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‘We have come too far not to go further’

Interview with Moana Jackson

MOANA JACKSON IS a renowned lawyer, constitutional thinker, and has worked internationally advancing the rights of Indigenous people. He delivered a keynote address at the Social Movements, Resistance, and Social Change conference in 2016, and gave his time to be interviewed by two members of the conference organising committee, Dylan Taylor and Amanda Thomas.

Dylan Taylor

Can you tell us a little about your early life, and what events and people politicised you?

Moana Jackson

I’m often asked this sort of question and I always find it really hard to answer, partly because I do get really whakamā talking about myself, but also because there are many people who have

influenced me in all sorts of ways and I am reluctant to name some as I'm sure I will inadvertently miss out others, which I don't want to do. Mostly though I am hesitant because one's growing up is never a simple linear process of easily identifiable cause and effect or influence and change. Rather I think that while early influences are important we are also influenced all the time by new ideas, debates, and often just by certain events.

I'm also not really sure what the term 'politicised' means because I think being Māori is a political act, if only because when people are colonised and dispossessed then that immediately places you in a political space. When I was growing up I didn't hear the word 'colonisation' very much but I was always aware, I think, of its cold and unrelenting hurt. It was never discussed as an abstraction of rights or even in the context of some distant Treaty jurisprudence but was a lived experience, known by my parents' and grandparents' generations through the wrongs they had witnessed or been exposed to, as well as the stories which they knew of our tīpuna.

So I guess colonisation politicised me, and with it a sense of the need to settle all that it has done and continues to do, which I think is probably more important than the idea of 'politicisation'. I really think that wanting justice or what I now call 'just-ness', finding what is right and good, might be seen as some sort of corollary of politicisation. However without an imperative to seek what is just or tika then talk of politicisation can just become an endless circling around different ideologies or ideas, most of which came here as part of colonisation anyway. I think it's more important to find and give expression to an understanding of right-ness and just-ness in human relationships. I think the Treaty provides a blueprint for that.

As a child that feeling of just-ness, like the reality of colonisation, was just an inchoate, not really recognised sense that only became more acute as I grew up but ... it was whaka-

papa which brought together history and wrong-ness into some sort of political awareness.

But as with most people my whānau were most important not just in nurturing and loving me but in instilling a certain pride in being Māori, and with that I guess the ‘politicisation’ of wanting to find ways of no longer being colonised—of wanting to reclaim the power and self-determination that colonisation still denies to our people. And like in every whānau too it is hard to identify or separate out how those influences manifested themselves. At home I got a love of books and reading, of listening to debates and other people’s points of view, of knowing one’s marae and whakapapa, of seeing and not liking the ‘unjust-ness’ that our people were having to endure. There are so many whānau influences I don’t like singling out things or individuals because they all shape who we are, and all of my whānau have been important in shaping each other.

My Dad was Ngāti Porou and grew up on the coast when Apirana Ngata was trying to reclaim what had been taken by the colonisers, not just for our people there but for all Māori—I think he had a great influence on my Dad. Certainly my Dad joined C Company of the Maori Battalion which Ngata was instrumental in setting up. My dad was badly wounded during the war and in many ways that reinforced his sense of betrayal and a belief that the ‘price of citizenship’ those men paid was too high. I remember later hearing how land was taken off our people and then balloted for returning servicemen, except for Māori, and I guess that was part of the politicisation of colonisation for me too. I think what immediate post-war things like that did was bring colonisation home to him in really stark way—that men who he had seen exhibit tremendous courage and been badly wounded and so on were just put back in their place when they came home. There was no understanding then of what we now call post-traumatic stress disorder, but a lot of those men suffered from that. Some

tried to find some shelter in alcohol, some became violent. All of those things were, in a sense, colonisation as our people lived it—like the quite well-known incident when a decorated Officer in the Maori Battalion was told by a Pākehā officer from another Battalion to ‘remember your place when you get home boy’.

My Dad was also an All Black and that carried certain burdens and privileges to a boy growing up but I remember most the discussions he used to have with my uncles or some of his All Black mates about politics going back to the Greek Philosophers through to the political dimensions of all of the colonising issues facing our people. For some reason I used to really like sitting in on those kōrero, even if I didn’t always understand what they were talking about. Sometimes I would be given books to read after some of those kōrero and learned about people like Plato and Aristotle and Marcus Aurelius, to go along with all the other stories and Māori philosophers I was hearing about on the marae.

