

## Who Says Yes? Collective and Individual Framing of Pacific Children's Consent to, and Participation in Research in New Zealand.

Tamasailau M. Suaalii\*  
Helen Mavo\*\*

### Introduction

*The tension between the individual and collective is highlighted in policies for children and young people ... which have been developed from the eurocentric values and beliefs embedded in the constitutional and political systems of New Zealand.*

*(Kokiri, 2000, Maori children, Seminar on Children's Policy: Discussion Paper.)*

In this paper, we discuss some of the issues surrounding Pacific children's participation in research, with a focus on the collective nature of these children's rights and knowledge. The issue of child consent is complex in itself, and even more so in a cross-cultural context. As Maori and Pacific peoples have become actively engaged in national and local economic, social, political and academic activities in New Zealand, so too have they increasingly challenged western assumptions of individual child rights in New Zealand.

Indigenous and migrant Pacific groups in New Zealand argue that legal and ethical considerations around child rights are generally framed and understood using a Western lens that privileges the individual, emphasising individualised ownership of knowledge and property. This individualistic framework is incongruent with the respective principles of collective ownership and responsibilities lived by Maori and migrant Pacific groups (Kokiri, 2000; Schoeffel, Meleisea, David et al., 1996). For Maori and Pacific peoples, the right to give consent and to pass on knowledge is enmeshed in collective frameworks where the individual is an integral part of an extended family and wider community.

Linda Smith describes how research regulates and realises culturally-specific understandings. First,

researchers' assumptions are regulated via disciplinary conventions and scientific paradigms. Second, they are realised in the ways that researchers represent their participants (Smith, 1998). Until recently, eurocentric assumptions and understandings have dominated ethical guidelines for research as well as research protocols. An analysis of some of the challenges surrounding research with Pacific children highlights some of the complex tensions that exist. The debate on children's rights to participate in research is underpinned by international conventions and national legislation.

The most relevant international document for our discussion of children's right to consent to be research participants is the United Nations Convention on the Rights of the Child (UNCROC), which was ratified by New Zealand in March, 1993. UNCROC has three overarching principles; protection, provision and participation (Schubert, 1998). In New Zealand, three main pieces of legislation underpin, either directly or indirectly, the New Zealand debate on children's rights, namely the Bill of Rights Act 1990, the Children and Young Persons Act 1989 (CYP & FACT), and the Guardianship Act 1968. The principles of child protection and provision for children embodied in these three pieces of legislation are relatively unquestioned across various cultural groups.

We focus on the more problematic principle of participation, comparing Pacific (namely Samoan and Tongan) and Western understandings and applications of the concepts of child, rights and children's rights to consent to and participate in research, noting where and when these understandings intersect and where they definitely do not. In making this comparison, we draw on the above legislation, Maori critiques of the same, and our own respective personal experiences and empirical research findings. We discuss three factors that require consideration when undertaking research with Pacific children in New Zealand, namely (1) the context in which Pacific children do, or do not have an individual right to consent (2) why collective knowledge is valued by Pacific peoples and the implications that this has on research methodologies, and (3) how shame might determine parental reluctance to have their children participate in research.'

Because of space limitations, discussion is brief and points have been selected to raise important issues relating to research with Pacific children. Readers are encouraged to explore the references provided for more in-depth analyses. When discussing New Zealand

\*Department of Sociology, University of Auckland.

\*\*Department of Anthropology, University of Auckland.

children, we use 'Pakeha' to refer to children of European ethnic origins, 'Maori' to refer to tangata whenua and 'Pacific' to encompass children from each of the seven main Pacific groups in New Zealand, namely Cook Islands, Fijian, Niuean, Samoan, Tokelauan, Tongan, Tuvaluan. We recognise that by using these terms, we homogenise the wide continuum of concepts and practices within and between Pakeha and various Pacific groups.

