throws a cloak over a man, he becomes her husband. In other circumstances, throwing such a valued cloak over a condemned person spares his life because the cloak serves as ransom (Weiner, 1992: 61).

In summary, *taonga* are more than, and different to, personal possessions; they possess social and political functions which bind, as well as separate, communities in time and space. Mauss argues that this form of exchange is not only the prerogative of 'primitive' societies: 'Our morality is not solely commercial...The gift not yet repaid debases the man who accepted it, particularly if he did so without thought of return ... Just as courtesy has to be returned, so must an invitation' (1925: 63). Weiner also finds similarity with European norms, noting that 'A possession like a feathered cloak or jewelled crown can affirm rank, authority, power, and even divine rule because it stands symbolically as the representative of a group's historical or mythical origins' (1992: 51).

The example of a 'jewelled crown' is appropriate: the regalia of the English sovereign possess most of the above-listed characteristics: the regalia are a repository of history and a signifier of mana. They are circulated within a family, and rarely transferred between royal 'houses'. The crowning of the regent is a solemn affair, an historical moment, a transfer of mana. The protection and mana of the regalia are also wielded in contemporary political discourse: the New Zealand government, in its dealings with Maori over Treaty issues, invariably refers to itself as 'the Crown', to distinguish its temporary exercise of executive power from its stewardship of the continuing power of sovereignty.

In disputes with Maori, one might also say the Crown is also involved in the act of what Weiner describes as 'keeping-while-giving': keeping all its powers of sovereignty while begrudgingly giving land and cash settlements as compensation for past wrongdoing. For the Maori the receipt of alienable property in compensation misses the point: Maori want *utu* – not just the return of the property taken from them, but a return which restores their *mana*. The spirit in which the return is made is all-important, and the substance of the return must include recognition that *tino rangatiratanga*, including its signifiers, is an inalienable possession.

Are texts also *taonga*?

Pre-European Maori culture was entirely oral, so *taonga* served to locate people and events in the communal history. In fulfilling this function, *taonga* may be regarded as a sort of book or text. But if *taonga* are texts, are texts also *taonga*? Weiner suggests they are:

Scattered in the ethnographic literature are examples of myths, genealogies, ancestral names, songs and the knowledge of dances intrinsic to a group's identity that, taken together as oral traditions, form one basic category of inalienable possessions (1992: 37).

In the late 20th century, the electronic media generally, but free-to-air VHP television in particular, seem to possess some of the social functions ascribed to *taonga*: as vehicles for the circulation of meaning and conferral of status, as repositories for history and culture. The circulation of media texts creates and defines communities, including their history and mores.

Is it therefore appropriate to regard anything in modern society which fulfils the function of *taonga* in traditional Maori society as *taonga* within the meaning of the Treaty of Waitangi? If one accepts the Treaty as a living document, and that Maori language, society and culture as alive and adaptive to technological and social change, the answer must be yes.

The fetishism of language, the inalienability of Radio New Zealand.

Texts, in Maori culture, do not have an existence separate from the speaker, or the context in which they are spoken. Texts are not alienable from their producers. The treatment of texts as entities in themselves, divorced from the intentions of their authors – as post-structuralist media theorists propose – might be regarded by Maori as a 'fetishism of language'. Texts, like commodities in Marx's famous epithet, are only mistakenly separable from the social relationships entailed in their production and circulation.

The Broadcasting Assets cases

If texts are inalienable from their authors, are they also inseparable from their publishers, or even the technology of publication? There has been significant effort on the part of Maori to prevent the Crown from transferring its ownership of the Radio New Zealand commercial network to corporate structure known as a State-Owned Enterprise. A successful High Court injunction was appealed by the Crown, and eventually *New Zealand Maori Council v Attorney General*, (known as 'The Broadcasting Assets Case'), made its way to the Privy Council (1994). A second round of cases, to prevent the outright sale of Radio New Zealand into private hands, has, at the time this goes to press, recently failed at the Court of Appeal and the network has been sold.