My Dad and a couple of his All Black mates from the 1930s were also among the first former All Blacks to come out against apartheid in the 1960 protest which was called ‘No Māori, No Tour’ which I think was my first awareness that other people were being dispossessed too, as well as the really awful opposition my Dad faced for making that stand.

My mother was Ngāti Kahungunu, and the person who loved and held our whānau together, especially after our Dad got really sick from the wounds he suffered in the war. She worked hard all her life at the Birds Eye Frozen Foods factory but I also remember her on the marae. There were six small kauta, or kitchens, behind the two meeting houses at Korongata Marae, and at a tangi or other hui different whānau would cook different meals for the hui, and Mum was always there looking after the manuhiri. When she retired from Birds Eye, she worked with the families of prisoners with the same quiet sense of manaaki and compassion.

But there is one incident much later in my mum's life which exhibited that empathy and also a deep political awareness. I was with her at a hui and was getting quite upset that some of the kōrero just seemed to be dragging on. She sensed my impatience and told me never to forget what brought our people to where we were at that time. That was probably one of the most important political lessons I ever learned.

My mother's father, my koro, lived with us and helped look after us when dad got sick. Some of my best memories of childhood are when he would wake me up sometimes and say 'I've talked to your mother and you don't have to go to school today', and so away we'd go. We might go to a tangi or a hui and sometimes to the Māori Land Court and I remember thinking 'why is that white man called the judge sitting up on a stage? And why are my nannies sitting down here arguing about our land?' He taught me, or began the teaching of me, of our history, and about the Treaty especially. He was really knowledgeable about history and whakapapa and probably knew more than anyone else I have ever met about colonisation and the Treaty. I think for him history really was in the present, and although he never sat us down and taught us the Treaty or history, they were always there in the stories he told. Those stories taught me so much, not least the belief that one can explain even the most complex issues by telling a story and drawing threads of understanding from the narrative.

Away from the stories, and the marae and whānau, he was a freezing worker and a staunch unionist, although he always had problems with some of the union structures and even the attitudes towards our people. But the union idea of solidarity and improving the lives of ordinary people was important to him, I think, mainly because colonisation had forced so many of our people into the lowest paid jobs. Yet he never really had a 'class analysis' as such but rather a very Māori one.

I guess I have tried to think about that too and I have got into trouble sometimes with some of my 'left wing' friends who see colonisation solely as a capitalist classist thing. That was certainly important but it was a classist dispossession that was more fundamentally race-based—in order to establish a class system in Indigenous lands, it had to first consign our people to a necessary and racialised underclass—our dispossession was predicated on our 'other-ness' and our inferiority. Even the 'lowest class' colonisers had learned that we were less worthy even than them, and I do sometimes think that gets lost in some of the political discourses around colonisation.

My big brother Syd got involved with Ngā Tamatoa, and was of that generation of young people who began to take the stories that our koro had told us off the marae. He's one of the bravest people I know, or knew. Like all my other brothers and sister—I've only got one sister, six brothers—we all got the sort of quiet knowledge of who we were and what had happened, but Syd was the first to decide, along with the rest of Ngā Tamatoa, that our people wouldn't be silent anymore. That really influenced me as well. Then I think it just became a matter of always asking why certain things were happening and why did they have to happen. As a child I remember hearing mum and dad talking about the soldiers' ballot, and remember asking why my uncles couldn't get land, and just knowing that it wasn't right.

The other thing that whānau have been really important in, and my mokopuna probably play this role now, is that they provide the reason for what we do. So when I graduated in law and learned very quickly that Pākehā law was not going to solve our problems, I think what the whānau gave me was a certainty of support. When Ngā Tamatoa was at its height, and did some pretty public things which had never been done before, some of my uncles and aunties got really upset with my big brother. But what they got upset about was the method, not

the reason. I've always had that same certainty that the whānau would be there which has meant everything to me really. Since the mokopuna came along, since my boy and his children came along, they provide that same sense of security and joy and also, even in the depressing times, the hope that things will get better.

