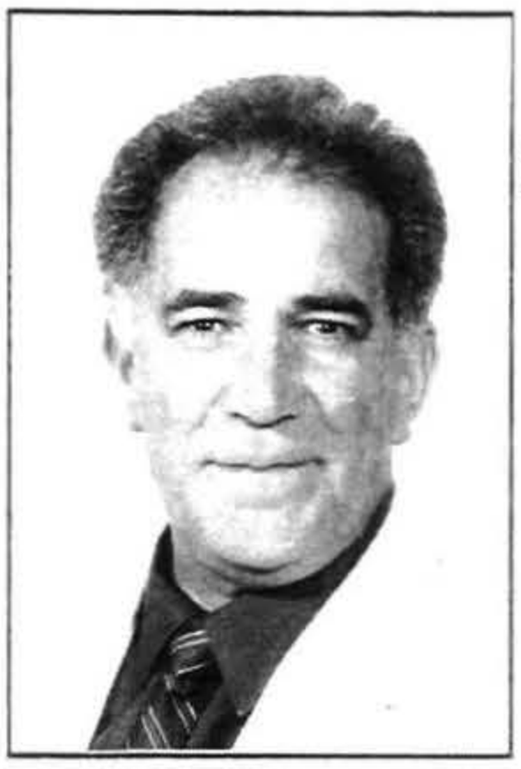

HUMAN LABOUR AS A COMMODITY - A MAORI ETHICAL RESPONSE

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Abstract

The marketplace economics of the 1980s and1990s asks that Mäori be more competitive and focused. This is ironic when it is considered that most of the Mäori means of production - land, capital and the possession of knowhow - were stripped from or withheld from Mäori. Mäori labour, however, remains a significant potential component in economic activity but it is not in Mäori control. It has become enslaved in economic structures and production that enhances the value of capital and land gained by the Crown and distributed to Päkehä. Mäori are the labourers and servants of a dominant settler culture who control economic activity in Aotearoa. The education and skills training systems have not prepared Mäori for ownership or for management of resources. Rather Mäori were educated and trained to serve interests other than a Mäori socio-economic agenda. Finally, recent studies point to Mäori commercial organisations being passive suppliers of products. This context and the fact of the Employment Contracts Act 1991, is the basis for a discussion on Mäori understanding of work and labour, and their purpose. Mäori philosophy and ethics reject the mechanistic notion that human labour is a commodity valued solely for its economic purpose. Further the economistic approach that puts capital and resources at the centre of economic activity fails to meet Maori criteria for economic and social advancement. Mäori philosophy and ethics, and its ideas of tapu, mana, mauri, hau and kotahitanga, are the basis for this critique of today's economics, science and technology.

In an essay on Mãori values and work in contemporary society, the psychologist and educationalist James Ritchie notes the existence of observable Mãori attitudes and values pertaining to work and employment (Ritchie 1968:290-291). Similar observations have been made by anthropologists and ethnologists such as Te Rangikäheke, Tamati Ranapiri, Elsdon Best, Marcel Mauss, Raymond Firth and Joan Metge. My research on Mãori world view, metaphysics, ethics and values, and a close monitoring of both the cultural effects and the ethics of the Employment Contracts Act (ECA) has lead to some conclusions about the ECA and its implications for Mãori notions and practice of work.

The purpose of this paper is to give a greater focus to Mãori ethical responses to the current labour situation and consider the idea of a Mãori economy in which labour legislation makes greater cultural sense. Not only is there little research on the cultural effects of the ethics and values inherent in propositions to be outlined later, but there has been inadequate contemporary research on what I would describe as the positive aspects of the notion of a Mãori mode of production and the likelihood of a Mãori 'economy of affection' (cf. Hyden 1980).

