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Pasifika decolonial pedagogies as inclusive practice

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Chapter 3

The recognition of Pasifika decolonial pedagogies as inclusive practice in law schools and critical legal scholarship

Bridget Fa'amatuainu

In this chapter, I examine some of the key challenges and successes in critical pedagogical praxis from the active inclusion of Pasifika pedagogies in decolonial legal pedagogy, rarely reflected in the teaching pedagogies adopted across the six law schools of Aotearoa (New Zealand). I build on the collective experience of Pasifika Early Career Academics (PECA) engaged in both legal and non-legal academic disciplines (Fa'amatuainu 2023; Leenen-Young et al., 2021). On this view, I adopt the Cartography of Decolonization (Andreotti et al., 2015) as the "conceptual framework of analysis" to evaluate the three reform spaces (soft reform, radical reform, and beyond reform) through which I have enacted Pasifika decolonial pedagogies in law teaching. Accordingly, I argue that there is a need for more decolonial approaches adopted in legal education and the timely recognition of Pasifika epistemologies and Pasifika legal academics in critical legal scholarship, teaching and instruction of the law.

Keywords

decolonisation
legal education
decolonial pedagogy
teaching pedagogy
Pasifika
Samoa
teu le vā, talanoa, Aotearoa
Māori
te ao Māori
mātauranga Māori
tikanga Māori

Part I: Introduction

This chapter explores structural challenges to using Pasifika decolonial pedagogies in legal education in Aotearoa (New Zealand). I adopt the *Cartography of Decolonization* conceptual framework of analysis (Andreotti et al., 2015) to critically draw out the experience of Pasifika Early Career Academics (PECA) in the legal academy and to enable discussion and reflection on whether the pedagogical practices adopted are in fact decolonising. This conceptual framework further enables the critique of inclusivity and representational diversity schemes that – ironically – reproduce the harms of coloniality through hierarchised inequalities without adequately addressing the deeply entrenched coloniality and racialisation of legal education. And herein lies the problem: the entanglement with unequal power relations that elevate the status of those claiming benefits of coloniality at the expense of "othered" populations evidently reproduce the very epistemic injustices, inequalities, and traditional teaching pedagogies in legal education that are reflective of coloniality (Adebisi 2021). The law is a double-edged sword in Māori and Pasifika communities: on the one hand, it was a mechanism for colonial governance, exclusion, and assimilation, resulting in ongoing intergenerational legal, political, and economic marginalisation and disenfranchisement; on the other hand, it contributes to emancipation, inclusion, and protection. I argue that more legal academics should commit to building decolonial knowledge production, in practice, theory, research, and teaching, not to tick boxes but to equip all legal academics (not just PECA) to engage in decolonial legal and plural epistemologies that seek to embrace new ways of thinking, new ways of teaching, new ways of inclusive diverse representation, in the "beyond reform" space to disrupt the racial disparities embedded in structural and institutional practices.

In this chapter, "Pasifika" encompasses the different ethnic population groups from Melanesia, Micronesia, and Polynesia residing in Aotearoa. I emphasise Samoa because I identify as Samoan by descent, although I am recognised as a diasporic Samoan by local Samoan as I was born, raised, and educated in Aotearoa. Samoa is known to be hierarchical and ordered according to customs and traditions reflected in chiefly village and family status. Samoa carries a colonial legacy of introduced common law from its former colonial administrators (Care 1997), England and Aotearoa. The establishment of institutions and legal systems that reflected patriarchal and Christian ideals of their own societies no doubt impacted political and legal thought on democracy, justice, and human rights in Samoa and other colonised nations across the commonwealth (Huffer 2006).

Samoa gained political independence from New Zealand in 1962 becoming the first Pacific nation to achieve this status and was the first Pacific nation with a written constitution which enumerates fundamental human rights. This resulted in an overriding bi-jural system in Samoa (i.e. customary legal system and state legal system) which operates alongside village councils, either governed under separate legal orders or in conflict with or complementary to the overriding bi-jural system (Merry 1988). This legacy remains after the end of formal colonialism, a reality shared across countries with a similar post-colonial legacy (Merry 1988). In *FAST Party v Attorney General* [2021] WSSC 24 at 91, the Supreme Court of Samoa noted: "The whole raison d'etre of Independence was for Samoa to free itself from its colonial shackles retaining only those institutions and practices it considered worthwhile." Reflecting this, a decolonial approach is foregrounded in "the praxis of living and in the idea of theory-and-as-praxis and praxis-and-as-theory, and in the interdependence and continuous flow of movement of both" (Mignolo 2007, Mignolo and Walsh, 2018: 7, Monson et al., 2022). Its starting point is to undo the oppressive frameworks and Western tools from colonisation embedded in laws and institutions while privileging critical and multidimensional approaches to legal scholarship as a form of anti-subordination (Kabutaulaka, 2015; Thaman, 2003).

