

CULTURAL IDENTITY AND THE CHILDREN, YOUNG PERSONS, AND THEIR FAMILIES ACT 1989: IDEOLOGY, POLICY AND PRACTICE

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Abstract

This paper considers the directive contained in the Children, Young Persons, and Their Families Act 1989 to maintain a child's cultural identity when they are placed in foster care following substantiated abuse or neglect. The paper examines changes in defining cultural identity, in particular ethnicised cultural identities, with a focus on the contestable and unstable nature of cultural identity. It considers the case both for and against the references to cultural identity in the Act, and examines how the political context influences how cultural identity is defined. Some aspects of social work practice and relevant research are discussed.

INTRODUCTION

The Children, Young Persons, and Their Families Act 1989 (the CYPF Act) operates on the principle that, where possible, the primary role in caring for and protecting a child or young person lies with the "child's or young person's family, whānau, hapū, iwi and family group" (s.13[b]). However, when a child is not safe within their family, then the Act says they should be placed in "an appropriate family-like setting, in which he or she can develop a sense of belonging, and in which his or her sense of continuity and his or her personal and cultural identity are maintained" (s.13[f][iii]). Further, it states that when placing children in care, "priority should, where practicable, be given to a person who is a member of the child's ... hapū or iwi ... or, if that is not possible, who has the same tribal, racial, ethnic or cultural background as the child" (s.13[g][i]).

This article discusses section 13 of the CYPF Act, exploring the theoretical and ideological positions, historical particularities and political influences on its construction. It will investigate how these directives might be implemented in both policy and practice, with particular reference to Pākehā, iwi Māori, Pasifika and multiple-ethnicity populations. Selected practice issues for social workers who have to implement this section of the Act with children and their families are also explored. Some of the research on the relative importance of cultural identities when placing children is outlined. The article also attempts to draw together some elements of the culture debates from sociology,

psychology, social policy and social work literatures. It proposes that while the Act promotes a simplistic, singular, discrete and objective notion of cultural identity inextricable from ethnicity and kinship ties, in fact cultural identities are contestable, situational, often multiple, not necessarily related to ethnicity or ancestry, and subject to ideological and political influence. The article concludes that while reference to cultural identity is in general positive, care is required when applying the policy so as to avoid the reproduction of essentialist and even racist ideologies.

BACKGROUND TO THE LEGISLATION

The CYPF Act was the result of a lengthy process of consultation with various Māori groups following the release of a report entitled *Puao-te-Ata-tu (Day Break)* by the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare (1988). This report was an in-depth critique on the then Department of Social Welfare and the Children and Young Persons Act 1974. Both were found to reinforce institutional racism, which resulted in high numbers of both iwi Māori and Pasifika children entering foster care (Connolly 2001, Cheyne et al. 1997). Iwi Māori wanted greater input into the new legislation to ensure they were granted more influence in the care and protection process. Their input was taken into account as part of a much wider international emphasis within the social service arena on the weakness of services based on universalist principles. Methods based on these seldom met the needs of minorities, who were often some of the neediest groups in society (Cheyne et al. 1997). Furthermore, the Treaty of Waitangi provided a constitutional imperative for including Māori values and concepts within legislative frameworks, something the previous two decades of Māori protest in a wide range of areas had highlighted (see Spoonley 1988).

Thus, the Act that came into force in 1989 included a number of Māori concepts, such as whānau, hapū and iwi, and gave these groups, together with natural or adoptive families, preference over others as those primarily responsible for their children. However, when family/whānau are unable to provide adequate care for children, the focus in stranger placements is to ensure that continuity, safety and belonging are secured for the child (Connolly 2005). One aspect of that continuity is to ensure that, as much as possible, the cultural identity of the child is maintained in a positive manner as they leave their family of origin. This focus on recognising and ensuring the maintenance of cultural identity is seen as an important aspect of protecting both Māori and other minority children from the pervasive and detrimental effects of the dominant Pākehā culture as they enter the care system. The valuing of “cultural identities” is echoed in other public policy documents on cultural identity as being something desirable and important, which promotes health, wellness and social capital (Ministry of Social Development 2005, Durie 1999).

Thus the Act represented a major departure from the conceptualisations of family accepted by its predecessor. By extending the definitions and responsibilities of families to include whānau, hapū and iwi, the Act explicitly attempted to incorporate elements of Māori culture into the Act's precepts. This acceptance of Māori culture into its basic accepted categories of social organisation also resulted in an implicit acceptance and reinforcement of Māori criteria for membership and identity as being whakapapa (in short, genealogy). In this way, the emphasis on family responsibility, reinforced by the neo-liberal economic policies of the time (O'Brien 2001), and constructed around biological kin as the primary social unit, gave rise to several presumptions that require some discussion and debate when applied specifically to the idea of cultural identity.