The underlying social and functional values of the ECA are problematic for Mãori kinship, ethics and values relating to human labour, or work. The ECA's stated purpose is to ensure an efficient labour market. However, it does not operate in isolation from the broader economistic approach adopted since the early 1980s. Little New Zealand research has been done on the cultural impact of ethics and values embodied in such ideas as: an efficient labour market, the commodification of labour, the primacy of capital over labour, principles of supply and demand, the motivating power of self-interest, utility-maximisers, and the free market. Together these principles, values and ethics are an expression of a particular cultural milieu and world view. This is the context in which research on the effect of the commodification of labour on Polynesian, including Mãori, culture is so important. The NZ Catholic Bishops Conference in their statement on the principles and ethics of the employment contracts legislation pointed to the ethical issue (see Henare 1991:31; Cf Brook 1990:10-14). They said that as a result of the legislation:

> ... human labour will be compensated according to the principle of supply and demand. This reduces human labour to the position of a commodity and makes the New Zealand worker accept the fluctuating price in a labour market irrespective of the needs of themselves and family.

According to this view Mãori, whether as individuals or in

their kinship groups (whanau, hapu and iwi), are motivated primarily by self-interest, and respond to the laws of supply and demand as do other New Zealanders. However the effect of these attitudes and behaviour is to reduce Māori and their culture to being mere instruments of the economy. This is not new for Māori because historically settler governments assumed and planned that Māori be the skilled and unskilled labour for the settler economy. This is evidenced in the type of schooling and tertiary education offered Māori (Walker 1991; Barrington & Beaglehole 1974). Traditionally however, this is not how Māori understood the nature and the purpose of an economy.

The economy of affection

The early Māori economy served both material and spiritual needs. It was the result of 'high mental endowment and their environment' and very hard work (Sutch 1964:6, 8) where aesthetic values were highly developed (Firth 1929:395), Māori were able to carry out extensive economic changes in a culture that appeared to have very few institutions considered necessary for such tasks (Merrill 1954). The studies of Firth, Merrill and Sutch began to define the early Māori economy before the full impact of capitalism and the market economy. Firth analyses the structure of Māori economic organisation. Merrill discusses the thriving new Māori economy and society around 1840 until the 1860s and identifies the features of Māori economic change. Sutch offers a survey to the time of the coming of the European.

Recent studies of African modes of production and the interaction of traditional tribal economics with capitalism and the market economy suggest models applicable to Māori studies. According to Hyden (1980:18-19) each mode of production gives rise to its own type of economy and in the African continental context an African peasant mode generated an invisible economy in which the affective ties based on common descent and common residence prevailed. This he called the economy of affection. It refers to the reciprocal mode of economic organisation of agrarian type societies. However, in its modern manifestations, it is able to serve as a guarantor of social reproduction, and provides a system of collective security in ways that modern economies do not. When the African peasants resort to the economy of affection, it often became the surest way of obtaining desired goods and services. One important effect of this economy is at the social level and not the political level. The economy therefore performs an important welfare function because within the social networks a significant, unofficial redistribution took place. This unofficial economy protects the individual from the negative effects of capitalist economy (Hyden 1980: 35, 191,192).

Following Hyden (1980:18-19) I suggest that in the case of Māori, a tribal, rather than a peasant mode of production developed over time into an economy of affection. Early pre-European tribal groupings developed their own ways of organising reproduction of both material and social conditions, the circulation of goods and services, and consumption. The exchange of goods between communities was common throughout the country. While money was not used for pricing purposes, it seems that Māori exchange was not simply a barter system as in other societies, because "people received gifts and they made gifts" (Pritchard 1970:4).

The primary concern was with the problems of reproduction rather than production. Work, or improved productivity, was not an end in itself. In such an economy, economic action was not motivated by individual profit alone but had other considerations such as the redistribution of opportunities and benefits. Reciprocity was expected and was both structurally and spiritually induced. As in Africa, the Māori economy of affection may be struggling against the continued intrusions of the market economy. It would be foolish to ignore it. Hyden says that the market economy does not unilaterally cause the destruction of the economy of affection because the latter has the power to survive and could also affect the operation of the market economy (Hyden 1980:18-19).