Aotearoa is not only a bi-jural country where common law and Māori law co-exist together (Mikaere 2005, 2007) but also a diverse country with a variety of different ethnic population groups. Of the main population groups, the largest ethnic group is European (70.2%), followed by Māori (16.5%), the indigenous people of Aotearoa, Asian people (15.5%), Pacific (Pasifika) peoples (8.3%), and a small percentage of other ethnicities. The main Pasifika populations are Sāmoan (47.9%), Tongan (21.6%), Cook Islands Māori (21.1%), Niuean (8.1%), Fijian (5.2%), and Tokelauan (2.3%) (Statistics New Zealand 2019, 2020). Each island nation has its own unique cultures and traditions, and there are diasporic people born and raised in Aotearoa, some of whom may not affiliate with their culture. Many people in Aotearoa identify with multiple ethnicities or cultural backgrounds (which is why the percentages above add up to more than 100) (Ministry for Pacific Peoples, 2021).

With the background set, this chapter proceeds as follows: Part II outlines the growth of Māori pedagogy in Aotearoa, both generally and in law, and its acceptance by the legal profession and law schools, identifying the gaps that existed and the need for change. Part III outlines the growth of Pasifika decolonial pedagogy and what it entails, with commentary as to any overlaps, differences, or similarities with Māori pedagogy. Finally, Part IV provides concluding commentary on progress and recommendations for the future.

Part II: The growth of Māori pedagogy in Aotearoa

Since the 1970s, and in partial response to the Māori Land Rights advocacy work of Whina Cooper and Te Roopu o Matakite (O'Malley, Stirling and Penetito 2010), there has been a growing recognition of the importance of biculturalism and of the traditional teaching and learning practices of Māori people in the education system and a push to incorporate them into mainstream teaching practices. Critical to this was the revitalisation of te reo Māori (the Māori language) in the 1970s and 1980s (Kāretu 1993, King 2018, Tawhiwhirangi 2014, Te Huia 2015). As more Māori language immersion schools were established, Māori pedagogy became more widely recognised and valued (King 2018, Muller and Kire 2014). The Crown's commitment to this was marked by the launch of the Maihi Karauna Māori Language Revitalisation Strategy 2019–2023 (Te Puni Kōkiri 2019) in response to the increasing use of te reo Māori as a "living language" (Te Puni Kōkiri 2019, 9) foregrounded in the Treaty of Waitangi (Te Tiriti o Waitangi), signed in 1840 between Māori chiefs (Rangatira) and the British Crown, which guaranteed Māori tino rangatiratanga (sovereignty and self-determination) over their lands and resources (King 2018, Waitangi Tribunal 2011).

The Treaty of Waitangi has been a significant factor in these initiatives: it has been interpreted as a commitment to partnership, participation, and protection, which has influenced the way that law schools approach the teaching of Māori law and legal issues affecting Māori, and the use of te reo Māori in courts and Parliament. Māori tauira (students) have expressed a growing preference towards te reo Māori, Māori legal academics, and Māori pedagogies in law schools across Aotearoa (Ruru et al., 2020). These developments are vital in order to honour and fully realise Te Tiriti o Waitangi principles (Durie 1996, Jones 2016), the growing Māori population and resurgence of intergenerational transmission or adoption of te reo Māori as a first language (Ruru et al., 2020), alongside potential movements towards co-governance and tri-juralism in Aotearoa as the situation in Canada has indicated (Borrows 2005, 2010).