There have also been external influences too of course. I still see value in reading, and love books and telling and hearing stories. I still believe in the value of stories, but reading and stories only have value if you learn from them and they make you think. One work that I remember reading and thinking 'oh man!' was by Patricia Grace, the novelist, who wrote an essay on 'why books are dangerous'. She's such a wonderful writer, and she said 'if our voices aren't heard in stories then they're dangerous' because it is. I had never thought of books as dangerous. But besides reading, I learned from my koro the value of stories, and whenever I go to a marae to do some work, or go to a meeting, the really good time is afterwards when our people sit down and tell stories, share their whakapapa and so on.

A lot of those stories, the stories Linda Smith says we tell for ourselves, are deeply political, not in a political party sense but a very Māori sense of tino rangatiratanga and the need for change. But when I was growing up, and even when I got to Law School, there were very few of those stories being written down except in some whakapapa books. The Māori political text was in the stories told among ourselves. When Ngā Tamatoa was established, there was not even much being written by other Indigenous peoples. So the only writers with any sort of political analysis that we felt was relevant were African American writers, and especially those in the Black Power movement like Stokely Carmichael, Eldridge Cleaver and George Jackson (no relation!). The first African American writer I actually encountered was when a friend came back from the States and gave me a copy of James Baldwin's *The Fire Next Time*. That book and

his writing is still really important to me—he was such a gifted writer and could be so acutely political and angry yet produce amazing, almost poetic prose.

Another important influence and a hero was and is Angela Davis, whom I first encountered in the States not long after she had been put on the FBI's most wanted list as part of the government's CoIntel Project to destroy the Black Power movement and the American Indian Movement which was kind of like Ngā Tamatoa. The first time I heard her speak she was featured in all these iconic posters you've probably seen with her Afro hair and so on and I was besotted really. I was too shy to go up because she got sort of mobbed by people afterwards but a few years later we did meet and I still admire her unwavering commitment to change and the way she links everything together, from colonisation to race to capitalism to prisons. She is an amazing intellect and a really nice person. I think I'm still a bit besotted really.

Around that time I also began finding out about Indigenous writers like John Mohawk who was a Native American attorney and a really good theorist, as well as Vine DeLoria who was one of the first Native American writers to get published and be widely read. Their experience was different to ours, yet there are also profound similarities and to find other Indigenous peoples saying what they were saying was really important. In fact, I really cherish the intellect and friendship of many good Indigenous peoples and the work of academics like Glenn Morris, Karina Walters and Ward Churchill, and Native Hawaiians like Kekuni Blaisdell and Haunani Kay Trask have been so important.

So I met John and through him I learned about a whole lot of other Native American political writers. But until then, like I said, there were only those black writers and our people weren't writing much in those days, in the 1970s. That's why, when Donna Awatere did *Māori Sovereignty*, it was such a watershed document, because it was the first time someone had written down

stuff like that. It had always been talked about on the marae, I grew up with all those stories, but until that we struggled to find, not our own ideas, but places where we could bounce ideas off. So the experience of the black power writers was never exactly comparable but the way they were trying to analyse things was really relevant. One of the reasons I liked Angela was that she was the first black writer I met, and she still does it, who acknowledges the prior Indigenous struggle. She doesn't say slavery was America's original sin, she says the dispossession of Native Americans was.

DT

And that was the beginning of these types of dialogue with Indigenous North Americans?

MJ

Well a lot of things were happening then. A group of young Native American people had formed AIM—the American Indian Movement. They called themselves 'red power' just like black power. That was the time that Ngā Tamatoa and other groups were starting here, a time when Australian Aboriginals built their tent embassy on the grounds of parliament. So I think the 60s and early 70s was one of those periods when ideas sort of spread really quickly. In the States there was the Vietnam War protests and the student revolution in France. A whole lot of things were happening at the same time, so it was good to be young; I keep thinking of that Charles Dickens quote: 'it was the best of times and the worst of times'.

A lot of those Indigenous writers have since come here and our people have gone there and I have really enjoyed the increasing links between us. I remember getting a copy of Vine Deloria's first book. He had this really clever way of writing: at the time there were these bumper stickers in America: 'Jesus

died for your sins'. And so Vine called his first book *Custer Died for Your Sins*, and the moment I opened it I thought, 'oh man this is so like us!'

Vine became really influential later with a lot of Native American thinkers—he taught a lot of them as a professor of law at Arizona. He was the first one who argued that there was such a thing as Native American law. Many of those he was a mentor to went on to work at universities. In parallel with African American studies, they set up Native American departments and things like that. And that's when our people were trying to get Māori departments at university and get maraes built on campuses and that sort of thing. It was just the cross-pollination of things really.