### **Framing the context: defining Pacific children and their right to consent**

#### *Defining 'child'*

Samoans, Tongans and other Pacific communities differentiate between child and adult according to lifestages, often including rites of passage such as sexual or marriage unions, or engagement in official public activities (Anae, Fuamata, Lima et al., 2000). This social determination of what a child is differs from Western convention where age appears to be privileged over other contextual factors. For example, the UNCRF defines child as anyone under eighteen years of age (MoFA&T, 1997:37). In New Zealand, the Children, Young Persons and their Families Act (CYP&Fact) defines children as persons aged from fourteen to seventeen years (Persons, 1996). The Western Samoan Infants Ordinance 1961 (Slade, 1979) also has various age-defined categories of child. However, while Samoan and New Zealand legislation relating to children appears to privilege age in the same way, Samoan lore and practice suggest that lifestage and status are more frequent markers of childhood than are age defined parameters.<sup>2</sup>

Most cultural groups accept the acquisition of parental (versus child) consent when children are very young. However, the question of the age at which children are competent to provide informed consent to participate in research becomes more complex when children are older. Generally, the older the child, the more likely it is that consent would be sought from him/her in the first instance before approaching his/her parents or other adult caregivers.

However, there is the question of where, or in what circumstances, a child might be considered competent to consent (Peart & Holdaway, 1998). The Guardianship Act, which defines child as a person under the age of twenty years, qualifies the specific age at which children are deemed competent to express their wishes according

to the specific context. For example, girls who are pregnant have the right to consent to, or refuse abortion, irrespective of age (Graham, 1998). Usually, age delineation infers cognitive competence as well as adequate life experience. However, competing legal and social perceptions of competence make this problematic. For example, New Zealand persons over eighteen can legally consent to participate in research. However, Pacific communities might consider that persons over eighteen are still children (Anae et al. 2000), and not yet competent to provide informed consent.

While children's age often guides the consenting process, there are other important factors. First, young Pacific children generally have low status relative to adult family members. In some instances, children status, and that of their family, may intersect with age when determining children's status, and that of their family, may intersect with age when determining children's rights to provide consent. Of course, some Pacific children are afforded autonomy when deciding whether or not to participate in research, as in the case of some of the four year-old children in the second author's studies. The nature of the research will also dictate the age at which children are deemed to be competent. In the case of sensitive research topics, protection of the child's well-being also dictates consent protocols. Such decisions are often influenced by the type of information being sought from the child or young person.

#### *Defining 'rights'*

According to Black's Law Dictionary, a right refers to 'that which is proper under law, morality, or ethics'. (Garner, 1999, p. 1322). Garner also explains rights in terms of ownership and disposal of property, reflecting the individualised context in which rights are understood. Earlier understandings have linked rights with duty: 'where there is no duty there can be no right.' (Gray, 1921, cited in Garner, 1999, p. 1322). This association of right with duty is more closely aligned to the Pacific concept of right. For example, the Samoan term for rights is aia tatau, which literally translated means appropriate (tatau) right (aia), emphasising the contextual nature of a 'given' right. This individual collective contrast is sharpened when we consider children's rights within their respective family contexts.

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## Collective rights and knowledge: ramifications of this for research

UNCROC defines children's right in terms of their family relationships. Families are seen as the fundamental group of society (MoFA&T, 1997, p. 37). UNCROC also addresses children's autonomy, stating that children should be fully prepared to live an individual life in society (MoFA&T, 1997, p. 37). The intersection between children's autonomy and their collective rights is played out according to the different family roles that children assume in Pacific and Pakeha families. The individual rights (and responsibilities) of Pakeha children are likely to be determined by adults in their immediate family, and children's views are subsumed within the 'ideological apparatus of the family' (Oakley, 1994). Debates about the rights of children to express their views are usually framed within the context of enabling children when adults do not serve their best interests.

### Collective rights

For Maori, the whanau is the most basic social unit, reflecting:

*... an epistemological tradition that frames ways of seeing the world, questions asked, ways of organising selves and solutions sought. This epistemology is larger than individuals within a whanau and the specific 'moment' in which we are living. (Smith, 1998, p. 188).*

Linda Smith's explanation of epistemology encapsulates the integral nature of ideas, values and practices that extend beyond the individual unit, underscoring the need to incorporate the collective nature of rights and knowledge into all parts of the research process when working with peoples who have this world view.

Debates that assume the autonomy of the child seldom take into account the collective rights of children in non-pakeha families. New Zealand has made some constructive attempts to enact children's rights vis a vis family context. For example, the Children Young Persons and their Families Act (1989) enables the collective rights and responsibilities that are important to Maori and Pacific peoples to be operationalised via group conferencing, where families play an integral part in developing children's responsibilities within a whanau/family accountability model.