Some statutory developments reflect this. The Education Act 1989 required schools to recognise the importance of te reo Māori and Māori culture in the education system (King 2018). The Māori Language Act 1986 recognises te reo Māori as an official language of Aotearoa and requires government agencies to promote its use (King 2018), and Te Ture mō te reo Māori 2016 (Māori Language Act 2016) entitles any person to speak in te reo Māori, irrespective of whether the person appearing may also speak in English, including any witness, member of the court, and counsel: the Court must provide an interpreter.

The Kohanga Reo movement, established in the 1980s and involving Māori language immersion early childhood centres that provide a culturally responsive learning environment for young Māori children, has also been significant (Benton 1986, 1991, Kāretu 1993, King 2018). Supporting this movement, Te Mātauranga o Aotearoa was developed in 2008 as the national curriculum

framework for Māori-medium education (Ministry of Education 2008), using national standards (Ministry of Education 2010) based on mātauranga Māori (cultural values, knowledge, practices, worldviews) integrated in teaching and learning. This emphasises the importance of a culturally responsive approach to education and now legal education and judicial education also (Joseph 2009, Stewart, Trinick and Dale 2017).

More generally, Whānau Ora was established as the government policy that promotes a holistic approach to health and wellbeing for Māori families (Turia 2011, Whānau Ora Commissioning Agency 2020). It recognises the importance of Māori cultural practices and values in achieving positive outcomes for Māori communities.

The growth of Māori pedagogy in Aotearoa Law Schools

The relatively recent growth of Māori pedagogy in Aotearoa's six law schools has gained momentum. The issue is not so much whether institutional structures exist to teach tikanga (Māori law and values) in the LLB but more how to have Aotearoa recognise itself as a bi-jural country with tikanga as a legal system coexisting with the common law and having a status that warrants it being taught as a core subject in LLB curricula. To do so would be to follow the path laid out by retired Justice Durie, who referred to the development of a single jurisprudence from "two streams," in Aotearoa's journey of "cultural conciliation" (Durie 1996, 449; Benton, Frame and Meredith 2013), or by Justice Heath, who in *R v Mason* (2012, 48), referred to an "evolutionary rebuilding."

Academics from each law school have been involved in a three-phase project, "Inspiring National Indigenous Legal Education for Aotearoa New Zealand's Bachelor of Laws Degree" (the "Tikanga Project"), which complements a growing body of scholarship. In the "Introduction" to the "Phase One" report, they highlight "Ten Key Messages" (Ruru et al., 2020, 8–9), provide "A Starter Reading List: Ten Readings to Begin to Understand Māori Law" (Ruru et al., 2020, 9), and conclude that "[t]here can be no systemic change to how we understand law in contemporary Aotearoa New Zealand if we do not teach it differently in our law schools" (Ruru et al., 2020, 46). This will involve bicultural and bilingual teaching and learning for all law students, to train them to practise in a bi-jural, bicultural, and bilingual legal system (Ruru et al., 2020, 37). Bi-juralism would mean the equitable treatment of both tikanga and the common law as legitimate sources of legal rights and obligations, such that tikanga becomes a foundational component of the curriculum delivered in a manner consistent with "Māori transmission methods of knowledge" (Ruru et al., 2020, 8). Bilingualism will be improved through using te reo Māori in teaching and privileging Māori legal concepts. Perhaps the most important of these are the "core values" listed by Williams (2013, 3):

- *whanaungatanga* or the source of the rights and obligations of kinship;

- *mana* or the source of rights and obligations of leadership;
- *tapu* as both a social control on behaviour and evidence of the indivisibility of divine and profane;
- *utu* or the obligation to give and the right (and sometimes obligation) to receive constant reciprocity; and
- *kaitiakitanga* or the obligation to care for one's own.

This project faces barriers, including the under-representation of full-time legal academics of Māori descent; capacity to develop, design, assess and implement te ao Māori (Māori worldview); and the logistics and funding of cooperation and negotiation with iwi (tribes) local to each law school, given that tikanga has regional variations. The mana and tapu (both core values are defined above) of te ao Māori knowledge and material pose more challenges to how and where the incorporation into an accredited LLB degree programme is undertaken (Kerr and Averill 2021, Markham-Nicklin and Wharehoka 2021). If the view is that "only Māori can teach tikanga Māori," non-Māori staff will require considerable specialist professional development training to upskill and indigenise material and assessments into core and elective courses by the 2024/2025 academic year (AUT Law School 2022, 5).

