

ENCLOSURE BY METRIC: A CULTURE-CENTERED CRITIQUE OF THE TERTIARY EDUCATION STRATEGY 2025-2030

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ABOUT CARE

The Center for Culture-Centred Approach to Research and Evaluation (CARE) at Massey University, Aotearoa New Zealand, is a global hub for communication research that uses participatory and culture-centred methodologies to develop community-driven communication solutions to health and wellbeing. Through experiments in methods of radical democracy anchored in community ownership and community voice, the Centre collaborates with communities, community organisers, community researchers, advocates and activists to imagine and develop sustainable practices for prevention, health care organising, food and agriculture, worker organising, migrant and refugee rights, indigenous rights, rights of the poor and economic transformation.

Prof Mohan J Dutta is the Director of CARE and author of books such as *Neoliberal Health Organizing*, *Communicating Health*, and *Voices of Resistance*.

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ABSTRACT

The Tertiary Education Strategy 2025-2030, issued under section 7 of the Education and Training Act 2020 and binding on every provider that seeks public funding, organises the tertiary education system of Aotearoa New Zealand around a single objective: an innovative, high-productivity economy. This white paper reads the Strategy through the culture-centered approach and argues that it operates as an enclosure by metric, drawing a boundary in the measurement regime so that what the survey cannot see loses its claim on public money. It maps the five layers through which a sentence about productivity becomes a funding decision about a classroom, and tests that reading against the structure of the document through a cluster analysis of construct co-occurrence across 193 segments. The analysis returns one dominant economic mass containing the entire educational vocabulary, a separate measurement apparatus, an equity satellite attached to the core only through employment outcomes and metrics, graduate earnings as a low-frequency but decisively placed hinge, Māori as highly present and weakly tied to the economy alone, and academic freedom, staff and Te Tiriti o Waitangi standing outside the network with one mention each and no ties. The paper names six communicative inversions, and then develops two arguments at length. The removal of the material conditions for the humanities and the social sciences is an academic freedom question under a statute requiring academic freedom to be preserved and enhanced, and binding Ministers and Crown agencies as well as institutions; six instruments now converge on those disciplines, including a statutory amendment of 22 October 2025 removing institutional control of course content and teaching method from the savings clause for industry skills boards, the December 2024 closure of the Marsden Fund to them, and a move to citation-weighted research funding. And the reduction of Te Tiriti o Waitangi to one subordinate clause in a funding-directing instrument is a Crown act capable of grounding a claim before the Waitangi Tribunal, on a close precedent in *Matua Rautia*. The paper substantiates the characterisation of the underlying programme as far right against established criteria from the study of the radical right, maps the transmission channels, and traces the documentary imprint of one domestic think tank on the text of the Strategy. It closes with a counter-architecture and with programmes of action for students, academics, tertiary education workers and unions.

INTRODUCTION: A SENTENCE THAT FUNDS A CLASSROOM

In December 2025 the Government of Aotearoa New Zealand issued a new Tertiary Education Strategy, signed by the Minister for Universities and the Minister for Vocational Education and gazetted under section 7 of the Education and Training Act 2020.¹ It runs to 29 pages. One sentence in it does most of the work. The Government's overarching objective, printed in a tinted box on page six and repeated on the plan-on-a-page, is a tertiary education system that enables people to succeed with knowledge and skills that advance an innovative, high-productivity economy, and improve quality of life.²

Read as prose, that sentence is unremarkable. Read as infrastructure, it is the most consequential sentence written about tertiary education in this country in a decade. The Strategy is not a discussion document. The Tertiary Education Commission gives effect to it when it assesses providers' plans, allocates public funding

and monitors performance, and every organisation seeking public money must set out in its plan how it will give effect to it.³ The Commission's own announcement describes the Strategy as providing clear priorities for funding decisions, and the Ministry states that universities, wānanga, polytechnics and private providers seeking government funding must develop investment plans that support its priorities.⁴ The sentence therefore travels. It moves from the Gazette into the Commission's investment settings, from there into a university's Investment Plan, from there into a faculty's portfolio review, from there into the decision to close a programme in Māori studies or sociology or classics, and finally into a room where a person is told that their position has been disestablished and their students are told to transfer. That is what a strategy is. It is a chain of consequence dressed as a statement of intent.

The mechanism is an enclosure by metric. Enclosure in its original sense converted common land into private holding by drawing a boundary, and the boundary did its work without anyone being expelled by force. The commons became invisible in the survey, and what was invisible in the survey had no defender in the law. A measurement regime does the same to a public institution. The Strategy prohibits nothing. It builds a survey in which certain things cannot be seen, attaches public money to the survey, and leaves institutional managers to complete the operation under the description of financial prudence.

This white paper reads the Tertiary Education Strategy 2025-2030 through the culture-centered approach to research and evaluation, an analytic and methodological framework developed over two decades of community-engaged research across sites of structural marginalisation, and organised around the interplay of structure, culture and agency and the constitution of subaltern voice.⁵ The approach was built to make visible the gap between what a policy document announces and what its infrastructure distributes, and to specify what would have to be built to close that gap.⁶

The paper proceeds in ten movements. It sets out the culture-centered approach and its core concepts. It maps the Strategy as an infrastructure rather than as a text, tracing the five layers through which a sentence about productivity becomes a funding decision about a classroom. It then tests that reading against the structure of the document itself, through a cluster analysis of construct co-occurrence across 193 segments, which returns one dominant economic mass, a measurement apparatus, an equity satellite attached through the labour market, earnings as a low-frequency hinge, Māori as highly present and weakly tied, and academic freedom, staff and Te Tiriti outside the network entirely. It tests the Strategy against the four conjunctive requirements of section 7 of the Education and Training Act. It names six communicative inversions. It identifies a statutory amendment made six weeks before the Strategy issued, which narrowed the academic freedom savings clause for industry skills boards. It then develops at length the two arguments that carry the greatest weight: that what is being done to the humanities and the social sciences is an academic freedom question governed by the Education and Training Act rather than a funding preference, and that the Strategy's treatment of Te Tiriti o Waitangi is a constitutional matter capable of grounding a claim before the Waitangi Tribunal. It substantiates the characterisation of the underlying policy programme as far right, using established criteria from the study of the radical right rather than the term as an epithet, and maps the specific channels through which that programme reaches Aotearoa, including the documentary imprint of one domestic think tank on the text of the Strategy itself. It closes with a counter-architecture and with programmes of action for students, academics, tertiary education workers and unions.

The claim being made requires precision, because precision is what makes it usable. The argument is not that officials in the Ministry of Education belong to a far-right movement. The argument is narrower and more serious. The policy grammar of this Strategy, its selection of what to measure, its relocation of curricular authority, its treatment of equity as an efficiency argument, its silence on academic freedom, and its reduction of Te Tiriti o Waitangi to a single subordinate clause, reproduces an instrument set assembled over half a century by the American radical right and exported through a dense network of institutes, donors, consultancies and party organisations. The mechanisms installed here are the mechanisms installed there. They arrive without the American culture-war vocabulary, which is precisely what makes them effective.

THE CULTURE-CENTERED APPROACH

The people most affected by a policy are systematically absent from the spaces in which that policy is imagined, drafted, contested and evaluated. The absence is neither accidental nor a matter of individual goodwill. It is produced by structures and reproduced through communication. Gayatri Spivak's question about whether the subaltern can speak is often read as a question about capacity. Read carefully it is a question about infrastructure: about whether a listening apparatus exists, and about how the apparatus of representation converts speech at the margins into silence at the centre.⁷

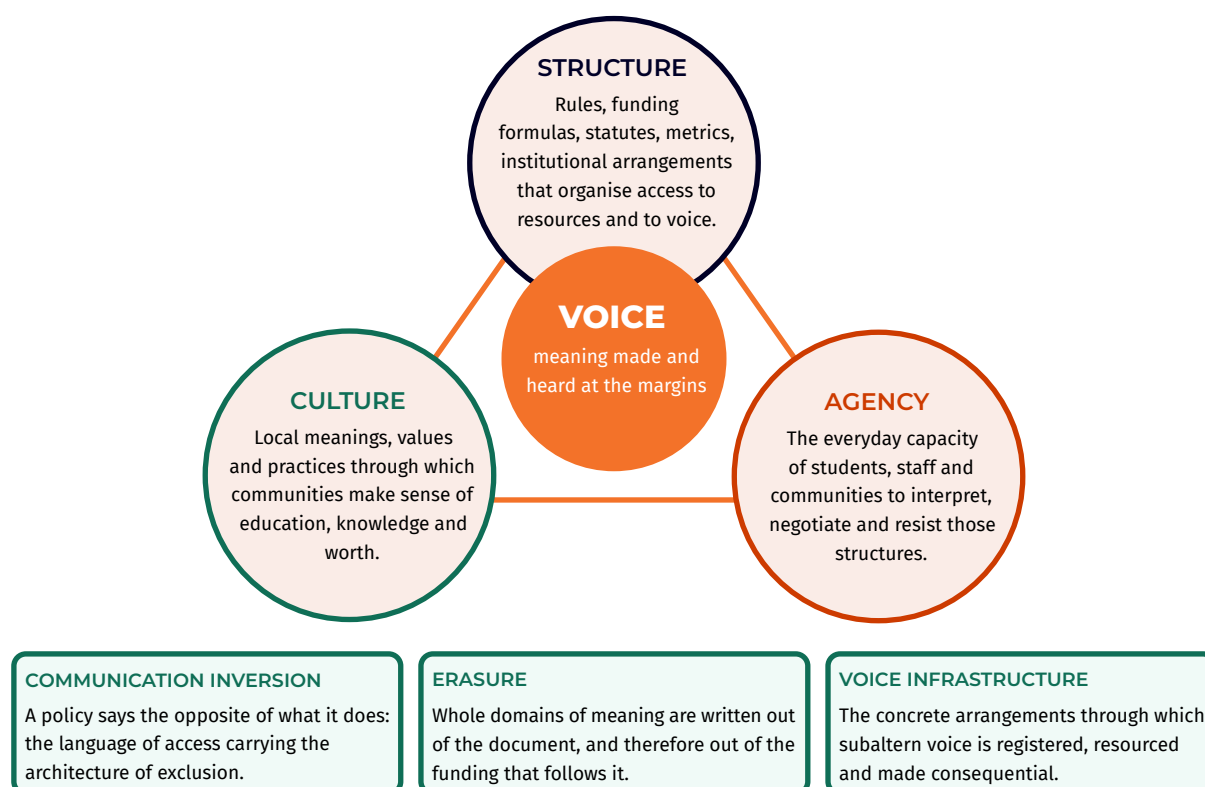


Figure 1: The culture-centered approach: structure, culture and agency, with subaltern voice at the centre

The approach works through three interlocking registers, and its analytic power lies in refusing to treat any of the three as prior to the others.⁸

Structure refers to the arrangements that organise access to resources and to voice: statutes, funding formulas, performance metrics, governance rules, employment relations, the architecture of who decides. Structures are material. They determine who eats, who is hired, who is heard, who is counted. In a tertiary system, structure is the Education and Training Act, the Investment Plan, the entitlement to a place, the workload model, the collective agreement, the research funding pool, the immigration setting, and the metric against which a programme is judged viable.

Culture refers to the local meanings, values and practices through which communities make sense of their worlds. Culture in this framework is neither a decorative overlay on structure nor a catalogue of traits. It is the interpretive ground on which people work out what education is for, what counts as knowledge, what a good life looks like, and what is owed to those who came before and those who come after. When a policy document treats culture as a barrier to be overcome or a resource to be leveraged, it has already made a structural decision, because it has decided which meanings the system will be able to register.

Agency refers to the everyday capacity of people to interpret, negotiate, work around and resist the structures that organise their lives. Agency is always present. The student who enrolls in a programme the metrics do

not value, the tutor on a casual contract who keeps a study group running unpaid, the whānau that sustains a wānanga through a funding drought are all enactments of agency. The question the approach asks is whether the structure has any capacity to register that agency, or whether it is designed to convert it into noise.

At the centre sits **voice**. Voice in this framework is neither self-expression nor consultation. Voice exists when meanings made at the margins have the infrastructural capacity to enter, disturb and reorganise the structures that govern those margins.⁹ A community can speak at a hui, submit to a consultation, complete a survey and appear in a report, and still have no voice, because nothing in the machinery is obliged to change as a result. Voice without infrastructure is decoration.

Four further concepts carry the analysis that follows.

Communicative inversion names the process by which a communicative act asserts the opposite of the material reality it produces.¹⁰ The clearest inversions are not lies. They are true statements arranged so that their truth performs the work of concealment. A strategy that says education should be available to all who can benefit from it, and then builds an accountability system rewarding providers for graduate earnings, has not lied. It has inverted. The commitment is real at the level of the sentence and inoperative at the level of the machine, and the realness of the sentence is what makes the machine difficult to see.

Erasure names what a document accomplishes by not saying. Policy is a finite space with a downstream funding function. What is absent from the objective and from the measures is absent from the plan, and what is absent from the plan is unfunded. Erasure in policy is therefore not a rhetorical failing to be corrected with a better draft. It is a distributive act. Sara Ahmed's account of the institutional life of the complaint describes the same operation from the other end, where procedures established to register a harm become the means by which the harm is absorbed and dissipated.¹¹

Voice infrastructure names the concrete arrangements through which subaltern voice is registered, resourced and made consequential: community advisory structures with authority rather than an advisory function, budget lines communities control, indicators communities co-define, appointment and governance rights, and enforceable obligations rather than expectations.¹² The concept is deliberately unromantic. It treats voice as a question of institutional design, and it insists that the test of any participatory claim is whether the structure is obliged to change when the community says so.

Communication sovereignty names the claim of a people to determine the terms on which their knowledge is produced, circulated and evaluated. In Aotearoa this is not an abstraction. It is what Te Tiriti o Waitangi guarantees, and what the Waitangi Tribunal affirmed in its report on claims concerning law and policy affecting Māori culture and identity, which found the Crown's arrangements for mātauranga Māori and taonga works to breach Tiriti obligations and recommended structural rather than consultative remedies.¹³

Applied to a policy document, the approach asks four questions in sequence. Which structures does the document create or modify? Whose culture is registered as knowledge and whose is registered as a barrier, a deficit or a resource? What capacity for agency does the document leave to those it governs? And where, if anywhere, is voice given infrastructure. The four questions organise everything that follows.

MATERIALS AND METHOD

The materials are the published Tertiary Education Strategy 2025-2030; the Gazette notice by which it was made and by which the 2020 Strategy was withdrawn; the Education and Training Act 2020 as amended through October 2025; the University Advisory Group's final report and the Government's response; the International Education Going for Growth Plan referenced in Priority 5; the Ministry's statement of 2025 government priorities for the universities portfolio; and the wider tertiary policy record of the current coalition, including the December 2024 changes to the Marsden Fund, the 2025 vocational education legislation, and the announced replacement of the Performance-Based Research Fund.¹⁴

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The method has four parts. The first is a lexical audit: a case-insensitive stem count across the full body text of the Strategy, with repeating page headers and footers removed, producing 7,589 words of substantive text. In a document whose function is to direct investment, the presence, absence and density of terms is a reasonable proxy for what the funding system will be able to see. The second is a placement analysis, which asks not whether a term appears but whether it appears in a load-bearing position: an objective, a priority statement, a delivery lever, or a key success measure. The third is an infrastructural mapping, tracing the chain from objective to measure to Investment Plan to funding decision. The fourth is a comparative genealogy, placing the Strategy's specific instruments alongside those of the American higher education counter-revolution and identifying the channels through which they travel.¹⁵

Table 1 reports the audit.

Table 1: *Lexical audit of the Tertiary Education Strategy 2025-2030 (7,589 words of body text, page furniture removed; case-insensitive stem counts)*

TERM OR STEM	COUNT	HOW IT OPERATES IN THE DOCUMENT
economy / economic	71	The frame of the objective and of every priority
skill(s)	56	The unit of value the system produces
employ*	51	The destination against which achievement is judged
industry / industries	45	A governance actor with curricular authority
innovation	39	Research value, defined as uptake and commercialisation
growth	34	The purpose, named as intentional and unapologetic
Māori	29	Deficit group, future workforce, and an economy
productivity	25	The national problem the system exists to solve
career(s)	21	The outcome that validates a qualification
market	17	The signal providers must become responsive to
iwi / hapū	17	Partner in regional economic development
commercialisation	13	A key success measure for research
disabled / disability	10	Under-served group; Disability Action Plans
wānanga	5	Described, then given no measure or funding line
mātauranga	4	A contribution to be explored by the system
climate	3	A cost to be reduced and an adaptation to be funded
equitable	3	An adjective attached to relationships and participation
wellbeing	2	Incidental
equity	1	Once, in a subordinate purpose clause
te Tiriti o Waitangi	1	Once, in a subordinate clause on page 18
critic and conscience	1	Once, with no measure, lever or protection
citizen(s)	1	Once, as an attribute of the productive person
public good(s)	1	Once, instrumentally
staff	1	Once, as research staff gaining cross-system experience
academic freedom	0	Absent
institutional autonomy	0	Absent
union	0	Absent
pay / wages / salaries	0	Absent
racism / racial / racist	0	Absent
colonial / colonisation	0	Absent
democracy / democratic	0	Absent
humanities / arts / social sciences	0	Absent
justice	0	Absent
poverty	0	Absent

The distribution is not subtle. Economic vocabulary saturates the document, while the vocabulary of academic freedom, democratic life, racism, colonisation, justice, staff, unions, the humanities and the social sciences is absent or vestigial. Māori appear 29 times, which sounds substantial until the placements are read: as an under-served population with a completion deficit, as an increasing share of the future workforce, as the growing Māori economy, as a partnership site for regional development, and once, in a subordinate clause on page 18, as the people with whom the Crown has a Tiriti relationship.¹⁶ Te Tiriti o Waitangi is named exactly once in 29 pages, in no objective, no priority statement, no delivery lever and no key success measure.