DEFINING CULTURAL IDENTITY: ANCESTRY, CULTURE, MULTIPLICITY

Benhabib (2002) provides a useful overview of the changing influences on cultural identity conceptualisation. She notes how culture has come to be equated with identity, primarily in response to the development of Western capitalist economies. In these societies the original meanings of culture – to preserve, tend to and care for – has passed through the idea of a “soul's immersion in the shared values, meanings, linguistic signs and symbols of a people, itself considered a unified and homogenous entity” (2002:2), to its current form today where:

Whether in politics or in policy, in courts or in the media, one assumes that each human group “has” some kind of “culture” and that the boundaries between these groups and the contours of their cultures are specifiable and relatively easy to depict. (2002:4)

She goes on, as others have (e.g. Schultz and Lavender 2005), to point out the epistemological errors in such conceptualisation, calling it a “reductionist sociology of culture”. Turner (1993:412) notes that such a view of culture:

risks essentialising the idea of culture as the property of an ethnic group or race; it risks reifying cultures as separate entities by overemphasising their boundedness and distinctiveness; it risks overemphasising the internal homogeneity of cultures in terms that potentially legitimise repressive demands for communal conformity; and by treating cultures as badges of group identity, it tends to fetishise them in ways that put them beyond the reach of critical analysis.

The presentation of culture and cultural identity in this singular, simplistic manner has consequences for how we think injustices among groups should be dealt with, and how human diversity should be encouraged and protected (Benhabib 2002). Clearly, the CYPF Act sets out to provide policy on both of these counts: to address historical injustices against iwi Māori in particular, and to protect cultural diversity. Young

(1995) argues that, far from departing from Victorian ideas about “race”, contemporary discourses about “culture” often promote essentialist portrayals of cultural groups that instead operate complicitly with demands for the “other”. While “culture” is still often used as shorthand for “race”, or even ethnicity, a more useful understanding recognises the socially constructed, complex and adaptive nature of culture, the political and economic forces that contribute to its reproduction, the presence of culture among all people (not just those deemed “cultural”), as well as the agency of individuals to be active participants in creating and constructing their own culture and identities (Parton and O’Byrne 2000, Fleras and Spoonley 1999, Holland et al. 1998, Berger and Luckman 1966). Many identities are becoming less connected to ancestry or even kinship, and more closely affiliated to locality, nationality and “improvised” various subjectivities (Holland et al. 1998). For this article, I will focus predominantly on cultural identities related to ethnicity, but acknowledge this is just one aspect of “culture” and its affiliated identities.

Here in Aotearoa/New Zealand, some maintain a strong connection with ancestry as identity. In a context of historical domination, an exclusive, whakapapa-based Māori identity was drawn on throughout the “Māori renaissance” period to assert identity and draw attention to historical grievances (Greenland 1991). This strong Māori identity persists for some, demonstrated by the continuing high percentage (28%) of babies born to a Māori parent and a Pākehā parent who are categorised as “sole Māori” (Kukutai 2003). However, there have also been areas of decline in the significance of Māori ancestry. Kukutai (2003) notes that some 15% of those with Māori ancestry identify as “non-Māori”. Durie (1995) notes the divergence of realities, cultural expression and class positions of Māori, as has also been noted with regard to Samoans (Jensen et al. 2006, Anae 2002, Macpherson 1999, Fleras and Spoonley 1999).

Sawicka et al. (2003) found in their study of young New Zealanders of Indian, Pākehā, Māori and Greek ancestry that their expressions of cultural identity varied depending on the situations they were in; that there were marked differences between what some saw as merely an ethnic label rather than a living culture; and that for young Māori there was much variation in terms of alignment with “traditional” markers of Māori identity. A study of Samoan–Pākehā people (Keddell 2006) found that their expressions of cultural identity ranged from solely Pākehā to solely Samoan, and that these expressions changed depending on age and situation. Increasing numbers of others of various ancestries claimed “New Zealander” as their ethnic category in the 2006 Census question (Statistics New Zealand 2007).

While the CYPF Act presumes cultural identity to be singular, how can it be applied to the growing population of children and young people who identify with more than one cultural group? For example, in the 2001 Census 20% of New Zealanders aged 12–25

identified with more than one ethnic group (Statistics New Zealand 2006). In the year ended December 2005, 62% of Māori babies, 48% of Pasifika babies and 28% of Pākehā and Asian babies belonged to two or more ethnic groups (Statistics New Zealand 2006). Statistics New Zealand has grappled admirably with such issues (see Callister et al. 2005, Statistics New Zealand 2004), allowing both multiple ethnicity and self-definition of ethnicity.

All such examples point to the rapid evolution of cultural identities in Aotearoa/New Zealand (as in other Western countries), influenced heavily by ongoing globalisation and migration, resulting for many in the expression of new cultural forms. Recent theorists have argued for “hybrid” identities or “emerging ethnicities” as a way of explaining the complex postmodern personal sense of self. They argue that this sense of self is subject to a myriad of different cultural influences, with those related to ethnicity being just one (Bhaba 1996, Fook 2001, Modood and Werbner 1997, Young 1995). This represents a departure from primordial, race-based social categorisation to a focus on culture, which, in its strictest sense refers to the values, beliefs and practices of someone irrespective of their ancestry (although those elements may reflect constructions related to ancestry).