Aotearoa has institutional and regulatory mechanisms in place to address the ongoing disparities and inequities faced by vulnerable communities. This echoes the work of Penn (2010) and Matapo (2021), to name a few, calling on universities to adopt pedagogies and practices that are more culturally responsive to the interests of indigenous communities. This aligns with indigenous cultural competency (ICC) principles adopted across law schools in Australia and Canada (Burns et al. 2019; Coyle 2017; Fa'amatuainu 2023). The growth of indigenous legal education internationally has also provided a framework for the development of Māori pedagogy in New Zealand law schools (Burns 2013, Burns, Lee Hong and Asmi 2019, Coyle 2017, Maguire and Young 2015, Saul 2009). The recognition of the importance of indigenous legal systems, practices, and values in legal education has led to the development of courses and programmes that incorporate Māori legal perspectives in law schools (Ruru et al., 2020). The growth of Māori legal scholarship has also played a key role in the development of Māori pedagogy in law schools (Durie 1996, Jones 2016, Mikaere 2005, 2007, Williams 2013). Initiatives to incorporate Māori pedagogy into teaching practices include the development of courses that focus on Māori legal issues, the incorporation of Māori legal perspectives into mainstream courses, and the provision of support for Māori law (Ruru et al., 2020). Support has come from the increasing number of Māori legal professionals, who have worked to raise awareness of the importance of Māori legal perspectives and have advocated for the inclusion of Māori legal issues in legal education (Ruru et al., 2020).

These developments reflect a growing recognition of the importance of Māori legal perspectives in legal education and a commitment to honouring the Treaty partnership between Māori and the Crown. It is important to note that Māori pedagogies are unique and specific to mātauranga Māori and should not be misinterpreted as Pasifika or equated with Pasifika pedagogy or teaching material, given the distinct historical and contemporary experiences with colonisation (for reasons discussed further in Part III).

Part III: Pasifika decolonial pedagogies

From the late 1990s to the early 2000s, more Pasifika academics advocated for the creation of new knowledge in education to move beyond the limitations entrenched in Western pedagogical norms. This reflected the ongoing failure of the Aotearoa education system to create culturally informed learning environments, namely student-centric, pastoral care, respectful cultural lecturer–student relationships premised on the collective relational nature of Pasifika people (Asafo and Tuiburelevu 2021; Chu, Abella, and Paurini 2013). Pasifika academics united "to collectively critique, engage with, and reimagine equitably transformative futures" (Asafo and Tuiburelevu 2021: 64) for Pasifika students, where the solution is to include Pasifika worldviews, narratives and privilege Pasifika knowledge and voices in teaching pedagogies to enable Pasifika student success and high achievement (Airini et al. 2010). This led to the development of innovative Pasifika decolonial pedagogies in education, though they are in their early stages in legal academia.

There are systemic barriers for Pasifika law students and Pasifika legal academics to achieve the above goals. The most common pedagogy adopted at university is inadequate, especially when coupled with the attitude demonstrated by many lecturers, including voicing personal opinions against equitable student support; lacking cultural competence; tokenising Pasifika students with some even singling out one Pasifika student to represent all Pasifika groups; expressing subtle micro-aggressions and racism in the lecture which negatively impact perceptions towards Māori and Pasifika law students. In addition, many lecturers adopt a rigid style of English communication, which effectively leads to students internalising racism (Fa'amatuainu 2023; Hosoda 2015; Penn 2010). Since 2014, more research on the experience of Pasifika law students has led to noticeable changes with more equity programmes and pastoral support for Pasifika law students, and law schools offering Pasifika law courses, organising Pasifika law-focused seminars and guest lectures (Mara 2006; Taylor, et al. 2017).

I now turn to Samoan teaching pedagogies, noting of course that the cultures from other islands will produce different pedagogies.

Samoan pedagogy

The essence of fa'asamoa (the samoan way) teaching methods is underpinned by core values which guide social action: *usitai* (obedience), *faaaloalo* (respect), *alofa* (love), and *tautua* (service) (Anae et al. 2001; Meleisea 1987). When framed within ICC paradigm, *teu le vā* is a Samoan Pasifika-specific holistic model (Anae 2010). Anae's *teu le vā* paradigm governs the expression of fa'asamoa values and beliefs in practice and "in any context, [whereby] respectful and polite communication is adhered to by all" (Ponton 2018). I explored the application of this to private law teaching in "Indigenising Private Law: Lessons from Samoa" (Fa'amatuainu 2023).