Two caveats are owed. Stem counts do not capture paraphrase, and a document can honour an obligation it does not name. The audit is therefore presented alongside the placement analysis and the infrastructural mapping rather than in place of them. The claim is not that a word is missing but that a concept has no load-bearing position in the machine. Sector commentary published immediately after release, by observers with no critical commitment, arrived independently at the same tension, asking how the conflict between the economic focus and the equity commitments would be managed under constrained resources, and whether funding decisions would favour programmes with strong employment outcomes over those serving harder-to-reach learners.¹⁷

THE INFRASTRUCTURE OF THE STRATEGY

A strategy of this kind should be read the way one reads a pipe, by asking what flows through it and what it filters out. The Strategy operates through five layers, and the analytic work lies in seeing them as one continuous mechanism rather than as a set of separate commitments.

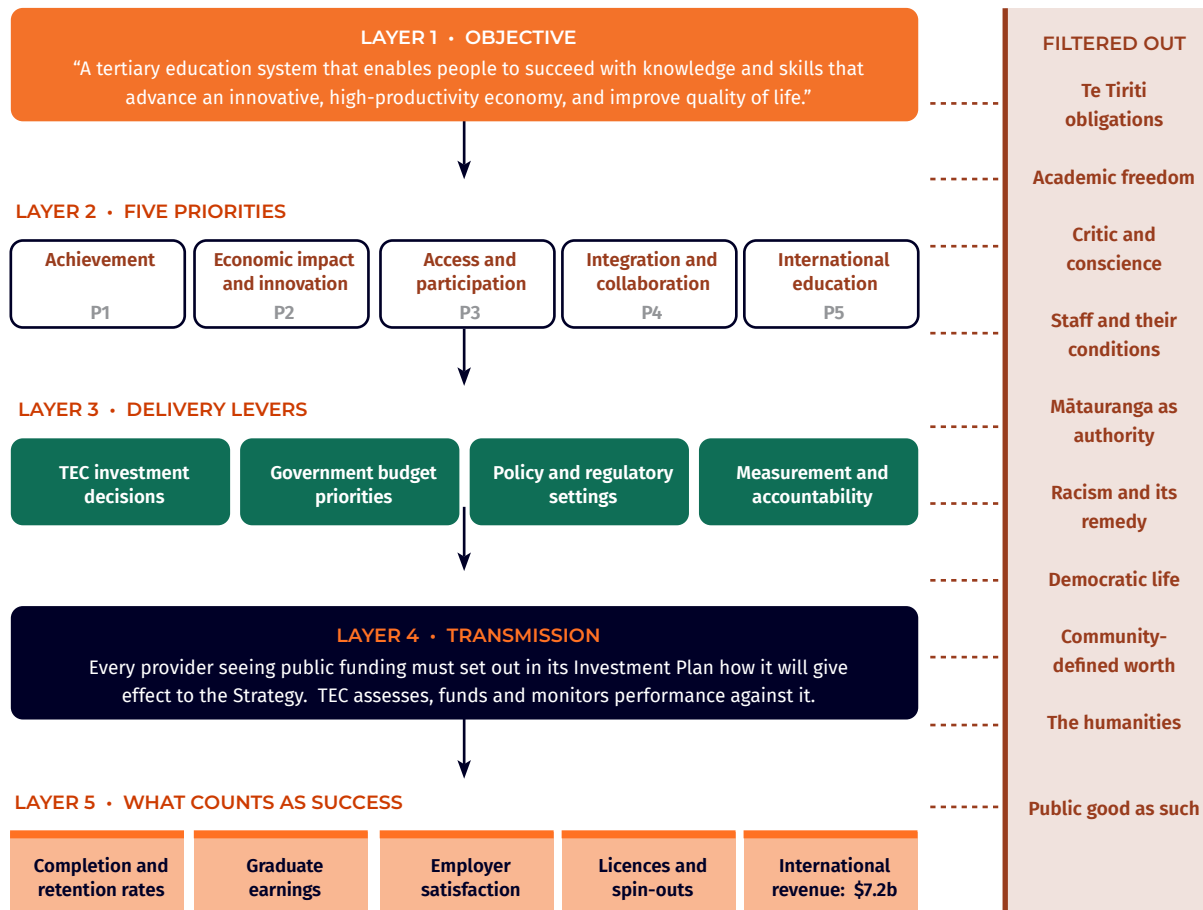


Figure 2: The infrastructure of the Strategy: how a sentence about the economy becomes a funding decision about a classroom

Layer 1 is the objective. A single sentence establishes the frame within which everything else is legible. The Strategy is unusually candid about this, describing its focus on economic growth as intentional and unapologetic.¹⁸ That candour is the honest part of the document. What follows across the remaining pages elaborates a single premise: that the purpose of a public tertiary system is the productivity of the national economy, and that all other purposes are either derivative of that one or unfundable. The premise has a long pedigree in human capital theory, which recast education as investment in a stock of productive capacity, and a long local history in the restructuring of the New Zealand state after 1984.¹⁹ What is new in 2025 is the completeness of the measurement apparatus attached to it.

Layer 2 is the five priorities. Achievement, Economic Impact and Innovation, Access and Participation, Integration and Collaboration, International Education.²⁰ Each is a translation of the objective into a domain. Achievement translates it into the individual learner, whose progress is to be assessed through distance travelled and employment outcomes. Access translates it into the population, whose participation matters because it contributes to a productive economy, a qualification attached inside the priority statement itself.²¹ Integration translates it into governance, aligning education with regional and national economic development. International Education translates it into export revenue.

Layer 3 is the delivery levers. The plan-on-a-page names four: Tertiary Education Commission investment decisions, the Government's budget priorities, improving policy and regulatory settings, and measuring results and strengthening accountability.²² Here the document stops being a statement of values and becomes an instrument. Each lever is coercive in the ordinary institutional sense. None is available to a student, a lecturer, a cleaner, an iwi or a community.

Layer 4 is transmission. Providers seeking public funding must set out in their plans how they will give effect to the Strategy, and the Commission assesses, funds and monitors against those plans.²³ This is the hinge. Everything upstream of it is text; everything downstream is money. Institutional leaders are rational actors inside the hinge. They will write plans that maximise the probability of funding and restructure their institutions so that the plans are true. No minister has to instruct a university to close a philosophy department. The instruction is embedded in the measure.

Layer 5 is what counts as success. Achievement is measured by higher completion rates and better employment outcomes. Economic impact is measured by stronger employment and innovation outcomes as measured by graduate earnings, skills relevance and research uptake by industry, with commercialisation outcomes such as licences and spinouts, employer and graduate satisfaction, and vocational career-entry rates named as measures to be developed. Access is measured by improved access with good employment outcomes. Integration is measured by growth in cross-sector education, research and workforce partnerships. International Education is measured by doubling export value to \$7.2 billion by 2034.²⁴

The mechanism is now visible. The objective determines the priorities; the priorities are enforced through the levers; the levers act through the Investment Plan; the Investment Plan is judged against the measures; and the measures are, with one partial exception, economic. What cannot be expressed in those measures cannot be defended in an Investment Plan, and what cannot be defended in an Investment Plan will not survive the next round of portfolio review. This is how a document containing no hostile sentence produces a hostile outcome.

The right-hand channel of Figure 2 lists what the mechanism filters: Te Tiriti obligations, academic freedom, the critic and conscience function, the staff who do the work, mātauranga Māori as an authority rather than a contribution, racism and its remedy, democratic life, community-defined worth, the humanities, and the public good as a category in its own right. None can be converted into a key success measure as the Strategy has written them, and therefore none has a claim on public money that a chief financial officer is obliged to honour. The Strategy states that the key success measures are still to be developed into a fuller monitoring framework, which means the boundary of the enclosure is being drawn now, and is contestable now.²⁵

THE CLUSTER STRUCTURE OF THE STRATEGY

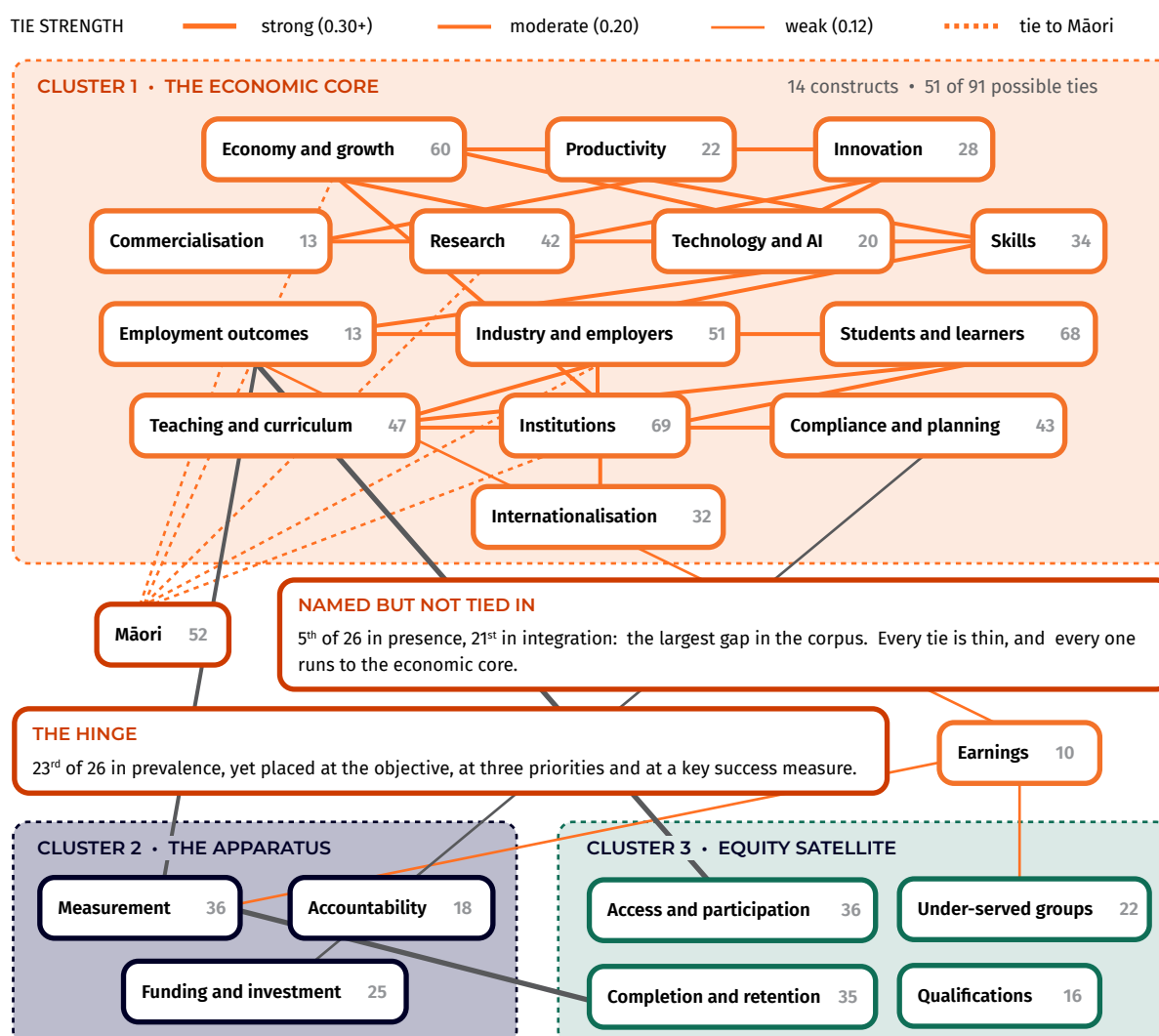
The lexical audit establishes what the Strategy says and how often. It does not establish how the document is organised, and organisation is where policy meaning lives. A construct can be frequent and inert, or rare and decisive. To test the structure rather than the surface, the Strategy was segmented and its constructs clustered by co-occurrence.

Procedure

The body text was divided into 193 segments, each a paragraph or a discrete bullet of 12 words or more, totalling 7,597 words. Twenty-six analytic constructs were defined as regular expressions over stems and phrases, and each segment was coded for the presence or absence of each construct. Association between constructs was computed as the Jaccard coefficient over segments, the number of segments containing both divided by the number containing either. Constructs were then clustered by average-linkage hierarchical clustering on one minus the association matrix. Prevalence is reported as the number of segments in which a construct appears; integration is reported as weighted degree, the sum of a construct's association with all others.²⁶

Robustness was tested across three association measures, Jaccard, cosine and Dice, and three linkage methods, average, complete and Ward. Under average and Ward linkage the solution is stable across all three measures. Complete linkage returns a degenerate single-cluster solution at this number of clusters and is not reported.²⁷

The solution



OUTSIDE THE NETWORK • ZERO TIES

Te Tiriti o Waitangi 1	appears once, in a subordinate clause of a paragraph on collaboration for regional economic development
Academic freedom 1	appears once, in the paraphrase of the statutory characteristics of a university, carrying no measure
Staff and their conditions 1	appears once, in one bullet, about research staff gaining experience across systems

Figure 3: The cluster structure of the Strategy: 23 constructs coded across 193 segments, with segment counts and the strength of co-occurrence between the.

The analysis returns one dominant mass, two attached satellites, one bridge, one weakly tethered construct, and three constructs with no ties at all.

Table 2: Cluster solution: constructs, prevalence across 193 segments, and integration (weighted degree)

CLUSTER	CONSTRUCTS (prevalence)	STRUCTURAL ROLE
1. The economic core	Institutions 69; Employment outcomes 63; Economy/growth 60; Students and learners 60; Industry and employers 51; Teaching and curriculum 47; Compliance and planning 43; Research 42; Skills 34; Internationalisation 32; Innovation 28; Productivity 22; Technology and AI 20; Commercialisation 13	One densely tied mass holding the entire educational vocabulary inside the economic one. Strongest ties: industry with employment outcomes 0.41; employment outcomes with students 0.40; productivity with innovation 0.39
2. The apparatus	Measurement 36; Funding and investment 25; Accountability 18	The machinery that converts the core into funding consequence. Measurement with accountability 0.32, at 3.9 times chance
3. The equity satellite	Access and participation 36; Completion and retention 35; Under-served groups 22; Qualifications 16	Attached to the core through two channels only: employment outcomes (0.25) and measurement (0.27). No connection through rights, obligations or Te Tiriti, because those constructs are unavailable
Bridge	Earnings 10	23rd of 26 in prevalence; positioned at the objective, three priorities and a key success measure. Low frequency, decisive placement
Tethered	Māori 52	5th of 26 in presence, 21st in integration: a gap of 16 rank places, the largest in the corpus. Ties run only to industry, institutions, employment, research and economy
Outside the network	Te Tiriti o Waitangi 1; Academic freedom and critic and conscience 1; Staff and their conditions 1	Zero ties. One segment each. No structural relationship to anything the document does

Cluster 1, the economic core. Fourteen constructs form a single densely tied component, connected by 51 of the 91 possible ties between them at an association of 0.15 or above: economy and growth, productivity, innovation, commercialisation, industry and employers, skills, employment outcomes, research, teaching and curriculum, students and learners, institutions, compliance and planning, internationalisation, and technology. The internal ties are the strongest in the corpus. Industry and employers with employment outcomes returns an association of 0.41; employment outcomes with students and learners 0.40; productivity with innovation 0.39, at 4.4 times the rate expected by chance; commercialisation with research 4.2 times chance.²⁸ The significance of this cluster is not that economic terms appear together, which would be unsurprising, but that teaching, curriculum, students, institutions and research appear inside it rather than beside it. In this document the educational constructs are not adjacent to the economic ones. They are constituents of them.

Cluster 2, the apparatus. Measurement, accountability and funding form a tight separate group, with measurement and accountability associated at 0.32, at 3.9 times chance.²⁹ This cluster is the machinery by which the core is converted into consequence, and its separateness matters: measurement in this document is not distributed through the discussion of education, it is concentrated in a distinct apparatus that acts on education from outside.