In the face of public pressure, Statistics New Zealand has allowed people to select more than one ethnicity in the census, and children can now also be assigned more than one ethnic group at birth (Statistics New Zealand 2004). Many have argued cogently for the acceptance of multiple ethnicities as a vehicle for recognising the many ways people construct their personal identities based on a number of ancestries (Ifekwunigwe 2004, Alibhai-Brown 2001, Keddel 2000, Zack 1993, Root 1992) and multiple cultural contexts (Modood and Werbner 1997, Bhaba 1996, Hall 1996). People can change their ethnic or cultural identity depending on the situation as a positive response to our postmodern, conflictual world, which regularly demands multiple responses to differing values and belief systems. The old sociological received wisdom of “imagined communities” relating to distant homelands and idealised “lost” cultures is being combined for some with new forms of localised cultural expressions (Niezen 2004, Anderson 1991). Hall notes:

Cultural identity ... is a matter of “becoming” as well as “being”. It belongs to the future as much to the past. It is not something that already exists, transcending place, time, history and culture ... far from being grounded in a mere “recovery” of the past which is waiting to be found and which, when found, will secure our sense of ourselves into eternity. (Hall 1996:225)

Giddens (1993) refers to the idea of identity as “life politics”; that is, a rejection of traditional “natural” givens. Instead, every aspect is negotiated, chosen, and consciously decided.

The idea of being able to choose one's cultural identity, based on aspects of one's ancestry or other factors, has several antecedents. Firstly, the idea of being able to "be whoever you want to be" is popularised by consumer culture (Rosebail and Seymour 1999). Secondly, in the area of ethnicity research, the "multiple ethnicity" or "mixed race" discourse on being able to choose from a range of heritages is promulgated as a way of resisting simplistic race-based categorisation (Anzaldúa 1987, Root 1992). Lastly, choices are made possible by the liberalisation of values in Western, postmodern societies and the related emphasis on individualistic human rights (Niezen 2004).

These choices are, however, defined by a wide range of social constraints, constraints that are enmeshed in relations of power (Rosebail and Seymour 1999, Root 1992). For example, the idea of multiple ethnicities is vulnerable to exploitation from those who would use it to challenge minority group identities, from both minority and majority group members (Root 1992). In a political context where identities based on distant minority ancestors are subject to challenge and measures of "authenticity", the recognition or assertion of a Pākehā as well as a Māori identity can be perceived as betrayal (O'Regan 2001). In the USA, the collaboration of some factions of the multiracial movement with conservative politicians has led several writers to point out that "anti-race" ideologies can easily find a home with universalist, individualist neo-liberal ideals (Brunsma 2006, Daniel and Castenada-Liles 2006). Another example of these constraints of power is the persistence of "race" as an ideology which continues to be perceived as a legitimate "scientific category", and with it the closely connected idea that there are specific, definable essential characteristics associated with certain ethnic groups.

Children embedded in the care and protection process cannot be seen as separate from such diverse expressions of identity and political influences in the population at large. Their "cultural identities" are therefore likely to be as varied and individually particular as those of the rest of the population.

THE CASE FOR "CULTURAL IDENTITY" AS RESISTANCE TO RACISM AND OPPRESSION

Ongoing societal racism and the ensuing politicisation of identity groups have an effect on children's identification with a minority group. It can result in a delay or denial of minority group identification (Cross 1987, Rotheram and Phinney 1987). The child may have internalised negative associations from society about belonging to an oppressed minority group (Cross 1987, 1995). For example, some argue it is normal for very young children living as a minority population in predominantly White, Western cultures to identify as White. This is thought to be the result of the role of racism in wider society that socialises children into a "White" context unless some form of intervention occurs (Spencer 1987, Twine 1997). Spencer states that this particularly applies to "caste-like" minorities: those equated with a particular lower-class or working-class position.

This clearly has some application in Aotearoa/New Zealand, as both Pasifika and Māori were historically channelled into unskilled and semi-skilled jobs during the rapid urbanisation and migration of the post-war period (Ongley 1996). The correlation is slowly weakening for some Pasifika (Anae 2002) and some Māori (Durie 1995). However, this positioning necessitates “compensatory cultural emphasis on the strengths of the caste-like minority group by significant others” (Spencer 1987:108) in order for children to develop a positive regard for the minority culture involved. In this respect, the necessity of considering “cultural identity” when placing children from minority ethnic groups, even those who may reject a minority or indigenous category placed on them by others, seems crucial. For those who belong to a stigmatised minority group, societal racism can further silence children who are victims of abuse. They can be caught precariously between heightened family loyalty in a context of racism and oppression, suspicion of authorities, and wanting to “give voice” to their traumatic experiences (Bernard 2002).