I venture to suggest that this phenomenon of survival has occurred in New Zealand. It is argued that from the 1850s to the 1990s a recognisable Māori economy was destroyed through direct military and legislative means, coupled with massive immigration flows of new settlers. Māori lost control of both reproduction and production. The new immigrants came to build a European economy, first alongside the Māori one and then to replace it (Hawke 1985:4). However it should not be presumed that Māori attitudes and behaviour towards work and employment disappeared with the emergent nineteenth century economy. Later studies point to the maintainance of attitudinal and behavioural indicators similar to those observable in an economy of affection. It could be argued that these sentiments and values underpinned a reconstituted rural Māori economy developed under the influence of A.T. Ngata and the Young Māori Party. Ngata's agenda was for greater incorporation in the market economy of the early twentieth century (Ngata 1940:135). Finally, the original rural based Māori culture has been transformed through the migration to cities into an urban culture.

Further study of the tribal mode of production would help identify the basic logic and structures of early Māori social formation. It would also clarify the changes, if any, to Māori attitudes to work and employment (cf. Hyden 1980:12-13).

What then does Māori ethics have to offer at this time? It offers a distinctive humanism (Szaszy 1993: 7). Māori philosophy proposes that tapu and mana together express a sense of human dignity and that persons are more important than capital. Therefore workers should never be regarded as instruments, or *objects*, in the production process, but rather they are to be treated as the *subjects* of work and employment. A popular Māori proverb points to a distinctive humanistic approach (Ihaka n.d.; Parker

1978:191):

He aha te mea pai?	What is the most important good?
Mäku e kï atu	And I respond,
He tangata	Humanity!
He tangata	Humanity!
He tangata.	Humanity!

The economy of exploitation

By contrast to the economy of affection is the economy of wage labour. The world view of the ECA is a mechanistic one in which human labour is valued solely for its economic purpose. The economistic approach adopted by the ECA's most ardent supporters place capital and other material resources at the centre of economic activity, rather than the people in society. Finally it contains a vision of an atomised society consisting of individuals serving and meeting their own self-interests (Henare 1991:5-7).

According to Baum (1989:77-78) the economistic view of human kind believes that it is in the "nature of human beings to strive to improve their material condition". The free market is recognised as the institution that best allows people to be orientated towards profit and comfort, in other words "they were utility-maximizers". It is argued that this type of market is the best regulating device for transforming desire for gain into socially useful activity. Such a market frees people from the constraints of the past, and enlightened self-interest rather than virtue, motivates people. In their quest for the best deal, the market mechanism, ruled simply by supply and demand regulates economic activity. This is the hidden hand at work and society as a whole is said to benefit.

This view of humankind and society fails to meet not only Māori but also Polynesian criteria for economic, social and cultural advancement. I suggest that Māori philosophy and ethics offers another critique of today's economic paradigm and the resultant labour laws. To paraphrase Ivan Illich (1973:xii-xiii, 33) in his critique of trends in the social aspects of economic development, the economic and technological tools used today are hardly "tools of conviviality". By this he means, economic and technological tools that do not promote the virtues of austerity, friendship and joyfulness.

Some fundamental Māori concepts that can be considered as a basis for theorising on values and ethics appropriate to economic wellbeing and notions of work and employment are as follows:

Tapu as a theory of being;

Mana as a theory of power, authority and of ends;

Mauri as a theory of life and its causation;

Hau as an integrative theory of life force and economics that involves obligatory reciprocity and social relationships;
Kotahitanga as a theory of human solidarity.

A word of caution is necessary when considering Māori concepts as theories. Māori concepts are not abstract notions, nor matters of principles alone. It must be kept in mind that there are particular transformations involving relationships and actions. In Māori thought, concepts must be considered in its context and its relative positions (Pouwer 1995).

A Māori ethic of work

Some thirty years ago Ritchie (1968:288, 289; Cf Sutherland 1940) said that the significance of work for Māori had changed within the overall New Zealand context that was itself changing. He defined work as "the expenditure of energy to achieve purposes made significant, valuable, or worthwhile by the tenets of an ideology". This is a useful working definition because it raises the important question of whose ideology is dominant in the mind of Māori workers. Is it Māori or Päkehä ideology? The question is as relevant now as it was thirty years ago. The cultural differences to work remain. In his analysis of values Ritchie observes that:

> Māori prefer to work in an active rather than a passive mode. Intense effort alternating with relaxation is preferred to regular and steady tasks....Competition is a strong motive, but takes a social form rather than the kind of self-contained, individual, ego-enhancement that characterises the Pākehā. A Māori competes with others not to beat them so much as to earn their praise, and then only if he (sic) is sure that to do so will not result in difficulties with his mates (sic). Competition by the group with other groups is safer and therefore more valued: but all authority is suspect, and every person who claims it is continually on trial. Work is not considered a moral good in itself: but simply a means to valued ends, amongst which a surplus with which to entertain one's friends, to reciprocate hospitality, and to give generously are notable. Māori enjoy doing things that show their Māoriness ... but resent being put on display or exhibited as exotic (Ritchie 1968:309).