Cluster 3, the equity satellite. Access and participation, completion and retention, under-served groups and qualifications form a satellite attached to the core through two channels only: employment outcomes, at an association of 0.25 with access and participation, and measurement, at 0.27 with completion and retention.³⁰ Equity in this document does not connect to the core through rights, obligations, justice or Te Tiriti, because those constructs are not available to connect through. It connects through the labour market and through the metric. That is the third communicative inversion, recovered independently from the structure of the text.

The bridge. Earnings is coded in only 10 segments, ranking 23rd of 26 in prevalence. Its position is the opposite of its frequency. It appears in the statement that the focus on economic growth is intentional and unapologetic, in the priorities statement, in the discussion of achievement, in the discussion of access and participation, in the international education section, in the reduction-of-disparities bullet, and in the key success measure for economic impact and in the passage on strengthening measures.³¹ A construct that appears at the objective, at three priorities and at a key success measure, while remaining almost absent from the body of the document, is not a minor theme. It is a hinge, and its low prevalence is what allows the document to install a wage test for educational value without appearing to be about wages.

The tethered construct. Māori is coded in 52 segments, fifth of 26 in prevalence and ahead of industry, teaching and research. On integration Māori ranks 21st. The gap between presence rank and integration rank is sixteen places, the largest in the corpus and more than three times the next largest.³² The direction of the ties is as telling as their weakness. Of the 52 segments in which Māori appear, the constructs most often present alongside are institutions in 27 per cent, industry and employers in 25 per cent, employment outcomes in 23 per cent, research in 21 per cent and economy and growth in 21 per cent.³³ Māori appear frequently, and they appear inside the economic core, weakly attached to it and attached to nothing else.

The isolates. Three constructs return zero ties because each appears in exactly one segment. Te Tiriti o Waitangi appears in a subordinate clause of a paragraph on collaboration for regional and national economic development. Academic freedom, institutional autonomy and the critic and conscience function appear together once, in the paraphrase of the statutory characteristics of a university under Delivering the Strategy. Staff and their conditions appear once, in a bullet about research staff gaining experience across the tertiary and science systems.³⁴ In a corpus of 193 segments these three constructs have no structural relationship to anything the document does.

What the structure establishes

The cluster analysis was run to test the paper's arguments rather than to illustrate them, and it bears on four of them directly.

It corroborates the infrastructural reading in Figure 2 by an independent route. If the Strategy were a document with an economic emphasis alongside other commitments, the analysis would return several comparable clusters. It returns one mass of 14 constructs containing the entire educational vocabulary, plus an apparatus that measures and an equity satellite attached through the labour market and the metric. There is no second centre.

It strengthens the case on earnings. The critique of an earnings-based accountability regime is usually met with the observation that earnings are barely mentioned. The structure shows that this is the point. Earnings occupies a bridging position between the core, the apparatus and the equity satellite while remaining almost invisible in the prose, and a hinge does not need to be large.

It quantifies the Te Tiriti argument and converts it into evidence usable in a claim. The finding is not merely that Te Tiriti appears once. It is that Māori appear often, that their appearances sit inside the economic core, that their integration is sixteen rank places below their presence, and that the constitutional construct which would give those appearances a different meaning has no structural existence in the document at all.

A Crown instrument in which Māori are highly present and structurally unconnected, save through industry, employment and the economy, is the textual signature of the recoding described in the section on Te Tiriti below, and it is the kind of evidence a Tribunal can weigh.³⁵

It confirms the account of the humanities, the social sciences and academic freedom from the opposite direction. The critique holds that these disciplines are removed by infrastructure rather than by prohibition. The structural finding is that the concepts on which their defence would rest, academic freedom, the critic and conscience function, staff and their conditions, and Te Tiriti, are not weakly represented in the network. They are outside it. A construct with no ties cannot be invoked in an Investment Plan, because there is nothing in the document to invoke it against.

WHAT THE LAW REQUIRES AND WHAT THE STRATEGY DELIVERS

The Strategy is issued under section 7 of the Education and Training Act 2020, which is not permissive about content. It requires the Minister to set out the Government's long-term strategic direction for tertiary education, and that direction must include economic goals, social goals, environmental goals, and the development aspirations of Māori and other population groups.³⁶ These are four conjunctive requirements, not a menu. The Act's purpose provision commits the system to honouring Te Tiriti o Waitangi and supporting Māori-Crown relationships, which supplies the interpretive frame for the section 7 duty.³⁷

Table 3: The statutory test in section 7(1) of the Education and Training Act 2020, and what the Strategy provides against it.

SECTION 7 REQUIREMENT	WHAT THE STRATEGY PROVIDES	ASSESSMENT
Economic goals	An objective, five priorities, four delivery levers and five key success measures organised around productivity, innovation and commercialisation	Satisfied comprehensively
Social goals	A derivation: the attributes of skilled and productive people are said to be the same as those of confident and culturally enriched citizens, and success is said to contribute to health and social cohesion	A claim that no separate social goal is required
Environmental goals	Climate named three times, as a burden whose reduction generates economic value and as an adaptation a strong economy can fund	An economic goal with an environmental application
The development aspirations of Māori and other population groups	Māori aspirations named and then translated into the needs of the growing Māori economy; te Tiriti o Waitangi named once, in a subordinate clause; mātauranga Māori positioned as a contribution to be explored	An economic recoding of a constitutional obligation

On economic goals the Strategy is comprehensive. On social goals it offers a derivation rather than a goal: the attributes of skilled and productive people are said to be the same attributes as those of confident, creative, culturally enriched citizens, and success in tertiary education is said to contribute to health, social cohesion and intergenerational prosperity.³⁸ A derivation is not a goal. It is a claim that no separate goal is needed, which is a substantive policy position and one section 7 does not authorise.

On environmental goals the treatment is starker. Climate appears three times, and in each case the environment is a source of economic value or a risk to be managed: a productive economy provides the resources to adapt to climate impacts, and the economic value of research can come from reducing the burden of adverse events including climate change.³⁹ There is no environmental goal in the document. There is an economic goal with an environmental application.

On the development aspirations of Māori, the Strategy names those aspirations and then translates them. Empowering Māori to achieve their aspirations, the document says, requires the system to respond to the needs of the growing Māori economy.⁴⁰ Contributing activities include securing and maintaining linkages and bridges between the tertiary education sector and the Māori economy, and exploring the distinct contribution of mātauranga Māori to national and global challenges and scholarship.⁴¹ Mātauranga Māori enters as a

contribution to be explored by the system rather than as a body of knowledge with its own authority, its own institutions and its own Tiriti-protected standing.⁴² Wānanga are described accurately, as institutions established by Māori with a mandate to advance mātauranga Māori, te reo Māori and tikanga Māori, and are then given no measure, no funding commitment and no place in the objective.⁴³

A strategy that provides economic goals, an economic derivation in place of social goals, an economic application in place of environmental goals, and an economic recoding of Māori development aspirations has satisfied one of section 7's four requirements four times over. Whether that constitutes compliance is a question for lawyers and, in due course, for the Waitangi Tribunal. Whether it constitutes a strategy for the tertiary education of a Tiriti nation is a question the sector can answer now.

SIX COMMUNICATIVE INVERSIONS

The inversions in this document are not clumsy. They are the product of skilled drafting under a constraint: the Strategy must satisfy a statutory requirement to address social goals and Māori aspirations while operating an objective that recognises one currency. The result is a text in which the stated commitment and the operative function of the same clause point in opposite directions.

	WHAT THE STRATEGY SAYS		WHAT THE INFRASTRUCTURE DOES
ACHIEVEMENT	"Distance travelled" and valued added, so that progress from a learner's starting point is fairly recognised.	→	Provider performance is scored against graduate earnings and employment, so the measure of life becomes its wage.
ACCESS	Education should be available to all who can benefit from it, regardless of background or circumstance.	→	Access is justified by the supply of skilled workers; the excluded appear as an under-used input to a productive economy.
EQUITY	Support for Māori, Pacific peoples, disabled people and low-income students and trainees.	→	Equity appears with no objective, no key success measure and no funding line of its own; it survives only where it raises output.
PARTNERSHIP	Partnership with hapū and iwi to support Māori development aspirations and honour te Tiriti o Waitangi.	→	Te Tiriti is named once in 29 pages, inside a subordinate clause, and Māori appear chiefly as "the growing Māori economy".
AUTONOMY	Universities as critic and conscience of society, developing intellectual independence.	→	The phrase is retained with no measure, no protection and no resource; academic freedom is not mentioned once.
INTERNATIONALISATION	Global connectivity, relationships and New Zealand's values on the world stage.	→	A revenue target of \$7.2 billion by 2034 and immigration settings that sort the "genuine" student from the suspect one.

Figure 4: Six communicative inversions: the stated commitment and the operative function of the same clause

The first inversion is achievement. The Strategy makes a genuinely progressive argument about measurement. Completion metrics alone can mask progress made by students from disadvantaged backgrounds, it says, and measuring how far a learner progresses from their starting point gives a fairer and more informative view of provider performance.⁴⁴ Anyone who has taught a first-in-family student recognises this as correct. The same sections then require providers to ensure courses lead to real career opportunities by tracking employment outcomes of graduates, set the key success measure for the priority as higher completion rates and better employment outcomes, and set the key success measure for economic impact as stronger employment and innovation outcomes as measured by graduate earnings.⁴⁵ Distance travelled is introduced as a corrective to a narrow metric and delivered as a companion to a narrower one. The structural position of earnings makes the manoeuvre legible. Earnings is one of the rarest constructs in the document and one of the most decisively placed, appearing at the objective, at three priorities and at a key success measure while remaining almost absent from the prose.

The consequences run deep. Earnings-based accountability is not a neutral technology. It systematically devalues work that a society underpays: early childhood teaching, social work, community health, aged care nursing, te reo revitalisation, the arts. It rewards fields with high private returns and existing advantage, and it imports into public funding the labour market's gender and ethnic pay gaps, which the sector's union has documented as persistent.⁴⁶ Applied at programme level it becomes an instrument for closing exactly the provision serving the communities the Strategy names as under-served, while producing a data trail that looks like fairness.

The second inversion is access. In principle, the Strategy says, tertiary education should be available to all who can benefit from it, regardless of background or circumstance.⁴⁷ That statement of educational right appears under a priority whose formal statement is that access should ensure more people build relevant skills throughout their lives that contribute to a productive economy.⁴⁸ The right is announced and immediately conditioned. The document then explains why the barriers matter: they contribute to ongoing disparities in employment outcomes and limit the supply of skilled workers to address persistent skills shortages in some industries.⁴⁹ The excluded appear as an under-utilised input, and the sentence structure indicates which reason will survive a budget round.

The third inversion is equity. Equity language runs through the document. Māori, Pacific peoples, disabled people and students from low-income backgrounds are named repeatedly, providers are expected to embed evidence-based approaches to learner success for these groups, and Disability Action Plans continue.⁵⁰ The architecture tells a different story. The word equity appears once. There is no equity objective, no equity priority, no equity key success measure and no equity funding commitment. Improving outcomes for these groups is justified on the ground that it is essential to fully unlock New Zealand's potential and ensure all people can contribute to and benefit from the country's success.⁵¹ Equity is retained as vocabulary and removed from the machinery, and its justification is instrumental, which makes it contingent. The cluster analysis recovers the same finding from the structure of the text rather than from its architecture: the equity satellite attaches to the economic core through employment outcomes and measurement, and through nothing else. A commitment that exists because it raises output can be withdrawn when a spreadsheet shows that it does not.

The fourth inversion is partnership. Partnership between tertiary education providers and hapū and iwi is described as critical to support Māori development aspirations and honour te Tiriti o Waitangi.⁵² That sentence is the entirety of the Strategy's engagement with the founding constitutional relationship of this country, and it sits in the body text of Priority 4, whose object is aligning education with regional and national economic development. The comparison with the instrument it replaced is instructive. The 2020 Strategy, issued alongside the National Education and Learning Priorities, made barrier-free access, learning environments free from racism and discrimination, and responsiveness to learners' identities, languages and cultures explicit system priorities, and was read across the sector as requiring institutions to act on Tiriti obligations rather than to

acknowledge them.⁵³ What has occurred between 2020 and 2025 is the removal of a Tiriti frame from a statutory instrument, in a period in which the same coalition introduced a Bill to redefine Tiriti principles, was met by a nine-day hīkoi that brought more than 40,000 people to Parliament and generated more than 300,000 select committee submissions, and saw that Bill defeated at its second reading by 112 votes to 11.⁵⁴

The fifth inversion is autonomy. Universities are described as primarily concerned with advanced learning, knowledge creation and the development of intellectual independence, required to integrate teaching and research, act as the critic and conscience of society, meet international standards and serve as repositories of knowledge.⁵⁵ This paraphrases the statutory characteristics of a university, and its inclusion will be offered as evidence that the Strategy protects the university's public role.⁵⁶ It protects nothing, because the phrase carries no measure, no lever, no funding line and no protection. The cluster analysis locates that sentence precisely: it is the single segment in 193 in which academic freedom, institutional autonomy and the critic and conscience function appear, and it has no co-occurrence tie to any other construct in the document. The term academic freedom, a statutory right under section 267 which university councils have a statutory duty to protect and promote under section 281(1)(g), appears nowhere in the Strategy.⁵⁷ A strategy that omits the central legal protection of the sector it governs, in the same year Parliament amended the Act to require university councils to adopt statements on freedom of expression, has made a choice about which freedom matters.⁵⁸

The University Advisory Group, chaired by Sir Peter Gluckman, wrote that the university plays a critical role in a democracy as a critic and conscience of society, and made the establishment of a separate New Zealand Universities Council its highest-priority recommendation.⁵⁹ The Government declined it, on the stated ground that structural separation would, by design, constrain government's ability to prioritise resources, and directed that a Tertiary Education Strategy be developed instead of the university strategy the Group had recommended.⁶⁰ The stated reason for keeping universities inside the general tertiary machinery is that separating them would constrain the Government's control over their resources. It is the clearest statement in the recent policy record of what is at stake.

The sixth inversion is internationalisation. International education, the Strategy says, is a key enabler of global engagement and influence, strengthening international relationships and promoting New Zealand's identity and values on the world stage.⁶¹ It then sets a single key success measure: doubling the value of international education to \$7.2 billion by 2034, with enrolments rising from 83,400 in 2024 to 105,000 in 2027 and 119,000 by 2034.⁶² Contributing activities include an artificial-intelligence-driven platform providing round-the-clock support to prospective students and agents worldwide, tailored go-to-market plans for each target country, an improved agent network model, and ensuring appropriate immigration settings to enable access for genuine students.⁶³ The word genuine does considerable work. Every international student becomes a candidate for suspicion until the immigration system verifies their sincerity, and the sincerity being tested is that of a paying customer.

THE CLAUSE THAT WAS QUIETLY NARROWED

A change in the statute book that the Strategy does not mention supplies the sharpest available evidence that curricular authority is being relocated deliberately rather than as a side effect.

Section 267 of the Education and Training Act defines academic freedom in five limbs: the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions; the freedom of academic staff and students to engage in research; the freedom of the institution and its staff to regulate the subject matter of courses taught at the institution; the freedom of the institution and its staff to teach and assess students in the manner they consider best promotes learning; and the freedom of the institution through its chief executive to appoint its own staff.⁶⁴

On 22 October 2025, six weeks before the Strategy was issued, the Education and Training (Vocational Education and Training System) Amendment Act 2025 replaced subsection 267(5).⁶⁵ The replacement provides that nothing in the definition limits or affects an industry skills board performing its functions of developing and maintaining standards, qualifications, micro-credentials and capstone assessments for vocational education and training, and that the performance of those functions by the industry skills board does not limit or affect the academic freedom of an institution as set out in subsection (4)(a), (b) or (e).⁶⁶

Paragraphs (a), (b) and (e) are questioning received wisdom, engaging in research, and appointing staff. Paragraph (c), the freedom to regulate the subject matter of courses, and paragraph (d), the freedom to teach and assess in the manner best promoting learning, are absent from the savings clause. Where an industry skills board exercises its standard-setting and qualification functions, the statute now declines to guarantee that institutional control over course content and teaching method is unaffected.

The Strategy completes the picture at the level of policy. Industry Skills Boards established in 2026 are described as ensuring industries have a voice in the qualifications and programmes vocational providers deliver, advising on where investment in the system should be directed, setting standards, developing qualifications, quality assuring programmes, and advising the Commission on its investment in vocational education and training.⁶⁷ A statutory carve-out and a strategic direction of this kind, arriving in the same quarter, constitute a transfer of curricular authority from the academy to industry bodies, executed in the technical language of the qualifications system.

THE HUMANITIES AND THE SOCIAL SCIENCES

The disciplines that study meaning, power, history, language, law and society occupy no line in this Strategy. The words humanities, arts and social sciences do not appear in it. That silence is not neutrality. Six instruments now operate on the same set of disciplines simultaneously, and their combined effect is to remove from the New Zealand tertiary system the fields in which the critic and conscience function is most often performed.