Conversely, those minority ethnic group children socialised in a politicised family environment that retains many elements of traditional culture (perhaps what Stanley [2000] calls a “tuturu whānau” or Macpherson [1984] calls “real Samoans”) are more likely to develop an early and definite singular ethnicised cultural identity.

Further complicating both of these responses is the special nature of the care and protection context; that is, where a child coming into care has suffered abuse and/or neglect at the hands of their family. Spencer (1987) notes that if the abuser comes from a minority ethnic group, the child victim is more likely to “racialise” the experience of abuse; that is, perceive the abusive behaviour as being connected to that person’s ethnicity. This is in contrast to children abused by people from majority ethnic groups, whose behaviour tends to be viewed as individual deficit rather than connected to their ethnicity. This dynamic further strengthens the claim that children from minority groups require placement with caregivers from their own cultural group so that they can access appropriate caring parenting and positive role modelling. This appears a straightforward imperative.

Wetherell and Potter (1992) claim that the essentialising and idealising of a traditional culture contribute to the idea that a culture could be “lost”, and that the finding of it is necessary and therapeutic. Here in Aotearoa/New Zealand we have some powerful contributors to this discourse based on a number of historical events. Māori children were regularly and systematically encouraged to stop inhabiting the world of their parents, complete with its language and beliefs, and to come instead into the Pākehā world as a kind of second-class citizen (Walker 1991, Ministerial Advisory Committee 1988). Similarly, Pasifika were encouraged to assimilate into Pākehā culture as quickly as possible, resulting in, for example, many children being told to speak only English (Macpherson and Pitt 1974).

The state's historical policy of assimilation (see Hunn 1961) can be seen in the present day through the challenging of Māori identities based on remote Māori ancestors; for example, only being counted as Māori if you could show you were "half or more" in the census until 1986 (Statistics New Zealand 2004), or the recent challenge by Leader of the Opposition Don Brash to claims of Māori distinctiveness due to intermarriage (Stokes 2006). Our particular history has created strangely contradictory discourses about "race" and, by implication, culture: on the one hand, authenticity is often judged on ancestry, appearance and cultural practice; on the other, "one drop" of Māori ancestry can still sometimes be used by the majority group to denote "race" and by Māori to denote legitimate claim to identity and resources. It is in this context that the "essentialising and idealising" described above becomes a powerful vehicle to reclaim cultural values and practices that were at times forcibly eradicated (see Walker 1991). Given our harsh and oppressive history, surely any child with Māori or Pasifika ancestry, even those who do not articulate themselves as having an indigenous/minority identity, should be encouraged to develop one as a way of pursuing social justice and promoting the anti-oppressive aims of general human rights (Reichert 2003). For many, the discourse of finding a "lost" culture is certainly viewed as therapeutic, embedded as it is in a discourse of decolonisation (e.g. Bell 2006, Niezen 2004, Carter in Ihimaera 1998, Jackson 1994, Banks 1992).

In the international literature several themes emerge. Thoburn et al. (2000), in a large British study, found that children in permanent placements generally benefit from being placed with families that reflect their own ethnic and cultural backgrounds, including those who were of "mixed" parentage. They note the complexity and difficulty, however, of finding complicated "matches" of ancestral heritages, religious faith, and cultural practice in today's cosmopolitan and mobile society. They also note that children of multiple ethnicity are likely to wait longer to be placed, and are less likely than either those with two white parents or two black parents to maintain contact with their families of origin. Thoburn (2004) notes that Afro-Caribbean caregivers tend to value and facilitate ongoing contact between children and their birth families more easily than caregivers from other ethnic groups. Barber and numerous British authors, in particular those who come from a "Black radical" paradigm (Kirton 2000), have noted the damage in terms of cultural dislocation and racism in placing Black children in care without due regard to their ethnic and cultural needs (Banks 1992, Barn 1999, Maxime 1986). They argue in response to this the need for strict "same-race" policies regardless of issues of culture, multiple ethnicity or religion. They claim that in a racist society, only a black family can adequately socialise and educate a Black child (or a child who looks "black") in the necessities of survival, and provide them with a unified, healthy identity.

THE CASE AGAINST "CULTURAL IDENTITY": RESISTING ESSENTIALISM, STEREOTYPING AND RIGID MULTICULTURALISM

On the other hand, how salient is ethnicity or ancestry as a determinant of the values, beliefs, behaviours and world view for the child and family involved? If salience is low, or a child has multiple cultural affiliations, then should "culture" (if conceived of as singular, ethnicised, discrete and passively reproduced from one generation to the next, as in Benhabib's "reductionist sociology" referred to above) be considered important when considering placement for the child? Katz (1996) notes the fragility of the idea that cultural identity can be conferred at birth in a simplistic reproductive act. What causes such conceptualisations to persist?