On matters related to management attitudes Ritchie (1968:308) makes pertinent observations. He states that when applying the oldest principle of management, 'know your workers', to New Zealand there are often difficulties where a person has grown up in a world of values, assumptions and customs very different from their own. He says that while Pākehā and Māori have lived together for a long time there is much that has been built up that is good in working relationships: but there is also the delusion of pseudo-understanding and the assumption that because the Māori have so readily and, apparently, completely adopted Pākehā ways that what remains Māori in Māori behaviour is unimportant.

Ritchie argues that a sense of identity is the core of personal stability of many Māori. Problems arise for Māori because they desire not the elimination of their identity but rather the validation of it. Māori effort says Ritchie, are directed towards acquiring control in a Pākehā world without this loss of identity. He concludes that the only way a Pākehā employer can adapt to the Māori difference is to first appreciate it.

Firth's study of pre-European Māori economic psychology shows a complexity of motives in economic life. First, Māori were impelled to meet basic vital needs. At the same time the totality of economic life was not to be considered solely on this basis. For Māori, rational effort was tinged with warm emotional interest. Firth describes it as:

> The pleasure of craftsmanship, the feeling of emulation, the desire for public approval, the sense of duty towards the community, and the wish to conform to custom and tradition, all these and more find outcome in economic action.... It is clear that self-interest alone is not the driving force in native (Māori) industry...each man (sic) is actuated to some degree by the wish to promote the welfare of the community of which he is a member (Firth, 1929: 175).

Metge (1967:72) comments that contemporary Māori prefer to emphasise the interrelatedness of all sectors of social life, and dislike compartmentalising and an over-strict differentiation of roles. Māori commonly carry the concerns and personal relations of one sector of life into others. According to Māori, a person is one, whether at work or at play, in particular a Māori is a Māori all the time. Metge says that this attitude is often a point of contention with Pākehā, who tend to make more clear cut distinctions, for instance between work and private life, and expect Māori to confine their Māoriness to the latter.

In 1991, as President of the national Māori Catholic organisation, Te Runanga o te Hāhi Katorika, I appeared before the Labour Select Committee on the Employment Contracts Bill 1990 to speak to the Church's submission. The submission urged that more discussion be held with the NZ Māori Congress and Pacific Island groups because of the intention:

> ... to enforce the primacy of individual needs and rights over those of the group and its failure to take into account the bicultural and multicultural nature of New Zealand-Aotearoa society; ... these people have a right to economic and industrial legislation which enhances their cultural values (Henare, 1991)

The Select Committee ignored Māori and Pacific Island concerns because utilitarian values are embedded in the ECA. It is therefore doubtful whether there can be any free public expression of intrinsic Māori values in the work place.

A Māori working party had prepared for the submission the following outline of some fundamental values and their relationship to the meaning of work and employment. The submission said:

> Ekore te tangata e tu tika ki te tu takitahi ia, engari me tō rōpu. Kaua ia e mea ma tana matauranga ia e kawe, ekore e taea, engari ma te tapu me te mana o te whānau, o te iwi ia e kawa, ka ora (quoting Dame Whina Cooper, 17 March, 1991).
>
> A person cannot survive with dignity and justice if the person stands alone. Let them not think that their personal knowledge and education is sufficient. They will not succeed, but collectively with their tapu and mana of their whanau and iwi, they will have the strength.
>
> Ko te tapu o te tangata te putaketanga o te tapu o ngā tikanga, o ngā taonga, o ngā mahi katoa e pa ana ki a ia me tana whānau.
>
> The tapu of the person is the source of the dignity of each person's customs, values, possessions, work and whanau. To violate these extensions of the person by acts of commission or omission is to violate the tapu of the person.
>
> Ma te tika, ma te pono, ka puta te aroha.
>
> The object of compassionate love is goodness, but there can be no love where there is no justice, and there is no justice where integrity cannot be found (Henare 1991: supplement).