The rights (and responsibilities) of Pacific children in extended families are likely to be collectively framed

while those of Pakeha children are more individualistic. Pakeha children are often afforded individual rights at an earlier age than they are given responsibilities to extended family and wider communities from an early age, and tend to be afforded individual rights at a later stage of development. Moreover, Pacific children's rights are determined by a wider family group than is often the case for Pakeha children. Conducting research with Pacific children raises important and complex questions about the inability of most Western research methodologies to embrace non-Western epistemologies. To assume that Pacific children have unqualified

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individual rights when choosing whether or not to give consent is problematic within this collective framing of rights and responsibilities. Neither is it

sufficient to add a consultation component and assume that a research methodology is appropriate for Pacific children and their communities.

Clearly, issues surrounding the consent of Maori and Pacific children extend beyond individualistic considerations such as children's autonomy within their immediate family, or their levels of competence. A central concern is whether or not children have the right to share either collective or individual knowledge with researchers. Knowledge is regarded as taonga, measina (Samoan) or koloa (Tongan) and Pacific societies transfer knowledge and understandings with great care and respect. The high value placed on such knowledge determines the types of information that can be readily proffered and to whom. Thus, Pacific children or young persons may not have the right to impart collective knowledge without the consent of other family and community members.

### Shame

The avoidance of shame is a powerful determinant of behaviour in Samoa (Schoffel et al., 1996) and Tonga (Morton, 1996) as well as in other Pacific societies. From a young age, children learn to behave in a manner that will enhance, or at least maintain, a family's reputation, thus avoiding shame. Of course, this expectation of proper behaviour also applies when Pacific children are research participants as children's behaviour is 'inexorably tied to that of family' (Morton, 1996, p.74). This expectation of appropriate behaviour extends to Pacific children's participation in research, so that neither their words nor their actions cause shame. Disclosure of information, or even mere participation, might impact negatively on immediate and wider family, as well as local communities.

If research topics or methodologies have the potential to shame a family or community, issues of child consent become quite pronounced. There is greater potential for participation and disclosure of information to cause shame when research topics are highly sensitive (e.g. child abuse). This potential for shame has major

implications for research methodologies. First, researchers who are aware of these implications for Pacific families, as well as for individual participants, will respect both collective responsibility and the potential for shame. Culturally informed researchers will work sensitively with any information that Pacific children provide, collaborating with respected adults to minimise the risk of inadvertently causing shame. Second, there may be a mismatch between family's expectations of their children as research participants and the expectations of the researcher. This possibility also requires careful consideration to minimise the potential for shame and admonishment.

## Conclusion

We have highlighted that children's right to participate in research is governed in part by epistemologies or world views, including ways that adults (researchers, families, legislators and community members) view children's autonomy. Traditionally, Western concepts of autonomy have framed the debate about children's rights to participate in research. Different world views require different methodological approaches to research. The Western framing of the individual as the basic social unit cannot be applied to all New Zealand children. Pacific children are enmeshed in wider family groups where collective rights are inextricably linked to responsibilities and associated statuses that are inherent in this collective frame. There are no simple solutions to the collective-individual dichotomy in terms of children's rights to consent to and participate in research. There are complex issues surrounding Pacific children's ability to give informed consent as well as the inability of most Western research methodologies to embrace non-Western epistemologies. These concerns do not exclude Pacific children from being research participants. Rather, they demand that research methodologies encompass Pacific epistemologies. Researchers who are cognisant of the precious and collective nature of knowledge in Pacific communities will consult carefully with valued community members before developing research protocols that ensure culturally appropriate processes during all stages of research design and implementation, including recruitment, data collection, interpretation and dissemination.

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## Notes

1. We use the term research methodology to refer to the entire research process from development of research questions through research design, recruitment, data collection, interpretation and dissemination.

2. In this paper, lifestage refers to social role (e.g. marriage).

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4. A copy of the Children's Issues Centre submission is available from the CIC.

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 One of the most obvious facts about grown - ups to a child  
 is that they have forgotten what it is like to be a child  
Randall Jarrell (1914 - 1965)