The presumption of a particular way of constructing the self based on ancestry was historically extended to include a presumed sense of "groupness" or collective consciousness between people of the same "ethnic group". However, political representations premised on groupness are not necessarily indicative of the presumed unity of a social category; in this case, ethnic culture (Brubaker 2004). While those in minority groups have an understanding of this, often those from the dominant group do not, and presume the unity of political representations to be indicative of group homogeneity in terms of values, beliefs and practices (Dominelli 2002). The presentation of ethnicity as a unified group for political purposes, while necessary at times for group recognition, survival and access to resources, has several negative results.

Firstly, it causes a continuing dichotomy of ethnic groups that is used to construct as "other" those who are not "in" the dominant group. This reinforces dominant and subordinate hierarchies, and also inhibits the development of cultural groups on their own terms (Wilson 2000). Dominelli (2002) notes the connections between exclusionary processes and identity formation. When cultural identity is presented as being a fixed, universal state with little room for movement, change or membership of more than one group, this rigidity makes it easier for relationships of exclusion and inequality to be reproduced. It also demands loyalties to be expressed to one group only, reinforcing conflictual social relations. Such dichotomies encourage the idea of demanding minority peoples to represent themselves as "legitimate" or "authentic" in order for their claims to be recognised. This in turn encourages a concept of culture that is essentialist and encourages strict boundaries based on certain values, beliefs and behaviours.

However, recognition from the dominant group is only ever in part, as these demands for legitimacy are then used to limit the participation of indigenous and minority peoples in wider society (Spoonley 1988, Chambers 1994, Lewis 2000). The result of strict gate-keeping criteria is that those who "opt in" to a particular group must

explicitly and publicly declare their commitment to various values, usually defined in “traditional” terms, while for those who do not wish to conform to those particular values, their commitment to the group and even their very claim to an identity is challenged. This has been clearly established with regard to Samoans (Keddell 2006, Macpherson 1999, Tiatia 1998), and iwi Māori (Ihimaera 1998, Greenland 1991). This is despite large differences in levels of identification within Pākehā, iwi Māori and Samoan groups with what might be called “traditional” culture (Sawicka et al. 2003, Kukutai 2003, Stanley 2000, Macpherson et al. 2000, Fleras and Spoonley 1999, Jonson et al. 1997).

The effects of this political environment on cultural identity definition are several. It feeds into the ways culture is theorised by people working with the CYPF Act, and results in decisions about children’s cultural identities being conceptualised similarly. Where authenticity is demanded by social workers, children or families who may not overtly express what a social worker deems to be an “authentic” representation of their cultural identity, either phenotypically or behaviourally, may not have their cultural identity recognised (Walker, personal comment, 2007). On the other hand, a family may not have a strong identification with their ancestral heritage, opting instead for identities based on religion, secular urbanity or a combination of cultural influences.

Social workers represent the state, so the effect of their interaction with clients’ representations must also be considered. Their status may produce a response more typical of the dominant group, as people from all minorities rely on their bicultural competence to guide them in their interactions with those around them (Wing Sue 2006, Robbins et al. 2006). In such cases, workers may feel legitimated in applying universalist methods of intervention and ignore the effects of oppression on the situation. The opposite effect, also based on ideas of authenticity, is also possible: that whatever the culture of the family (in terms of their actual values, beliefs and behaviours), they will only be viewed in terms of their ethnicity, and thus their behaviour is viewed through an implicit lens of expectation (Connolly et al. 2006). They are reduced to being merely a cultural “other”, and their “true”, or rather truer, more salient identities based (for example) on religion or class may be obscured, overlooked or downplayed.

A child who identifies with a culture that is not synchronous with their appearance or minority ancestry (as is often presumed), or who has more than one “cultural identity”, cannot be presumed to be “wrong”, as again this reinforces ideas of race and an objective reality of “cultural identity” that do not exist (Spencer 1997). Owusu-Bempah (2006) notes the damage caused to multiple-ethnicity children in therapeutic and social work settings if their problems are conceptualised as being related to “identity”, and the development of a minority identity is seen as the proper and necessary outcome. Tizard and Phoenix (1993) note that for many “mixed race” young people, the development of a Black identity is not predictive of high self-esteem or any other mental health

indicator. Spencer (1997) notes the illogic of presuming that those of multiple ancestries (which, after all, is most of us) should develop a minority identity, pointing out that confusion about what group one may belong to does not mean one is necessarily confused about the fact that one is. He also points out that automatic ascription to a minority group of colour for those with multiple ethnicities reinforces older ideas of “race” based on the economic, social and political demands of slavery and colonisation.