I want to explore the deeper meanings of the fundamental values outlined earlier and discuss their relationship to ethics. These things are conceptually significant to Māori, and in any concentric circle of values and social ethics, tapu, mana, mauri, hau and kotahitanga would be at the core.

Tapu and mana

Tapu is an intrinsic power imbued at the time of creation. A person, place or object are tapu and are in a sacred state or condition (Marsden 1975:197). Tapu, linked to the notion of mana, is 'being with the potentiality for power'. The word tapu, in its primary meaning, expresses an understanding that once a thing is, then it has within itself a real potency mana. It is never neutral. Each being from its first moment of existance has this quality. Coupled with the potential for power is the notion of awe and sacredness that commands respect and separateness. It is in this sense that notions of tapu meaning restriction and prohibition are often attached to it (Shirres 1979:79).

Mana is spiritual power and authority and is derived from the spiritual powers, or God (Marsden 1975:193) and can be applied to persons, their words and acts (Henare 1988:16-18). It has been stated succinctly in the following state-

ments of early Māori writers:

Ko te tapu te mana o ngā atua
Tapu is the mana of the spiritual powers
(White 75 B36 35)

Ko tona mea nui, he tapu.
Tapu is a person's greatest possession
(GNZMMS 31:9; Shirres 1979:28; 1986:166).

According to Te Rangikāheke, an early nineteenth century writer (Shirres 1979:68,71-78), tapu was applied to many things and there were therefore many types of tapu - all children were tapu, individuals and groups were tapu; houses and gardens could be tapu; special days could be tapu. All tapu needs to be treated with respect, sometimes fear, but it all depends on the relationship of one's own tapu to other tapu belonging to persons and things.

Tapu things need to be protected, strengthened and constantly confirmed, for example the tapu of a child. It is this latter tapu that protects the child from misfortune. Each child in a school is tapu, as is the class room and the teacher. Workers in offices, factories, trucks are tapu as are the offices, the factories, the trucks and other closely associated people and facilities.

Every child is born with an inheritance from the past, a genealogy, a world view and a world of ritual and prayer forms. The Māori child of the twentieth and twenty-first centuries is prepared for an economy not only of profits and surplus production, but of meeting immediate needs and sufficiency for the forthcoming months and of maintaining social solidarity. The child is prepared for the world of work and employment. It would have learned through the experience of informal and formal education about the power potentiality of tapu, and the ways and means of giving effect to it.

Whatever the complexity involved in understanding tapu and its associations it is a stand alone concept that is most significant in Māori thought. However it is always closely associated with mana. Tapu-mana would be at the heart of the concentric circle of Māori ethics and values. They are the entry point to understanding Māori psyche and world view.

Mauri

Mauri is a unique power, a life-essence, a life force and the ethos. It refers to the vital spark, originally possessed by Io, the Primary Life Force (Barlow 1991:83; Gudgeon 1905:128; Marsden 1975:197). While closely associated with tapu-mana it is an intrinsic essence of a person or object (Marsden 1975:196). Because of its power it is "possible for everything to move and live in accordance with the conditions and limits of its existence". Māori sources point to everything having mauri - people, fish, animals, birds, forests, land, rivers and seas. "Mauri is that power that permits these living things to exist within their own realm and sphere" (Barlow 1991:83; Makereti 1938:181).

Mauri ora, meaning life principle, represents a higher order and is applied to human beings (Makereti 1938:181; Marsden 1975:197). At birth each person's body and soul is bound together by the atua (spiritual powers). What binds these two things together is the mauri of Io. At death the mauri is no longer able to keep them together and so guarantee continued life, a separation takes place (Barlow 1991:83).

Mauri can be established for things such as a new house or office when upon completion the mauri is placed often in the form of a stone. The mauri is the mana (power) of the house and its purpose is to assist in the fulfilment of the hopes and aspirations of those belonging to the building.

