

example was their first major encounter with colonised people in Durban. Seeing rickshaws for the first time was a fun occasion which the Maori soldiers turned into a buggy-race, making the rickshaw pullers become their 'horses'. They were later to recognise the indignities of life for the 'black people', and counted their blessings as Maori.

For many readers the colonial and imperial subplots will hold as much fascination as the main story. Neither Canada nor Australia sent representatives of their indigenous populations out of deference to Colonial Office policy that would not countenance 'coloured' colonials fighting for the Empire. It transpires that the official Maori presence with the New Zealand Contingent was simply a Colonial Office sop to Maori sentiment for refusing pressing Maori offers of military support in the Boer War. They had not been officially included in the 1897 Jubilee celebrations and it was not originally intended they be present for the coronation.

The 30 men and two officers of the Maori contingent had been carefully selected for physical stature, whakapapa and tribal representation. They were from the best rangatira families throughout the country. Given the nervousness here and in the Colonial Office in having to host a Maori party there was huge irony in the farewell address by James Carroll who urged the contingent to 'Behave well. Do not set off on the undisciplined path of the Pakeha, you should not touch the inebriating liquor of the Pakeha'. When one of the Pakeha

soldiers chundered unceremoniously in the chapel of Windsor Castle the point was not lost on Henare Kohere who commented: 'he vomited and the vomit went all over the place, for right inside him beer and champagne fought over which was to have ascendancy'.

Maori language readers will enjoy having the Maori text to work

with. *Hikurangi to Homburg* is enjoyable reading, well illustrated and with useful commentaries and appendices. It helps illuminate an interesting period in colonial relationships. ❧

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BOOK REVIEW

by John R. Martin

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## *The Constitutional Implications of MMP*

Alan Simpson (ed), School of Political Science and International Relations, VUW (Dunmore Press), 1998. \$29.95.

IT IS NOT SO LONG since Northern Hemisphere political studies texts could describe New Zealand as the 'purest Westminster democracy'<sup>1</sup> – within a predominantly two-party configuration political power was exercised by the single party commanding a majority in a legislature elected by the first-past-the-post (FPP) system. And Alan Simpson, in his Introduction to this collection of papers, speaks of the 1950s and the 1960s as 'rather benign constitutional decades'. Looking back, however, the introduction of that Scandinavian institution, the Ombudsman, in 1962, and the Official Information Act in 1982 – Sir Robert Muldoon's 'nine day wonder' – were not insignificant constitutional innovations. In the 1980s Geoffrey Palmer's reforms of parliamentary process, the New Zealand Bill of Rights Act 1990, and the Courts' tendency to activism seemed in the eyes of some to be taking us along

the road to 'Washminster'. In the 1990s the collective wisdom seemed – by a small majority in the 1993 referendum – to wish us to move towards the Scandinavian 'consensual' model. Five years later a farming spokesman could identify as a major cause of our current discontents the decision to adopt the Mixed Member Proportional (MMP) electoral system 'which has created political instability, economic stagnation and a lift in interest rates'.<sup>2</sup> Certainly, a political scene featuring multiple parties and coalition and minority governments is a far cry from the political arrangements which marked the post-World War Two half-century. (Marie Schroff, the Secretary to the Cabinet since 1987, in the volume under review, reflects interestingly on the changes in central government decision making 'across two governments and four Prime Ministers').

There is a burgeoning literature

on New Zealand's transition from FPP to MMP, internationally a rare example of peaceful transition from one electoral system to another.<sup>3</sup> The change is also the subject of major continuing FoRST-funded research projects at Victoria University (Boston, Levine, McLeay and Roberts,<sup>4</sup> represented in this book) and at Waikato University (which has since 1990 carried out and published studies of electoral choice). *Constitutional Implications of MMP* has two features which distinguish it from other publications in the field: the first is its constitutional focus; the second is that it brings together Australian and New Zealand perspectives. The papers (with some exceptions) were presented at a conference under the auspices of the New Zealand Politics Research Group held in the Legislative Council Chamber in May 1996. Earlier publication would have been welcome; but, despite the vicissitudes of two years of MMP government, the issues are still salient and their exploration remains of value.

'Parliament is the linchpin of the constitutional and political system'. So Cheryl Saunders, Professor of Law at the University of Melbourne begins her discussion of the 'historical ambiguity of the role of Parliaments' in Westminster systems. We search for 'ways of balancing a greater deliberative role for Parliament with the advantages of effective government which the parliamentary system offers'. It is tempting in October 1998 to agree with Saunders that 'at the end of the day [the inner tension] may not be able to be entirely resolved'. Resort

to urgency with scant justification, truncation of discussion within select committees, and behaviour within the House suggest that hopes for a less adversarial and more consultative approach on the part of elected representatives were misplaced. At the same time fingers are pointed at the loss of 'strong government'. As David McGee (Clerk of the House) notes, in commenting on Saunders' paper, 'the government is no longer all-powerful in Parliament and cannot always expect to get its way'. These thoughtful contributions (which draw attention to the lack of informed discussion in New Zealand about the role of Parliament) deserve a wider readership among the practitioners of politics than I suspect that they will get.