On this view, I adapted Anae et al's education research guideline principles as Pasifika pedagogies in law teaching (Fa'amatuainu 2021). First, introductory protocols are important. In a Māori context, a pepeha outlines one's connection to iwi, hapū (sub-tribes, clan), whānau (family), whakapapa (ancestral affiliations), and kinship ties to marae (sacred communal complex used every day in Māori life), rivers, mountains, and waka (canoes reflecting journeys). Similarly, a breakdown of my Pasifika genealogy helps to reaffirm the spirit of Pasifika values such as respect, reciprocity, and service, though one does not need to be of Pasifika descent or affiliate with a Pasifika ethnic group in order to teach law focused on the Pacific region or teach law to Pasifika students, as genuine respect towards Pasifika and Pasifika-specific and ICC values is of paramount consideration (Fa'amatuainu 2023). Second, teaching boundaries must be sensitive to the cultural and personal contexts of all learners. For example, the language used should not be culturally offensive, be it Samoan, Tongan, or even English (bi-lingual learning being common in Pasifika education contexts). Third, we ought to build rapport with learners, through humour or sharing common experiences. And lastly, we should choose suitable teaching instruments, for example, more Pasifika focused material, collaborative assessment processes, or grade key competencies required for advocacy and legal practice (such as people skills, networks in the community, natural oratory). We should also be open to asking learners about what they prefer – more visual content, more class exercises, and so on.

Challenges faced by Pasifika legal academics

As the global COVID-19 pandemic exacerbated vulnerability and structural problems resulting in extreme levels of poverty and inequality, law schools in Aotearoa were called on to add systemic racial diversity in course content and implement representational diversity schemes in early career academic programmes targeting Māori and Pasifika academics, mentoring programmes, diversification in assigned course reading lists, and inclusive recruitment practices (Naepi 2019;

McAllister et al., 2020). This spurred academic outputs on how to approach diversity and inclusion within academia, the legal profession, and also politics (Baice et al., 2021; Thomsen et al. 2021). But inclusivity should not be confused with decoloniality: diversity measures that amount to an "add on" without fully confronting racialisation in legal epistemologies and the epistemic injustices and inequalities only affirm that "structural and representational changes operate in vain" (Adebisi 2021: 440).

The "Fofola na ibe – Improving Pasifika Legal Education in Aotearoa" Report was published in 2022 (Tupou-Vaitohi and Gucake 2022), and I was on its Academic Advisory panel. It was developed to understand the appalling statistics of Pasifika under-representation as law students, practitioners, and academics. It adopted a qualitative *Talanoa* (i.e. depending on the context, to hold an inclusive, participatory, and transparent dialogue, to have a meaningful conversation or to tell stories) approach to understand the experiences and journeys of Pasifika law students and professionals, finding that Pasifika students did not feel supported, and, at times, felt oppressed by the existing teaching and learning settings. The Report strongly recommended that law schools develop cultural competency to ensure that "staff understand the rigour and resilience required of Pasifika students to survive law school and the cultural identity that underpins them" (Tupou-Vaitohi and Gucake 2022: 10), that "law schools and universities diversify their curricula and pedagogical practices to include Pasifika views and values" (Tupou-Vaitohi and Gucake 2022: 78), that they continue to respond to racism and discrimination experienced by Pasifika law students through educational activities such as workshops on cultural awareness and racism, and that law schools and universities actively support Pasifika legal academics by diversifying teaching staff and to develop foundational programmes such as *Susuga Faiako* (Teaching Fellow) positions.

The problem with diversity measures, however, is the lack of consensus on their goal. There is often an incorrect presumption that inclusivity will yield transformation and social justice. Ironically, diversity continues to reproduce inequalities because it ignores the fundamental starting point: part of the "epistemological task" is to persistently interrogate the very norms of our institutional practices, our legal discipline, and areas of our legal profession which are complicit in the social reproduction of structural injustices (Adebisi 2021). Diversity measures fail to adequately address why legal academia continues to reproduce inequalities, with very little contemplation on the socio-political impacts or how the presumption of neutrality in legal education impedes the ability of the law school curriculum to transform society while assisting in the reproduction of gender, racial, and other disparities (Adebisi 2021: 440). Evidently, racial disparities persist across the spectrum in employment and promotions. Instead, inclusivity must directly engage in meaningful ways to promote the re-examination and therefore reconstruction of the legal discipline from within – the

history, ontology, and epistemology of law and legal education. I agree, then, with Adebisi that this "will bring about more organic diversity and inclusion" (2021: 433).