DT

So you were learning a lot from what each other were doing around these quite practical things, in terms of setting up spaces to think and act?

MJ

For me the important thing was more the way they framed ideas. Vine had put the difference between the African American struggle and the Native American struggle really clearly. For Vine, the only path ahead for African Americans is to find a safe place within the American democratic system, whereas the path for Native Americans as sovereign nations is to find a safe space outside that system. I had never heard anyone talk like that before.

And we have our great Māori political thinkers as well and I feel privileged to have known them. All those—like Donna Awatere, whose *Māori Sovereignty* was a really seminal work, and the mahi of Linda and Graham Smith around Kaupapa Māori research—have been really influential, not just here but overseas as well. There really are too many to mention but peo-

ple like Nganeko Minhinnick and Irihapeti Ramsden brought not just compassion but an acute political analysis to their mahi.

I do worry that, in thrall to neoliberalism and Treaty settlements, our people don't get the space for that type of clear political thinking as we used to—some even think it's 'unrealistic', as if corporatism is the same as self-determination, which it isn't of course.

Amanda Thomas

I'm interested in how some of radical ideas circulating back then are echoed, or not, in Aotearoa now, for example, through new groups like Racial Equity Aotearoa, Asians Supporting Tino Rangatiratanga, and No Pride in Prisons, who all presented at the 2016 Social Movements Conference. You've done work with all three of them haven't you?

MJ

Yes I've got to know them over time, so a group like No Pride in Prisons—they've changed their name now to People Against Prisons Aotearoa, because they were getting contacted by some inmates and ex-inmates who were saying 'are you suggesting we have no pride?' Whereas the pride they were talking about, of course, was gay people and so on. So I thought that was good, they apparently had a hui and decided to change the name.

Just Speak operates in a different way but has the same courage and commitment to change, and in terms of prisons, to seeking their abolition. I really do admire them because the so-called criminal justice system has always been the entrenched arm of colonising power and it does take courage to confront that.

Sometimes some of the young people involved in such groups bring a Marxist analysis to prisons and so on which I think can be problematic for some of the reasons I think I mentioned before—and also I guess because Marx is just another

dead white man who in many ways had the same racist views about Indigenous peoples as did say, John Locke.

DT

And so what would a Māori theoretical framework look like for you in relation to some of these issues?

MJ

If there is a Western political ideology that might have some similarities to what I would call a Māori philosophy, then it would be the idea of collectivism, and interrelationships, and responsibility. Some of it was touched on a little by Max Harris in his book *The New Zealand Project*, but more so in that collection of essays in *The Interregnum*. For me, the issue is that the current neoliberal ideology is flawed and dangerous, antidemocratic actually.

Every culture that I know has an understanding of what you might call constitutionalism based on a concept of power, that is the ideas people have about what political power is or should be, plus a site of power which is the institutional space where the power is exercised. Each is premised on what I call a realisation that the defining of democracy is culturally determined, that is, all people want to be free and independent and develop their own ways of achieving that. Every culture tries to find ways where people make their own decisions to determine their own destiny in the way that best reflects not just ‘the will of the people’ but who they are.

The current Western idea of democracy, especially Party-based politics I think, is inherently anti-democratic because it is a Party who selects say a Prime Minister not the people, and certainly not the majority of the people. I also think that any so-called democracy in a land that has been colonised is a contradiction in terms—colonisation and the dispossession of Indig-

enous peoples is inherently anti-democratic. I also think that the Western model now equates democracy with free-market capitalism and party politics, and I think that's not only contrary to the Greek idea of the demos, I think its contrary to the Māori idea of democracy as well—as are the whole idea of parties and parliament etcetera as well, of course.

What I will probably talk about at the 2017 Social Movements Conference up at Massey is the thinking I'm trying to do around what a different sort of Māori or Treaty-based democracy could be—kind of a kaupapa democracy. It seems to me that democracy has to come from the land of the people it serves. So a democracy that truly belongs to this country has to come from this place, it can't come from London or somewhere else. It needs to reflect the relationships with Papatūānuku and those who are party to the Treaty.

We don't have that yet. There is a Westminster constitutional system shaped to serve Pākehā interests in England and then imposed here. It's a foreign construct, capitalist and premised on inequality, and I think the Treaty asks us to envision something different, not just in structural terms but in philosophical, and if you like, ideological terms.