All mauri may be violated, abused or diminished through neglect or attack. It meant that forests, the trees and plants would not be able to produce in abundance, fruits would be scarce and there would be few birds (Makereti 1938:181). However, the oceans, rivers and forests could have their mauri restored through rahui (conservation) and karakia (appropriate ritual prayer forms and ceremony). The restored mauri could ensure that depleted food supplies such as fish, shell fish or birds would be abundant again (Barlow 1991:83; cf Ranapiri quoted in Best 1909:439).

In the context of work and employment each person must nurture their life force and exploit their potentiality through productive human activity. Laziness suggests a diminished mauri. At the same time those who exercise power or higher responsibilities in work situations - employers, owners, management, indirect employers like governments and local authorities (Henare 1991) - must ensure the care of the mauri of individuals, groups, the factory or office building. This is referred to as the context of work. The mauri can become idle through human inactivity, violation or abuse leading to consequences in which both the mauri and the person may perish. If the mauri of the building is abused or violated this will likely affect the work performance of those using the facilities. A popular proverb expresses it as:

> Mauri tu, mauri ora.
> Mauri noho, mauri mate
> (Kohere 1951:18; Brougham & Reed 1963:122-123)

> An energised mauri will live and
> the person will be productive.
> A passive mauri will perish and productivity is affected.

Hau

Expressed in Māori as 'Ko te hau o tō taonga' (Ranapiri 1907:2), it is glossed as the spirit power and vital essence embodied in a person and transmitted to their gifts or anything considered valuable (taonga). Hau has been

described as 'the very essence of vitality' (Best 1909:439). It occurs through breathing of the life spirit from a spiritual source called Hau ora, at the moment of creation (Henare 1988:24; White 1887). This is the hau of the person and like mauri and tapu it must be actively looked after.
Hau is also applied to things and can be glossed as the 'life principle' (Gathercole 1978:338). It means for instance that the sea and a forest have life principles that must be maintained because of the association with food supplies. The relationship to the mauri of things means that the hau and mauri of things are considered one and the same (Kernot & Henare n.d.:17).

To nurture and protect the hau of things, Māori developed religious rituals, of which one is described as 'whangai hau', feeding the hau. It entailed making offerings to the sea or forest. Often it was the first catch that was returned to the source or put aside for ritual use. We can see here the fundamentals of reciprocal exchange whereby the mauri and hau were returned to the original source of the life force (Best 1909:439). The importance of hau in the dynamic of economic and social relationships between people as individuals and as groups ought not to be underestimated. Hau became established as a system of obligatory gift exchange important to Māori social, economic and religious life (Kernot & Henare n.d.:18).

In the context of this paper, taonga as gift, means work or human labour. A worker has a spirit power, a qualitative essence, in which their being becomes part of any exchange of labour to which they would be party. Because of this exchange a complex set of relationships would be established involving obligatory reciprocity. The social obligations of reciprocity are therefore both inherent and learnt. Finally, in the process of exchange the tapu of all is thus enhanced (Mauss 1950; 1954; 1990:11; Best 1898:772; 1900:191; 1909:439; Weiner 1985:214).

A labour contract relationship such as embodied in the Employment Contract Act, involves the business of gift making and exchange. Human labour and culture are given in return for continued employment and wages incorporating the nurturing of tapu and mauri, and the enhancement of mana of all involved. The relationship involves the hau of persons and the hau of the work place. It is the respect and care of these essences and attributes of being human that leads to the growth of self-worth, dignity, pride and identity. Caring for the hau of the workplace environment maintains the tapu-mana-mauri of the context of work. This safe environment ensures productive human activity. These are consistent with the practices of the past.

Hau could be the contribution of Polynesian thought and practice towards healthy labour relations because "totalized giving does not presume rivalry between donor and recipient" (Douglas 1990:ix) meaning management and worker need not be rivals. The theory of hau is also a theory of solidarity (Douglas 1990:x). Today reciprocal exchange could form the basis of both the economies of affection and the market.