Conceptual framework of analysis: Relevance to decolonisation and pedagogy

As mentioned earlier, Andreotti et al.'s *Cartography of Decolonization* (2015) is the conceptual framework of analysis used to explore legal pedagogies and to prompt critical discussions among PECA about whether the legal pedagogies adopted are decolonising. Following the *talanoa* framing and the adoption of Adreotti et al.'s three reform spaces by PECA in non-legal academic disciplines (Leenen-Young et al., 2021), I follow this very framework in the context of decolonising legal pedagogies. We now examine these in turn.

Soft reform space

Soft reform space is the inclusion (or, arguably, the superficial inclusion) of academically robust Pasifika decolonial pedagogies in law teaching without deconstructing and challenging the colonial foundations that have often served to exclude the voice of Pasifika people (Naepi et al. 2017). The non-traditional approaches have been adopted in law teaching to disrupt entanglements with colonial power. The increased inclusivity of critical legal and socio-legal approaches in legal education is one example of this approach.

Evaluation of successes and failures

In my experience of enacting Pasifika decolonial pedagogies, embedding *talanoa* and *teu le vā* in the indigenous private law course and south-pacific law course teaching (Fa'amatuainu 2023: 6; Thomsen et al. 2021), I often questioned whether such efforts would make any meaningful impact to decolonising the university at an institutional (macro) level. As a Pasifika legal academic of Samoan descent, a product of the system and institutional training, I consciously choose to resist the temptations of colonial reproduction by proactively asserting the culturally informed training of decolonial praxis in the design and delivery of law courses. For example, the first assessment for my course was a critical self-reflective opinion, privileging indigenous and Pasifika notions of knowledge transmission alongside Western or traditional modes of transmitting knowledge in legal academia (Fa'amatuainu 2023; Matapo 2021; Siilata, Samu, and Siteine 2017). It caused many students to reflect deeply, beyond the law school curriculum, on the structural and institutional design of the law, justice, and education system as a whole.

In articulating the metaphor of a canoe to rationalise how cooperative learning is a voyage of exploration (process of learning) rather than a means to discover the end product (the destination), the late Dr Teresia Teaiwa (2005), i-Kiribati/African American and Pacific Scholar herself, has recognised the value of colonial Western education, while inspiring countless PECA to utilise the tools a colonial university offers for liberation, as it attempts to dominate us. This begins by indigenising the colonial classroom (canoe) and fostering cooperative learning between students and lecturers. To disrupt the common classroom dynamics and expectations embedded in the traditional static "performer-spectator" approach to learning (Lowman 1984), interactive learning is encouraged to unravel and inspire both learner and lecturer to be transformative. In this context, the lecture theatre could be likened to large canoes, and tutorials/workshops would be likened to smaller outrigger canoes. The coxswain could be likened to the lecturer or teaching assistant/workshop leader who steers the canoe with the students as the crew (Teaiwa 2005). The lecturer–student, coxswain–crew relationship is essentially a symbiotic relationship. It entails a level of trust, mutual commitment, cooperation, and communication, for without it, exploration is unsustainable.

The inclusion of soft reform spaces in Indigenous Private law and South Pacific law teaching, whilst capable of decolonising teaching pedagogies in two law courses within the boundaries of the colonial university, has not led to transformational change on a much wider scale across all law course offerings. This echoes the experience of other PECA (Leenen-Young et al., 2021; Thomsen et al., 2021) and Pasifika legal academics in Aotearoa (Asafo and Tuiburelevu 2021).

Radical reform space

Radical reform space, the second reform space, addresses the shortcomings of soft reform. It is transformative and involves Pasifika students actively disrupting the system by enabling other expressions of knowing (pluriversities) (Grosfoguel 2013). This is evidenced in explicit naming aspects of colonialism and racism (Naepi et al. 2017) to enforce Pasifika decolonial pedagogy in the education space, whilst asserting the voice of "marginalised subjects" (Andreotti et al. 2015).