DT

When you're thinking about reconceptualising democracy in Aotearoa, are there particular elements of traditional Māori organisation that you consider useful to draw on for thinking about political processes in the present?

MJ

First of all the Treaty is about a relationship and so any kaupapa democracy has to identify the values envisioned in that relationship and find a way to give both ideological and practical sense to that. It is necessarily collectivist in the sense that all people

belong to and are equal beneficiaries (or should be) of the Treaty relationship. It is neither capitalist nor necessarily socialist which as I said before both come from somewhere else.

When we did the constitutional working group Matike Mai with our people over the last several years, there were four things I think they were really clear on. One was that in a Māori political system there would be no parties as such, because parties interfere with the voice of the people. The second thing was that whatever system you have depends on the values which will underpin any constitutional or governing system. The third is that if we forget about parties, if we focus on the values which would lead to good governance for this land, then the model will follow. And the fourth follows from the language that the Waitangi Tribunal has used in the Paparahi o Te Raki claim which we adapted for our report—that constitutionally the Treaty allowed two spheres of influence. Kāwanatanga was given to the Crown, but that was never sovereignty, that was never an authority to rule over Māori. Kāwanatanga was a sphere of influence created by the Treaty for everyone who's not Māori. Then there's the rangatiratanga sphere, which was reaffirmed. And then, between them, was what in our report we called the relational sphere: that is, in what areas would those two work together. So in my dream post-2040, if the kāwanatanga sphere wants to continue to operate as a parliamentary system that's fine; our people will find a system appropriate for the 21st century. However underpinning and binding the spheres together is a unique values based sourced in the tikanga of this land. In a sense that would be the underpinning ideology giving effect to the constitutional operations of the spheres, and the challenge, as it always has been in the Treaty relationship, is how those two decide to work together—what areas will be of common decision making.

I need to talk to a lot more people, and do heaps more thinking about the nature and scope of that ideology but it

seems to me decolonisation only happens when you decolonise the oppressive political constitutional system that was imposed. I don't accept the arguments that such a change, such a different way of defining a relational political ideology would be unrealistic or impractical. Our people are used to the Crown telling us that whatever we ask is somehow unrealistic but that is never an argument nor even a reasoned response—it is a retreat from dialogue and the Treaty demands something better than that.

I really do think there's a better way, for Pākehā as well, which is why I like what Max Harris says in his essay in *The Interregnum* about a politics of love (which has been crassly and deliberately misinterpreted, I think). But the idea that if the Treaty, and certainly rangatiratanga, are about bringing the people together, then that requires a different values base to start from, that, like the Bolivian constitution, begins with the primacy of the land. If you begin there, then you actually build a different political constitutional ethos. Now, I can't imagine those invested in the current parliamentary system will easily change, but I think it's important that it's talked about. There's an idea in this country that when all the Treaty settlements are finished everything will be fine, but that will not be the case.

AT

How do you think that change happens within Pākehā society? Where do you think we need to start and where do we need to go?

MJ

First of all, I think Pākehā people have to stop seeing the Treaty as a Māori thing and claim it as part of who they are. There is a lot of work to do, and I think the work has been complicated for both Māori and Pākehā by the neoliberal onslaught of the past 20 or 30 years. So now we've got a young generation of both Pākehā and Māori for whom that's the only political ideology they know.

That has made the possibility of change more difficult. But if all the talk that people have about the Treaty being the founding document is to mean anything then Pākehā people have to ask: ‘what is it that was founded?’ What would they like to have been founded? That if they love this land, and many do, what does that actually mean? But I’m always hesitant about Pākehā people telling us what to do so I’m a bit nervous about saying what Pākehā should be doing too.

AT

It’s tricky because it’s not the responsibility of Māori to teach us Pākehā, and at the same time leadership from within Pākehādom can be hard to see sometimes.

MJ

I guess it’s kind of like what my mother told me: ‘never forget how we got here’. Knowing colonisation for the oppressive genocidal dispossession that it was (and is), knowing that it ensured the wealth and power that too many Pākehā now simply take for granted, and knowing that the Treaty promised something different. Then, if one knows those things in honesty not guilt, in the hope for change rather than the despair of change not seeming possible, then ask as George Orwell once did ‘if you think or know something is wrong with the political system, do something’. He didn’t say what people should do, but the point he was making is that change begins with individuals just saying: ‘this doesn’t seem right or fair’ and ‘what can I do about it?’