Te kotahitanga

Te kotahitanga, glossed as kinship (group) solidarity involving the protection of the individual, is a primary social value. It is expressed in the social structures of whänau, hapü and iwi and is also a constant theme permeating genealogy, proverb and song (Henare 1985:3, 12; 1988:24). For example a Ngäti Kahungunu proverb refers to a saying of Tutohuariki:

> Ehara taku toa i te toa takitahi
> engari he toa takitini.
>
> My strength is not that of the individual
> but that of the multitudes.
> (Huata 1921:18-9; Kohere 1951:26)

The nurturing and maintenance involved in the tapu-mana-mauri-hau framework has kotahitanga: solidarity as one of its key outcomes. Kotahitanga is an intrinsic cultural value.

The Employment Contracts Act

I have identified some of the functional and social values of the ECA and contrasted them with fundamental values important to Māori. I conclude this paper briefly focussing on two key principles in the ECA: collective bargaining and freedom of association. They have become contentious in the industrial relations arena, largely because of the particular interpretation given to them in the Act. While there are other weaknesses in the Act I mention the two so as to make a point. Collective bargaining and freedom of association are universal principles applied in many cultural and social settings. When tested against Māori values we find there is no conflict. However in the ECA they are promoted as negative principles.

The principles of collective bargaining that aim to protect the weak and the individual in their personal quest for happiness and fulfillment, are consistent with the kotahitanga principle. The United Nations International Labour Organisation (ILO) Convention 98 deals with the right to organise and bargain collectively, with articles defining such rights. This is the principle of collective bargaining.

Convention 87 in its articles specifically defines the various ways these rights should be given expression in industrial law to protect the rights of people in industry contains one of the basic rights. This is the principle of freedom of association, a positive right, generally recognised as one of the basic human rights (see Henare 1991:13-14 for further discussion).

However the Employment Contracts Act needs to be analysed in terms of the neo-utilitarianism so dominant today. Māori philosophy and ethics discussed in this paper

and utilitarianism are hardly compatible. The Employment Contracts Act does not yet meet Māori ethical and moral standards. The neo-utilitarian focus of current economic policy and practice and its underlying social and functional values represents a new order that emphasises a rules based approach to the organisation of the social order. It leaves little space for the application of Māori metaphysics and ethical responses to social, political and economic planning. The ECA mirrors the crisis of ethics and values in Aotearoa-New Zealand.

It would not surprise me if a Māori claim will soon be lodged with the Waitangi Tribunal against the Crown. Articles 2 and 4, of Te Tiriti o Waitangi guarantee that Māori can exercise their tino rangatiratanga over their lives and work, and that ritenga Māori, customary beliefs and practices cannot be upheld in the employment context would be an interesting test of the ethics and values embodied in the ECA.

While State employers who employ Māori may have responsibilities under law to nurture tapu, mauri and mana of Māori employees there are no such cultural obligations required of the private sector in law, neither are there statutes that protect the principles of kotahitanga. (*State Sector Act 1988*, Part V, Section 56 (1) (d) (i-iii); (f); Section 77 (d). See also *Education Act*, Section 63)

Conclusion

While Maori may have lost control over the means of production - land, capital, and know-how - a modicum of control over their labour remains. This control is exemplified in Maori worker attitudes and behaviour that persist in the economy of exploitation. The attitudes and behaviour represent an alternative set of ethics and values that contrast and contest those of the neo-utilitarianism underpinning the ECA and the free market of the 1990s. From a Maori view point, there is a crisis of ethics and values in the market place and in the labour legislation. This is unlikely to change until a more humanistic appreach is adopted in managing the economy and the relationship between management and worker.

Finally, academic critiquing of labour legislation in terms of the Treaty of Waitangi and Maori views and behaviour in the economy and in work are relatively new areas of study and comment. For many years Maori trade unionists and workers have struggled for worker rights in the market place often against the vagaries of the Pakeha politics of labour law. This struggle continues.

Future research

Can tribes create sufficient employment opportunities for members? What is the viability of tribal modes of production when most members of the tribe live in urban contexts away from tribal regions?

Further elaboration of the idea of a Maori mode of production and its economy of affection. Can a Maori economy create the employment opportunities for Maori?

Define culturally appropriate labour legislation relative to the differing types of economies.

Study the effect of the commodification of labour on Polynesian values, world view and work ethic.

Recognise that labour legislation is not value free, clarify the fundamental values and ethics imbued in the Employment Contracts Act.

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