The Maori applicants argued that alienation of the assets would substantially diminish the Crown's ability to fulfil its obligations in regard to *te reo Maori* (as it would no longer be able to direct those stations to broadcast Maori language). Underlying this argument is an implicit connection between the Crown's possession of the asset and its possession of *mana* – an implication that Radio New Zealand and Television New Zealand are *taonga* of the Crown, which the Crown can use to restore *mana Maori*.

Sovereign power, *mana* and *taonga*

The Crown's response was that the sale of Radio New Zealand in no way compromises the Crown's ability to fulfil its obligations to guarantee and protect *te reo Maori* within the current broadcasting regime. The Waitangi Tribunal's 1986 report on the *te reo Maori* claim included a substantial section on broadcasting, in which it very nearly accepted the Crown's past failures to do precisely that:

If we were to conclude that the Maori language has been harmed by the predominance of English on radio and television, and if we were to conclude further that Article II of the Treaty promises that the Maori language was not only to be guaranteed but to be protected by virtue of the provisions of the Treaty, then we could well conclude that the Minister has 'omitted to do' an act within the meaning of Section 6 of the Treaty of Waitangi Act 1975, viz. that he has omitted to exercise his power to give a direction...by which that harm could be alleviated. This we say would give us the statutory right to intervene in the matter (1986).

But the Tribunal didn't make those conclusions, to avoid impinging on the functions of the Broadcasting Tribunal (now defunct), and the Royal Commission on Broadcasting and Related Telecommunications, which was conducting hearings at the time. The Waitangi Tribunal has yet to conduct a full hearing on the matter of Maori language and broadcasting.

In the Broadcasting Assets Case, the Privy Council accepted that omissions have been made; the question before it was how much the Crown should do to remedy the situation:

The Crown in carrying out its obligations was not required in protecting *taonga* to go beyond taking such action as was reasonable in the prevailing circumstances. While the obligation of the Crown was constant, the protective steps which it was reasonable for the Crown to take changed depending on the situation which existed at any particular time (1994: 514.)

The 'prevailing circumstances' referred-to were the government's predilection for running budget surpluses. On the matter of whether the transfer of the Crown's broadcasting assets would be in dereliction of its obligations, the Privy Council held that:

The combined effect of the provisions of the State-Owned Enterprises Act 1986 was that in practice the Crown could exercise a substantial degree of control over the manner in which the assets were employed by a state-owned enterprise. The transfer of assets of the former Broadcasting Corporation would have little, if any, effect on the Crown's ability to fulfil its obligations under the Treaty (514). In denying the Maori claim to prevent the sale of Radio New Zealand, the High Court and the Court of Appeal both held that such a sale would in no way restrict the Crown's power to fulfil its obligations by regulation - such as imposing on all broadcasters a Maori language quota.

The legal system did not recognise or accept the implications of the term *taonga* in the Treaty. In fairness to the jurists involved, the Maori claimants did not attempt to found their case on the concept and role of *taonga* on the lines sketched out above, probably because it would have been too much for the judiciary to swallow (unless, perhaps, the Waitangi Tribunal gave prior support to a Maori claim that broadcasting assets were *taonga*). These are the problems inherent in maintaining cultural integrity while arguing for the survival of a language and culture on someone else's cultural/linguistic turf.

Buying/Selling: the economic imperative and the regulation of broadcasting

An alternative political strategy might be to embrace the other's discourse in order to acquire resources, then use them for your own cultural ends - as CAAMA did in acquiring the central Australian satellite footprint. What follows is just such a strategy, aimed primarily at prime-time television, since Maori radio already has a significant presence. A short-term Maori television service has broadcast this year, but does not have sufficient funding to continue.

The current broadcasting regime is founded on free-market economic theory, and although it seems designed to privilege the interests of profit-seeking broadcasters, the economic ideas underlying it do not lead inexorably to the conclusion that this is the only, or even the most preferable, outcome.

The ideological foundations of the regime are set out in the Treasury's *Submission to the Royal Commission on Broadcasting and Related Telecommunications* (1986). This recommends the separation of the roles of public and private sector. The market will decide who gets to broadcast, on the basis of the willingness and ability of broadcasters to pay for frequencies. In this way, the rights move to their highest 'use-value'. The implication is that the highest use-values (that is, the most profitable uses) will also be the most socially desirable uses of the radio-frequency spectrum. Where the market fails to provide services that the government deems socially useful, those services will be subsidised with funding from the television license fee.