I think there are lots of different ways people will then begin to reach out and try to make change. I know so many Pākehā people who dislike the parliamentary system—its aggressive adversarialism, its point scoring, but they get overcome because it seems too big, it’s too hard to change. Then you get a response like Chris Finlayson’s to the Waitangi Tribunal claim that we

didn't cede sovereignty, that 'it doesn't matter, we are in charge anyway'. When you get hit with that you think 'oh God, what can I do?' I didn't hear any Pākehā question Finlayson on that, I didn't hear any Pākehā say 'what a stupid thing to say, what a petulant, childish thing to say'. Māori said it, it was on Māori TV, but it would be really good if Pākehā had said 'that's unacceptable'. It takes a certain courage to do that but courage is just the deep breath you take before you see the possibility of change.

When the Waitangi Tribunal was hearing the claim about the Department of Corrections, just about every Māori who gave evidence got to a point at the end where they would talk about the abolition of prisons and its replacement with something else. The Crown was not even prepared to contemplate that possibility even though by any objective measure prisons clearly aren't working—let alone that they are violent, inhumane, and inherently contrary to the Treaty—there is nowhere in the Treaty for example where our people granted the Crown the right to incarcerate our mokopuna. To argue that such and such a percent of prison staff are Māori, and there are community engagement protocols with iwi and so on, does not even address the fundamental wrong that is prisons. I think the thing I liked about those young people writing in *The Interregnum* and those in Just Speak and No Pride in Prisons was that they were prepared to go beyond that. It seems to me, in my experience, that unless we begin to do that, unless we challenge those who will not countenance change unless it fits within their little box, then the ideas will not spread. And that's not just a Pākehā thing. I think that's a human thing.

When my sister in law started the petition to have Māori recognised as an official language, that, looking back now, was a really tiny step for change, but she was really brave. She got attacked often by our people who said 'no, we need to get ahead in this new world'. At the first hui, where it was decided to work

towards a petition, there were only six people there, all under 30, none of whom had te reo, and it was that lack of te reo which motivated them. What I observe now, with a smile often, is that some of the people who attacked those six are now the official ‘gurus’ on the language. But from those six, gradually change had to come. Among our people it took time because we had been colonised to believe our language was useless; and the next step was trying to convince others who were not Māori of the value of that language in this land, and that’s the part of the journey we are on now, because I don’t know, I think Paula Bennet doesn’t see the value in the language, I’m sure there are some Māori who still don’t. But if it wasn’t for those six and the two grandmothers who started the first kōhanga reo in Wainuiomata then where we’ve got to now wouldn’t have happened. If you look at the Occupy movement or Black Lives Matter and so on, they all start with just little groups, individuals.

I think academics have a particular role to play in coming up with new ideas—what might a Treaty-based political ideology look like? How might neoliberalism be overcome? What do I want this land to look like? How can I contribute to going beyond where things are now? This does not necessarily mean some socialist paradise or capitalist reform but it does ask, what does it mean to live with this land?

I predict that by 2040 not only will we be having a serious constitutional conversation, we will be well on the way to getting rid of prisons as well. I don’t expect that journey to be easy. When I was talking to a couple of young people in Just Speak who were getting disheartened I suggested that part of the trick is just being prepared to go outside what the comfort zone is, and even if the idea seems really out there to talk about it—there might only be six of you to begin with. The value of the 2016 Social Movements conference we had at Victoria was that there weren’t six of us, there were two or three hundred. They

had all come from different places, but what they had in common was the conviction that we can do something better than this current system. Part of the role that I think academics can play is to think about what a change might look like, to not just critique the current system, but to try and imagine something different.

I'm a bit biased, but I think the Treaty gives us a framework in which to do that thinking; I think it gives Pākehā the framework as well. Because it's about finding a good base for relationships among people who've chosen to live in this land. I think that Chris Finlayson saying 'it doesn't matter because we are in charge' is, in a way, what I call the Marie Antoinette comment: 'let them eat cake'. It can't hold, it's not sustainable, if only because a society built on dispossession cannot make any meaningful claim to just-ness.