Six instruments converging on the same disciplines

The first is the earnings measure. The key success measure for Economic Impact and Innovation is stronger employment and innovation outcomes as measured by graduate earnings, skills relevance and research uptake by industry, and providers' achievement performance is to be assessed with reference to employment outcomes.⁶⁸ Graduate earnings vary systematically by field, and the New Zealand data have been published by the Ministry of Education for years: the earnings premium differs sharply across fields of study, and differs again by gender and by ethnicity.⁶⁹ A measure that ranks provision by graduate earnings will rank history, sociology, social work, teaching, te reo Māori, Pacific studies, philosophy, fine arts and anthropology at the bottom, and will do so not because those graduates contribute less but because the labour market pays less for care, culture, teaching and community. The instrument encodes the pay structure of the economy and returns it as an assessment of educational quality.

The second is employer satisfaction as a proxy for quality. The Strategy states that system measures should better reflect relevance and impact, and names employer and graduate satisfaction and vocational career-entry rates as measures the Commission should consider developing.⁷⁰ Employers are a legitimate stakeholder in vocational provision. They are not a competent authority on whether a country needs historians of the New Zealand Wars, scholars of te reo, ethnographers of poverty, or specialists in constitutional law. Making employer satisfaction a measure of educational quality installs a constituency with no interest in, and no expertise about, the disciplines whose public value lies in independence from employers.

The third is the redefinition of research. Research in the Strategy is repeatedly attached to commercialisation, industry uptake, licences, spinouts, user-funded research, and a national intellectual property management policy allowing researchers to benefit directly from their intellectual property.⁷¹ Universities are directed to increase their focus on user-funded research and to strengthen research commercialisation functions.⁷² There is no licence to sell for a study of colonisation in the Waikato, no spinout from a history of the Pacific labour trade, no user willing to fund an account of racism in the tertiary sector itself. Under this definition, research whose value is public understanding rather than a transferable asset is unmeasurable, and therefore unfundable.

The fourth is the Marsden Fund decision, which has already run the experiment. On 4 December 2024 the Minister of Science, Innovation and Technology announced that the Marsden Fund, this country's only source of investigator-led research funding, would be refocused on core scientific research that helps lift economic growth.⁷³ The humanities and social sciences panels were disbanded and those disciplines were no longer to be supported; at least half the fund was directed to proposals with economic benefits to New Zealand; and every application was required to describe its potential to generate economic, environmental or health benefits.⁷⁴ In the 2024 round, \$14.7 million, about one fifth of the total awarded, had gone to social science and humanities projects from a fund of approximately \$77.7 million.⁷⁵ The announcement came days before the round was due to open and while a review of the science system remained unreleased.⁷⁶ It drew condemnation from the New Zealand Association of Scientists and the Australasian Council of Deans of Arts, Social Sciences and Humanities, and was reported internationally as a country scrapping its support for the social sciences.⁷⁷ A business group welcomed it on the ground that it would boost productivity, living standards and economic growth.⁷⁸ The analysis offered at the time by scholars at the University of Auckland identified the operative consequence precisely: what such a change most reliably reduces is the capacity of researchers to produce inconvenient evidence, in a country where the ecosystem of independent critique is already thin.⁷⁹

Two features of that decision govern the reading of the Strategy. No discipline was prohibited; a funding criterion was changed, and the disciplines disappeared. And the change was made by ministerial announcement, without warning, in a form that required no legislation and permitted no submission.

The fifth is the replacement of the Performance-Based Research Fund. In September 2025 the Government announced that the \$315 million Performance-Based Research Fund would be replaced by a Tertiary Research Excellence Fund, removing the quality evaluation component and moving toward citation metrics.⁸⁰ The bibliometric literature on this point is settled and has been for two decades. Citation databases systematically under-represent the humanities and qualitative social sciences, because those fields publish in books, edited collections and national journals rather than indexed international journal articles, because their referencing practices differ, and because they work in local languages and on local subjects that international indexes do not cover.⁸¹ Research assessment bodies that have examined the question conclude that for many humanities and social science fields citation metrics have little or no significance and should not be imposed.⁸² In Aotearoa the effect is compounded: scholarship in te reo Māori, on mātauranga, on iwi histories, on Pacific communities, and on New Zealand's own institutions is precisely the work least visible to an international citation index, and most valuable to the country that funds it. Whatever the intention, a citation-weighted research fund transfers money from the study of this place to the study of things that are cited elsewhere.

The sixth is the relocation of curricular authority, described in the previous section: an industry skills board regime whose statutory savings clause no longer guarantees institutional control of course subject matter or teaching method.⁸³

ENCLOSURE BY METRIC: A CULTURE-CENTERED CRITIQUE OF THE TERTIARY EDUCATION STRATEGY 2025-2030

Table 4: *Six instruments converging on the humanities and the social sciences*

INSTRUMENT	WHERE IT SITS	EFFECT ON THESE DISCIPLINES
Graduate earnings as a key success measure	TES key success measure for Economic Impact and Innovation; achievement assessed against employment outcomes	Encodes the labour market's pay structure, including its gender and ethnic gaps, and returns it as a judgement about educational quality
Employer and graduate satisfaction as quality proxies	Measures the Commission is directed to consider developing	Installs a constituency with no expertise in, and no interest in, disciplines whose value lies in independence from employers
Research redefined as commercialisation	Commercialisation, licences, spinouts, user-funded research, national IP policy	Research whose value is public understanding rather than a transferable asset becomes unmeasurable, and therefore unfundable
Marsden Fund criterion change, December 2024	Ministerial announcement; panels disbanded; 50% directed to economic benefit	Removed the only investigator-led funding pathway for these fields; \$14.7m of provision disappeared without legislation
Citation-weighted research funding	Performance-Based Research Fund replaced by a Tertiary Research Excellence Fund using citation metrics	Citation indexes under-represent book-based, local-language and locally focused scholarship, transferring money out of the study of this country
Relocation of curricular authority	Industry Skills Boards; s 267(5) savings clause omitting paras (c) and (d)	Institutional control of course subject matter and teaching method is no longer guaranteed against qualification-setting bodies

Taken singly, each instrument is defensible in the language of accountability. Taken together they constitute a coordinated removal of the material conditions under which the humanities and the social sciences can be taught and researched in this country. The cluster analysis explains why the removal meets so little resistance inside the document's own terms: the constructs on which a defence would rest, academic freedom, the critic and conscience function, and staff and their conditions, are not weakly represented in the network but outside it, with one segment each and no ties. That is the finding, and it is a finding about infrastructure rather than about anyone's intentions.

Why this is an academic freedom question

The standard response to the foregoing is that governments are entitled to set funding priorities, and that a decision not to fund a discipline is not a restriction on anyone's freedom to study it. That response misreads the statute.

Academic freedom in New Zealand is not a professional courtesy. It is a statutory right whose content is defined in section 267(4) of the Education and Training Act, and two of its five limbs are institutional rather than individual. Paragraph (c) protects the freedom of the institution and its staff to regulate the subject matter of courses taught at the institution. Paragraph (d) protects the freedom of the institution and its staff to teach and assess students in the manner they consider best promotes learning.⁸⁴ These limbs exist because the drafters understood that control over what may be taught is the point at which academic freedom is most easily lost, and that the loss rarely takes the form of a prohibition.

Section 267(1) states the intention of Parliament that academic freedom and institutional autonomy be preserved **and enhanced**. That is a ratchet rather than a floor: the statute contemplates improvement over time, and a measure that diminishes either is inconsistent with the stated legislative intention.⁸⁵

Section 267(3) is the provision the sector has most consistently underused. It provides that in performing their functions, the councils and chief executives of institutions, **Ministers, and authorities and agencies of the Crown** must act in all respects so as to give effect to the intention of Parliament expressed in the section.⁸⁶ The obligation binds the Minister who issues a tertiary education strategy and the Commission that gives effect to it.

A strategy that does not mention academic freedom, that ties institutional funding to employer satisfaction and industry uptake, and that arrives alongside an amendment narrowing the savings clause for course content, is not obviously an exercise of functions performed so as to give effect to a parliamentary intention that academic freedom be preserved and enhanced.

Section 268(2) sets out the statutory characteristics of a university: that it is primarily concerned with more advanced learning, the principal aim being to develop intellectual independence; that its research and teaching are closely interdependent and most of its teaching is done by people active in advancing knowledge; that it meets international standards of research and teaching; that it is a repository of knowledge and expertise; and that it accepts a role as critic and conscience of society.⁸⁷ The Strategy paraphrases this list and attaches nothing to it.⁸⁸ Each characteristic is, however, a legal description of what a university must be in order to be a university, and each is materially undermined by the instruments described above. The research-teaching nexus in paragraph (b) is undermined by casualisation and by defunding the research base of the teaching disciplines. The repository function in paragraph (d) is undermined by closing the fields that hold a country's record of itself. The critic and conscience role in paragraph (e) is undermined by all six instruments at once.

The proposition, stated plainly, is this. A government that closes a discipline by prohibition would be understood immediately to have attacked academic freedom. A government that closes the same discipline by changing a funding criterion has produced the same result while leaving the statute formally intact. The distinction is one of method. Under section 267 the statutory question is whether academic freedom has been preserved and enhanced, and that question is answered by the condition of the freedom rather than by the form of the instrument that affected it.

The critic and conscience function through structure, culture and agency

The culture-centered approach clarifies why the critic and conscience role cannot be defended as a value statement, and must be defended as an infrastructure.

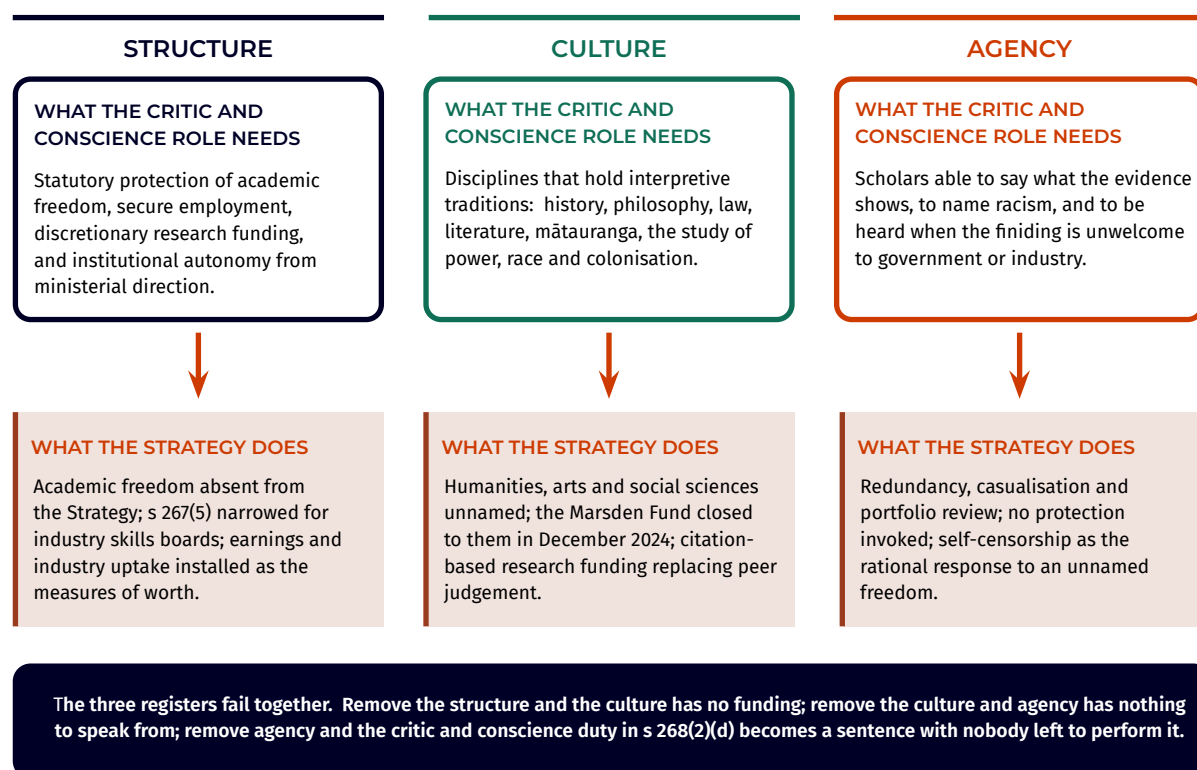


Figure 5: *The critic and conscience function, read through structure, culture and agency*

At the level of **structure**, the role requires statutory protection that is actually invoked, employment secure enough that a person can afford to be unpopular, research funding that is not conditional on a sponsor's approval, and institutional distance from ministerial direction. The Strategy removes or weakens each: academic freedom is unnamed, the workforce is unnamed, research value is defined as industry uptake, and the Government has declined structural separation of universities on the express ground that separation would constrain its ability to prioritise resources.⁸⁹

At the level of **culture**, the role requires living disciplines. Criticism of power is not a personality trait. It is a set of trained capacities held in traditions: historical method, legal reasoning, ethnographic attention, philosophical argument, textual interpretation, statistical scepticism, and mātauranga Māori as a knowledge system with its own protocols of validation. These capacities are transmitted through teaching and sustained through research. When the disciplines that hold them are closed, the capacity is not relocated elsewhere in the university. It is lost, and it takes a generation to rebuild.

At the level of **agency**, the role requires people willing to speak and able to survive having spoken. Redundancy rounds, casualisation, portfolio review and an accountability regime that never mentions the freedom to state unpopular opinions produce a rational calculation in which silence is cheaper than speech. Self-censorship leaves no record, generates no complaint, and appears in no dataset, which is what makes it the most effective instrument of all.

The three registers fail together. Remove the structure and the culture has no funding; remove the culture and agency has nothing to speak from; remove agency and the critic and conscience duty in section 268(2) becomes a sentence with nobody left to perform it.

What must be restored and given effect

The remedy is not new legislation. The Education and Training Act already contains the necessary provisions, and the task is to give them operative force in the instruments that actually allocate money.

Table 5: *Provision of the Education and Training act 2020 to be restored and given operative effect*

PROVISION	WHAT IT REQUIRES	WHAT GIVING IT EFFECT WOULD MEAN
s 4	An education system that honours Te Tiriti o Waitangi and supports Māori-Crown relationships	A Tiriti objective in the Strategy and a Tiriti chapter in every Investment Plan
s 7(1)(a)	Economic, social and environmental goals, and the development aspirations of Māori	A social goal that is not a derivation of the economic goal, an environmental goal in its own right, and a Māori development goal defined with Māori
s 267(1)	Academic freedom and institutional autonomy preserved and enhanced	A ratchet test: no investment setting may leave academic freedom weaker than it found it
s 267(3)	Ministers and Crown agencies must act so as to give effect to that intention	A published academic freedom impact assessment accompanying every investment setting, monitoring framework and funding formula
s 267(4)(c) and (d)	Institutional freedom over course subject matter and over teaching and assessment	Restoration of paragraphs (c) and (d) to the industry skills board savings clause in s 267(5)
s 268(2)(b)	Research and teaching closely interdependent, most teaching done by those advancing knowledge	Limits on teaching-only casualisation and protection of the research base of teaching disciplines
s 268(2)(d) and (e)	Repository of knowledge and expertise; critic and conscience of society	A protected funding floor for provision of public and cultural significance, insulated from earnings and citation assessment
s 281(1)(g)	Council duty to protect and promote academic freedom	Councils required to assess their own Investment Plans against the duty, and to record the assessment

Three of these deserve emphasis. First, section 267(3) should be treated as a live constraint on the Minister and the Commission rather than as a preamble, which means that any investment setting, monitoring framework or funding formula should be accompanied by a published assessment of its effect on academic

freedom, in the same way that regulatory proposals attract impact statements. Second, paragraphs (c) and (d) of section 267(4) should be restored to the industry skills board savings clause, so that a transfer of qualification authority does not carry with it a transfer of authority over course content and teaching method. Third, section 268(2) should be given effect through a protected funding floor for provision of public and cultural significance, because a statutory characteristic that no funding line supports is a description of an institution that no longer exists.

Why these disciplines matter now

The Strategy identifies technological change as the first of the pressing challenges facing the system, notes that rapid advances in digital tools and artificial intelligence are reshaping how people work, live and learn, directs the sector to educate a flexible workforce able to adapt to a workplace in which AI and quantum computing play an increasingly significant role, and calls for strengthened sector leadership on AI and its impact on tertiary education.⁹⁰ It then removes the funding basis of every discipline equipped to say anything about what artificial intelligence is doing to work, language, evidence, law, and democratic life.

The questions raised by large-scale machine learning systems are not, for the most part, engineering questions. Whether a system's outputs can be trusted is a question about evidence and epistemology. Whether a person displaced by automation has a claim on the society that displaced them is a question in political philosophy and labour law. Whether training data taken without consent from a community's language recordings is theft is a question about property, sovereignty and cultural authority. Whether a synthetic text is a source is a question about interpretation, provenance and authorship, which is the founding problem of textual scholarship. Whether an algorithmic decision in welfare, policing or immigration is lawful is a question of administrative law. Whether a population can distinguish a fabricated claim from an evidenced one is a question about education and about the public sphere. Every one of these belongs to the humanities and the social sciences.