A significant section of the book (over 60 pages) is concerned with the role of the Governor-General under MMP. These papers will continue to be a significant source, not only for scholars, but to those in the wider community who speculate about the 'unthinkable' uncertainties which now mark New Zealand politics. There are two papers by Sir Michael Hardie Boys, one delivered before and one after the 1996 election. Alison Quentin-Baxter (who reviewed the Letters Patent in 1980) reflects upon the New Zealand discussion of the Governor-General's constitutional discretion and experience in other jurisdictions. (For those whose mind turns immediately to the Kerr/Whitlam case it is useful to be reminded of the range of Commonwealth examples of the exercise of discretion). Mrs Quentin-Baxter

makes a case for a consensual clarification of the Governor-General's reserve powers in respect of dismissal, appointment and dissolution. In commenting on the paper, Philip Joseph (University of Canterbury) is more cautious: 'For the Governor-General, MMP may signal an adjustment rather than a wholesale change'.

Other topics on which substantial papers were delivered included the executive – at the political level by Boston, Levine, McLeay and Roberts – and on the public service by the then State Services Commissioner, Don Hunn. Boston et al consider various ways in which the New Zealand cabinet might be restructured. They draw extensively on international experience with coalition and minority governments and on a 1995 survey of New Zealand opinion leaders. Hunn's paper reinforces the view that the role of an apolitical, professional public service is more not less important in the new political environment.

'The Treaty of Waitangi' (Ngatata Love and Denese Henare); 'Political Parties and Participation' (Margaret Wilson and Colin James); 'A New Zealand Republic' (George Winterton of the University of New South Wales and Janine Hayward of Otago University); 'Judicial Activism' (Brian Galligan, University of Melbourne and Jack Hodder); and 'The Budget Process' (June Pallot and Tony Dale): there is much that is both thoughtful and important in the 'extraordinarily rich range and diversity' (Cheryl Saunders in her concluding remarks) of these papers.

The evolution of political processes is not determined by

scholarly papers. Nor do the central participants in the hurly burly of day-to-day exchanges and decisions necessarily know where their actions may lead. There is nonetheless value in having some considered reference points to which to turn when the exigencies of politics come face to face with constitutional uncertainties. This book provides a

useful guide to understanding some of the rules of the game of MMP politics. ☞

#### Notes

- 1 Lijphart, A. (1984) *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Haven, Yale University Press.
- 2 Brian Chamberlin *Weekend Herald* 3-4 October 1998.
- 3 See Vowles, J. et al (1998) *Voters' Victory?*

*New Zealand's First Election under Proportional Representation*, Auckland University Press.

- 4 Boston, J. et al (1996) *New Zealand Under MMP: A New Politics?* Auckland, Auckland/Oxford University Press.

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#### BOOK REVIEW

by Brad Patterson

## *Bishop in the Dock: The Seditious Trial of James Liston*

Rory Sweetman, AUP, Auckland, 1997, \$39.95

AS I WANDERED down a largely deserted O'Connell Street in Dublin on Easter Monday 1996, there was little visible hint of the tragic drama played out in the vicinity of the General Post Office 80 years before. There may have been commemorations of the 1916 Easter uprising elsewhere in the city, but if so I was unaware of them. Certainly, there was a static 'Easter Week' display at the National Museum of Ireland, which greatly engaged the interest of my ten year old son (curiously, in view of his later somewhat apathetic reactions to interactive exhibits at our own cultural temple), and a bus trip past Kilmainham Jail (visits were restricted, it not yet being tourist season) vicariously imparted some of the horror of the place where Yeats's 'terrible beauty' was born. But in the late 20th century it remained difficult to comprehend the momentousness of the events of

1916-22 for the Irish people, or the extent to which the impact of those events rippled out to the corners of the then Empire, even to far off New Zealand.

Sweetman provides a useful aid to understanding the linkages. With turbulent Ireland in the background, he paints a picture of a very different, an almost unrecognisable, New Zealand; of an ultra-conservative country, in a sense perhaps not too different from Craig's Northern Ireland, to for that matter de Valera's Irish Free State in reverse. Anti Catholicism, with deep roots but almost certainly further incited by the contemporary Irish struggles for independence, was virulent. From late 1916 the Protestant Political Association, orchestrated by fanatics such as the Rev. Howard Elliott, had pedalled its poisonous twaddle. By 1919 the organisation claimed to have recruited over 200,000 adherents, and had seem-

ingly forged close links with the ruling Reform party. As Michael Bassett has demonstrated, it was possible in this unhealthy environment for even an established authority figure like former – and, then unimaginably, future – Prime Minister Joseph Ward to lose his parliamentary seat, largely through hatred of his religious persuasion. Protestant New Zealanders, by far a majority, loudly proclaimed their loyalty to King and Empire. From this viewpoint, a 'loyal New Zealander' was 'British' first and foremost. Conversely, the country's Catholic minority (around 14 percent of the population), through kin links and the influence of a largely Irish priesthood, tended to identify closely with the Irish struggles for nationhood. Outnumbered, beleaguered, the Catholic community was forced into defensive mode. That many New Zealand Catholics of Irish descent had also contributed significantly to the sacrifices of the recently concluded Great War counted for little.

The unique central event to Sweetman's book is the May 1922 trial in Auckland's Supreme Court