For the same reason I think that the current so-called Treaty settlements cannot be 'full and final' as the Crown says. I understand why our people are 'settling' because we have had too little for too long but the settlements do not even begin to address the power that was taken from us through colonisation. As well, treaties are not made to be 'settled', they are made to be honoured, and that honouring will only occur when there is a new political/constitutional order in place based on Te Tiriti.

There is for me a profound truth in the story my koro once told me about how a mountain never moves but it constantly changes—as the clouds cast shadows over it, as the sun sets or rises behind it and so on. Well, I've never forgotten that story because the profound truth in it for me was that everything changes, but the trick is that there must be certain immutable values that don't. The current party-political system is one way of expressing democracy, but I think it's based on a misguided set of values: the primacy of property, the primacy of the individual—which has, in the last 30 years, been corrupted into the selfishness of the individual. But that's not what Western

democracy, in my understanding, was originally predicated on. It wasn't always predicated absolutely on property, certainly in the Greek demos for example (with all of its flaws). However it is now obsessed with property, especially perhaps since the 18th century, which isn't very long ago. Initially it was predicated on relationships, and while those relationships might have been constricted, there was some sense of interconnectedness just as there was once a European tradition of the Earth Mother.

My understanding of the political thinking of Marx, for example, is that it was also subsequently corrupted in particular political systems. A lot of his early writing talked about relationships. What's that phrase: 'From each according to their ability, to each according to their needs'. Well that actually seems to me a very good value to build a political system on and it has some correspondence with what I always believe a Māori legal system is based upon: individual rights with collective responsibilities. That's a political value as well I think.

DT

If I'm thinking about what's taking place on a political level, it's very hard for me to do so without also thinking about economics. Is that an area that you've put a lot of thought into yourself—about how political organisation ties into our economic system, and what potential changes we might need to see to our economic system to keep in step with the kind of constitutional changes we might want?

MJ

Have you read Adam Smith?

DT

Not as much as I should have.

MJ

Don't read *The Wealth of Nations*, read *Theory of Moral Sentiments* which is what he wrote before *The Wealth of Nations*. *The Wealth of Nations* is a capitalist tract but it has been misused and misquoted by neoliberals. He did talk about the invisible hand of the market—that you have to let the market do what it does because the market knows best, as if the market is a thing not people. But even within *The Wealth of Nations* he talks about the need to restrain the invisible hand. However, he talks about that much more clearly in *Theory of Moral Sentiments*: that a political and economic system that is not based on moral sentiment—that is, the relationships and worth of people—is not just or democratic. That's the only quote from Adam Smith that I would ever use. We're not going to get a different or more equitable economic system unless we address the values which we want this land to be based upon. Because unless you have a value system based on whakapapa and the worth of all relationships, unless you have a moral base, then you're not going to get a different economic system. Now how—when you get that different moral, social base—that will play into or manifest itself in a different economic system, I'm afraid I haven't yet given much thought to but I hope others might.

But as long as we have a values base that privileges the individual, which glorifies greed, sanctifies celebrity, then you're not going to get a different economic system, because that's what that economic system depends on. My mokopuna and I were doing the grocery shopping the other day and in the checkout line there were all these women's magazines. Every one of them—I don't know what they think women want to read—had all these big false-breasted women celebrities, so and so's new mansion, someone's 50-million-dollar diamond ring and so on. The whole idea of celebrity and spectacle is, for me, part of what neoliberalism depends on. It doesn't just depend on making it alright for

one percent to control all the wealth, it depends on distracting the other 99 percent.

So it's not just an economic system, it's an ideological system. That's why the values thing is really important. There's another really good writer, an American guy called Neil Postman. He wrote a book called *Amusing Ourselves to Death*. It's the growth of what he calls 'diversionary capitalism'—it diverts you from the realities. That's what Trump did in the election. He took poor white people, many of whom were racist, and he found scapegoats for those poor white people. He diverted their attention from what he and his ilk were actually doing to other mysterious enemies such as Muslims.

DT

Do you think there is something a little bit similar happening here with the discussion of immigrants in the lead up to the election?

MJ

Well there are certain things that I put in that category every three years: immigrants, law and order, welfare 'cheats' and so on—stimulating fear about crime or whatever takes your mind off your own suffering, and it's an appalling indication of the vindictive lack of imagination in most political discourse. What gives me hope about all this, however—the sanctification of the celebrity, the glorification of the individual—is that although it's always been there, it has only reached this extreme in the last 30 years, and that's not very long. It's changeable.