Others point out in the social work arena the limits of ethnic absolutism, echoing the sociological literature in their comments that presentations of minority concerns in essentialist ways actually limit the wider participation of such groups (Lewis 2000, Katz 1996). Further, numerous examples can be found – in particular for children of multiple ethnicities – where strict “same race” placement policies are practised even when they clearly do not fit the needs of some individuals (most often those children raised exclusively by white mothers resisting placement with families from the ethnic group of their fathers with whom they have no relationship (see Lewis 2000, Alibhai-Brown 2001).

Discourses that promote such rejections of minority identity as an intrinsically damaging denial of some kind of “true” self are clearly tenuous. The idea of a unified self arrived at following progression through several stages of cultural identity development has been heavily critiqued. It tends to be based on an idealised Cartesian subject, yet postmodern and pragmatic perspectives argue that identity is instead a collection of ways of representing the self depending on the social context and available discourses (Katz 1996, Kirton 2000). Foucault (in Hall 1996:2) states that theories of identity are “not a theory of the knowing subject, but rather a theory of discursive practice”. Wetherell and Potter (1992) argue that the idea of “culture as therapy” is used to make Māori seem deficient, not in relation to Pākehā but in relation to other Māori. This has the effect of patronising Māori while also appearing “progressive”. Matahaere-Atariki et al., again with reference to Māori, write:

When applied to Māori, identity is perceived to be a problem insofar as we are depicted as not having an identity because of our dislocation under colonialism. Defined as a problem of “lack”, the effect of this for Māori is that we are labelled “deficient” ... discourse about deficient indigenous people actually functions to hide the nature of the political context. (2001:125)

The child with only Pākehā ancestry may also have a cultural identity not necessarily in keeping with this in “racial” terms. Perhaps the child is one of a small but growing minority who attends kōhanga reo or a kura kaupapa; perhaps they live in a predominantly Māori rural area, or predominantly Pasifika South Auckland. Perhaps they have a step-parent and step-siblings that are not Pākehā; perhaps they hold a strongly felt European culture such as Dutch or Polish, which is obscured by their

being labelled as “Pākehā”. Ifekwunigwe (1999), with reference to Britain, notes that the ability of those with multiple “metis(se)” (mixed) identities to assert fluid, contemporary identities is muffled by two discourses. Firstly, the territorialised discourse of English nationalism is based on the premise of indigeneity and nationalism. Of course, in New Zealand the identities based on indigeneity and nationalism are both Māori and Pākehā (King 1999), yet are still presented as being distinct binary opposites, particularly in the political arena. The other is the de-territorialised idea of diaspora and the “one drop rule” ideology that “all Africans have been dispersed and one known African ancestor designates a person as ‘black’” (Ifekwunigwe 1999:181). Likewise, in New Zealand the idea of identity based strongly on ancestry, strengthened by the valuing of genealogical connections in both Māori and Pasifika traditional cultures, and the need for political action in response to racism (referred to above), also act to muffle the experiences of those who actively encompass a number of cultural realities.

Barth (2001) tracks the development of American policy on the placement of children. He argues that the policy of the 1990s requiring African-American children to be placed in African-American homes has meant that those children effectively “had their chances of adoption cut in half and experienced long delays in foster care while same-race placements were sought” (2001:142). This led to outrage from civil rights groups, who argued that federal law should limit the use of race or culture in foster care placements. Such a law was passed, but Barth points out that this Act (the Multiethnic Placement Act) now makes it illegal to match children even when foster families of the same ethnic group are available. Barth (2001) laments this development, and notes that any strict, rigid system is not going to cater effectively for children’s diverse needs. He emphasises that a caring, non-blaming, safe environment is the most important thing for children in care:

This is consistent with a significant body of research indicating the benefits of stable foster care and adoption placements ... even when these are cross-ethnic or cross-racial placements (Brooks and Barth 1999). This does not suggest that there are no iatrogenic effects of foster care, nor can these findings rule out the possibility that children placed in homes with less cultural familiarity will do less well. This is just not necessarily so. Racial and ethnic identity and politics does not have equal importance to all individuals at all times. (2001:144)

So, should the role of social policy and social work be to recognise the need to support children with indigenous or minority ancestry against the wave of Pākehā cultural influence, even if their lived cultural experience has been Pākehā? This would recognise the imposition of Pākehā culture on everyone as a result of our history of colonisation and dispossession. However, it may also inadvertently reinforce a dichotomy of binary opposites and the inequalities epitomised in this, as well as presuming the inherent “goodness” of creating an identity based on racist presumptions about the role of minority ancestry in conferring identity. Katz describes this impasse with reference

to the related issue of “transracial adoption”: “a classic postmodern dilemma ... by focussing on social processes, individual children may suffer, but by focussing on individuals, inequitable social relations are not challenged” (1996:201).