Evaluation of successes and failures

During lectures, it was encouraging to observe students of non-Pasifika descent volunteer their personal opinions against colonial aspects of the law. The difficulty in translating or reframing Pasifika decolonial pedagogies in Western colonial institutions is a common experience of PECA (Leenen-Young et al., 2021; Thomsen et al., 2021). This was further affirmed by my students who questioned the patriarchal foundations of the law, which aligns with disrupting patriarchal ideals of

hierarchy entrenched in the law. Moreso, law students felt a sense of ease in critiquing the negative impact of colonisation whilst others delved deeper into their cultural identity or discovered specific aspects to their inherited and cultural knowledge of their ancestors. These factors contributed to students feeling more engaged and connected as a class and to overall student success. This was unsurprising due to the adoption of Pasifika decolonial pedagogies (Allen, Taleni, and Robertson 2009; Manuel et al. 2014) in the form of culturally informed learning – student-centric, embedding pastoral care, and respectful connections of relationality between lecturer–student and peers.

Facilitating smaller outrigger canoe-type discussions or tutorials, comprised of less than five students, is another effective way for students to critically discuss a question assigned to one of the readings. The ground rules set for the talanoa enable shared responsibility and accountability for enforcement – assigning a talanoa facilitator and another person to report back to the large canoe, may lead to innovative forms of cooperative learning. In 2021, the students of the South Pacific law course joined in singing to wrap up the "reflections" part of the course, while other students took ownership of their learning and the learning of their children, some of whom sat and listened to the lecture as part of the shared responsibility of intergenerational learning.

While student presentations are not always part of the course assessment in law schools, I adopted presentations, critical reflective writing, and essays, to enable both oral and written forms of communication. Essentially, this diversity of assessment resonates well with Pasifika learning and as most of the law elective courses I teach are relatively small, it impresses upon the students the value of active listening, active participation, and the value of honouring your peer by remembering their identity – their name.

To ensure that the students are committed to the exploratory process of learning, I regularly update the course readings and texts so that it is relatable to local, national, and global events. The periodical assessment of course materials and pedagogical strategies is meant to reflect the ongoing changes to student demographics, technology, and critical legal scholarship.

As demonstrated by other Pasifika legal academics in Aotearoa (Asafo and Tuiburelevu 2021), I institute an indigenous and Pasifika-first policy in my assigned readings for the course that validates indigenous holders of knowledge (Thomsen et al., 2021). This is a powerful catalyst in inclusivity to achieving decolonisation, but it is subject to limitations at the macro level. Unfortunately, critical legal scholarship produced by legal academics of Pasifika descent is still in the early stages. Some of the Pasifika legal academics whom I respect are white European, Asian, or African by descent, and teach law focused on the South Pacific region. My learned friend, Professor Rebecca Monson, a

leading Pacific legal scholar, first drew my attention to the works of the late Dr Teresia Teaiwa, and Professor Mohammed L. Ahmadu first inspired my interest in commercial law in the South Pacific. I am indeed grateful for their contributions to Pacific law, some of which are listed as assigned readings for my courses. To exclude their contributions would ironically serve as a reproduction of the harms of coloniality through hierarchised inequalities.

In all topics for both law electives I teach, Pasifika law materials are used. For the introduction lecture to Indigenous Private Law, I assigned a reading by well-known Pacific law Scholar, Professor Jennifer Corrin (2015) "'A Disfunctional Spouse': The Relevance of the Public or Private Dichotomy for Indigenous Customary Laws in Solomon Islands and Vanuatu." This reading allows students to critically engage with the work of leading Private law scholar, Professor Ernest Weinrib, in exploring the categorisation of law into public or private in the context of indigenous customary laws in two Melanesian countries. I weave similar readings throughout the course: Epeli Hau'ofa's (1994) "Our Sea of Islands" always sets the tone for the comparative legal framework I embed in the course and resonates extremely well with students, while Andrew Hutchison and Sibanda Nkanyiso's (2017) "A living customary law of commercial contradicting in South Africa: some law-related hypotheses" challenges students to recognise that contracts existed in customary law and to consider other theories of contracts including the relational contract theory, where contracting is analysed in relational terms based on status, where consideration is not an essential feature.