When I did the report in the 1980s on Māori in the criminal justice system, when the Labour government was just introducing Rogernomics, the report was hated because it talked about getting rid of prisons and talked about a Māori justice system and so on. But in the 1980s there was still a fairly widespread social commitment to rehabilitation. A conviction that these peo-

ple have done wrong but we have to find ways to get them back in society so they don't hurt people. Now I don't always agree with the ways people thought that could be done, but that was the basic idea. Well that's changed in the last 30 years. You now have a really vindictive, lock them up and throw away the key mentality. If someone like Garth McVicar and the Sensible Sentencing Trust had appeared in the 1980s they would have been laughed at. They would have got no media coverage or anything. Now, they are the go-to group when the media want to talk about crime. So those things can be changed. I often say that I do get depressed at times but I don't get pessimistic.

To hear some of those young people at the conference last year—they're children of Rogernomics—but they were talking about stuff which was way out there and hoping for something different. I don't think any of them had a blueprint about what should happen. But I think it's often less practical based than that. It's a matter of asking 'what do we actually think is moral, what do we think is good, how can people be cared for even when they do wrong, how can their victims be cared for?' If you start with that *kōrero*, if you start with those values, then the models will follow. I think we need people who say 'this is what it might look like in practice'. But we also need people who say 'I'm going to sit down with a couple of mates and just say "let's imagine what it could be like"'. Where you start is just talking with somebody. And that might seem useless, but I think it's really important that we try to create spaces where that can happen.

AT

The conference last year was partly about the interface of academia and activism and I think lots of us worry about those things becoming quite separate. But that's a real privilege of academia isn't it, that there are those sorts of ready-made spaces to have those conversations.

MJ

That's why I think you academics are so important. Because although universities are under all sorts of stresses and they're not like I was when I was at university, they're quite different places in fact, but you still have that space. I don't think you should underestimate that space—to be an academic activist is a noble calling really.

AT

What are you working on at the moment?

MJ

I'm writing a book at the moment and I've just finished a story where I wanted to try and clarify what I understand by colonisation because it gets turned into an abstraction. Was it colonisation or imperialism, is it post-colonisation or neo-colonisation, and what's the difference? I wanted to try and break through the abstractions really. I have another hero, a man called Raphael Lemkin, he was a Polish-Jewish lawyer who invented the word genocide. He worked for years at the end of the Second World War to get a convention against genocide passed, which eventually happened. But the United States, of course, watered down the initial definition, because if they kept his definition they would probably have been the first ones found guilty of genocide. But when I was reading him—I first ran into his work when we were doing the Declaration on the Rights of Indigenous Peoples in Geneva—that's where I first heard the term Shoah, which is the term a lot of Jewish people use for Hitler's extermination policies. The Shoah means 'the Great Calamity'. So this essay I've just done is about colonisation as a great calamity, part of which is its genocide and so on. I want to try and bring colonisation back down to its naked violence, the human cost, because we abstract the human cost.

I wrote an article last year for *e-Tangata* about the commemoration of the New Zealand Wars. I wrote about the incident in the Taranaki where some young Māori children were bayoneted to death by the militia—they were out playing. Among the criticisms I received for that article was that using the term ‘playing children’ was emotive and not helpful. But that’s what they were: they were eight, nine, 10 years old. After I wrote that article, a friend in Taranaki sent me the report of a government inquiry into the killing of the children. There was no discussion about the wrongness of killing children. The whole discussion was ‘well, were they really children’—they were all boys so there was discussion about whether their testicles had dropped and so on—were they really children? It’s just this appalling abstraction, it turned these kids into objects of scientific argument.

DT

Earlier you said it’s okay to be depressed, just don’t get pessimistic. So, when you’re not feeling depressed, what are the things that give you hope when thinking about the future?

MJ

I do take heart in the work that a lot of people, especially young people are doing. I see my mokopuna and find joy in their company and the world they will one day inhabit. And just as my mother asked me to remember how we got here, I try to think always about where we might be going. Sir James Henare once reminded us that ‘Kua tawhiti kē tō haerenga mai kia kore e haere tonu, he tino nui rawa ōu mahi kia kore e mahi nui tonu—we have come too far not to go further, we have done too much not to do more’. That seems a good thought to always keep in mind.

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