Aotearoa has a specific stake here. Te Hiku Media's work building te reo Māori speech recognition, and the kaitiakitanga licence developed to govern the use of the data on which it depends, is one of the most instructive examples anywhere of a community asserting authority over its own language data against extractive default practice.⁹¹ That work is a fusion of linguistics, law, ethics, community organising and mātauranga Māori. It is the kind of work a country loses when it funds only what can be licensed or cited.

There is also a reflexive point that should be stated rather than left implicit. The disciplines being defunded are the disciplines that study think tanks, donor networks, policy transfer, misinformation, and the far right. A research system reorganised around economic benefit and industry uptake will not fund an account of how an imported policy instrument arrived in a New Zealand statutory document. Whatever else it does, the reorganisation is convenient.

TE TIRITI O WAITANGI AS A CONSTITUTIONAL COMMITMENT

The status of the guarantee

Te Tiriti o Waitangi is not a values statement, a partnership aspiration or a cultural competency. It is the constitutional foundation on which the Crown's authority to govern in this country rests. Article 2 of te Tiriti guarantees to rangatira, hapū and all the people of New Zealand te tino rangatiratanga over their lands, villages and taonga katoa. Article 3 extends to Māori the same rights and duties as other subjects.⁹² The Court of Appeal has held that the relationship is analogous to a partnership, imposing on each partner a duty to act toward the other with the utmost good faith, and that the duty of the Crown is not merely passive but extends to active protection of Māori interests.⁹³

The Education and Training Act incorporates that framework directly. Its purpose provision commits the system to honouring Te Tiriti o Waitangi and supporting Māori-Crown relationships.⁹⁴ Section 7 requires the tertiary education strategy to include the development aspirations of Māori.⁹⁵ These are not decorative. They are the terms on which Parliament authorised the Minister to issue an instrument that binds every publicly funded provider in the country.

Education is settled Tiriti territory

The Waitangi Tribunal has been finding Crown breaches in the education domain for 40 years, and the line of authority is directly applicable.

In 1986 the Tribunal reported on the te reo Māori claim, holding that te reo Māori is a taonga guaranteed protection under Article 2, and that the Crown's obligation was one of active protection rather than passive tolerance. Leaving Māori to speak their own language was not enough; the Crown had to act, and had failed to. The report led directly to the Māori Language Act 1987.⁹⁶

In 2011 the Tribunal reported in *Ko Aotearoa Tēnei* on claims concerning law and policy affecting Māori culture and identity, finding that the Crown's arrangements for mātauranga Māori and taonga works breached Tiriti obligations, and recommending structural remedies giving Māori decision-making authority rather than consultative arrangements attached to Crown-controlled processes.⁹⁷

In 2012 the Tribunal reported in *Matua Rautia* on the kōhanga reo claim, and that report is the closest precedent to the present case. The claimants argued that the Crown had treated kōhanga reo as mainstream early childhood providers, preventing them from developing according to their own kaupapa. The Tribunal found that the Crown's early childhood education system, and in particular its funding formula, its quality measures and its regulatory regime, had failed to sustain the specific needs of kōhanga reo, and that the Crown had breached the duty of active protection owed to te reo Māori as a taonga.⁹⁸ The inquiry was triggered by a taskforce report prepared without the claimants' participation.⁹⁹

A funding formula, a set of quality measures and a regulatory regime designed without Māori participation, which fails to sustain a kaupapa Māori institution, is the exact configuration the Tribunal has already held to breach Te Tiriti. The Tertiary Education Strategy is a funding-directing instrument that establishes quality measures and shapes a regulatory regime for the tertiary sector.

It is also relevant that the Tribunal's kaupapa inquiry into education services and outcomes remains outstanding, and that in 2024 the Tribunal reported urgently on the Crown's Treaty Principles Bill policy, finding the policy and the process by which it was developed to be inconsistent with the principles of Te Tiriti.¹⁰⁰

What the Strategy does

Against that background, the Strategy's treatment of Te Tiriti can be stated with precision.

Te Tiriti o Waitangi is named once in 29 pages, in a subordinate clause of a paragraph in Priority 4 whose object is aligning education with regional and national economic development.¹⁰¹ It appears in no objective, no priority statement, no delivery lever, and no key success measure. There is no Tiriti chapter, no Tiriti expectation of providers, and no Tiriti indicator in the monitoring framework.

Māori appear substantively in four registers, none of which is constitutional. As a population with a completion and participation deficit.¹⁰² As a rising share of the future workforce.¹⁰³ As an economy whose growth the system must service.¹⁰⁴ As a partner in regional economic development.¹⁰⁵ Mātauranga Māori appears as a contribution to be explored by the system for its value to national and global challenges and scholarship, which reverses the direction of authority: the system evaluates mātauranga rather than mātauranga evaluating the system.¹⁰⁶

The cluster analysis puts numbers on this pattern. Māori rank fifth of 26 constructs in presence and 21st in integration, a gap of 16 rank places and the largest in the corpus; and the ties that do exist run to institutions, industry and employers, employment outcomes, research and the economy. High presence with low and exclusively economic integration is the structural signature of a recoding, and it is a finding a Tribunal can test against the document itself.

Wānanga are described accurately as institutions established by Māori, primarily iwi, with a mandate to advance mātauranga Māori, te reo Māori and tikanga Māori, promoting the social, cultural and economic wellbeing of their communities.¹⁰⁷ That description is followed by no funding commitment, no measure and no place in the objective. A constitutional institution has been given a paragraph and no line item.

The comparison with the 2020 instrument matters legally as well as politically. The previous Strategy, issued with the National Education and Learning Priorities, made barrier-free access, learning environments free from racism and discrimination, and responsiveness to learners' identities, languages and cultures explicit system priorities, and was understood in the sector as requiring institutions to act on Tiriti obligations.¹⁰⁸ A Crown decision to withdraw an instrument containing those priorities and replace it with one that does not is a Crown act with consequences, and it is the kind of act the Tribunal examines.

The elements of a claim

THE GUARANTEE

Article 2 of Te Tiriti guarantees te tino rangatiratanga over taonga katoa. The Waitangi Tribunal has held mātauranga Māori and te reo Māori to be taonga attracting a Crown duty of active protection.



THE CROWN ACT

A strategy issued under s 7 of the Education and Training Act 2020, binding on every funded provider, that names Te Tiriti once, in a subordinate clause, and supplies no Tiriti objective, priority, delivery lever or success measure.



THE PREJUDICE

Kaupapa Māori provision, wānanga, te reo and mātauranga Māori scholarship become defensible only where they raise graduate earnings, employer satisfaction or industry uptake, and close their claim on public funding where they do not.



THE BREACH

Partnership, active protection, and the duty to make informed decisions. The Crown set the measure of Māori educational success without Māori, and recorded a constitutional relationship as an economic one.



THE PRECEDENT

Wai 11 (1986): te reo as taonga requiring active protection. Wai 262 (2011): mātauranga Māori and the inadequacy of consultative remedies. Wai 2336 (2012): a funding formula, quality measures and regulatory regime that failed to sustain a kaupapa Māori institution.



THE REMEDY SOUGHT

Amendment of the Strategy under s 7(2) to include a Tiriti objective and Tiriti success measures; a protected funding floor for te reo, mātauranga and wānanga; and Māori authority over the monitoring framework before it is written.

Figure 6: *The architecture of a Tiriti claim: guarantee, Crown act, prejudice, breach, precedent and remedy*

A claim under section 6 of the Treaty of Waitangi Act 1975 requires a claimant who is Māori, an act or omission of the Crown, an inconsistency with the principles of Te Tiriti, and prejudice suffered or likely to be suffered as a result.¹⁰⁹ Each element is available here.

Table 6: Elements of a claim under s 6 of the Treaty of Waitangi Act 1975, applied to the Strategy

ELEMENT	THE CASE	AUTHORITY
Claimant	Māori claimants with an interest in tertiary education: iwi and hapū, wānanga, Māori academic and student organisations, Māori staff networks	Treaty of Waitangi Act 1975, s 6(1)
Crown act or omission	Issue of the Tertiary Education Strategy 2025 by Gazette notice under s 7(1), withdrawal of the 2020 Strategy, and consequential direction of Commission investment, planning and monitoring	Gazette notice 2025-go6822
Prejudice	Kaupapa Māori provision, wānanga, te reo and mātauranga scholarship become defensible only where they raise earnings, employer satisfaction, industry uptake or export revenue; the research pathway for those fields was closed in December 2024	TES key success measures; Marsden Fund decision
Breach: partnership	The Crown set the measure of Māori educational success without the Tiriti partner; consultation is recorded with providers, industry and students, not iwi or hapū	NZ Māori Council v Attorney-General (1987); TES, p. 5
Breach: active protection	Te reo and mātauranga Māori are taonga; the instrument provides no protection, no measure and no funding floor	Wai 11 (1986); Wai 262 (2011)
Closest precedent	A funding formula, quality measures and a regulatory regime that failed to sustain a kaupapa Māori institution, following a taskforce report prepared without the claimants	Wai 2336, Matua Rautia (2012)
Remedy	Amendment under s 7(2) to insert a Tiriti objective and measures; a protected funding floor; restoration of investigator-led research funding; Māori authority over the monitoring framework before it is written	Wai 262 on structural rather than consultative remedies

The Crown act is the issuing of the Tertiary Education Strategy 2025 by Gazette notice under section 7(1) of the Education and Training Act, together with the withdrawal of the Tertiary Education Strategy 2020, and the consequential direction of the Commission's investment, planning and monitoring functions.¹¹⁰

The prejudice is that kaupapa Māori provision, wānanga, te reo Māori and mātauranga Māori scholarship become defensible in Investment Plans only to the extent that they raise graduate earnings, employer satisfaction, industry uptake or export revenue, and lose their claim on public funding where they do not. The structural analysis supports the point: within the document, Māori are tied to the economic core and to nothing else, and the constitutional construct that would give those appearances a different meaning has no ties at all. The prejudice is not speculative. The Marsden decision of December 2024 removed the principal investigator-led funding pathway for research in Māori and Pacific studies, in history, and in the qualitative social sciences in which a great deal of mātauranga-based scholarship is published, and the announced move to citation-weighted research funding compounds it, because scholarship in te reo and on iwi histories is the least visible work in an international citation index.¹¹¹

The breaches engage the established principles. Partnership and the duty of good faith are engaged because the Crown set the measure of educational success for a Tiriti partner without that partner. Active protection is engaged because te reo Māori and mātauranga Māori are taonga, and the Crown has adopted a funding-directing instrument that provides them no protection, no measure and no floor.¹¹² The duty to make informed decisions is engaged because the Strategy's own account of its development refers to targeted consultation with providers, industry bodies and student representatives, and does not record engagement with iwi or hapū as Tiriti partners.¹¹³ Equity is engaged because Māori achievement is addressed as a deficit to be closed for economic reasons rather than as an obligation owed.

The precedent is Matua Rautia, where the Tribunal found that a funding formula, quality measures and a regulatory regime that failed to sustain a kaupapa Māori institution breached the duty of active protection; Ko Aotearoa Tēnei, where consultative remedies were found inadequate for mātauranga Māori; and the te reo Māori claim, where the Crown's obligation was held to be active rather than passive.¹¹⁴

The remedy should be framed structurally rather than consultatively, following Ko Aotearoa Tēnei. It includes amendment of the Strategy under section 7(2), which permits the Minister to withdraw and replace or amend a strategy by Gazette notice, to insert a Tiriti objective and Tiriti key success measures; a protected funding floor for te reo Māori, mātauranga Māori and wānanga provision, insulated from earnings-based and citation-based assessment; restoration of an investigator-led research pathway for the fields in which mātauranga scholarship is published; and Māori authority over the design of the monitoring framework that the Strategy says is still to be built.¹¹⁵

That last point carries the urgency. The Strategy states that its key success measures will be further developed into a more comprehensive monitoring framework.¹¹⁶ The framework does not yet exist. A claim filed while the measures are being written has a remedy available that a claim filed afterward does not.

Why a claim is worth bringing

Tribunal recommendations are, with limited exceptions, non-binding.¹¹⁷ That fact is routinely used to argue that a claim is symbolic. The record says otherwise. The te reo Māori claim produced the Māori Language Act. Matua Rautia produced sustained policy change in early childhood funding for kōhanga reo. Ko Aotearoa Tēnei reframed the entire debate about mātauranga Māori in Crown policy. A Tribunal inquiry compels the Crown to produce evidence, to explain itself on the record, and to defend in public a set of decisions taken in private. In a sector whose own research capacity to hold power to account is being defunded, an inquiry is one of the few remaining forums in which the Crown must answer.

WHY THIS IS FAR-RIGHT POLICY

The description of the underlying programme as far right is an analytic claim, not an insult, and it should be argued rather than asserted. Two things have to be established. First, that there is a settled scholarly meaning of the term against which a policy programme can be tested. Second, that the specific body of work from which the instruments in this Strategy derive satisfies that meaning.

The criteria

The comparative study of the radical right converges on a small set of defining features. Cas Mudde's widely adopted formulation identifies a core ideology combining nativism, the view that a state should be inhabited by members of the native group and that non-native persons and ideas are fundamentally threatening; authoritarianism, the belief in a strictly ordered society in which infringements of authority are punished severely; and populism, a thin ideology dividing society into a pure people and a corrupt elite and holding that politics should express the general will.¹¹⁸ Mudde's broader account of the far right adds exclusivism, anti-pluralist and non-individualist traits including monism and an organicist view of the state, and a traditionalist value system organised around the restoration of lost frames of reference.¹¹⁹ A second body of work on democratic backsliding identifies the characteristic method: executive aggrandisement, in which elected actors weaken checks on executive power incrementally and legally, and autocratic legalism, in which the forms of law are used to dismantle the substance of constitutional constraint.¹²⁰

Two features of this literature matter for the present argument. The far right is defined by ideology and method rather than by rhetorical register, which means that a programme can satisfy the criteria while sounding technocratic. And the university is not incidental to the programme. Anti-pluralism requires that there be no authoritative account of the world independent of the movement, and the university is the institution whose function is to produce exactly that.

Applying the criteria

Project 2025, published by the Heritage Foundation as *Mandate for Leadership: The Conservative Promise*, is the programmatic document from which the instrument set descends, and it satisfies the criteria on its own text.

Its education chapter opens by describing the target as a higher education establishment captured by woke diversicrats and a de facto monopoly enforced by a federal accreditation cartel, and calls for federal postsecondary policy to expose schools to greater market forces.¹²¹ The framing is populist in the technical sense: an authentic public is opposed to a corrupt professional elite that has captured an institution, and the remedy is to break the elite's control rather than to contest its conclusions. The same chapter recommends eliminating diversity, equity and inclusion requirements and references to sexual orientation and gender identity across federal education policy, which is exclusivist in Mudde's sense, and recommends housing higher education data at the Department of Labor so that programmes can be evaluated by employment and earnings outcomes, which is the instrument at issue in this paper.¹²²

The wider document supplies the authoritarian and anti-pluralist elements. Its central constitutional proposition is an expansive unitary executive, under which the President exercises near-total control over the federal administrative apparatus; it is accompanied by a personnel database and training programme designed to replace career civil servants with vetted appointees, and by a transition playbook for dismantling agencies within 180 days.¹²³ The president of the Heritage Foundation described the effort publicly as a second American revolution that would remain bloodless if the left allowed it to be, a formulation that conditions civil peace on the acquiescence of political opponents.¹²⁴ That is anti-pluralism stated openly.

The implementation record confirms the classification. Executive action has made federal research funding conditional on institutional compliance; civil rights investigations have been opened into admissions practices; the Secretary of Education has written to universities asking them to publish public statements supporting a set of administration priorities; and accreditation policy has been redirected toward post-graduation earnings.¹²⁵ These are the moves catalogued in the backsliding literature: not the closure of universities, but the conversion of their funding and accreditation into instruments of political compliance.

The university as a standing target

The comparative record establishes that this is a pattern rather than an American peculiarity, and it establishes what the endpoint looks like.

In Hungary, legislation targeted at the Central European University forced that institution to move the bulk of its operations to Vienna by 2019; a 2018 decree removed gender studies from the list of accredited master's programmes on the stated ground of insufficient labour market demand; and from 2021 the assets and governance of most state universities were transferred to public interest asset management foundations whose boards were filled with ministers and governing party allies.¹²⁶ The European Commission concluded that these structural changes seriously threatened the right to academic freedom, and the European Union barred 21 Hungarian universities from Erasmus+ and Horizon Europe funding.¹²⁷ The sequence is instructive because every step was lawful, and the decisive move was a change in who controls a governing board and a budget.

The Hungarian gender studies decision deserves particular attention here, because its stated justification was labour market demand.¹²⁸ That is the same justification the Tertiary Education Strategy installs as a key success measure. The instrument does not announce its politics. It supplies a neutral-sounding reason for an outcome selected in advance.