SOCIAL WORK PRACTICE: WHERE RUBBER MEETS ROAD

Given all this complexity, how can Child, Youth and Family (CYF) meet its legal obligation to ensure that a child’s “cultural identity” is maintained? Of primary importance is recognition of the diversity of influences on a child’s cultural identity, which may include one or more ethnicities, religion, class, location and gender. Sometimes these influences provide complex and competing discourses from which children actively “improvise” their identities (Holland et al. 1998). In this sense, a child’s cultural identity needs to be conceptualised not as something to be identified or “discovered”; instead, the family, social and political context that contributes to their identity needs careful consideration (Root 1992). Thus, the onus on CYF is not merely that of identification and “matching”, but of being cognisant of the power they hold in being formative in this area. The placement of children without regard to their cultural identity will change that identity: “It is not individuals who have experiences, but subjects who are constituted through experience” (Scott 1992:35). As such, much care needs to be taken when interpreting and applying the Act in real life. The question to ask is not so much, “What is the cultural identity of this child/family?” but “What discourses (if any) are being invoked by this child and their family to represent their cultural identities?” and “What is it about the context that is resulting in their choice of discourse?” Given this proviso, establishing the “cultural identity” of a child is not a straightforward task.

Social workers are, of course, the agents of the state in enacting this piece of legislation. It is their knowledge, views and belief systems that are central to the application of this Act and therefore of much importance. Connolly et al. (2006) note the difficulty in recognising and articulating one’s own “cultural lens” and identifying exactly how it might influence one’s perception of any given situation. They state that:

A lack of knowledge about cultural contexts, identity and disadvantage has the potential to seriously compromise a worker’s ability to understand the issues facing families who abuse and neglect their children ... [it] also impacts on the worker’s capacity to access culturally relevant solutions. (Connolly et al. 2006:28)

Dominelli (2002) and Owusu-Bempah (2005) argue that essentialist views of ethnicity are common among social workers, who tend to accept ideas about the stability and permanence of “race” despite attempts to educate them otherwise (Connolly et al. 2006). Dominelli points out that, particularly in an effort to support ethnic minorities in their struggles for cultural and physical survival, social workers have tended to

treat identity in “largely homogenising and essentialist terms ... [this] denies the uniqueness of the individual or family within a specific context as the basis of an assessment” (Dominelli 2002:51). This way of viewing identity, in line with colonial demands for an “authentic native”, insists that there is one way of viewing any particular identity or culture, and even acceptance of a bicultural or multicultural agenda is premised on the notion that each cultural group is “monolithic and fixed in time and space” (Dominelli 2002:52). Social work’s oppressive function in reinforcing the status quo as part of its position in the unifying project of the nation state has long been articulated (Dominelli 2002). In the light of this, a key question for both policy makers and social workers is, “Who has control over the construction of identity, and to what end are they using it?” (Fook 2002).

When social workers seek an “acquisition of information” approach about cultural difference – that is, look for the handbook or “model” about how to work with people from a particular group – this merely reinforces their own position as the given norm, and the position of the “other” and of all the “others” as rigidly bounded homogeneous groups. That is, it acts complicitly with Benhabib’s “reductionist sociology” which oversimplifies cultural identity and interaction. It also implies that the cultural world of the other can be fully known and therefore controlled (Dean 2001), or never known or understood – the “incommensurability” argument. The power the social worker holds in naming and categorising others goes unquestioned, as does the presumption that the particular “model” should be used with all whom the worker deems to belong to a particular group. The tendency for social workers to conceptualise culture in this way also creates alliances with traditionalists from particular ethnic groups, who tend not to acknowledge the contested and changing nature of cultures over time. In this manner the client’s own way of defining and attributing meaning to their own culture is assumed rather than sought in the assessment process (Dominelli 2002). Fook (2001) notes that this reductionist way of presuming a certain identity results in a social worker not being concerned about finding out who a client is, but instead relating to clients in terms of what they think they see. It also presumes the supremacy of ethnicity above all other factors operating in a client’s life, causing both a lack of consideration of other issues or an appreciation of similarities (Gilroy 2000).

As in all social work interventions, the humanist traditions of social work should point us away from the promotion of such stereotypes. Instead, in the consideration of cultural identity especially, individual agency should be the primary guiding factor (Dominelli et al. 2001). In this, social workers are bound to consider the interaction of the client’s personal attribution of the meaning of their personal circumstances, as well as the structural context that creates both discursive and material constraints. Any or all of these factors may have elements related to ethnicity and culture. The social work emphasis on discourses of power and the need for self-reflection are paramount in this

area. Social workers need an awareness of their own culturally constructed beliefs and values. The meeting of worker and client is the meeting of two subjective worlds, so workers need to understand their own cultural background as an integral part of the intersubjective interactions between themselves and their clients (Wing Sue 2006).

The social worker is embedded in personal, theoretical and professional cultural systems. These systems, and the relative power of each, will impact on both their approach to a family and the ways in which the family responds to them (Connolly et al. 2006). Dean (2001) proposes that social workers should aim to nurture understanding rather than knowledge about a person, and that this understanding can only come when we focus on "not knowing". This "not knowing" recognises that the client is the expert on their own lives, and that any problems encountered stem from the social worker's own lack of understanding rather than the culture of the client. However, even careful use of reflexive practice models can fail in their intended aim of promoting an awareness of one's own biases and cultural presumptions when one does not have adequate conceptual understandings of "race", ethnicity and culture in all their fluidity and subjective construction.