The allocation of broadcasting rights by market exchange has a history in economic thought that can be traced back to two classic articles by Ronald Coase (1959, 1960). The

first of these, *The Federal Communications Commission*, argues that there are no laws to control who should be allowed to publish newspapers, so why should there be for radio? This was the source of the Treasury argument regarding use-value, and it can be set aside for the moment, to the extent that it applies to commercial media and we accept that some radio spectrum should be used for purely commercial purposes. The second article, *The Problem of Social Cost*, deals with the production and distribution of externalities and has considerably more interesting applications to the issue at hand.

The production of externalities

An externality is a by-product of a production process which imposes burdens (or supplies benefits), to parties other than the intended consumer of a commodity. For example; air and water pollution are 'negative' externalities which impose burdens on society and the environment. It is neither the producer nor the ultimate consumer of the commodity who directly bear these costs of production. Apple orchards and beehives provide mutual 'positive' externalities to the producers of apples and honey and therefore provide a form of unrecognised 'subsidy' to producers and consumers of both products.

Coase's solution to the problem of social cost (that is, the problem of negative externalities), was to propose the creation of divisible, tradeable and enforceable property-rights in externalities. Where this is possible, two useful outcomes may be realised:

- The market value of the commodity will incorporate some of the 'cost' that would otherwise be imposed on society by the unrestricted production of externalities. This supposedly creates an efficient distribution of burdens and benefit between society and the consumer of the commodity. The desired result is *allocative efficiency*.
- Producers of commodities can trade externality rights among themselves. Each producer is faced with an economic trade-off between reducing the output of externalities and purchasing more rights. The desired result is *productive efficiency* (that is, production will be efficiently organised).

To illustrate this, say the negative externality in question is the discharge of effluent into a stream. Productive efficiency occurs if the total acceptable amount of effluent discharge is fixed and the producers of effluent could trade amongst themselves the rights to a proportion of the discharge. Each producer of effluent must make an economic decision, between buying more effluent rights or investing in waste treatment technology. The total level of pollution in the stream is not affected. This much is uncontroversial in economic theory.

However, for this happy situation to come about, decisions must first be made about what the total output of effluent should be, how the divisible and tradeable rights in

effluent will be defined, and most importantly; who will hold the rights initially (ie, existing polluters or other users of the stream, including future generations). An initial allocation entirely in favour of one will normally be inequitable toward the other. The application of the Coase theorem for producing such allocative efficiency are fraught with difficulty.

Nor are economists united in their acceptance, or interpretation, of the Coase Theorem. As Veljanovski (1982) puts it: '...there is a continuing controversy among economists surrounding the validity of the Coase Theorem. No year passes without several articles in the most respected journals refuting the theorem and a corresponding number reaffirming it.' Veljanovski identifies five interpretations of its meaning in the literature, including one which claims that an initial allocation of rights to either party will be equally equitable (which is demonstrably wrong, both in theory and practice). Nevertheless, the basic argument of Coase Theorem is much favoured by pro-market enthusiasts in policy circles: if appropriate property rights, a politically tenable initial allocation, and some form of effective market or quasi-market can all be established, the government can step back from regulatory involvement and allow the 'invisible hand' to do its work.

Externalities and broadcasting

The ideas in *The Problem of Social Cost* developed from Coase's belief that radio frequency interference was an externality which could be controlled by the creation of property rights. Coase's emphasis on radio interference as the essential problem in allocating broadcasting rights has persisted in the economics literature. Fountain, in summarising Coase's earlier argument (1959), about what is really owned in owning a frequency, says: 'The rights that are being allocated are the rights to use pieces of equipment to radiate signals in some ways rather than others...' (Fountain, 1988: 5). The possibility that the cultural products carried by those signals, or their social and political effects, should have significance in making allocative decisions has been ignored by economists from that time on.