What follows for Aotearoa

None of this makes the Ministry of Education a far-right agency, and the paper does not claim that it does. The claim is about the provenance and function of an instrument set. The measurement of educational value by graduate earnings, the relocation of curricular authority to employer bodies, the redefinition of research as commercialisable output, the removal of equity from the operative architecture while retaining it as vocabulary, and the silence on academic freedom are the components of a programme developed for a political purpose in another country. Instruments carry their purposes with them. A measure designed to make a discipline indefensible will make that discipline indefensible regardless of the intentions of the official who adopts it.

There is also a local specificity that makes the Aotearoa case distinct and, in one respect, more serious. In the United States the target of the counter-revolution has been race-conscious scholarship and the civil rights settlement. Here the equivalent target is Te Tiriti o Waitangi, which is a constitutional relationship rather than a diversity programme, and mātauranga Māori, which is a knowledge system with its own authority rather than a perspective to be included. Erasing a diversity programme from a policy document is a policy choice. Erasing a Tiriti obligation from a statutory instrument is a Crown act with legal consequences, and it is the reason the previous section sets out a claim.

THE TRANSMISSION CHANNELS

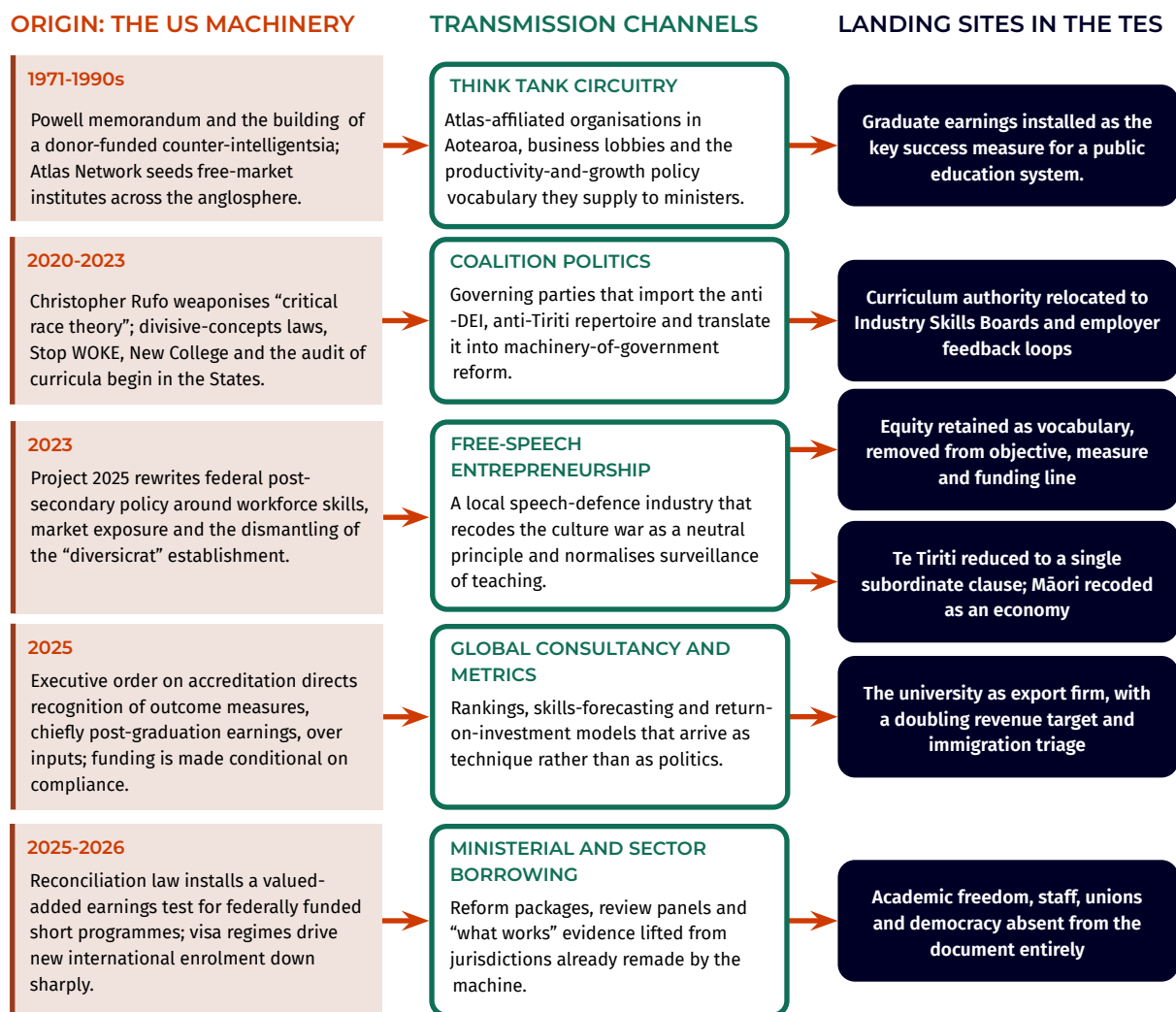


Figure 7: Pathways of far-right policy influence: how a political project arrives in Aotearoa as technical advice

The transmission is neither mysterious nor conspiratorial. It runs through five ordinary channels.

The American machine was assembled in five stages. Lewis Powell's 1971 memorandum to the US Chamber of Commerce identified the campus as the central site of the ideological threat to American business and called for the sustained funding of a counter-establishment.¹²⁹ From 1981 the Atlas Network began coordinating affiliated institutes across the world, supplying grants, seminars, workshops and mentoring.¹³⁰ From 2020, Christopher Rufo and allied operatives converted a body of legal scholarship into a public threat under the label of critical race theory, with the stated aim of making the term toxic and attaching to it every disliked feature of public education, producing educational gag orders across dozens of states, the Stop WOKE Act, the reconstruction of New College of Florida, and legislation such as Texas Senate Bill 37 mandating curricular review.¹³¹ Project 2025 then converted the campaign into a governing programme.¹³² Executive and legislative action followed: the April 2025 accreditation order prioritising post-graduation earnings, and the 2025 reconciliation law installing a value-added earnings test under which an eligible programme's published tuition and fees may not exceed the value-added earnings of its Pell-funded completers measured three years out.¹³³ Coercion is now running: research funding terminated at scale, investigations opened, and international enrolment down 17 per cent in a single year with projected losses approaching seven billion dollars.¹³⁴

Think tank circuitry carries the instruments across. The New Zealand Initiative and the New Zealand Taxpayers' Union are both identified as partners of the Atlas Network, and both supply the productivity, deregulation and accountability vocabulary that structures current policy debate; the Initiative states that it receives no funding from Atlas and describes itself as strictly non-partisan.¹³⁵ Its lineage runs to the New Zealand Business Roundtable, the institution that drove the restructuring of the New Zealand state after 1984, and its former researchers are distributed through ministerial and party offices.¹³⁶ The next section maps its documentary imprint on this Strategy specifically.

Coalition politics supplies the political vehicle. The ACT Party's origins lie in the same free-market network, and the coalition's programme since 2023 has included the Treaty Principles Bill and the Regulatory Standards Bill, the latter descended in substance from the Business Roundtable and criticised as an attempt to constrain democratic law-making by statute.¹³⁷

A speech-defence industry recodes contests over racism, colonisation and academic authority as questions of neutral principle, and normalises external surveillance of teaching. Its function is consistent: it produces the conditions under which the critical scholar becomes the threat to freedom and the state becomes freedom's guarantor.¹³⁸

Global consultancy and metrics complete the circuit. Rankings, skills forecasting, graduate outcome dashboards and return-on-investment models arrive as technique, carrying an entire political theory of the university inside a spreadsheet, and are adopted by managers who would reject the theory if it were stated as a proposition.¹³⁹

THE IMPRINT OF THE NEW ZEALAND INITIATIVE

General claims about think tank influence are easy to make and hard to test. In this case the test is available, because the Initiative has published its tertiary education programme, and the correspondence with the Strategy can be set out document by document.

The Initiative's tertiary education work is concentrated in two reports by Dr James Kierstead, a research fellow and former classics lecturer. *Unpopular Opinions: Academic Freedom in New Zealand* (2024) argued from survey data, including the Free Speech Union's academic freedom survey and the New Zealand Campus Expression Survey, that academics feel constrained in discussing contested topics, singling out the Treaty of Waitangi as a topic on which half of surveyed academics felt more constrained than free, and connecting that

constraint to institutional diversity, equity and inclusion policies.¹⁴⁰ *The Future of Our Universities* (2024), drawn from an Initiative symposium, identified the sector's central problems as funding pressure and deficits, declining international rankings, growing bureaucratisation diverting resources from teaching and research, threats to academic freedom and viewpoint diversity, and underinvestment in research and development relative to the OECD.¹⁴¹ A companion analysis argued that non-academic and diversity-related administrative staffing had proliferated, and linked that growth to the constraint on viewpoint diversity.¹⁴²

Table 7: *The New Zealand Initiative's tertiary programme and its correspondence with the Strategy*

INITIATIVE CLAIM	SOURCE	CORRESPONDING ELEMENT OF THE STRATEGY
New Zealand underinvests in research and development relative to the OECD and lags on commercialisation	The Future of Our Universities (2024)	Priority 2 diagnosis: institutions lag comparators in commercialisation, industry collaboration and R&D intensity
Declining international rankings signal declining quality	The Future of Our Universities (2024)	Universities directed to meet international standards; research uptake and comparator performance framed as the test
Bureaucratisation diverts resources from teaching and research; administrative and DEI staffing has proliferated	The Future of Our Universities (2024); NZ Herald, October 2024	Equity retained as vocabulary and removed from the operative architecture; no equity objective, measure or funding line
Industry engagement is weak and universities are insufficiently connected to employers	The Future of Our Universities (2024)	Priority 4: industry engagement described as weak by international standards; employer input into programme design and delivery
Academics feel constrained on contested topics, the Treaty prominent among them; viewpoint diversity is lacking	Unpopular Opinions (2024), drawing on Free Speech Union survey data	Education and Training Amendment Act 2025: council duty to adopt freedom of expression statements, including institutional neutrality on matters outside their functions
Severe funding pressure and sector deficits threaten quality	The Future of Our Universities (2024)	Not adopted. The Strategy contains no funding commitment
Academic freedom in New Zealand needs strengthening	Unpopular Opinions (2024)	Not adopted. Academic freedom is not mentioned in the Strategy

The correspondence is close, and its structure is worth naming. The Initiative's diagnosis has been adopted almost in full: research and development intensity, international rankings and comparators, research commercialisation, industry engagement, and the framing of the sector's problem as insufficient economic contribution all appear in the Strategy as premises rather than as contested propositions.¹⁴³ The Initiative's academic freedom programme has been adopted in the one form that imposes obligations on universities, namely the statutory requirement that councils adopt freedom of expression statements, including a principle that universities will not take positions on matters that do not directly concern their role or functions.¹⁴⁴

What has not been adopted is the part of the Initiative's own case that would cut against the Government. The Initiative's reports identify severe underfunding and deficits as a primary threat to quality; the Strategy provides no funding commitment.¹⁴⁵ The Initiative's academic freedom report is premised on the proposition that academic freedom in New Zealand is under pressure and needs strengthening; the Strategy does not mention academic freedom at all.¹⁴⁶

That asymmetry is the finding. A think tank's diagnosis has been converted into a governing instrument, and the elements of its programme that would constrain government have been left behind. This is how policy transfer generally works, and it is why the question of influence should be answered by comparing documents rather than by tracing meetings. The New Zealand Law Society, submitting on the freedom of expression provisions, made the corresponding legal point: Parliament affirmed academic freedom in 1990 and universities need no reminder of it, which raises the question of what the new provisions were actually for.¹⁴⁷

WHAT THIS STRATEGY WILL DO

Policy analysis earns its keep by making falsifiable predictions. Each of the following has a mechanism and, in several cases, a precedent already on the record.

Programmes will close in the humanities, the qualitative social sciences, te reo and Māori studies, Pacific studies, and the fine arts, and each closure will be justified by viability arithmetic rather than by any statement about value. Universities will not be told to do this. They will do it because Investment Plans must demonstrate contribution to measures those programmes cannot satisfy, and because the research funding pathway for those fields was closed in December 2024 and will be narrowed further by citation-weighted assessment.¹⁴⁸

Regional provision will contract even as the Strategy promises to rebuild it, because a federated polytechnic network without a funding guarantee is a set of institutions competing for a shrinking pool against employment-outcome benchmarks that favour metropolitan labour markets.¹⁴⁹ The disestablishment of Te Pūkenga and the re-establishment of independent polytechnics from January 2026 has already produced campus closures, programme losses and role disestablishments across regional providers.¹⁵⁰

Casualisation will accelerate, because a workforce that appears nowhere in the strategic instrument has no protected cost line, and because the flexible, modular, online and work-integrated delivery the Strategy directs providers to expand is delivered disproportionately by people on insecure contracts.¹⁵¹

Māori and Pacific provision will be defended on economic grounds until the economic grounds fail. Kaupapa Māori provision survives in this framework as a contribution to the Māori economy and to workforce supply.¹⁵² When a cohort is small, a labour market thin, or a graduate's earnings low because the work is care work, the justification collapses and nothing in the Strategy replaces it.

Critical scholarship will quieten, through the accumulated weight of an environment in which research value is industry uptake, no document protects the freedom to state unpopular opinions, colleagues are being made redundant, and the institution has been told that its plans are the basis of its funding. Self-censorship is cheaper than censorship and it leaves no record.

The international education target will be met, if at all, by expanding recruitment in markets where the American door has closed, increasing the sector's exposure to geopolitical conditions it does not control, while immigration triage of genuine students imports the surveillance logic without the revenue certainty.¹⁵³

None of these outcomes requires anyone to intend them. That is the character of infrastructure.

A CULTURE-CENTERED COUNTER-ARCHITECTURE

The culture-centered approach does not end in critique, and the sector's response should not end in a request for consultation. The task is to build voice infrastructure where the Strategy has left the ground bare.

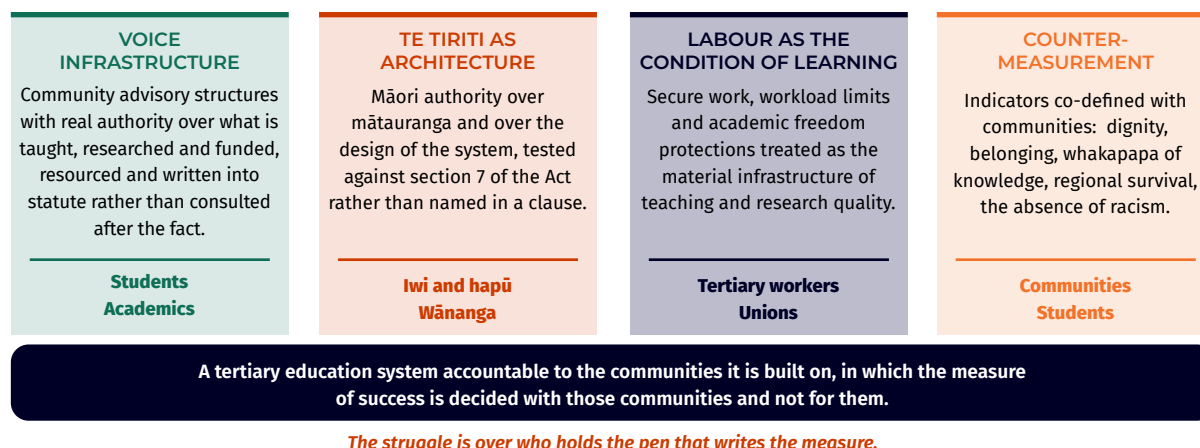


Figure 8: A culture-centered counter-architecture: four pillars, and the constituencies that build them

Voice infrastructure. Community advisory structures with actual authority over what is taught, researched and funded: appointment rights, budget authority, agenda-setting power, and a veto over decisions that close provision serving their communities. In the culture-centered model these are constituted as standing advisory boards with resourced community researchers, and their authority is written into terms of reference before the first meeting rather than negotiated away after it.¹⁵⁴

Te Tiriti as architecture. Māori authority over mātauranga and over the design of the system, tested against sections 4 and 7 of the Act rather than acknowledged in a clause; wānanga resourced as constitutional institutions rather than as providers; and mātauranga Māori positioned as an authority that evaluates the system rather than a contribution the system explores.¹⁵⁵

Labour as the condition of learning. Secure employment, workload limits and enforceable academic freedom protections treated as the material infrastructure of teaching and research quality rather than as an industrial cost. No version of learner success survives a casualised, exhausted, frightened teaching workforce, and every metric in the Strategy depends on people the Strategy does not name.

Counter-measurement. The most powerful move available to the sector is to contest the measure. Indicators co-defined with communities: dignity, belonging, the whakapapa of knowledge, regional survival, the absence of racism, the capacity of graduates to serve their communities. The monitoring framework that will carry these measures is, on the Strategy's own account, still to be built.¹⁵⁶ Whoever writes it writes the future of the institution.