The impact of the global COVID-19 pandemic helped us reimagine how teaching is conducted (Thomsen et al., 2021). It created meaningful online teaching *talanoa* forums enacting Pasifika decolonial pedagogies privileging relationality and maintenance of the vā (relational space) – vital to Pasifika student success). This is because the physical space of lecture theatres and seminar-style classrooms are often critiqued as symbol of settler colonialism likened to a "knowledge prison" (Smith, Funaki and MacDonald 2021).

Interdependence in cooperative learning is where guest lecturers are invited to share their expertise. For South Pacific Law, I designed a wraparound guest lecturer seminar series, focussed on exploring Contemporary Issues (Gender in the law), Family law, and Constitutional law. For Indigenous Private Law, I invited a guest lecturer to cover the topic of fiduciary duties. All guest lectures were open to staff, students, and the public. During the COVID pandemic, it inspired more students and interested learners to join the online sessions and interact as part of a community of learners. The invitation to guest lecturers did not undermine the authority of the regular lecturer: rather, the enrichment modelled to students the significance of collaboration, networking, and

diverse ontologies required in charting the course of the voyage, to ensure its sustainability. It also highlights why professional jealousy or putting potential rivals at bay is not a sustainable practice in the long term. However, despite these great strides, recent developments did not eventuate in dismantling the colonial structures embedded in university institutions. Such an undertaking most certainly calls for a long-term project.

Beyond-reform space

The beyond-reform space addresses shortcomings prevalent in the radical reform space which effectively enables engagement in alternative ontologies within the existing system. This third reform space, whilst it asserts that ontological (ways of being) understandings can engage with other ontologies (pluriversities), cannot be enacted when still operating within the existing system. It involves three common responses: (1) system walk-out, where you opt out of the system; (2) hacking, which entails using the current system against itself; and (3) hospicing, which involves enabling the current system to die.

Evaluation of successes and failures

Thomsen et al. (2021) assert that the epistemological tension, uncertainty, and frustrations experienced during teaching, compounded by the tensions between positionality, cultural identity, and formal training in their academic discipline are all too common amongst PECA who often feel frustrated when enacting Pasifika decolonial pedagogies in teaching or in expressing different Pasifika philosophies which may not always be supported by the colonial university. In this regard, the most immediate concern is the impact on Pasifika law students, more specifically, the indigenous private law and south-pacific law students in the course I teach, due to the neo-liberal imposition of (Kidman and Chu 2017; Kidman 2020) the institutional, physical, and intellectual limitations on PECA (Smith, Funaki and MacDonald 2021). Personal acts of decolonisation through attempts to practice Pasifika decolonial pedagogies law teaching, while worth documenting, are not enough to penetrate the foundational Eurocentric tenets that uphold settler colonialism at the University.

Part IV: Conclusion

The emerging themes in this chapter illustrate the shared perception among PECA and Pasifika legal academics in Aotearoa that privileging Pasifika decolonial pedagogies is still an undervalued inclusive practice by universities across Aotearoa. Crucially, what this chapter also highlights are

the key lessons inspired by the growth of Māori pedagogies in education and law, which demonstrate the significance of positionality with respect to Pasifika legal academics, as potential allies through which Pasifika knowledge systems informing decolonial pedagogical praxis may be used to disrupt and deconstruct the foundational whiteness entrenched in colonial university systems. By looking at some of the fruitful ways of reimagining the teaching of law in Aotearoa, this chapter outlines some of the key challenges and successes I experienced in adopting decolonial thinking, practice, and theory in Aotearoa. It also closely examines the three different reform spaces through which Pasifika decolonial pedagogies are enacted as a benefit to both Pasifika and non-Pasifika students. It further highlights the need for more Pasifika legal academics as well as related pastoral care and support for PECA to better facilitate the foundational shift privileging Pasifika knowledge in decolonial pedagogical praxis whilst dismantling the colonial structures of the University on a macro sustainable level. In this regard, I leave you with the enduring words from post-colonial Pasifika scholar, Professor Albert Wendt (1976: 206, 215):

Our quest should not be for a revival of our past cultures, but for the creation of new cultures, which are free of the taint of colonialism and based firmly on our own pasts. The quest should be for a new Oceania.

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