In New Zealand, the market allocation of frequencies has been enabled by the creation of Time-Area-Spectrum (TAS) packages of rights. The TAS rights do not solve the problem of radio interference by application of the Coase theorem; in fact they are specified in such a way as to render it redundant. But it is entirely possible that the Coase Theorem can be applied to the management of broadcast content.

Imagine that the initial allocation of rights to broadcast could be made in favour of either of two parties: the 'audience' on one hand, or 'broadcasters' on the other. If rights were entirely allocated to the audience, broadcasters would have to purchase those rights, on such terms and conditions as the audience desired (including, for instance, certain amounts of Maori language content). According to Fountain (16, footnote 30), the possible

allocation of broadcasting rights to audience was considered by De Vany, et al, but dismissed because the high cost of negotiating agreements with so many parties would almost certainly prevent broadcasters entering the market.

In New Zealand, accepting De Vany's argument, the rights were initially allocated to broadcasters: TAS property rights confer on broadcasters virtually unfettered broadcasting rights. This initial allocation in favour of broadcasters stripped the audience of any right of determination over broadcast content, other than the right to switch off or switch channels. The Government recognised the market might not produce sufficient quantities of programming for some audience members – including women, Maori and other ethnic minorities – or even sufficient quantities of output reflecting the dominant culture. A Broadcasting Commission was set up to purchase or subsidise such outputs. This can be shown to be an inequitable solution, but what interests us here is that, wittingly or not, our current broadcasting legislation treats the re/production and distribution of these cultural outputs as an externality problem.

Te reo Maori 'pollutes' the airwaves

The primary economic relationship in commercial broadcasting is between advertiser and broadcaster. The commodity which the producer wishes to sell is an audience. The programs broadcast are a by-product of this production process – an externality. Programs can be considered a positive externality to the extent that they entice an audience. Advertisements may be a negative externality, to the extent the audience does not enjoy them. Programming which broadcasters have a definite preference against, and for which they might claim compensation for lost revenue if broadcast, can rightly be treated as a negative externality problem. Maori language broadcasting, particularly on prime time free-to-air VHF television, would clearly fall into this category.

The government can, within the current regime, follow any of three courses to provide Maori language on prime-time television:

- Provide funding for a stand-alone UHF Maori television service (sufficient UHF frequencies have been set aside for this purpose). This would represent a form of compensation for the inability of Maori to gain access to the dominant free-to-air VHF services. At present this is the preferred solution.
- An alternative would be to pay one or more of existing VHF services to carry Maori language programs in prime-time. Although the Crown owns two of the three VHF free-to-air channels, current policy would require it to act as if the channels were privately owned. The payment would therefore have to incorporate compensation for loss of revenue during the program and for the revenue on the whole evening's schedule.
- The solution which flows from the Coase Theorem is for government to impose on all

television channels an obligation to broadcast a quota of Maori language programming. The obligation could be specified in the form of a transferable property-right. Channels which wanted to reduce or eliminate Maori language programming in their schedules could contract directly (or indirectly, through a broker), with those which wanted to initiate a Maori language channel or increase their existing quota. According to Coase, economic inefficiencies would be incurred if, and only if, the quota was non-transferable or transfer was prevented by the expense or difficulty of negotiating contracts.

The first two options would incur on-going negotiation costs and the potential for political hostage-taking by broadcasters. Both show a cash amount on the Government's books, which it continually has to justify. Both would require direct and ongoing government involvement and management - which is anathema to the current government and much of its opposition. From the Maori point of view, the amount of funding could be susceptible to changes of government or changes in policy. In times of recession, the Maori television service would be vulnerable to cutbacks.

The Coase option would involve short-term difficulties in specifying the dimensions of an appropriate property-right: how much prime-time Maori language (across all channels) is enough, how quotas will be initially allocated between broadcasters, and how to ensure the costs of trading quota will be minimised. But it provides an economically efficient system which requires little on-going political involvement, other than the need to occasionally point to the Treaty and recite the Crown's obligations under Article Two. The rights which Maori would have to a presence in the broadcast media would not be alienable. The obligation imposed upon broadcasters is transferable between broadcasters, but not alienable from Maori: the quota provides that *te reo Maori* will continue to 'belong to' its potential audience.