PROGRAMMES OF ACTION

For students

- Demand that the institution publish its Investment Plan in full, including the sections mapping programmes against Tertiary Education Strategy priorities, and read the Access and Participation sections against what has actually happened to student support on campus.
- Insist on student representation with voting rights on every portfolio review, programme closure and restructuring panel, and refuse the observer status usually offered instead.
- Build a counter-dashboard. Collect and publish what the official measures cannot see: experiences of racism, cost-of-living pressure, contact hours lost to restructuring, waiting times for disability support, the proportion of courses taught by casual staff.
- Defend the humanities and social sciences as student interests rather than as staff interests. The disciplines being closed are the ones that teach students to interrogate an argument, and their loss is a loss of educational quality across every degree.
- Organise across the domestic and international divide. The immigration triage of genuine students and the earnings ranking of domestic graduates are the same logic operating on two populations.
- Use the Education (Pastoral Care of Tertiary and International Learners) Code of Practice as a live compliance instrument rather than a brochure, and lodge complaints where wellbeing and safety obligations are not met.¹⁵⁷
- Make Te Tiriti a constitutional issue in the association's constitution, election platforms and submissions, and support Māori and Pacific student associations with resource rather than sentiment.
- Submit to and appear before select committees. The Treaty Principles Bill process demonstrated what volume and quality of submission can achieve.¹⁵⁸

For academics

- Read the institution's Investment Plan before writing the next annual report, and learn the language in which a programme's survival will be argued.
- Refuse to supply the metrics that will be used to close colleagues' programmes without also supplying counter-evidence: community impact, graduate contribution to public service, Tiriti obligations discharged, knowledge sustained.
- Invoke section 267 explicitly and in writing, including section 267(3), which binds Ministers and Crown agencies as well as councils, and section 281(1)(g), which imposes a duty on councils to protect and promote academic freedom.¹⁵⁹ A right that is never invoked atrophies.
- Raise the amended section 267(5). The savings clause for industry skills board functions protects three limbs of academic freedom and omits the two concerning course content and teaching method, and that omission belongs on the agenda of every Academic Board and every union branch in the vocational sector.¹⁶⁰
- Demand that any new research funding formula be assessed for disciplinary bias before adoption, and put the bibliometric evidence on the record: citation metrics under-represent book-based, local-language and locally focused scholarship, and their use as a funding instrument transfers money out of the study of this country.¹⁶¹
- Take the critic and conscience function seriously as a statutory characteristic rather than a privilege, and write publicly about the field's public value, in local media, in te reo where possible, and in the languages of the communities served.
- Build community advisory structures into research design and give them authority. Ethics approval is a floor; voice infrastructure is the standard.
- Document the closures. Keep a public, dated record of what is cut, what justification was given, and what evidence was cited.
- Coordinate across institutions. A national disciplinary body speaking for a field across all providers is far harder to dismiss than a single department.
- Support Māori and Pacific colleagues materially, by taking on service load, by co-authoring, and by refusing to let the cultural labour of the institution fall on the smallest group in it.

For workers in tertiary education

This category includes the professional, technical, library, cleaning, security, catering, administrative, pastoral and student-services staff whose work makes teaching and research possible, and the casual tutors and graduate assistants who deliver a large share of contact teaching.

- Claim the ground the Strategy vacates. A document that mentions staff once has conceded the argument that the workforce is central; make that concession explicit in every consultation response.
- Demand disclosure of the workforce implications of every Investment Plan. Institutions model staffing consequences internally, and those models belong on the table before decisions rather than after.
- Organise the casual workforce first. Fixed-term and hourly-paid staff carry the largest share of the risk and have the least protection, and their conversion to secure employment is the highest-value structural gain available.
- Insist on health and safety obligations as a live lever. Workload, restructuring stress and psychosocial risk are duties under the Health and Safety at Work Act 2015, enforceable in ways that goodwill is not.¹⁶²

- Use the good faith obligation. Restructuring is subject to the duty of good faith under the Employment Relations Act 2000, which requires access to relevant information and a genuine opportunity to comment before a decision affecting continued employment is made.¹⁶³
- Refuse the separation of academic and general staff in campaigns. The distinction is an artefact of management categories and the primary means by which collective strength is divided.
- Build alliances with the communities served by the campus. Regional institutions survive political attack when the town believes the institution belongs to it.
- Keep the institutional memory. When restructuring removes the people who know how things were done, it removes the capacity to show what has been lost.

For unions

- Contest the measure, not just the redundancy. The most important bargaining ground of the next five years is the accountability framework, because the framework produces the redundancies. Seek a formal role in the design of the monitoring framework, which the Strategy states is still to be developed.¹⁶⁴
- Bring or support a Waitangi Tribunal claim. The elements are set out in Figure 6 and Table 6, the precedent in Matua Rautia is close, and the window while the monitoring framework is unwritten is the point of maximum remedial leverage.¹⁶⁵
- Litigate and bargain academic freedom as a statutory right. Section 267(3) binds Ministers and Crown agencies; section 281(1)(g) binds councils. Bargain enforceable process into collective agreements so that the right has an industrial remedy as well as a legal one, and bargain specifically over the section 267(5) gap in the vocational sector.
- Make the defence of the humanities and social sciences an explicit campaign, framed as academic freedom and as democratic capacity rather than as sectional interest, and pursue restoration of an investigator-led research pathway for those fields.
- Demand a workforce chapter in every Investment Plan, with reporting on casualisation rates, workload, pay equity, and Māori and Pacific staff representation and retention. The union's own State of the Sector research supplies the baseline.¹⁶⁶
- Build a cross-sector coalition. The tertiary union, public sector unions, student associations, iwi organisations, disability organisations, Pacific churches and community groups share an interest in the public character of these institutions and have no shared table at present.
- Use the electoral cycle. A strategy issued by Gazette notice can be withdrawn and replaced by Gazette notice.¹⁶⁷ Extract public commitments now.
- Internationalise the defence. Coordinate with counterparts in the United States, the United Kingdom, Australia and Hungary, because the instruments are shared and the evidence of their consequences is accumulating offshore.¹⁶⁸
- Fund independent research capacity. In a system where the humanities and social sciences have lost their public funding pathway, unions may be among the few remaining bodies able to commission that work.

Demands to place on the Crown, the Commission and institutions

- Amend the Strategy under section 7(2), or issue supplementary priorities, to include an explicit Te Tiriti objective, a social goal that is not a derivation of the economic goal, an environmental goal in its own right, and a statement of academic freedom that gives effect to section 267.
- Restore paragraphs (c) and (d) of section 267(4) to the industry skills board savings clause.

- Publish an academic freedom impact assessment alongside every investment setting, monitoring framework and funding formula, as the section 267(3) duty on Ministers and Crown agencies requires.
- Add key success measures that are not economic: Tiriti obligations discharged, racism reduced, regional access sustained, community-defined outcomes met.
- Require every Investment Plan to include a workforce chapter and a Te Tiriti chapter, both assessed.
- Establish a funding floor for provision of public and cultural significance, protected from earnings-based and citation-based assessment, covering te reo Māori, mātauranga Māori, Pacific languages, the humanities and foundational sciences, and restore investigator-led research funding to the social sciences and humanities.
- Publish the modelling. If graduate earnings and citation counts are to be used in assessment, the distributional consequences by field, ethnicity, gender and region should be published in advance and open to submission.

CONCLUSION

The Tertiary Education Strategy 2025-2030 is a well-drafted document with a single idea in it: that the purpose of a public tertiary education system is the productivity of the national economy. The Strategy says so directly, calls the focus intentional and unapologetic, and builds an accountability infrastructure in which nothing else can be argued for. Everything the sector will lose in the next five years follows from that, and none of it will require an act of hostility.

The boundary is drawn in the measure, and the structure of the document shows where it falls. A cluster analysis of the Strategy's own text returns a single economic mass containing the whole educational vocabulary, an apparatus that measures it, an equity satellite attached through the labour market, and three constructs standing outside the network with one mention each: academic freedom, the workforce, and Te Tiriti o Waitangi. Nothing is confiscated and nothing is banned. A survey is taken, public money is attached to it, and everything the survey cannot see is left standing on ground that no longer has a defender. The Marsden decision of December 2024 demonstrated how quickly that happens once a criterion changes, and the Strategy applies the same criterion to the whole system with the force of an instrument binding every provider that seeks public funding.

Two things follow that the sector should treat as legal questions rather than as matters of preference. The removal of the material conditions for the humanities and the social sciences is an academic freedom question under a statute that requires academic freedom to be preserved and enhanced, and that binds Ministers and Crown agencies as well as institutions. The reduction of Te Tiriti o Waitangi to one subordinate clause in an instrument that directs the funding of every tertiary provider in the country is a Crown act of a kind the Waitangi Tribunal has examined before, in a domain where its findings are well developed and its precedent is close.

What is being asked for is not a document with warmer language. The previous Strategy had warmer language and presided over a decade of underfunding. What is being asked for is a change in who holds the instruments. Objectives, priorities, levers, measures and plans are the instruments, and at present all five sit on one side of the table. A tertiary education system in a Tiriti nation, in a country where the people the Strategy calls under-served are the fastest-growing part of the population, cannot be governed by a measure written entirely by the Crown and by employers, and audited by neither the communities nor the workers who make it real.

The struggle over this Strategy is not a struggle over whether the economy matters. It is a struggle over who holds the pen that writes the measure. That pen can be taken. It has been taken before, by hīkoi, by strike, by occupation, by submission, by claim, and by the ordinary stubbornness of people who refuse to accept that the worth of what they know is settled by someone else's spreadsheet.

NOTES

1. Notice of the Tertiary Education Strategy 2025, New Zealand Gazette, notice 2025-go6822, issued under s 7(1) of the Education and Training Act 2020 by the Minister for Universities and the Minister for Vocational Education, withdrawing and replacing the Tertiary Education Strategy 2020 (Gazette notice 2020-go4283). Ministry of Education, Tertiary Education Strategy 2025-2030 (Wellington: Ministry of Education, December 2025), ISBN 978-1-75991-353-7. All page references below are to that publication, hereafter TES.
2. TES, p. 6 (Objective), repeated in the plan-on-a-page objective statement, p. 10.
3. TES, p. 5 and p. 23.
4. Tertiary Education Commission, 'Government releases new Tertiary Education Strategy for 2025-2030', 1 December 2025; Ministry of Education, '2025 Government priorities for the universities portfolio', September 2025, stating that universities, wānanga, polytechnics and private tertiary education providers seeking government funding must develop investment plans that support TES priorities.
5. Mohan J. Dutta, *Communicating Health: A Culture-Centered Approach* (Cambridge: Polity Press, 2008); Mohan J. Dutta, *Communicating Social Change: Structure, Culture, and Agency* (New York: Routledge, 2011); Mohan J. Dutta, *Communication, Culture and Social Change: Meaning, Co-option and Resistance* (Cham: Palgrave Macmillan, 2020).
6. Dutta, *Communicating Social Change*, chs. 1-3; and the published record of the Center for Culture-Centered Approach to Research and Evaluation (CARE), Massey University.
7. Gayatri Chakravorty Spivak, 'Can the Subaltern Speak?', in Cary Nelson and Lawrence Grossberg (eds), *Marxism and the Interpretation of Culture* (Urbana: University of Illinois Press, 1988), pp. 271-313.
8. Dutta, *Communicating Social Change*, on the mutual constitution of structure, culture and agency.
9. Dutta, *Communication, Culture and Social Change*, on voice as an infrastructural rather than expressive category.
10. Ibid., on communicative inversions under neoliberal governance.
11. Sara Ahmed, *Complaint!* (Durham: Duke University Press, 2021).
12. CARE, 'The Interview as Voice Infrastructure', CARE White Paper Series, Massey University, 2026; Mohan J. Dutta and colleagues, 'Voice Infrastructures at the Margins' (manuscript in preparation).
13. Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, Wai 262 (Wellington: Waitangi Tribunal, 2011).
14. TES; Gazette notice 2025-go6822; Education and Training Act 2020 as amended, including by the Education and Training Amendment Act 2025 and the Education and Training (Vocational Education and Training System) Amendment Act 2025 (2025 No 56); University Advisory Group, *Final Report* (Wellington: Ministry of Education, July 2025); Education New Zealand and Ministry of Education, *International Education Going for Growth Plan, 2025*; Ministry of Education, '2025 Government priorities for the universities portfolio', September 2025; Hon Judith Collins, 'Marsden Fund refocused for science with a purpose', Beehive media statement, 4 December 2024.
15. Declaration on the use of artificial intelligence. A large language model was used as a tool in the preparation of this white paper: as a copy-editing and drafting aid on the text, and, in the analysis reported below, to write and run the segmentation and clustering code and to render the figures. The research questions, the theoretical framework, the coding frame, the legal and Tiriti analysis, the interpretation of all findings and the conclusions are the author's. All quotations from the Tertiary Education Strategy, all statutory references and all secondary sources were verified against the originals, and the analysis is reproducible from the code and segment file held with this paper. The author takes full responsibility for the content.
16. TES, pp. 7, 8, 11, 12, 13, 15, 16, 17, 18, 20, 23 and 24. The single reference to te Tiriti o Waitangi is at p. 18.
17. Gavin O'Meara, 'New Zealand's vocational education system: New Zealand's Tertiary Education Strategy 2025-2030', FE News, January 2026.
18. TES, p. 6.
19. Theodore W. Schultz, 'Investment in Human Capital', *American Economic Review* 51:1 (1961), pp. 1-17; Gary S. Becker, *Human Capital* (New York: Columbia University Press, 1964); Jane Kelsey, *The New Zealand Experiment: A World Model for Structural Adjustment?* (Auckland: Auckland University Press, 1995); Michael Peters and Peter Roberts, *University Futures and the Politics of Reform in New Zealand* (Palmerston North: Dunmore Press, 1999).
20. TES, p. 9 and the plan-on-a-page, p. 10.
21. TES, p. 10 and p. 16.
22. TES, p. 10, 'Delivering our priorities'.
23. TES, p. 5 and p. 23.

24. TES, pp. 27-29.
25. TES, p. 26.
26. The segmentation, coding frame, association matrix and clustering were computed for this paper. The corpus is the body text of the TES with page furniture removed, divided into 193 segments (7,597 words); each segment is a paragraph or a discrete bullet of twelve words or more. Twenty-six constructs were defined as regular expressions over stems and phrases and coded for presence or absence in each segment. Association is the Jaccard coefficient over segments; clustering is average-linkage hierarchical clustering on one minus the association matrix. Prevalence is the count of segments containing a construct; integration is weighted degree, the sum of a construct's associations. The coding frame and segment counts are available from the authors.
27. Solutions were compared across Jaccard, cosine and Dice association and across average, complete and Ward linkage. Under average and Ward linkage with all three measures, Te Tiriti, academic freedom and staff separate from the dominant mass as singletons or as a peripheral group of two or three. Complete linkage returns a single undifferentiated cluster at this level of the tree and is not reported.
28. Jaccard coefficients: industry and employers with employment outcomes 0.407; employment outcomes with students and learners 0.398; productivity with innovation 0.389 (lift 4.39); commercialisation with research 0.279 (lift 4.24); economy and growth with productivity 0.367 (lift 3.22).
29. Measurement with accountability 0.317 (lift 3.87).
30. Employment outcomes with access and participation 0.253; measurement with completion and retention 0.268 (lift 2.30); access and participation with under-served groups 0.208 (lift 2.44).
31. TES, pp. 6, 9, 11, 12, 16, 21, 27 and 29. Earnings is coded in ten of 193 segments, including the objective passage on economic growth, the priorities statement, the achievement discussion, the access and participation discussion, the international education section, the bullet on reducing disparities in achievement, the key success measure for Economic Impact and Innovation, and the passage on strengthening measures.
32. Māori: prevalence 52 segments (rank 5 of 26), weighted degree 1.75 (rank 21 of 26). The next largest presence-integration gap in the corpus is five rank places.
33. Of the 52 segments coded Māori: institutions 14 (26.9%), industry and employers 13 (25.0%), employment outcomes 12 (23.1%), research 11 (21.2%), economy and growth 11 (21.2%), under-served groups 10 (19.2%), teaching and curriculum 9 (17.3%), access and participation 9 (17.3%).
34. TES, p. 18 (te Tiriti), p. 23 (the statutory characteristics of a university, including intellectual independence and the critic and conscience role), and p. 15 (research staff gaining experience across the tertiary and science, innovation and technology systems).
35. On the evidential use of textual and structural analysis in Tribunal inquiries, see the Tribunal's treatment of Crown policy documents in *Matua Rautia*, Wai 2336 (2012), and in the interim report on the Treaty Principles Bill policy, August 2024.
36. Education and Training Act 2020, s 7(1)(a). The Gazette notice issuing the 2025 Strategy recites each limb.
37. Education and Training Act 2020, s 4, stating the purpose of establishing and regulating an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relationships.
38. TES, p. 7.
39. TES, p. 7 and p. 14.
40. TES, p. 7.
41. TES, p. 15 and p. 20.
42. Waitangi Tribunal, *Ko Aotearoa Tēnei*, Wai 262, on mātauranga Māori as taonga attracting Tiriti protection.
43. TES, p. 23.
44. TES, p. 11.
45. TES, p. 12 and p. 27.
46. Charles Sedgwick and Eliza de Waal, *State of the Sector* (Wellington: Tertiary Education Union, 2024); Tertiary Education Union, '2024: a year in review', on gender and ethnic pay gaps in the sector.
47. TES, p. 16.
48. TES, p. 10 and p. 16.
49. TES, p. 16.
50. TES, p. 12 and p. 24.