Of course, inequalities of power are seldom more pronounced in social work relationships than when working with children. The supreme power of social workers, counsels for the child, the courts and the family involved may all play a part in silencing the voice of the child, despite legal requirements to consider it. Furthermore, the legal process based on an adversarial system may in fact exacerbate "either/or" ideas of cultural and ethnic difference. If, for example, parents are struggling with the state (or each other) over custody of children, and cultural identity is stated in the Act, then a parent who claims a child's cultural identity is likely to be supported more by them is also likely to present a discourse of cultural identity that supports totalitarian, dichotomous ideas of how cultural identity and ethnicity transmission operate. This way of presenting should be understood in terms of the context of conflict that makes this kind of discourse necessary, rather than necessarily a fixed, unchanging felt experience of culture.

POLICY COMMENTS

In terms of policy suggestions, I conclude that the dangers posed by removing reference to ideas of cultural and ethnic identity are greater than those created by leaving it. The damage of approaches that do not strive to protect, in particular, minority cultural identities have been well documented (Barn 1999, Cheyne et al. 1997, Small 1993) and are of particular importance in New Zealand where there is an incontestable history of cultural and ethnic domination and oppression. However, the Act is a blunt instrument in need of fine-tuning in terms of its application. When applying and

interpreting the Act, social workers and policymakers alike must carefully consider the consequences of applying “cultural identity” as an essentialist, discrete category. Instead they should acknowledge the subjective and fluid nature of such identities, existing as they do in contexts of conflict, a history of oppression and the special context of the care and protection arena. As such, the relative weighting on cultural identity needs to be carefully considered in relation to a child’s need for safety and belonging.

Although the deleterious effects for Māori children placed exclusively with Pākehā families have been historically documented (Ministerial Advisory Committee 1988), recent research based in Aotearoa/New Zealand has simply not been done, and even accessing basic statistics – such as the demographic factors of foster parents and the children in their care, or organisational policy – seems an impossible task. This is an imperative area for ongoing research, much needed for all children in care. A related issue for all discussions of ethnic culture and policy development in this country is the class context of care and protection and care-giving, whereby the continuing disproportion of both Māori and Pasifika in the very poorest groups in terms of living standards (Jensen et al. 2006) means that the ability of CYF to recruit foster carers from communities already under financial pressure is an ongoing issue (O’Brien 2001, Bradley 1994). With poverty acknowledged as a primary cause of child abuse (UNICEF 2003), the circular nature of ethnicised disadvantage and representation in the care population (some 45.2% of children in care are Māori (Child, Youth and Family 2006)) cannot be easily addressed simply by having regard to a child’s “cultural identity” on placement, free from the wider ecological and social context. Attention to the child’s psychological health, while commendable, does not relieve the state of other commitments to the social and economic conditions plaguing some sectors of Māori and Pasifika communities (Rangihau in Munford and Walsh-Tapiata 2006, O’Brien 2001).

CONCLUSION

In conclusion, the use of the term “cultural identity” in the CYPF Act can be seen to reflect and emphasise a number of dynamics. It exists in a particular historical and political context. While it allows for children and families to identify as being something other than a presumed norm, it reinforces the “otherness” inherent in that, and maintains the problem of otherness by presenting “cultural identity” as something that is singular, fixed, obvious and intrinsic to the individual. In this way, essentialist and even racist ideas about the nature of cultural identities may be perpetuated.

The role of the social worker, as an agent of the state, should begin with a child’s and family’s own definition of their cultural identity, taking into account the discourses of the child, family and wider society in constructing cultural identity. Social work has its

own moral agenda, part of which is to support iwi Māori claims for self-determination under the Treaty of Waitangi, including Māori rights to assert differing cultural values from the dominant Pākehā culture (Ruwhiu 2001). Likewise, other minorities, as part of social work's more general humanist and human rights agenda, should be encouraged to practise their particular values and beliefs unfettered by expectations of a presumed assimilation (Chenoweth and MacAuliffe 2005). These rights are guaranteed to children under the United Nations Convention on the Rights of the Child.

However, in our efforts to perform either of these functions, neither social workers nor social policy makers (and all others involved in the care and protection process) should attempt to play the role of demographic reconstructionist, gatekeeper or boundary maker of ethnic groups. The Act should be interpreted and applied in such a way as to allow children and families to define themselves without being prematurely ascribed a particular category. Rather, both in social policy and social work, the boundaries and discourses defining those categories need to be continually interrogated and deconstructed as a way of avoiding the creation of new racisms, whether they be in terms of promoting assimilationist or separate and unequal agendas.

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