Nor should the description of *te reo Maori* as a form of air(wave) 'pollution' be taken as objectionable. Some broadcasters and audiences will view the production of Maori programming as a negative externality, others will perceive it as a positive externality -the asymmetry of obligations and sacrifices is fundamental to the problems addressed by the Coase Theorem. O'Connor (1991) describes the initial allocation problems in applying the Coase Theorem as a 'distribution of sacrifice'. The privileges of one are always provided at the expense of another. A broadcaster says *te reo Maori* is a negative externality, part of the audience has the opposite view. Somebody has to lose for the other to gain. The loss is all on the Maori side at present.

Speaking/Silence: rights of access to the airwaves

The foregoing provides a logic for efficient production in Maori broadcasting, but it carries no weight as an argument for Maori to obtain the right to broadcast. For that, in the absence of a liberal claim of rights to cultural production, we have to fall back on the

Treaty. But it does raise the issue of what would be a generally valid (or at least politically tenable) argument for creating an initial allocation of cultural quota. Especially given the absence of, or political antagonism to, the liberal assertion, unsupported by constitutional authority in Australia and many other countries, that people have a right to enjoy their own language and culture.

The concepts of *utu* and *hau* may provide one such argument. This can be stated using an analogy that any politician can understand: when you address a remark to another person, there lies within the phrasing, content, and context in which the remark is delivered, a 'spirit in which the remark is intended'. This reflects a presumed (or proposed), relationship between speaker and hearer. The remark has, embedded within it, an invitation to respond appropriately (which the respondent may choose to accept or reject). The remark may be insignificant, but the spirit of the remark can provoke communion or conflict. We might say that the 'spirit in which the remark is intended' is its *hau*, and the response it invites is the *utu* which the *hau* entails.

If we choose to see cultural re/production and distribution as the circulation of inalienable possessions, the refusal of one country to accept and broadcast the music, radio and television programs produced by another is a deliberate deafness to the conversational opening of the speaker. It can be interpreted as rudeness, and a cause of offence. On the other hand, to introduce a quota for local content, as Australia has done, is not rudeness to the other. It is an assertion of one's identity and a claim for autonomous speaking time neither of which, in reasonable society, ought ever be refused.

At the intra-national level, if two or more cultures share the same national territory, the same applies: a refusal by one culture to recognise the voice of the other is a rudeness, and the claim of one culture to a share of speaking time ought not be ignored or refused by the other. But how much does this potential insult matter? Tamati Ranaipiri provided us with a clue, by raising the spectre of death:

... If I were to keep this second *taonga* for myself I might become ill or even die. Such is the *hau*, the *hau* of persona] property, the *hau* of the *taonga*.

Weiner quoting from Simmel, provides a link to the inadequacy of economic rationalism to deal with the subject:

Certain possessions become subjectively unique removing them from ordinary social exchange as they attain absolute value rather than exchange value (Weiner, 1992:37).

The theory of modern microeconomics regards nothing as having absolute value - all goods are theoretically tradeable. Yet our experience tells us there are some things people will die for which, to an economist, equates with giving up all other goods. It follows that the good in question must possess absolute value. Among the things people will die for are the signifiers of communal identity; inalienable possessions; *taonga*, including

language and culture. To allow a language to die is to destroy the identity of its speakers, to visit upon them a kind of death.

The spectre of death here reminds us that, in some countries, the struggle of indigenous peoples to keep their identity, their right to cultural and social re/production, has led to violence and bloodshed. At lesser levels of intensity, such struggles create friction and encourage racial and cultural antagonism.

I offer this argument in case Australia's recently elected conservative government decides to adopt broadcasting policies similar to ours. The vaguely liberal intentions behind the ABT's mandate have served the needs of ethnic minorities, indigenous peoples and the dominant culture comparatively well. In New Zealand, by contrast, a move to fulfil the government's Treaty obligations with regard to *te reo* Maori will provide Maori with a right to cultural expression and re/production not shared by other New Zealanders. This could increase, rather than lessen, resentment and cultural friction.

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