51. TES, p. 7.
52. TES, p. 18.
53. Ministry of Education, The Statement of National Education and Learning Priorities (NELP) and the Tertiary Education Strategy (TES) (Wellington: Ministry of Education, November 2020); Georgina Stewart and colleagues, 'Indigenous inclusion and indigenising the university', *New Zealand Journal of Educational Studies* 57 (2022), pp. 3-14.
54. Principles of the Treaty of Waitangi Bill 2024 (94-1), introduced 7 November 2024; Hīkoi mō te Tiriti, 10-19 November 2024, with more than 42,000 people at Parliament on 19 November; more than 300,000 select committee submissions, the great majority opposed; Justice Committee report, 4 April 2025; second reading defeated 112 votes to 11 on 10 April 2025. Ministry of Justice, 'A Treaty Principles Bill'; Radio New Zealand and 1News reporting, 10-11 April 2025.
55. TES, p. 23.
56. Education and Training Act 2020, s 268(2).
57. Education and Training Act 2020, ss 267 and 281(1)(g); Ministry of Education, 'Academic freedom and freedom of expression provisions for universities', November 2025.
58. Education and Training Amendment Act 2025, inserting ss 281A and 281B.
59. University Advisory Group, Final Report (Ministry of Education, July 2025).
60. Government response to the University Advisory Group, reported in Newsroom, 2 September 2025.
61. TES, p. 21.
62. TES, p. 22 and p. 29.
63. TES, p. 22.
64. Education and Training Act 2020, s 267(4)(a)-(e).
65. Education and Training (Vocational Education and Training System) Amendment Act 2025 (2025 No 56), s 7(2), replacing s 267(5) with effect from 22 October 2025; ss 7(1) and 39 also amended s 267(1) and the section heading.
66. Education and Training Act 2020, s 267(5) as replaced.
67. TES, pp. 13, 15, 19 and 24.
68. TES, p. 12 and p. 27.
69. David Scott, Education and Earnings: A New Zealand Update (Wellington: Ministry of Education, Tertiary Sector Performance Analysis), reporting earnings benefits by level and field of study and differences by gender and for Māori and Pacific peoples; Ministry of Education, Looking at the Employment Outcomes of Tertiary Education: New Data on the Earnings of Young Graduates.
70. TES, p. 27.
71. TES, pp. 14-15.
72. TES, p. 15.
73. Hon Judith Collins, 'Marsden Fund refocused for science with a purpose', Beehive media statement, 4 December 2024.
74. Ibid.; Radio New Zealand, 'Universities criticise Marsden Fund cuts, business group backs the move', 4 December 2024; The Spinoff, 'The changes to research funding in Aotearoa, explained', 5 December 2024.
75. University of Auckland, 'Marsden Fund cuts one way to secure convenient evidence', 6 December 2024; Radio New Zealand, 4 December 2024, on a 2024 fund of approximately \$77.7 million.
76. Research Professional News, 'Horried: researchers respond to Marsden Fund changes', 9 December 2024, noting that the Royal Society Te Apārangi formally delayed the round.
77. Ibid.; Science (AAAS), 'Amid cuts to basic research, New Zealand scraps all support for social sciences', 6 December 2024.
78. Radio New Zealand, 4 December 2024.
79. University of Auckland, 'Marsden Fund cuts one way to secure convenient evidence', 6 December 2024.
80. Announcement of university sector changes, September 2025, replacing the \$315 million Performance-Based Research Fund with a Tertiary Research Excellence Fund, removing the quality evaluation component and moving toward citation metrics; Science Media Centre, 'University sector changes announced: expert reaction', 3 September 2025; Ministry of Education, '2025 Government priorities for the universities portfolio'.

81. Anton J. Nederhof, 'Bibliometric monitoring of research performance in the social sciences and the humanities: a review', *Scientometrics* 66:1 (2006), pp. 81-100; Björn Hammarfelt, 'Four claims on research assessment and metric use in the humanities', *Bulletin of the Association for Information Science and Technology* 43:5 (2017); and the literature on the over-representation of English-language journals in Web of Science and Scopus.
82. University College London, *Guidance on Using Metrics in the Arts, Humanities, Social Sciences, and Other Fields Not Usually Conducive to Bibliometric Analyses* (2020), concluding that for many arts, humanities and social science disciplines citation metrics have little or no significance and should not be imposed; see also the San Francisco Declaration on Research Assessment (2012) and James Wilsdon and colleagues, *The Metric Tide* (HEFCE, 2015).
83. See notes 64 to 67 above.
84. Education and Training Act 2020, s 267(4)(c) and (d).
85. Education and Training Act 2020, s 267(1): it is the intention of Parliament that academic freedom and the autonomy of institutions are preserved and enhanced.
86. Education and Training Act 2020, s 267(3).
87. Education and Training Act 2020, s 268(2), carrying forward the characteristics of a university formerly stated in s 162(4)(a) of the Education Act 1989.
88. TES, p. 23.
89. Newsroom, 2 September 2025; University Advisory Group, Final Report, July 2025.
90. TES, p. 8 (technological change as the first of the pressing challenges) and p. 15 (educating a flexible workforce for a workplace in which AI, quantum computing and other technological advances play an increasingly significant role; strengthening sector leadership on AI and its impact on tertiary education).
91. On Te Hiku Media's te reo Māori automatic speech recognition work and the Kaitiakitanga Licence governing use of the underlying data, see Te Hiku Media, 'Kaitiakitanga License'; see also Tahu Kukutai and John Taylor (eds), *Indigenous Data Sovereignty: Toward an Agenda* (Canberra: ANU Press, 2016).
92. Te Tiriti o Waitangi 1840, arts 2 and 3.
93. *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 (CA), on partnership, the duty to act with the utmost good faith, and the Crown's duty of active protection.
94. Education and Training Act 2020, s 4.
95. Education and Training Act 2020, s 7(1)(a).
96. Waitangi Tribunal, Report of the Waitangi Tribunal on the Te Reo Māori Claim, Wai 11 (1986); Maori Language Act 1987.
97. Waitangi Tribunal, Ko Aotearoa Tēnei, Wai 262 (2011).
98. Waitangi Tribunal, Matua Rautia: Report on the Kōhanga Reo Claim, Wai 2336 (2012), finding that the Crown's early childhood education system, in particular its funding formula, quality measures and regulatory regime, had failed to sustain the specific needs of kōhanga reo, and that the Crown had failed in its duty of active protection of te reo Māori as a taonga.
99. *Ibid.*; the urgent inquiry was triggered by the 2011 report of the Early Childhood Education Taskforce, which the claimants said had been prepared without consultation with them.
100. Waitangi Tribunal, interim report of the urgent inquiry into the Crown's Treaty Principles Bill policy, August 2024. On the outstanding kaupapa inquiry into education services and outcomes, see Te Tai Treaty Settlement Stories, 'Te mana o te reo Māori'.
101. TES, p. 18.
102. TES, pp. 11 and 16.
103. TES, p. 8.
104. TES, pp. 7, 13 and 15.
105. TES, pp. 18 and 20.
106. TES, p. 20.
107. TES, p. 23.
108. Ministry of Education, NELP and TES 2020; Stewart and colleagues, 'Indigenous inclusion and indigenising the university'.
109. Treaty of Waitangi Act 1975, s 6(1).

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110. Gazette notice 2025-go6822; TES, p. 5.
111. See notes 73 to 82 above.
112. Waitangi Tribunal, Wai 11 (1986) and Wai 262 (2011).
113. TES, p. 5, recording that development of the strategy was informed by targeted consultation with tertiary education providers, industry bodies and student representatives.
114. Waitangi Tribunal, Wai 2336 (2012); Wai 262 (2011); Wai 11 (1986).
115. Education and Training Act 2020, s 7(2); TES, p. 26.
116. TES, p. 26.
117. Treaty of Waitangi Act 1975: the Tribunal's findings and recommendations are generally recommendatory, with binding recommendation powers available only in limited circumstances concerning memorialised State-owned enterprise land, Crown forest land and certain other categories.
118. Cas Mudde, *Populist Radical Right Parties in Europe* (Cambridge: Cambridge University Press, 2007), defining nativism, authoritarianism and populism as the core ideological features of the populist radical right.
119. Cas Mudde, *The Ideology of the Extreme Right* (Manchester: Manchester University Press, 2000); European Center for Populism Studies, 'Far or extreme right', summarising Mudde's four-concept account: exclusivism; antidemocratic, non-individualist traits including monism and an organicist view of the state; a traditionalist value system; and a distinctive socioeconomic programme.
120. Nancy Bermeo, 'On Democratic Backsliding', *Journal of Democracy* 27:1 (2016), pp. 5-19, on executive aggrandisement; Kim Lane Scheppele, 'Autocratic Legalism', *University of Chicago Law Review* 85 (2018), pp. 545-583; Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown, 2018).
121. Lindsey M. Burke, 'Department of Education', in Paul Dans and Steven Groves (eds), *Mandate for Leadership: The Conservative Promise* (Washington DC: Heritage Foundation, 2023), pp. 319-362.
122. *Ibid.*, including recommendations to strip diversity, equity and inclusion requirements and references to sexual orientation and gender identity from federal education policy, and to house higher education data at the Department of Labor.
123. *Mandate for Leadership: The Conservative Promise* (2023), on the unitary executive and the reconstruction of the federal personnel system; on the accompanying personnel database, training programme and 180-day playbook, see Inside Higher Ed, 'How Project 2025 could radically reshape higher ed', 11 July 2024, and Democracy Docket, 'What is Project 2025 and why is it alarming?', August 2024.
124. Kevin Roberts, President of the Heritage Foundation, remarks of July 2024 describing a second American revolution that would remain bloodless if the left allowed it to be, widely reported at the time.
125. Executive Order, 'Reforming Accreditation to Strengthen Higher Education', 23 April 2025; US News, 'Trump's higher education crackdown', August 2026, reporting Office for Civil Rights investigations into medical school admissions and the Secretary of Education's letter of 3 August 2026 asking universities to publish a clear public statement supporting a set of administration priorities; see also note 134 below.
126. On Lex CEU and the Central European University's relocation to Vienna by 2019; the 2018 removal of gender studies from the list of accredited master's programmes; and the 2021 transfer of the assets and governance of state universities to public interest asset management foundations chaired by ministers and governing party allies, see Times Higher Education, 'Will Hungary rip up its authoritarian playbook for universities?', April 2026, and Science|Business, 'EU Council action over Hungary's rule of law breaches', January 2023.
127. European Commission statement that the structural changes seriously threaten the right to academic freedom under Article 13 of the Charter of Fundamental Rights; Council decision under Regulation (EU) 2020/2092 excluding twenty-one Hungarian universities maintained by public interest asset management foundations from Erasmus+ and Horizon Europe, effective December 2022. See Verfassungsblog, 'The Hungarian roadmap: eight lessons on academic freedom', October 2025.
128. The 2018 Hungarian decree removing gender studies master's programmes was justified by reference to insufficient labour market demand and criticised as ideological censorship by the European University Association.
129. Lewis F. Powell Jr., 'Attack on American Free Enterprise System', confidential memorandum to Eugene B. Sydnor Jr., US Chamber of Commerce, 23 August 1971.
130. Public Service Association, 'Understanding Atlas: how a right-wing network is building global influence', 2024.
131. On the strategic design of the critical race theory campaign, see the public statements of Christopher Rufo from 2020 and contemporaneous reporting; PEN America, Index of Educational Gag Orders; Stop W.O.K.E. Act (Florida, 2022); the reconstruction of New College of Florida from 2023; Texas Senate Bill 37 (2025).
132. Burke, 'Department of Education', in *Mandate for Leadership* (2023).

133. Executive Order, 'Reforming Accreditation to Strengthen Higher Education', 23 April 2025; United States Department of Education, 'Workforce Pell: Value-Added Earnings Test', briefing, 9 December 2025; Inside Higher Ed, 'ED panel signs off on Workforce Pell regs, concerns remain', 15 December 2025.
134. Institute of International Education and partner associations, Open Doors and associated surveys 2025-2026, reporting a seventeen per cent fall in new international enrolment; NAFSA and partner survey, May 2026; Forbes, 'How the administration's 2026 immigration crackdown is changing U.S. higher education', May 2026, on projected losses approaching \$7 billion.
135. Public Service Association, 'Understanding Atlas', 2024; New Zealand Herald, 'The varied faces of think tanks in NZ', 2025; New Zealand Initiative, 'About us', stating that it receives no overseas grants or funding from the Atlas Network and is strictly non-partisan.
136. Chris Trotter, 'Shrugging off the Atlas Network', Democracy Project, February 2024; New Zealand Herald, 2025, on the distribution of former Initiative researchers through party and ministerial offices.
137. Bryce Edwards, 'The New Zealand Initiative', Integrity Institute, 2025; Principles of the Treaty of Waitangi Bill 2024, introduced under the ACT-National coalition agreement.
138. CARE, 'The Communicative Inversions of Academic Freedom in Aotearoa New Zealand: The Free Speech Union, the imported culture war, and a culture-centered framework for defending the public university', CARE White Paper Series, 2026; Mohan J. Dutta, 'The communicative inversions of academic freedom', Journal of International and Intercultural Communication (forthcoming).
139. Wendy Espeland and Michael Sauder, Engines of Anxiety: Academic Rankings, Reputation, and Accountability (New York: Russell Sage Foundation, 2016); CARE White Paper Series, issue on university rankings.
140. James Kierstead, Unpopular Opinions: Academic Freedom in New Zealand (Wellington: The New Zealand Initiative, 2024), drawing on the Free Speech Union's 2023 Academic Freedom Survey and on Jamin Halberstadt and colleagues, 'Perceived Freedom of Expression at New Zealand Universities', Social Sciences 11 (2022), 502.
141. James Kierstead, The Future of Our Universities (Wellington: The New Zealand Initiative, 2024), reporting on the Initiative's May 2024 tertiary education symposium.
142. James Kierstead, 'NZ universities and non-academic staff: how many is too many?', New Zealand Herald, October 2024.
143. TES, pp. 6-8, p. 13 and p. 18, where research and development intensity, international comparators, research commercialisation, industry collaboration described as weak by international standards, and insufficient economic contribution are presented as the sector's defining problems.
144. Education and Training Amendment Act 2025, ss 281A and 281B, including the requirement that a university's statement be consistent with principles which include that universities will not take positions on matters that do not directly concern their role or functions.
145. Kierstead, The Future of Our Universities, on severe funding pressures and sector deficits.
146. Kierstead, Unpopular Opinions.
147. New Zealand Law Society Te Kāhui Ture o Aotearoa, submission on the Education and Training Amendment Bill (No 2), 2025, observing that Parliament affirmed academic freedom in 1990 and that universities need no reminder of it.
148. See notes 73 to 82 above.
149. TES, p. 17 and p. 23.
150. Sector reporting through 2025 and 2026 on the disestablishment of Te Pūkenga and the re-establishment of independent polytechnics from January 2026, including campus and programme closures at Whitireia and WelTec and role disestablishments at UCOL and NorthTec.
151. TES, pp. 16-17 and p. 24.
152. TES, pp. 7, 12 and 15.
153. See note 134 above; TES, p. 21.
154. CARE, 'The Interview as Voice Infrastructure', CARE White Paper Series, 2026.
155. Education and Training Act 2020, ss 4 and 7(1)(a); Waitangi Tribunal, Ko Aotearoa Tēnei, Wai 262.
156. TES, p. 26.
157. Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, administered by the New Zealand Qualifications Authority under the Education and Training Act 2020.
158. See note 54 above.
159. Education and Training Act 2020, ss 267(3) and 281(1)(g).

160. Education and Training Act 2020, s 267(5) as replaced on 22 October 2025.
161. See notes 80 to 82 above.
162. Health and Safety at Work Act 2015, in particular the primary duty of care in s 36 and the definition of health as including psychological health in s 16.
163. Employment Relations Act 2000, s 4, including s 4(1A)(c), which requires an employer proposing a decision likely to have an adverse effect on continued employment to provide affected employees with access to relevant information and an opportunity to comment before the decision is made.
164. TES, p. 26.
165. Waitangi Tribunal, *Matua Rautia*, Wai 2336 (2012); Treaty of Waitangi Act 1975, s 6.
166. Sedgwick and de Waal, *State of the Sector*, 2024.
167. Education and Training Act 2020, s 7(2).
168. See notes 121 to 128 above; on the United Kingdom, the Higher Education (Freedom of Speech) Act 2023 and the Skills and Post-16 Education Act 2022, which gave employer representative bodies a formal role in shaping provision through local skills improvement plans.